

***What If.....You’d Like to Work More Closely
With Municipal Governments?***

***Partnership Opportunities
to Enhance Your Conservation Mission***

**A White Paper
for
Conservation Districts**

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Facilitator Notes:

This outline and attached case studies represent the thoughts of Conservation District personnel on a topic they have had experience with or have observed closely. The record herein is to set the stage for “What if...You’d Like to Work More Closely With Municipal Governments”.

The format is meant to be broad in nature and to highlight issues and provide examples to consider in making decisions to help meet your specific District needs. There are many different situations that face Districts and this is an attempt to outline some of the possibilities for expanding your partnership base.

Disclaimer:

The views expressed here are the collective thoughts of a number of people with experience relating to the topic of working with municipal governments. They are by no means the final word on the subject. We have made efforts to cover the topic thoroughly, but make no claim as to the completeness of the information, nor do we take any responsibility that your experience will be the same as a result of using this information. We offer this paper as a starting point with the hope that it will assist in your efforts to explore the opportunities associated with working with municipal governments.

Overview – The WHY

Ask any of Pennsylvania’s 66 County Conservation Districts to describe how they operate in relation to their local municipal governments and you’re likely to get many different answers. In its 2005 Review of County Conservation Districts¹, the Legislative Budget and Finance Committee of the Pennsylvania General Assembly noted: *“There is significant variation throughout the Commonwealth in the nature and extent of conservation district involvement in ... local development and decision-making processes.”* The report goes on to note the importance of improved conservation district coordination with local officials and potential advantages of stronger ties between the Pennsylvania Department of Community and Economic Development (DCED), a land use planning resource agency for local governments, and conservation district programming. The PA Association of Township Supervisors commented in the report that they would like to see improved collaboration and function integration with conservation districts. Overall, the report makes a strong case for enhanced conservation district roles in water and land use planning and management at the local level.

The Pennsylvania Conservation District Law, Act 217, contains a number of specific references relating to this topic. The opening paragraph describes it as *an act relating to the conservation of soil, water and related natural resources and land use practices contributing to soil wastage and soil erosion.*

¹ *Legislative Budget and Finance Committee Review of the Operation and Structure of County Conservation Districts. Pennsylvania General Assembly. June 2005*

Section 9 (Powers of Districts and Directors) authorizes districts *to assist and advise county and municipal governments in subdivision and land development reviews, developing and implementing stormwater management plans and programs and in administering programs for flood control, flood plain management, water use, water management and water pollution control.* Section 9 further authorizes districts *to cooperate or enter into agreements with, and furnish financial or other aid to any agency, governmental or otherwise, and to accept, upon approval by the State Conservation Commission, any authority delegated by municipal or county governments.* Districts may also *establish a program of assistance to (municipal) environmental advisory councils which may include...educational services, exchange of information or assignment of administrative and/or technical personnel.*

Similarly, municipal officials are empowered by the PA Municipalities Planning Code to provide for the protection of natural resources in their respective communities. This is accomplished primarily through adoption of comprehensive plans and land use regulations (zoning, subdivision and land development ordinances for example). The 2nd Class Township Code and Environmental Advisory Councils Act include additional provisions for municipal management and protection of natural resources. It stands to reason that closer working relationships with municipal governments, who, in Pennsylvania, have the ultimate authority for land use decisions, can serve both conservation district and municipal natural resource conservation goals.

The importance of the relationship between conservation districts and municipal governments cannot be understated, particularly in regions where growth and land development activities are in high gear and a more holistic approach is needed to integrate growth with sustainable land development practices.

A January 2006 Pennsylvania Township News cover story, *Environmental Partners: Townships and Conservation Districts Join Forces to Protect Natural Resources*², encouraged townships to make the most of the education, guidance and technical assistance available from districts. *“When time and money are tight and townships are facing environmental issues from stormwater management and soil erosion to rapid development, how can they address every concern on their own? Fortunately they don’t have to....conservation districts are here to help municipalities care for their resources in an ever-changing world.”* The article highlights the collaborative relationships between conservation districts and townships in six counties, providing excellent illustrations of how mutually beneficial such alliances can be.

Given the significant variation among districts statewide, this paper cannot begin to formulate conclusions about which options for municipal partnering would be the most advantageous for a particular conservation district. We leave that decision to districts since they are most familiar with the natural resource priorities, staffing constraints and community needs of their individual counties.

² *Pennsylvania Township News, Vol. 59, No1/ISSN 0162-5160. Environmental Partners: Townships and Conservation Districts Join Forces to Protect Natural Resources. Pennsylvania Association of Township Supervisors. January 2006.*

Things to Consider and Evaluate

Dynamics of conservation district/municipal relationships have been discussed among districts for many years. Some districts have developed Memoranda of Understanding (MOUs) with municipal governments to define the extent and nature of working relationships, primarily in the Chapter 102 - Erosion and Sediment Control program. DCED has contracted with districts to assist in administration of the PA Floodplain Management Program, including working with municipal officials in updating floodplain management ordinances. In the Environmentally Sensitive Dirt and Gravel Road Program, districts provide the link between state funding and municipal governments implementing road improvement projects that protect water quality. Agricultural Land Preservation Program staff employed by districts interact with local governments in the designation of Agricultural Security Areas.

More recently, some districts have become involved in different ways with municipal governments, moving beyond core program activities to become integrally involved in local land use/development decision-making processes such as Act 167 stormwater management planning, land use planning and ordinance review/development initiatives, sewage facilities planning, community visioning, county comprehensive planning, open space bond initiatives, “smart growth” organizations and more. Districts often act as a “go-between” for the state and municipalities relative to regulations that may impact municipal land development approvals. Many county planning commissions and economic development groups now include conservation district representation. Township officials’ organizations are being encouraged by their state association to become nominating organizations for districts. Further, districts are often invited to provide updates at annual township association conventions. The Pennsylvania Association of Conservation Districts (PACD) has recognized the important link between districts and local governments through focused outreach/educational programs at annual meetings of county and township officials’ associations.

A number of district programs were identified that relate to or have the potential for partnerships with municipal governments. These include the following:

- Erosion and Sediment Control
- Stormwater Management
- Floodplain Management and Flood Control
- Subdivision & Land Development Plan review (with a resource conservation focus)
- Comprehensive Plan/Ordinance Reviews/Updates (with resource conservation focus)
- GIS Mapping/Natural Resource Inventories
- Grant Writing and Administration Assistance
- Groundwater Protection and Management
- Agricultural Land/Open Space Preservation
- Recreation Planning
- Land Use Planning
- Dirt and Gravel Road Program
- Abandoned Mine Reclamation
- Gypsy Moth Suppression Program
- Conservation Education for Municipal Officials

Advantages - If we had to sum up the advantages of close district/municipal government relationships in a few words, they might include “mutually beneficial” and “mission supportive”. Districts with close municipal working relationships have the advantage of being a respected community resource, brought into the loop earlier in the process to provide input on a variety of important community planning initiatives or development proposals. The bottom line in Pennsylvania is that local municipalities are the entities with the authority to enact land use regulations that can make or break conservation efforts. Districts that are at the municipal table to provide their expertise and to advocate for conservation issues important in their communities have a distinct advantage in the long-term.

Challenges – District involvement in municipal land use processes requires us to “think outside of the box” and to move beyond our comfort zones of E&S Plan reviews or other established programs. Creating or maintaining working relationships with municipal governments can be a real balancing act for districts. It can be a time-intensive undertaking and results often take years to materialize. Municipal governments are inherently political and their goals and priorities may not always be in line with those of districts or, in some cases, of the county commissioners who often have some level of control over district budgets and programs. In addition, municipal goals and priorities may fluctuate with changes in elected or appointed officials and levels of involvement and interest in conservation issues may vary widely from one municipality to another. Some counties have fairly manageable numbers of municipalities, while others’ high number of townships and boroughs presents a really daunting obstacle to establishing working relationships.

Getting Started

- Start small – find municipalities that want your assistance and input and nurture a relationship that can be held up as a positive example for others.
- Utilize existing core programs (such as E&S reviews or Dirt and Gravel Road projects) to “get your foot in the door”, establish contacts and exhibit the district’s ability to deliver services.
- Don’t underestimate the power of education. Look for gaps in municipal officials’ and the general public’s understanding of conservation or land use issues and start to fill those gaps with appropriate educational programming. PACD or DEP Environmental Education Mini-Grants are a good source of funding for these programs.
- Share information with municipal officials on a regular basis; send them your newsletter; have Board members attend municipal meetings to present the district’s annual report; make sure the district is represented at annual township officials conventions or COG meetings. Enlist municipalities as partners in special projects.
- Don’t be afraid to (respectfully) disagree with municipal officials or their consultants in discussing mechanisms to address conservation issues important to the district.
- Enhance your working relationship with your county’s planning agency, which typically has established ties with local municipalities and experience with the PA Municipalities Planning Code (MPC), which governs local land use regulations.
- Get District staff or Board members actively involved on advisory committees for county visioning efforts, comprehensive plan updates, stormwater management planning.

- Become familiar with the natural resource conservation related authorizations contained in the Municipalities Planning Code.
- Look for non-traditional partnerships that might compliment your efforts to work more closely with municipalities.

Conclusion

There are many opportunities for districts to collaborate with municipalities in mutually beneficial ways, whether through traditional programs or new initiatives. It’s well worth the time and effort necessary to nurture and grow such relationships. Whatever the natural resource priorities in a given county, conservation goals can be made more achievable and results longer-lasting when districts find ways to partner with local governments. To quote long-time Dauphin County Conservation District Manager John Orr, “We are here to give municipal officials options. It’s ultimately their decision how they manage things. In the end, we all win.”

Case Studies

The “District Authorities” listed on the cover page were asked to provide a brief summary of “vital information” on how their Districts operate relative to their respective municipal governments. In considering which Districts to highlight in the case studies, we looked for a cross section of different sized Districts and Districts with varying program emphases.

Contact information is provided for each case study for those interested in more information about specific efforts or resources highlighted below.

Working with Municipalities

CASE STUDY – Monroe County Conservation District

Overview

The Monroe County Conservation District has two basic programs; the Monroe County Environmental Education Center and the District’s technical section. While municipal education and training falls under the E.E. Center, it is the technical section staff that serve as instructors. Technical section staff include a supervisory Head Resource Conservationist (RCI), three Resource Conservationists (RCII) and two Resource Conservation Specialists (RCS). The District anticipates establishing a Hydraulic Engineer position in 2007 and the District Manager is also involved. Delegated programs include 102/NPDES Level III and 105. Contracts include floodplain monitoring, Ag Conservation Technician and Watershed Specialist.

It is important to note that the District has a very close working relationship with the Monroe County Planning Commission. While not discussed here, this relationship has facilitated program synergy between agencies and with municipal government. Monroe County has twenty municipalities: sixteen townships and four boroughs.

The County is primarily glaciated containing three distinct ecoregions. The majority of our waters are Special Protection. Approximately 6% to 8% of the land mass contains high value wetland resources. Monroe County is bordered on the east by the Delaware River and the western part of the county contains an area designated as one of the last great places in need of protection by The Nature Conservancy. We have the largest black bears in the world, river otters, bald eagles, and heart-shaped swimming pools, and it seems everyone wants to live here. We are the second fastest growing county in the state behind Pike County, our neighbor to the north.

District/Municipal Working Relationships

In the early 1980’s, with one Resource Conservationist and several municipal Memoranda of Understanding (MOUs), the District lacked the capacity to coordinate meaningful relationships with municipal governments. Most of our time was spent assisting the Soil Conservation Service with conservation planning and implementation on farmland. In the mid-1980’s, as the County began to grow less corn and more houses, it became obvious that a change in program direction was necessary.

While MOUs generally created an atmosphere for cooperation, their Erosion Control Plan review requirements were not enforceable. State and federal permitting requirements were ineffective at protecting the resource base **after** the municipal land use decision making process was complete. It was decided to attempt to institutionalize resource conservation by the development of planning tools for municipal implementation that would be proactive rather than relying on reactive permitting.

Our first priority was to stem the loss of wetland resources, 50% of which had already been lost. With the hiring of additional staff, including a wetland biologist, the District entered into

agreements with federal agencies for the cooperative enforcement of Clean Water Act wetland protection provisions and to assist in the advanced identification of wetland resources in areas of intense development pressure. Frankly, as enforcement increased, so did the call for increased identification and delineation. The District began to receive requests for assistance with wetland identification from both the public and private sectors. At that time, model ordinance provisions were developed that required wetland delineations during the design phase of projects and protection provisions that mirrored existing state and federal law (regulatory consistency). As municipal adoption progressed, wetland violations and proposed impacts decreased.

After what we considered to be a municipal success story, the District, with the County Commissioners and Planning Commission, attempted to identify and quantify the County resources and sensitive areas. This was accomplished through grants and cooperative agreements with The Nature Conservancy, Harvard University, multiple state and federal agencies, and private contractors. With an extensive Geographical Information System (GIS) data base, the partners were able to develop planning tools that would help avoid, minimize and mitigate the impacts of growth on important resources. These data bases were made available to municipalities for use by codes enforcement offices and planning commissions.

In 1998, county voters approved a 25 million dollar Open Space referendum, which provided funds for property acquisition, easement purchase, regional open space and recreation plan development, agricultural land preservation, development of a GIS website for municipalities and a municipal partnership program. Through the partnership program, the County Planning Commission provides planning assistance to municipalities for regional and municipal comprehensive plan revisions and subdivision and land development ordinance provisions including conservation design provisions. The Conservation District has been fortunate to be a partner in these planning initiatives and, through our environmental education center, developed and presented an Open Space Institute for Monroe County teachers to expose them to the current planning and resource conservation initiatives.

Act 167, the Pa. Stormwater Management Act, has proved an effective vehicle for implementation of resource protection strategies. Developed on a watershed scale, these plans and resulting model ordinances include provisions for controlling erosion and the rate, quality and volume of stormwater runoff. More importantly, they provide an opportunity for municipalities to adopt provisions that provide for regulatory consistency within the maze of stormwater and nonpoint source regulatory programs currently in effect. They also include provisions for Conservation District review of Erosion Control Plans as part of the municipal approval process.

If a district thinks that any of these initiatives are relevant to their county, there are some realities to consider. It's usually beneficial to begin with one or two municipalities who have expressed an interest in district assistance with conservation planning. Build on successes! Remember that if you are a delegated district, you will be regulating municipal earth disturbance activities at the same time you are providing planning assistance.

Numerous resources and agencies are available to provide legal interpretation, case law, and guidance pertaining to the Municipalities Planning Code and land use issues. Lively discussions with municipal solicitors and engineers are inevitable and encouraged.

Engage your county planning commission. They are legally empowered and capable of providing access to and partnering with municipal governments.

Elections can dramatically change municipal program and policy direction. It’s worthwhile to pay attention to these changes.

Hold workshops for and with municipal officials, engineers and planning professionals as well as the general public. The importance of education is demonstrated by candidates who have won elections on conservation-related platforms that in previous elections had been the cause of defeat. We believe that sustainable development **is** possible. It’s okay for a conservation district to be an advocate. It’s in our law.

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Working With Municipalities

CASE STUDY - Dauphin County Conservation District

Overview

As our last Strategic Planning Session was drawing to a conclusion, the District Directors noted how many of our priority work items involved municipal cooperation or participation. It was at that point that a major change of focus in our educational outreach took place. Our educational focus on school age children and youth was reduced and our educational outreach to municipalities and municipal officials increased. Over half of our primary programs and projects have direct relationship with local government.

District/Municipal Working Relationships

In many ways, the forty municipal governments in Dauphin County can be described as diverse and the working relationships with the Conservation District are equally diverse. The southern half of the county is largely urban, rapidly being developed with limited agriculture. The City of Harrisburg is the largest municipal government with several townships not far behind in population and services offered. Working with these municipalities primarily involves daytime meetings with their full time staff and we have limited direct contact with the elected officials. In the northern portion of the county most of the municipalities have limited or no full time office staff. Our work with these municipalities involves more direct contact with the elected officials or their part time staff. Administration of the county Gypsy Moth Program is an example of how we work differently with our municipalities north and south. In the north, we record the citizen’s requests for spraying and in the south the municipalities record the requests.

There are many ways that we interact with our municipalities. Some are mandated by the nature of the program and some are specific outreach efforts. Examples of how we interact with municipalities are listed below:

- Memorandum of Understanding: Every municipality was offered the option of signing a MOU. The MOU’s have 4 component parts and the municipality can select any or all of these. The 4 components are Erosion & Sediment Pollution Control, Agricultural Security Areas, West Nile Virus Control and General Conservation, Wise Use and Proper Management of our Natural Resources.
- Upper Dauphin Council of Governments: Attendance at a minimum of 2 Upper Dauphin COG meetings annually.
- Dauphin County Association of Townships: Attendance and often presentations at the annual County Association meeting.
- Municipal Newsletters: Currently we have a grant to provide every elected local government official a monthly educational newsletter on stormwater management.
- Direct Program Contacts: listed are programs that require direct partnership with municipal governments.
 - Act 167 Stormwater Management Studies Watershed Advisory Councils
 - Municipal Separate Storm Sewer Systems – Assistance with educational outreach and publications
 - Floodplain Ordinances – Technical review and assistance on existing and proposed floodplain ordinances as well as educational outreach

- West Nile Virus Program – Coordination of spray programs with local officials and police, inspection of properties for mosquito breeding sites, code enforcement to eliminate mosquito breeding sites, etc.
- Dirt & Gravel Roads Program – Assistance with all aspects of program administration
- Agricultural Security Areas – Yearly workshops to keep municipal officials informed as to their role and responsibilities as well as direct technical assistance to any municipality forming an ASA or renewing an ASA
- Gypsy Moth Suppression Program – The program administration is coordinated for the county and municipality.

Conclusion

This “Case Study” highlights some of the interaction that takes place between the Dauphin County Conservation District and the 40 local governments of our county. There are many other contacts that occur on a daily basis that are too numerous to list. As noted in the opening overview, our District Directors have made municipal cooperation a point of primary importance. It appears to be a win – win situation for both parties.

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Working With Municipalities CASE STUDY – Pike County Conservation District Pike County Municipal Planning Initiative

Overview

Pike County is in the unique position of having all of its major watersheds classified as *High Quality* or *Exceptional Value*. An abundance of intact wetlands, lakes and streams exist, as well as abundant and high quality groundwater resources. Pike County also boasts a wealth of publicly and privately owned intact forests and other open spaces that contribute to the excellent water quality, rural character and quality of life of our communities. However, for the past three and a half decades, Pike has been the most rapidly growing county in Pennsylvania and is currently listed among the top 100 most rapidly developing counties nationally. U.S. Census Bureau figures show population growth from 1990 to 2000 exceeded 65% and projections indicate that this trend will continue with growth rates between 2000 and 2020 of over 80%.

The escalating residential and commercial development pressures present a serious threat to the County’s high quality natural resource base. Of primary concern to the District are increasing fragmentation of open spaces, deforestation of watershed lands and increasing levels of non-point source pollution including erosion and sedimentation and stormwater run-off associated with widespread earth disturbance activities and increasing levels of impervious surfaces. Although the window of opportunity is shrinking, the District believes Pike County has an opportunity to prevent widespread natural resource degradation if proactive efforts are undertaken to incorporate growth with sustainable land development practices.

District/Municipal Working Relationships

Zeroing in on the local land development approval process as a key to attaining these goals, the District has, over the last 15 years, focused its education and outreach programs on providing information to municipal officials in the County’s 11 townships and 2 boroughs on natural resource conservation planning techniques, growth management and open space conservation options available to local governments. The Pike County Community Planning Initiative concept grew out of feedback from municipal officials, who were generally receptive to conservation design concepts but lacked the financial & technical resources to translate the information into their land use ordinances. We also heard from land developers and plan designers, who complained that municipal land use regulations often inadvertently prevented them from utilizing conservation design concepts in planning their projects.

The District began looking for funding to provide technical and financial assistance to municipalities to support the review, revision and implementation of municipal land use regulations to enhance natural resource protection. We submitted applications first to the DEP Growing Greener grants program and eventually received funding through the Department of Community and Economic Development (DCED) Land Use Planning and Technical Assistance Program (LUPTAP).

Partners in this initiative include the Pike County Commissioners (Grantee), Pike County Conservation District (Project Coordinator), Pike County Office of Community Planning, DCED (Grantor) and eight municipalities that volunteered to participate in the project. The grant funds allowed us to enlist the help of a local planning consultant and Geographic Information System (GIS) consultant who were important members of the project team. Project components include the following:

- **Natural Resources Inventory & Mapping:** Geographic Information System (GIS) data, provided on cd along with user friendly ArcReader software, depicting the municipality’s surface waters, steep slopes, soils, state and federal or other recreational lands, flood plains, and other significant environmental features of the natural landscape. County Planning staff developed a tutorial for the use of this data and provided one-on-one training to municipal staff members.
- **Municipal Ordinance Inventory and Evaluation:** A review of the municipality’s comprehensive plan, zoning, subdivision and land development ordinances, floodplain ordinance and other resource related ordinances, if available, with a focus on determining how effectively the regulations support natural resource conservation.
- **Report of Findings:** An analysis and constructive critique of a municipality’s existing land use regulations and comprehensive plan, focusing on areas where regulations inadvertently thwart conservation objectives and specifically detailing what changes could be incorporated into each municipality’s regulatory framework.
- **Implementation:** Financial incentives and technical assistance to support the implementation of recommendations detailed in the Report of Findings and incorporation of natural resource conservation-based land use provisions into the municipality’s regulatory framework.

The close collaboration between the District and the Planning office has been a key to the success of this project. It has been a time-intensive project (we are currently in our third year and still going) with a considerable amount of in-kind match provided by the District Manager’s and Watershed Specialist’s time on the District’s end and the County Planning Director and several planning staff members. But it has been time well spent in providing needed technical and financial assistance to municipalities, strengthening relationships with our municipal and County partners, developing a relationship with DCED and facilitating development of municipal ordinances that have land development plan requirements that are more consistent with NPDES Permit and Antidegradation requirements. We anticipate that our efforts will pay off as municipalities implement project recommendations that make natural resource conservation a principal focus in the review and approval of land development projects at the local level.

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