



MONROE COUNTY CONSERVATION DISTRICT BOARD  
WORK SESSION NOTES  
THURSDAY, MAY 18, 2017

**MEMBERS PRESENT:** Joseph Hanyon, Chairperson, Heidi Secord and Mark Sincavage

**DISTRICT STAFF:** Adam Schellhammer, Lori Kerrigan, Roger Spotts and Debra Martin

**ASSOCIATE BOARD MEMBER:** John Lyman, John Leiser and Janet Weidensaul

**COOPERATING AGENCIES:** Shane Kleiner, DEP; Ed Vinton, NRCS and Garrett Beers, DCNR

**PUBLIC:** Jim Hendricks, Humber-Garick; Paula Heeschen, Brodhead Watershed Association (BWA); Rodney Stark, Lewis F. Wolff and Kathleen Flynn, Trout Unlimited (TU); Don Baylor, BWA, TU and Pocono Heritage Land Trust (PHLT); Don Miller, BWA, PHLT, Open Space Advisory Board; Dr. Pat Kennedy; Tom VanZandt; and Craig Todd, Residents

Joseph Hanyon, Chairperson, called the regularly scheduled meeting of the Monroe County Conservation District Board of Directors to order for Thursday, May 18, 2017 at 8:00 a.m.

**PUBLIC COMMENT-**Joe asked if there was any public comment and there was none.

**APPROVAL OF THE APRIL 20, 2017 BOARD MEETING MINUTES-**Joe stated that the April 20 Board meeting minutes cannot be approved as there is no quorum.

**ENVIRONMENTAL EDUCATION-Program Status Report-**Roger reported that the EE Staff is in the middle of finishing up the spring school program schedule with Bog walks, so the last six weeks have been very busy.

**Envirothons-**Roger noted that all the Envirothons went well and are completed with a scoreboard posted in the lobby. The High School Envirothon was won by a team from Pleasant Valley with the highest score ever on the County level of 447 out of 500 and that team will be going to the State competition next week to represent Monroe County.

Second place went to Pocono Mountain East with a score of 428. The 7<sup>th</sup> and 8<sup>th</sup> grade Envirothon was won by Pocono Mountain West and a second team from that school took second place. The 5<sup>th</sup> and 6<sup>th</sup> grade Envirothon was won by the Blue Ridge Homeschool team and Clear Run Intermediate School placed second. Roger noted that many volunteers participated and Kettle Creek Environmental Fund sponsored the event.

**Earth Day Update**-Roger reported that Earth Day was held at Northampton Community College (NCC) Monroe Campus in April with a higher turnout than last year of 1,400 and with more exhibitors participating. Joe asked who the new exhibitors were. Roger said he did not have the full list with him but there were more community groups, and a bird banding research team and a homeowner solar installation company. Joe asked if there was a charge for the exhibitors. Roger said it is held on NCC property so we can't charge, noting that businesses cannot sell items but non-profits may.

**Excellence in Education Award**-Roger noted that the Conservation District was recognized by the Colonial Intermediate Unit with an Excellence in Education Award due to our cooperation with East Stroudsburg South School District in their 10<sup>th</sup> grade 'Biology Through Ecology' program. Roger noted that the EE and tech staff worked together to offer the program to the 10<sup>th</sup> grade students at ESSD. Joe asked how the award reads. Roger said 'Excellence in Education presented to the Monroe County Conservation District' "Biology Through Ecology".

**EE Grant**-Roger reported that MCCD received a DEP Environmental Education Grant for \$1,280.00 to provide a program on the Delaware River for East Stroudsburg South High School Environmental Studies students which will be offered this fall.

Mark Sincavage stated that from a point of order he does not think that the meeting can be called to order without a quorum unless something happened prior to the meeting that he is not aware of. Adam noted that we were just going to go over reports. Mark said you don't call the meeting to order; you just have an informational meeting until a point may come when you can call the meeting to order. Joe said he did not know that so the meeting coming to order has been rescinded. Joe noted that we can't call the meeting to order, we can't approve the minutes, so this is a work session in regard to reporting on some reports, and he questioned what else can we do. Mark said nothing and asked why this meeting was scheduled. Joe said he was out of town and did not know that there was not a quorum until last evening and he did not want to begrudge people of showing up and then there not be a meeting. Mark said we cannot take any action or talk in any official capacity. Joe said we can move forward with the tech report.

**TECHNICAL REPORT-Site Status Report-**Lori stated that for the month of April MCCD received 14 new applications with 37 currently under review. Two permits were issued; one in Pocono and one in Jackson Townships. Joe asked if any of the 14 new applications were noteworthy/interesting. Lori said they are all interesting, from dock permits to major developments, but she cannot talk about the sites as they are pre-decisional.

**P3 Enforcement Update-**Lori noted that three significant pollution events happened last year related to P3 projects for installing bridges for PennDOT. Pollution happened as a result of not installing and maintaining BMPs on PennDOT bridges/projects and they all went to enforcement and were settled. One was on the Pohopoco Creek, one on Paradise Creek and one on Pocono Lake. Joe asked how government agencies can settle. Lori said that civil penalties were assessed for violations of the Clean Streams Law/Clean Water Act by DEP. Shane noted that DEP has agreements with PennDOT. Joe asked if the contractor is fined or is PennDOT. Lori said that penalties were assessed and they can determine who will pay how much. The penalties are assessed by the severity of the violation and a checklist is followed to determine the amount of the fine. Joe questioned the Board's/District's involvement. Lori said that it would not come before the Board; it is not a Board action. Staff was involved with site inspections, providing photographs and the chronology and we were present at the conference, but that was it; it was a DEP action.

**Water Quality Study Update-**Lori noted that two tech staff, MCPC staff, Pinchot Foundation, BWA and other groups/agencies participated in the water quality study which sampled 38 sites across the County. They tested for macro-invertebrates, stream chemistry, and overall habitat assessment. The testing was completed the last week of April and the first week of May and the samples are being tested at the lab and a final report will be available in 2018.

**Tunkhannock Creek Re-designation Report-Review-**Lori reported that the technical staff reviewed DEP's report and studies that were done on the Tunkhannock Creek re-designation and compared that to Chapter 93. She noted that staff's report agrees with DEP's findings that the Tunkhannock Creek meets the EV criteria under Chapter 93. Mark asked what we are doing with staff's report. Shane noted that the District has no involvement in that program which is under DEP and Josh who was here last month is who should be contacted. Joe said there is nothing on MCCD's agenda as to whether we were going to send a letter one way or another. Lori noted that a support letter was sent by MCCD in 2005. Joe stated that Tunkhannock and Tobyhanna Townships may be coming back to a Board meeting to make a presentation on economic impact, noting that he has not been asked or received a letter requesting that they be placed on the agenda. Mark stated that the Board has no authority over this project so he

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does not understand why the Board has taken up this matter. Joe said he discussed with Adam that MCCD was not going to do any redundant work and he did not know that we were requested to do that. Lori stated that District staff was asked by the Board at the last meeting to review DEP's report to Chapter 93 and make a report to the Board. Heidi said she thought the idea was that we were 'asked' for a letter of support. Adam said there was not a request at the last Board meeting; we were asked by both sides for letters, but no action was taken by the Board for a letter in support or opposition. Adam said staff just provided an analysis of DEP's report which is consistent with Chapter 93. Mark said for the record it should reflect that the Board received the report and it does meet the criteria.

**DGLVR QAB Meeting May 22 @ 9 am**-Adam noted that there is a QAB meeting on Monday, May 22 if anyone is interested in attending. The QAB will be reviewing this year's grant applications for projects and funding.

**DISTRICT MANAGERS REPORT**-Adam asked if anyone had any questions on his report and there was none.

**Stream Clean-up Update/Act 38 Delegation Agreement**-Joe stated that we should push-off stream clean-up update and Act 38 Delegation Agreement to next month's agenda.

**NOV/Inspection Protocol Review by DEP**-Joe said he sees where we received correspondence from DEP but he has not had time to review the letter.

**CREP Update**-Adam noted that staff is excited to see the CREP Program coming to Monroe County which offers funding for water quality BMPs. Funding would be offered if you choose to install buffers or upland bird habitat in marginal grazing pasture or cropland that is in a buffer area. Joe asked where the funding comes from. Adam said the funding comes from Farm Service Agency (FSA) and some in-kind can come from the state. Shane said the funding starts with US Department of Agriculture. Ed said that this is a new program and there is not a lot of funding for the Delaware River watershed, noting that most funds have been going toward cleaning up of the Chesapeake Bay area. Adam said tech staff has been reviewing aerial and parcel maps of the West End area and have identified two corridors in the headwaters where buffers could be installed and could connect parcels.

**PennDOT Agility Agreement**-Joe noted that a motion was made and passed last month to sign on to the PennDOT Agility Agreement. Adam agreed, noting that he has the paperwork for Joe to sign today.

**APRIL REPORT-Financial Statement-Invoice Lists**-Joe said anything to be discussed with the financial statements and invoice lists will be done next month.

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**OTHER BUSINESS-Out of County Travel Requests**-Adam said that the County receives and approves the out of County travel requests so we are covered by the insurance so the list can be approved next month.

**Associate Director Update**-Adam noted that Pat was to contact Jim Hendricks and since Pat is not here there is no update and no need for discussion.

**COOPERATING AGENCY REPORTS**-Shane Kleiner, DEP, reviewed the Department's list of upcoming events, trainings and meetings and the upcoming managers meetings/boot camp and the differences in the topics to be discussed. Shane noted that Pennsylvania received an award from the National Association of Conservation Districts (NACD) through the Leadership Development Program for holding programs that other districts are not. Shane said that PA HB 218 proposed budget was a different assessment of the proposed funding and there appears to be a reduction in funding for districts including a 15% to the CDFAP on DEP and the Department of Ag side and 9 % reduction for the Nutrient Management Program. The Nutrient Management cuts could affect projects and staff within the state but should not affect districts. They are looking into pulling funds from the Act 13 oil and gas monies to balance the CDFAP. Shane reviewed Act 13 funding and how those funds are distributed. Shane noted that districts are a line-item within DEP and the Department of Ag. Joe asked what portion of MCCD's budget comes from the state and does the 15% affect us. Adam said ¼ of the 15%. Mark noted that only a few positions are funded in-part by the state and he does not feel it will affect our budget as we have not received staff cost-share funds in the past. Shane stated the Dirt, Gravel and Low Volume Road Program (DGLVR) Administrative Manual update was approved. Updates include clarified requirements for off right-of-way, ESM certifications, prevailing wage and the purchasing of the equipment. He mentioned that there will be updates to the Nutrient Management/Manure Management Delegation Agreement. He noted that the DGLVR program is holding Bankfull/Stream Crossing training and the nearest location for Monroe is in Pike County on June 6. Adam noted that MCCD will receive an additional \$10,000 - \$15,000 from the Low Volume Road program which will come from other districts who did not use their allocations.

**Ed Vinton, NRCS,** noted that staff is finishing up drafting and executing contracts for fiscal year 2017. Jennifer will have final numbers for Monroe County once the contracts are finalized.

**Garrett Beers, DCNR,** reported that 900 acres were treated for gypsy moths on State Game Lands 186 which is near MCCD. He stated that the timber program is moving forward now that the weather is breaking. They are working on two land acquisitions that were purchased by non-profit organizations which will add approximately 100 acres to the state forests in Monroe and Pike Counties. He accompanied MCCD staff and PA Fish & Boat staff on site visits for timber/logging

sale/operations that have several E&S violations. Mark asked how many acres were included in the acquisitions. Garrett said one parcel in Monroe County contained 340 acres and the other in Pike County is a couple hundred acres and they are looking to tie these parcels together to attain a larger state forest footprint.

Janet questioned, based on conversations held, that the Conservation Board is not willing to take a position on the re-designation of the Tunkhannock Creek. Joe said he does not want to speak for the Board, he does not know. He said at the end of the 45-minute presentation last month we did not put out an agenda item, noting that there is an outstanding letter from 2005 that says we support the re-designation and perhaps Craig could speak to that.

Craig Todd noted that at the last Board meeting Tunkhannock and Tobyhanna Townships were present and they are in opposition to the re-designation of the Tunkhannock Creek. He said that George Ewald, Tunkhannock Township Supervisor, asked the Conservation Board to weigh in as to whether the upgrade was good or bad. The Board directed staff to review the findings of the DEP analysis/study as a result of the petition and bring that information back for the Board to make a decision to support or oppose. He noted that the 2005 letter that was sent was a review of the organizations petition to upgrade. The staff's review between the last Board meeting and this Board meeting was to review DEP's findings to determine whether or not the District would agree with DEP's findings and if it would qualify for the upgrade. The distinction between now and then is the 2005 letter was in support based upon the petition, versus now, which is the request from the township on DEP's findings. He noted that in the past the District has weighed in these types of things; tech staff reviews the petition, compares it to Chapter 93 and makes a recommendation to the Board. He stated that Board does not make the decision and is not involved from a regulatory standpoint in the review but it does make sense for a county conservation district to weigh in. Noting that it is important that our streams be protected consistent with regulations that are afforded to them based on their designated uses and this would be a good thing for this Board to weigh in on.

Joe said he does not know the answer to Janet's question; the Board did receive a report from the staff on DEP's findings but there has not been an agenda item. He is unsure if Tunkhannock and Tobyhanna Townships are coming to another Board meeting with reports. Janet asked Joe as Chairperson, who is in charge of the agenda, do you see it as an important decision for this Board to make and are you going to put in on the agenda? Joe said he feels that Board should weigh in on it after all the information is collected. Heidi asked that it be placed on the agenda next month. Joe said he wants to withhold that until he hears from Tunkhannock and Tobyhanna Townships. Heidi noted that she feels the Board has enough information. Joe said he was thinking about having the staff look at the social and economic impacts of the re-designation. Mark said there are only two

decisions the Board can make: not weigh in or approve and recommend the EV designation based on the science which is the only criteria that is necessary: correct? Joe said he was shocked last month when he heard that is not true. When he asked Josh, DEP, point blank that it is either EV or HQ and Josh said that is not true as far as DEP is concerned. It may qualify for EV but depending upon the response from the public and private sector, DEP may choose not to designate it as EV even though it qualifies for an EV stream. Joe asked Josh what the criterion is and Josh said it is a subjective criterion of the EQB. Joe said if Mark is saying our position is scientific or not then our decision is moot because scientifically it is EV. Adam stated that he does not feel the District should weigh in on behalf of the sociological economic impacts; we should only weigh in from the science end. Joe asked why not. Adam said because the staff does not evaluate sociological and economic impacts; we evaluated the report from DEP, the science behind it and the science says it's EV. Joe said he feels that we should collect all the information if we are going to take a philosophical position. Joe said if it is a bright lined as Mark suggested then why are we even talking about it; all we have to do is submit the summary that states our staff findings are consistent with DEP's findings. Craig stated that he thinks it is a great idea that staff perform a sociological economic analysis County specific to the potential impact of this stream being upgraded to EV because there is plenty of on-the-ground information to demonstrate the fact that the upgrade does not have a negative impact but over the long-term it has a positive impact and there are lots of studies statewide that demonstrate the same thing. If staff did that analysis it may help to address some of the concerns that the municipalities involved have expressed. Joe said he is surprised to hear Craig say that because he thought the response would be 'that we do not have a staff that is qualified to make those decisions and the elected officials from Tunkhannock and Tobyhanna Townships who are directly related to their constituency are better tooled to make social economic impacts decisions because of their electoral status.' Craig noted that we have had streams in Chestnuthill and throughout the County upgraded to EV through this process so there is a lot of data that shows what has happened in those watersheds since the upgrade occurred that is contrary to the concerns being voiced by the constituents and elected officials that you are talking about. Elected officials function is not to echo their constituents concerns but to fact-find and obtain correct information to make a decision as a public official which is also the purpose of this Board. The District focuses on conservation for water resources, staff is qualified to look at that and our waters need to be protected as we grow and to do that you need to know what those waters are. As we grow we need to maintain water quality and that may mean that development needs to be done differently but it does not mean that development does not occur. Joe said he heard differently from the Tobyhanna Township Manager who was here to voice his opinion last month. To answer Janet's question he would like to see what happens within the next two months. Craig said

there is an August deadline for comment. Heidi said it should be on our July agenda if we are going support it or not. Joe said he does not understand the word 'support'. Either our findings by our staff concur with DEP's findings, or if it is a scientific thing, it is moot, and just mail the staff analysis to DEP; it would not be support or deny, how can we withdraw our support if our staff concurs with DEP's findings. Mark said he defers to Joe and that was what Josh said at the last meeting, noting that there is politics involved; as with every issue.

Tom VanZandt commented that it is not the purpose of the conservation district to in any way promote economic development; true. Mark said he disagrees with that, it is a balanced approach. As a Board member he approaches this as 'a balanced agenda' and as developer in this County he tries to do what is environmentally correct and what is economically correct; the two are not exclusive. Tom said he disagrees and he does not feel that it is the purpose of this body to promote economic development; it is to regulate. Mark said economic development and environmental development go hand-in-hand. Heidi, Joe and Shane said the Board's purpose is to promote conservation. Joe said everyone's rights need to be protected regardless of what it may be. If we move this stream to EV and it causes a tremendous economic impact and because of that it causes people to lose their homes to mortgage foreclosure; then how can we not consider it; that would be unjust as a Board not to consider it? We know that the HQ designation offers clean drinking water and supports cold water fisheries. By making it EV it brings it up to another level that it affects development so we know our water quality and cold water fisheries are not being affected by keeping it at HQ but we do know that it may affect development by moving it to EV and we heard that from DEP. Don Baylor said he would like to comment on the balance between economic development and water quality. He said that the Board is looking at Monroe County alone but we should be looking at the whole state of Pennsylvania where there are thousands of miles of impaired waters due to economic development. Our right to clean water has been considerably abridged by economic development in PA as a whole including thousands of miles of acid mine drainage among other causes. So when you think about balance statewide, we have lost a lot, so shouldn't we preserve what is in Monroe County which is among the best? Joe said no one here disagrees with that. Don said the idea that the EV designation will impact economic development so severely it not true, noting that Kalahari was built in an EV watershed. Joe said we don't know what businesses and development we may be affecting because no one shows up and says it is too expensive to develop here; but we do know that is happening. Don stated that there is a lot of misconception as to what EV does to development and it does not curtail development. Joe said that Don should go to Tunkhannock and Tobyhanna Township Board meetings and go on record with something scientific and educate them because they feel in opposite with what Don feels. Lori stated that when staff did the analysis they looked at the regulations and how it would affect NPDES for



construction and development and both HQ and EV in regard to anti-degradation requirements Chapter 102.8 were the same. HQ and EV were the same when needing an Individual permit and as they relate to Act 162 and buffers they were both the same. Joe said then why do we have the two different designations; Josh was telling Joe it makes a difference for economic/social impact and you are telling us from a regulatory standpoint there is no difference. Craig said Lori was referring to NPDES permit issuance that the District administers. There is a big difference in HQ and EV with other DEP permitting agencies like sewage facilities permits and that was discussed by DEP at the last meeting. Craig said the point that Tom was trying to make is that if you are a conservation district, and if you read Conservation District Law, you are a local subdivision of State Government established by the State Conservation District Law to improve, enhance and protect the soil and water resources of the County; that is your charge and Adam's charge as a manager. Chuck Leonard has another responsibility and it would be great if there was more synergy between these agencies, departments and boards who make decisions that affect the landscape and quality of life in Monroe County. Tom is saying as a 'Conservation District Board' your first charge is to look at the petition and determine whether or not there are benefits to the resource, hence Monroe County, and weigh in accordingly. It is reasonable for the Board to qualify their support or non-support with a statement about potential development concerns for sociological and economic impacts and if the information Joe just gave out about mortgage foreclosures is the basis of his and the municipalities decision; that is severely in error. The District needs to develop a way, with partners, where we can grow consistent with the landscape. Joe said if what Craig said is true; then the Board's decision is already foreclosed, every conservation district should get rubber stamp and a form letter, sign it and send it out. Craig said no, that anyone has the right to petition for an upgrade that does not meet the criteria and just because there is a petition does not mean the District has blindly supported it; we have come out against things that even environmental groups supported. MCCD staff does a review as a government body, a public sector body, consistent with the regulations and make comment to the Board.

Jim Hendricks said it is really up to Tunkhannock and Tobyhanna Townships to support their views. Tunkhannock Township is not Chestnuthill Township and he does not know if you can draw those same collimations. He feels that those municipalities will advocate their viewpoint before the EQB. How much affect the MCCD Board's comment will have, he does not know, but those two townships will be providing a lot of information to the EQB who will be looking closely at that information.

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Joseph Hanyon, Chairperson thanked everyone, said he would get back to Janet and ended the work session at approximately 8:57 am.

Respectfully submitted,

Debra L. Martin  
Recording Secretary

THE NEXT MCCD BOARD OF DIRECTORS MEETING WILL BE HELD ON THURSDAY, JUNE 15, 2017 AT 8:00 A.M. AT THE MONROE COUNTY CONSERVATION DISTRICT OFFICES IN BARTONSVILLE, PA.