

# Partner Programs: An Overview & Relationships

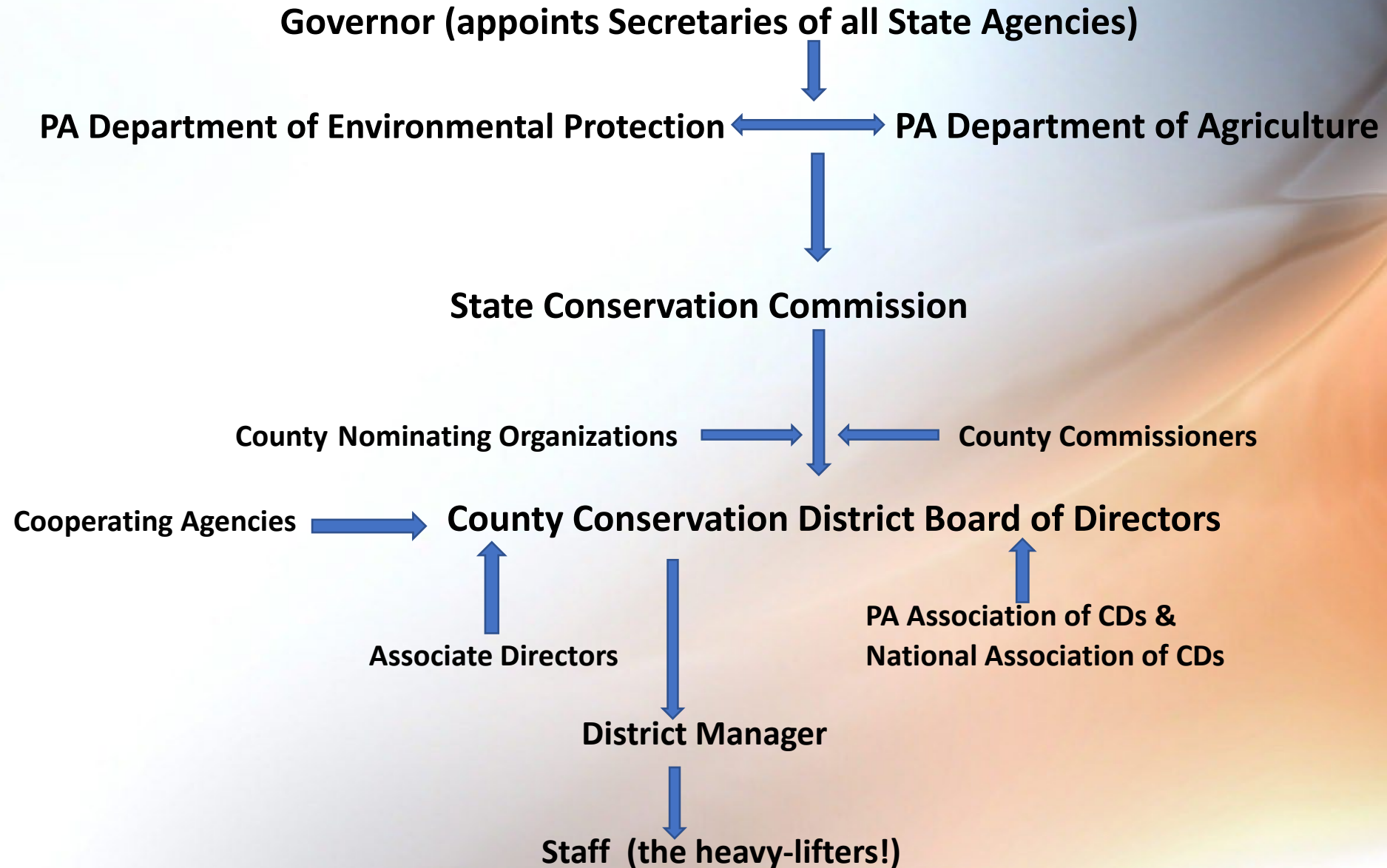
State Conservation Commission & Conservation Districts

Deep Dives for Directors: SCC Programs

June 2, 2022

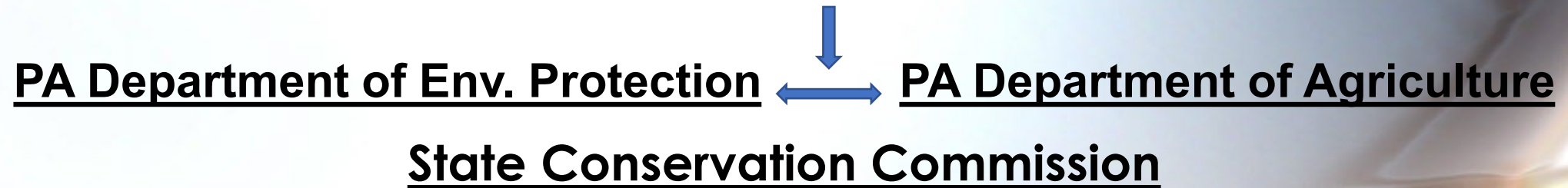


## Organizational Flow Chart as applied to Districts



## Breaking down the Flow Chart

Governor (appoints Secretaries of all State Agencies)



### Delegation Agreements with Conservation Districts to implement various programs:

#### DEP

Chapter 102 (with NPDES\*)  
Chapter 105  
Post Construction Stormwater Mgmt.  
Chesapeake Bay Program

#### PDA/SCC

Act 38 Nutrient Management Program  
Dirt Gravel, Low Volume Road Program  
CDFAP \*

\* National Pollutant Discharge Elimination System

PA-adopted permitting program designed to meet Federal Clean Water Act (EPA) requirements

\*CDFAP – Conservation District Fund Allocation Program – Distribution of state funding allocations



## PDA/State Conservation Commission Authority

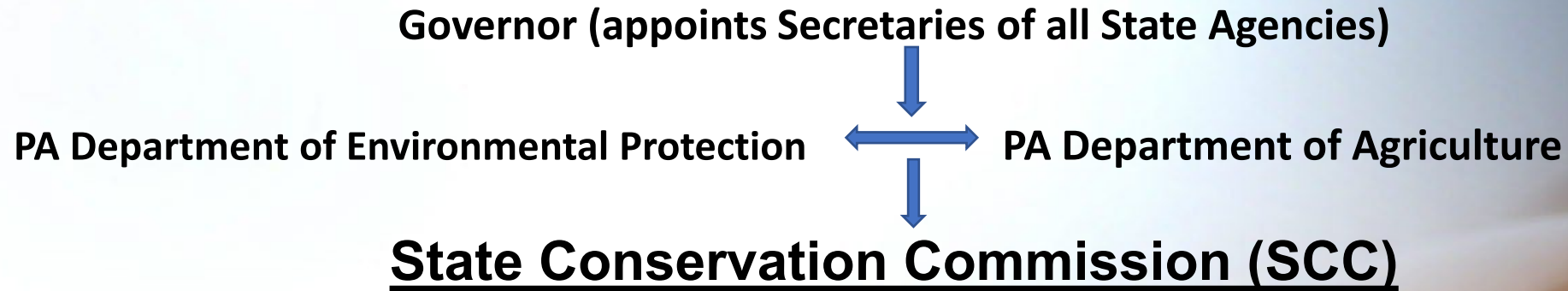
- **Conservation District Law –**
  - **Conservation District Funding Allocation Program**
    - Allocated and contract funding
    - District operations policies
- **Act 38 – Nutrient and Odor Management Program**
  - Delegation agreement funding
  - Administrative & Technical policies
- **Dirt, Gravel and Low Volume Program**
  - Contracted funding
  - Administrative & Technical policies

# **DEP REGULATORY Authority**

**Sections of the PA Clean Streams Law which relate to district-implemented programs:**

- **Chapter 102 – Erosion and Sedimentation Control  
E&S (1972) PCSM (2006)**
- **Chapter 105 – Dam Safety and Waterway Management**
- **Chapter 91 – Manure Management**
- **Chapter 83 – Nutrient Management**
- **Chapter 92a - NPDES Permitting, Monitoring & Compliance**

## Breaking Down the Flow Chart



- Created under Conservation District Law (Act of May 15, 1945 – amended 2008)
- 14-member Commission which includes:
  - PADEP and PDA Secretaries (alternate as Chair annually)
  - Other members appointed by Governor, serving 4 year terms
- Provides Administrative and Policy Oversight to CDs through:
  - Executive Director, currently Karl Brown and staff (17)
  - Administration of CDFAP
  - SCC Policies and Procedures (district operations)
  - Administering of programs and programmatic support to CDs



## Breaking Down the Flow Chart

**Governor (appoints Secretaries of all State Agencies)**

**PA Department of Environmental Protection**

**PA Department of Agriculture**

**State Conservation Commission (SCC)**

**County Commissioners (or County Council)**

- **Appoint District Directors (submitted from Nominating Organizations)**
  - Organizations should be local and have understanding of District operations and mission
- **Commit 1 Commissioner representative to serve on District Board**
- **Determine County financial support for Districts**
- **Ideally informed (or interested in becoming so) of District functions**
- **Ideally values District mission**

# State Conservation Commission Programs

- Act 38 Nutrient Management Program
- Act 38 Odor Management Program
- Resource Enhancement and Protection (REAP)
- Conservation Excellence Grant Program
- Conservation District Fund Allocation Program
  - Agricultural Conservation Technical Assistance
  - Special Projects
  - Leadership Development Program
- Dirt, Gravel and Low Volume Road Maintenance Program



# Partnership Vehicles & Expectations

- Delegation Agreement vs. Contract/Agreement
  - Delegation agreement
    - Grants authority to a conservation district to carry out a program “on behalf” of the State Conservation Commission or another agency(e.g. DEP)
    - May include ‘required output measures’ for implementation
    - Generally used for ‘regulatory’ programs
    - Funded or unfunded
  - Contract or agreement
    - Conservation district provides services or completes activities according to a project plan or scope of work.
    - Generally used for ‘non-regulatory’ programs
    - Funds provided for expenses associated with completion of agreed activities.

# Partnership Vehicles & Expectations

- Expectations
  - Delegation agreement
    - Completion of 'required output measures' that are identified in the agreement and specific to implementation of a program on behalf of the Commission or agency
  - Contract or agreement
    - Completion of activities described in the project plan or scope of work.

# Nutrient Management Program

- Enabling legislation & purpose

- Act 38 of 2005 (origin - Act 6 of 1993)
- Requires ag operations of certain animal density to develop a nutrient management plan for water quality protection according to criteria established by the State Conservation Commission

- Funding :

- Annual appropriation to the Nutrient Management Fund. (~\$4.2M)
- Supports conservation district delegated activities and funding to farmers

- Active partners:

- State Conservation Commission (SCC)
- Conservation District (District),
- Pa Department of Agriculture (PDA)
- Pa Department on Environmental Protection (DEP),
- Penn State Extension,
- USDA NRCS.



# Nutrient Management Program

- 'Partner' Program Responsibilities:

- **SCC** – establish program regulations, policies & planning standards for NMPs; annual allocation of funds; conducts program evaluations.
- **PDA** – implementation of education and certification programs for commercial plan writers and conservation district plan reviewers.
- **DEP** – assists the SCC in delegation agreement admin – reporting – data collection & management.
- **PS Extension & NRCS**: provide educational & technical assistance.

# Nutrient Management Program

- Conservation District:

- Primary roles:

- Education of regulated (CAO) & volunteer agricultural operations
    - Review & Approval of NMPs submitted by Concentrated Animal Operations (CAOs).
      - Staff completes reviews –recommend for action to Board of Directors (BOD)
      - **BOD TAKES FORMAL ACTION – APPROVAL OR DISAPPROVAL.**
    - Provide technical assistance to farmers in NMP implementation.
    - Conduct annual status reviews and compliance activities of CAOs.

# Nutrient Management Program

- Partnership vehicle

- Multi-year (5) delegation agreement between SCC & Conservation District
  - Conveys authority for local program implementation on behalf of the Commission.
- Provides funding through an annual allocation at levels established by the SCC.
- Establishes Required Output Measures (deliverables) for completion.
- Establishes reporting requirements (quarterly)



# Odor Management Program

- Enabling legislation & purpose
  - Act 38 of 2005
  - Requires ag operations of certain animal density to develop an odor management plan to mitigate transfer of odors from animal housing or waste management systems according to criteria established by the SCC.
- Active partners:
  - SCC
  - PDA
  - Penn State Extension
  - Conservation Districts (limited)

# Odor Management Program

- Program responsibilities:

- **SCC** – establish program regulations, policies & planning standards for OMPs; review & approval of OMPs; implementation compliance.
- **PDA** – implementation of education and certification programs for commercial plan writers.
- **PS Extension:** provides technical assistance for planning standards.
- **Conservation District:** local education.
  - Education of regulated agricultural operations (CAOs & CAFOs) in odor management planning regulatory requirements

# Resource Enhancement & Protection(REAP)

- Enabling legislation & purpose
  - Act 55 of 2007 (amendment to the Tax Reform Code)
  - Provides for the distribution of tax credits to farms and businesses in exchange for the implementation of Best Management Practices and certain equipment purchases on agricultural operations to enhance farm production and protect natural resources.
- Resources:
  - Annual appropriation under the state Revenue Code
    - \$13.0 million in tax credits
  - Distributed by the Pa Department of Revenue in cooperation with the SCC.



# REAP

- Active Partners:

- SCC
- Pa Department of Revenue
- Conservation district

- 'Partner' Program responsibilities

- **SCC** – establishes policies and program parameters for program implementation.

- **Pa Department of Revenue** – issuance of approved tax credits as determined by the SCC.

- **Conservation District** – assistance in the verification of portions of a REAP application submitted by an agricultural producer

- E.g. – existence and implementation status of an Ag E & S Plan, a nutrient management plan
    - **NO ACTION BY BOARD OF DIRECTORS NEEDED**

- Partnership vehicle

- None!

# Conservation Excellence Grant Program (CEG Program)

- Enabling legislation & purpose

- Act 49 of 2019 (part of the Pa Farm Bill initiative)
- Provides financial and technical assistance to eligible farms for the implementation of Best Management Practices on agricultural operations in high-priority locations in the Commonwealth

- Resources:

- Annual appropriation to the Nutrient Management Fund and other funding sources (~\$2.0M).
- Supports delegated conservation district activities and funding to farmers

# CEG Program

- Active Partners:

- State Conservation Commission (SCC)
- Conservation District (District),
- USDA NRCS.
- Private Sector AG Consultants

- 'Partner' Program responsibilities

- **SCC** – establishes policies and program parameters for program implementation; annual allocation of funds; conduct program evaluations.
- NRCS & Ag Consultants: provide technical assistance.



# CEG Program

- 'Partner' Program responsibilities.

- **Conservation District:**

- Primary roles:

- Provide information on the CEG program, REAP tax credit program and the AgriLink low-interest loan program.
- Accept/Review CEG applications for eligibility and funding for BMP projects.
  - Staff completes reviews –recommend for action to BOD
  - **BOD takes formal action – approval or disapproval.**
- Assist applicants with REAP and/or AgriLink Program applications
- Provide technical assistance to farmers in BMP implementation where CEG funding is provided, as resources allow.
- Provide necessary program progress reports to the SCC

# CEG Program

- Partnership vehicle

- Multi-year (5) delegation agreement between SCC & Conservation District
  - Conveys authority for local program implementation on behalf of the Commission.
- Provides funding through an annual allocation at levels established by the SCC.
  - Funding for grants for eligible projects
  - Covers a portion of administrative costs (including staff)
- Establishes Required Output Measures (deliverables) for completion.
- Establishes reporting requirements (quarterly)

# Conservation District Fund Allocation Program (CDFAP)

- Enabling legislation, policy & purpose
  - Conservation District Law – Act 217 of 1945 (Amended Act 75 of 2005)
  - Conservation District Fund Allocation Program Statement of Policy (Amended Nov. 2014)
  - Provides for the receipt and distribution of funds dedicated to conservation districts for support of:
    - General district programs & operations (Administrative Assistance)
    - Staff employment costs (District Management, Technicians)
    - Special Projects, Reserve Accounts
- Funding:
  - Annual appropriation to the Conservation District Fund (~ \$3.375)
  - Annual transfer of funds dedicated in the Unconventional Gas Well Fund. (~ \$4.086M – FY2021)



# CDFAP

- Active Partners:

- SCC
- DEP & PDA
- Conservation Districts

- 'Partner' Program responsibilities

- **SCC** - establishes program policies and parameters for district oversight and support (financial & policy/administrative), annual allocations and distribution of funds.
- **DEP & PDA** – administrative management of fund distribution and reporting.

# CDFAP

- 'Partner' Program responsibilities (cont.)

- **Conservation District** - implementation of SCC supported program activities and fund management of allocations at the local level.

- Agricultural Conservation Technicians (PDA) – local implementation of agricultural support programs.
  - (E.g.. – Agricultural Preservation, general technical assistance)
- Special projects (PDA & DEP) – implementation of projects meeting CDFAP parameters and guidelines.
  - E.g. – education projects; BMP implementation projects
- Reserve Accounts – long term management of dedicated funds for admin or program functions of the district.
  - E.g. - employee separation costs, building/capital improvement projects/scholarship programs

# CDFAP

- Partnership vehicle:

- ACT Program - multi-year (5) agreement between SCC & conservation district.
  - Provides conduit for the distribution of program funds  
E.g.. – ACT funding covers salary & salary related costs of the technician.
- Special Projects – annual agreement between SCC & Conservation District.
  - Provides funding for approved project activities performed by the conservation district.
- Establishes reporting requirements (quarterly)
  - Reimbursement request of expenditures.
  - Report of Activities – consistent with guidelines and approved activities in the agreement.



# Questions?

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