



**LUZERNE  
CONSERVATION DISTRICT**

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Date:	3/9/16
Fax To Number:	
Attention:	Luzerne County Municipalities
Office Location:	
From:	Josh Longmore, District Manager
Phone Number:	570-674-7991

Total Pages Including Cover: 5

Urgent  Reply ASAP  Please Comment  Please Review  For Your Information

**Comments:**

**Included with this cover memo are two letters we recently sent to state officials regarding the PA Department of Environmental Protection's new Chesapeake Bay Program Reboot Plan. The Luzerne Conservation District is concerned with certain aspects of this plan and how it will affect our ability to work with the local agricultural community, as well as its effects on local municipalities with Municipal Separate Storm Sewer System (MS4) permits.**

**We felt that municipal officials should be aware of the CBP Reboot plan. Please review these letters, and feel free to call me if you have any additional questions.**

**Also, you can review the plan (see the document titled "Chesapeake Bay Restoration Strategy (PDF)") and other related information at the following PA DEP website:**

**<http://www.dep.pa.gov/Business/Water/Pages/Chesapeake-Bay-Office.aspx>**



**LUZERNE  
CONSERVATION DISTRICT**

*Conserving Natural Resources for Our Future*

March 9, 2016

Honorable State Senators and Representatives Serving Luzerne County  
VIA FACSIMILE

Dear State Legislators:

Enclosed is a copy of a letter that I sent to DEP Secretary Quigley and PDA Secretary Redding on behalf of the Luzerne Conservation District Board of Directors expressing our thoughts about the Chesapeake Bay Program (CBP) Reboot plan. As you will note, our conservation district has serious concerns about this plan:

1. We are concerned about the fundamental change in how conservation district Chesapeake Bay Technicians approach farmers – that is, modifying their approach from one of technical assistance and outreach to one of regulatory compliance. Based on our local knowledge of the agricultural community, we believe this change to conservation districts' long held approach is going to result in less water quality practices being implemented, because we would be seen as part of the regulatory structure instead of a friendly adviser. Also, it would re-direct the efforts of our CB Technician away from technical assistance activities which result in funding and implementing on-the-ground conservation projects.
2. We also have similar concerns about how the CBP Reboot will affect cash-strapped, local municipalities with Municipal Separate Storm Sewer System (MS4) permits. DEP's plan also references an increase in regulatory compliance activities towards these communities.

These changes are being made even while DEP expresses concerns that EPA's CB Model (which drives the federal pollutant reduction mandates) is flawed. Secretary Quigley said in a recent joint meeting of the PA House Agriculture & Rural Affairs and Environment Resources & Energy Committees that real-world data indicates we are reducing pollutants by greater amounts than what EPA gives PA credit for.

Although we have included some positive input on the plan and some suggested alternative approaches in our letter, unfortunately, we learned of the CBP Reboot plan after DEP and PDA had already decided on it. There was no opportunity for us to provide guidance/concerns/input before it was rolled out.

We wanted you to be aware of our concerns regarding this matter, and we would be happy to discuss this with you further, if you'd like. I can be reached at 570-674-3406.

Sincerely,

Joshua Longmore  
District Manager





**LUZERNE  
CONSERVATION DISTRICT**

*Conserving Natural Resources for Our Future*

March 3, 2016

Honorable John Quigley, Secretary  
PA Department of Environmental Protection  
Rachel Carson Office Building, 16<sup>th</sup> Floor  
Harrisburg, PA 17101

Honorable Russell Redding, Secretary  
PA Department of Agriculture  
Agriculture Office Building & Laboratories  
2301 North Cameron Street  
Harrisburg, PA 17110

Dear Secretaries Quigley and Redding:

I am writing at the request of the Luzerne Conservation District Board of Directors regarding the Chesapeake Bay Program (CBP) Reboot. We desire to provide constructive input as partners who have a vested interest in our shared goal of improving local (and downstream) water quality. The members of our board of directors and our staff are conservationists, and we have invested much time and effort in the stewardship of our local natural resources. We are also public servants, and we are concerned about the impacts that federal and state decisions could have on the people we serve and on our conservation efforts.

With that said, we understand that EPA is threatening serious repercussions if Pennsylvania does not meet mandated pollutant reductions in the Chesapeake Bay Watershed. This places the Commonwealth in the very difficult position of addressing a monumental problem without the necessary resources to achieve the goal. Therefore, we support several components of the CBP Reboot – specifically, the recommendations to: quantify previously undocumented best management practices (BMPs) so PA gets the credit we deserve within EPA's CBP Model; implement more high-impact, low-cost BMP projects; and identify new funding sources to improve our waterways. In addition, we recognize that other aspects of the plan are also likely to improve PA's Chesapeake Bay Watershed cleanup efforts as well.

However, we do have serious concerns about certain components of the plan. Foremost is the requirement of 50 compliance inspections per year by conservation district CB Technicians as part of the stated objective to fundamentally change conservation districts' approach to the agricultural community to one with a focus on regulatory compliance efforts. In Luzerne County, our approach to agricultural conservation has been one of technical assistance, project implementation, and outreach. After many years with a less-than-effective agricultural conservation program, our district took deliberate steps to develop strong relationships with Luzerne County farmers and our partners in the local USDA NRCS office. It took some time, but we have developed a very effective program built on credibility, cooperation, and efficiency.



In recent years, we used the previously required CBP *educational* farm visits, along with workshops, to reach many farmers who had never worked with government agencies before. We now have the trust of our partners (farmers and NRCS), and a significant increase in workload has shown how effective this cooperative effort has become. We have used CBP and Growing Greener grant funds to leverage many more dollars from federal Farm Bill programs to implement BMP projects. Furthermore, each of those projects includes updated conservation and nutrient management plans as well.

Our outreach efforts have also created a long list of producers who want assistance in developing plans and projects to do the right things in managing their natural resources. We want to help them, and we have invested in developing the technical ability of our CB technician to become certified in conservation planning and to be able to coordinate grant projects that provide real-world water quality benefits. This approach is the root of the soil conservation/conservation district movement. Districts were created with the notion that local, volunteer boards (and their staff) would help their neighbors understand and implement conservation. The state and federal governments have long recognized the value of this approach and the efficiency with which conservation districts accomplish this goal.

**Our greatest concern is that the fundamental change in how CB technicians operate will seriously damage our district's credibility and our ability to continue the good work that is underway.**

Other components of the CBP Reboot plan concern us as well. Shifting public sector conservation plan development to the private sector will put an economic burden upon farmers, many of whom are already under enormous financial stress but are unable to pass the cost of the regulatory requirements on to consumers as other industries do. Farmers would likely pay several thousand dollars for professionally-developed conservation and manure management plans, in addition to the cost of implementing the BMPs recommended by the plans. The CBP Reboot document notes that "the average cost per farm for BMP installation is \$42-45K per BMP". **By shifting the work of CB technicians away from planning and project implementation (i.e. seeking funding for, designing, and overseeing project construction), fewer BMPs will be put on the ground. Or worse yet, some farmers may be forced to go out of business.**

Besides the impacts to farmers, we have similar concerns about the effects of the CBP Reboot plan's increased focus upon compliance and enforcement efforts towards local governments in regards to their stormwater management systems. Many Luzerne County communities that are regulated under Municipal Separate Storm Sewer Systems (MS4) Permits are economically depressed, without the financial resources to cover costly activities and BMP projects necessary to meet permit requirements or to pay the penalties that could be levied on them for not doing so.

With some of our main concerns stated, **we offer the following suggestions:**

1. Proceed with identifying and securing additional financial resources to implement conservation planning and BMPs prior to proceeding with increased compliance and enforcement efforts. The CBP Reboot plan repeatedly acknowledges the enormous cost of cleaning up the Chesapeake Bay Watershed and the lack of financial resources to tackle the problem. Until those resources are secured, we will continue making admirable headway with the funds available (as we have been for the past 30 years), but we will not be able to meet the EPA's pollutant reduction requirements by 2025.



2. Consider offering conservation districts the option of participating at varying levels of involvement in the CB Program, much like the delegation levels allowed for in our Chapter 102 (Erosion & Sediment Control) delegation agreements with DEP. Perhaps a "Level 1" could allow our CB technicians to continue the effective outreach and education efforts they've been accomplishing, while also coordinating the implementation of BMPs. Additional levels would allow for more "regulatory" involvement, if individual district boards should so choose. Of course, those levels would correspond to the level of funding each district received as well.
  
3. If we were able to maintain a technical assistance/outreach approach in our CBP involvement, our district would be willing to pursue more opportunities (e.g. employing and training interns) to help farmers develop Ag E&S and Manure Management plans for their operations. We would consider similar opportunities to support local governments with meeting MS4 Permit requirements.

For many years, our conservation district has partnered with both of your agencies in implementing conservation programs and projects within Luzerne County. We have appreciated the close partnerships that have been developed, as well as the support and friendship of your staff members. We also appreciate what we have heard from both of you – the acknowledgement that conservation districts are key partners in implementing state programs. We hope to continue that partnership for many years to come!

Sincerely,



Joshua Longmore  
District Manager

cc: Luzerne Conservation District Board of Directors  
Luzerne County Council  
Luzerne County Delegation of State Senators and Representatives  
Luzerne County Municipalities  
PA Association of Conservation Districts  
State Conservation Commission

