

CONSERVATION DISTRICT HISTORY & ACT 217

Wednesday October 30, 2024 :: 12:00pm – 1:00pm



WELCOME

Financial and other support for the Building for Tomorrow Leadership Development Program is provided through a grant from the Pennsylvania State Conservation Commission. Guidance for the Program is provided through the Pennsylvania Conservation Partnership's Leadership Development Committee.



This webinar is being recorded.



Attendees are muted.



Please type questions in the chat window.

AGENDA

- A Brief History of the Soil Conservation Movement
- Act 217 of 1945: Definitions, Powers of Districts & Directors
- Act 217 of 1945: Pennsylvania State Conservation Commission

SOIL CONSERVATION HISTORY

When & where to start ...

- Homesteading
- Technology
- WW I
- Great Depression
- **Dust Bowl**
- USDA Standard State Soil Conservation District Law (template)
- Pennsylvania Conservation District Laws



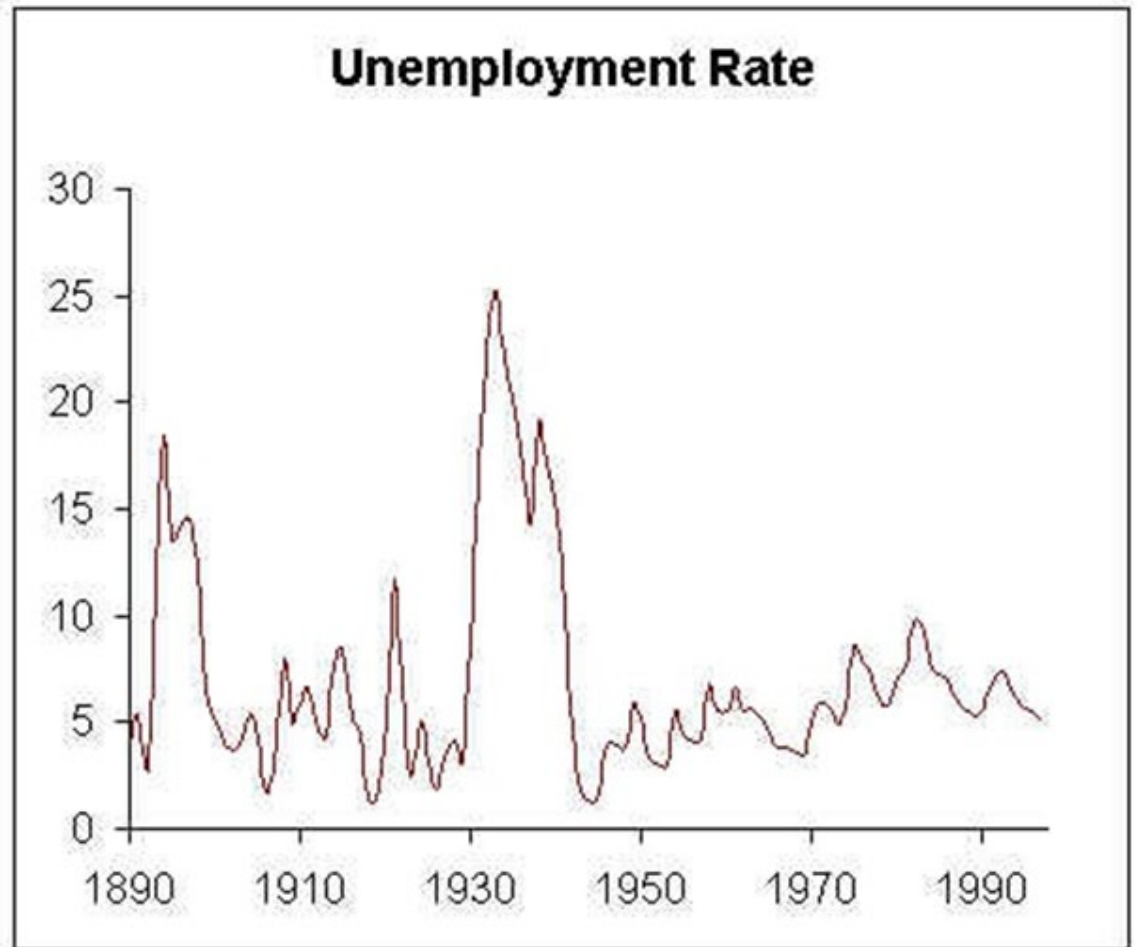
DUST BOWL YEARS

1931 ... Drought begins

1932 ... 14 significant dust storms

1933

- 38 significant dust storms
- FDR takes office
- Emergency Banking Act
- Emergency Farm Mortgage Act
- Farm Credit Act
- Six million pigs slaughtered and plowed under (price stabilization)
- Federal Surplus Relief Corporation (surplus food distribution)



1934



- Great dust storms spread beyond Dust Bowl area
- Worst drought in US history affects 27 states
- Fraizer-Lemke Farm Bankruptcy Act
- Taylor Grazing Act retired 140 million acres federal grazing land
- USDA 1934 Yearbook of Agriculture
 - 35 million acres of formerly cultivated cropland destroyed
 - 100 million acres now in crop production have lost all topsoil
 - 125 million acres rapidly losing topsoil

1935

- Federal Drought Relief Service formed
- Livestock buy outs
 - 8.3 million head of livestock purchased
 - \$111 million in payments
- Emergency Relief Appropriation Act: \$525mil
- Work Progress Administration (WPA) formed (w/8.5 million employed)
- April 14, “Black Sunday” Midwest dust storm affects East coast
- April 27, Soil Erosion Service (Interior) transformed into Soil Conservation Service (USDA SCS) with Hugh H. Bennett as head
- SES demonstration areas expanded by USDA SCS





1936 - 1939

- 1936 Standard State Soil Conservation District Law
 - USDA “template” for establishment of local conservation districts
- 1937 USDA Shelterbelt Project
 - 100 mile wide swath of trees from Canada to northern Texas
 - \$75 million over 12 years
- 1938
 - Extensive USDA conservation demonstration work (contour plowing, listering, shelterbelts, etc.) show 65% reduction in wind erosion
 - Drought continues
- 1939
 - Rain comes in fall and drought ends
 - WW II on horizon

CONSERVATION DISTRICTS: 100 YEARS IN MAKING

Many influences over many years

- Immigration policies & settlement policies
- Agricultural & food policies
- Technology
- War
- Economy (commodity markets, prices & jobs)
- Climate, weather & drought

Scope & nature of “erosion” challenge

- National in scope
- Local in nature
 - SCS Slogan: Use every acre according to its capability, treat every acre according to its needs.

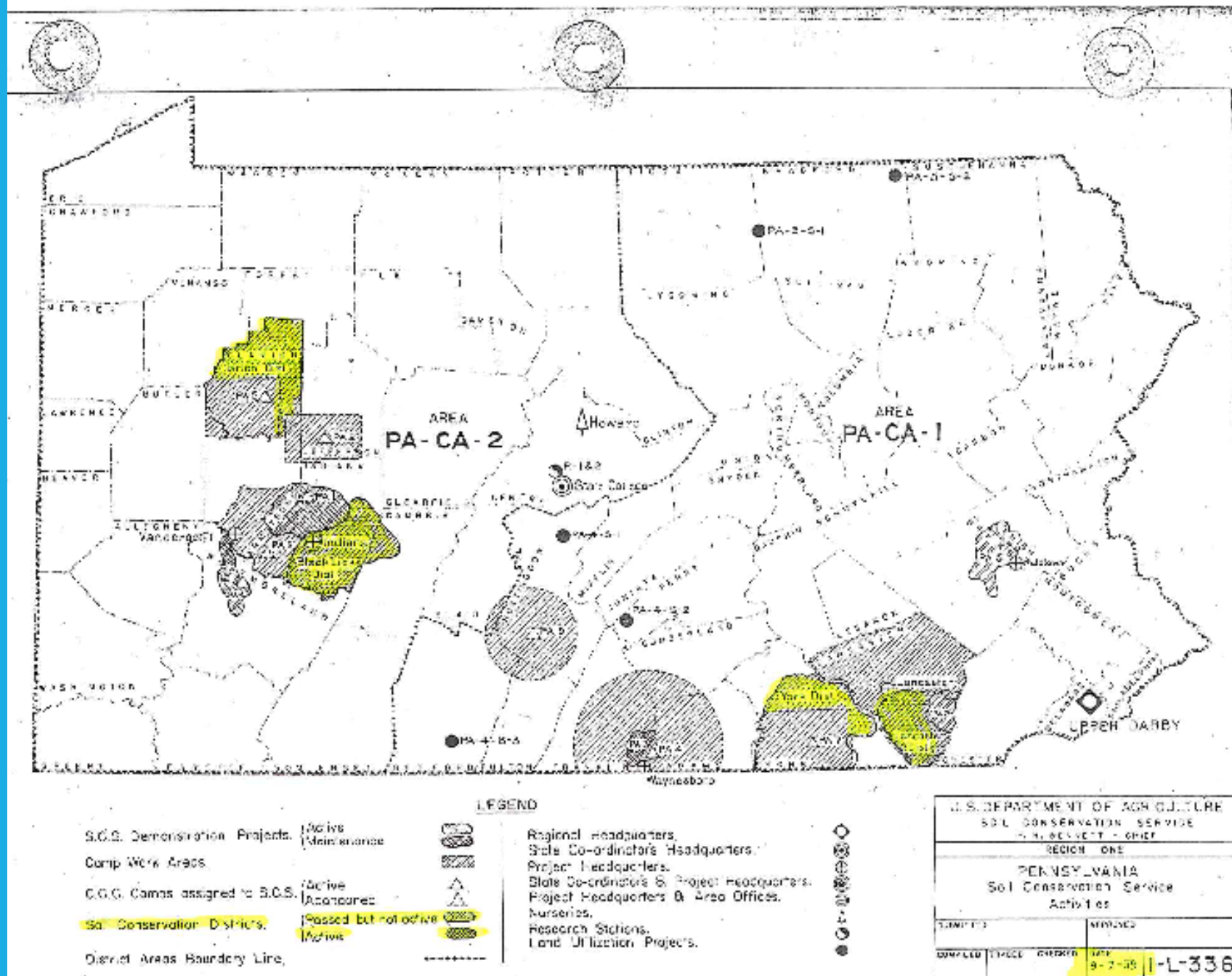
1936 STANDARD STATE SOIL CONSERVATION DISTRICT LAW

- USDA Template for new locally based conservation districts
- Interesting “dance” between federal USDA SCS, Cooperative Extension, Land Grant Universities, state and local governments
- Masterminded by M.L. Wilson Assistant Under Secretary of Agriculture 1934-1940
- Drafted by Philip M. Glick, USDA Legal Counsel
- Ultimately supported by Hugh H Bennett (Chief SCS), Henry A. Wallace (US Secretary of Agriculture) and F.D. Roosevelt (President)
- Delegation of federal program to state & local governments
- Recognition of scope (nationwide) and nature (local) of erosion challenge

PA CONSERVATION DISTRICT LAWS

- 1st PA Conservation District Law: Act Number 557 of 1937
- Similar to federal Std. State Soil Conservation District template
- State Soil Conservation Board created within PDA
 - Assistance to CD (information, advice, funding, etc.)
 - Coordinate programs of districts
 - Secure cooperation of other agencies
 - Oversee creation of districts (petitions, referendums, etc.)
 - Appoint 2 District Directors & oversee election of 3 others
- Districts created by petition/referenda process
- District powers similar to current law, but with land use “ordinance” authorities
- Geographic boundaries “flexible”

PA CONSERVATION DISTRICTS: 1939





ACT 217 OF 1945

PA CONSERVATION DISTRICT LAW (AS AMENDED)

PA Conservation District Law

- Creates State Conservation Commission (SCC)
 - Defines duties & authorities of SCC
- Allows for the creation of “county” conservation districts
 - Defines duties and authorities of conservation districts
- No land-use authority for districts
- Created on county-wide basis by action of county government

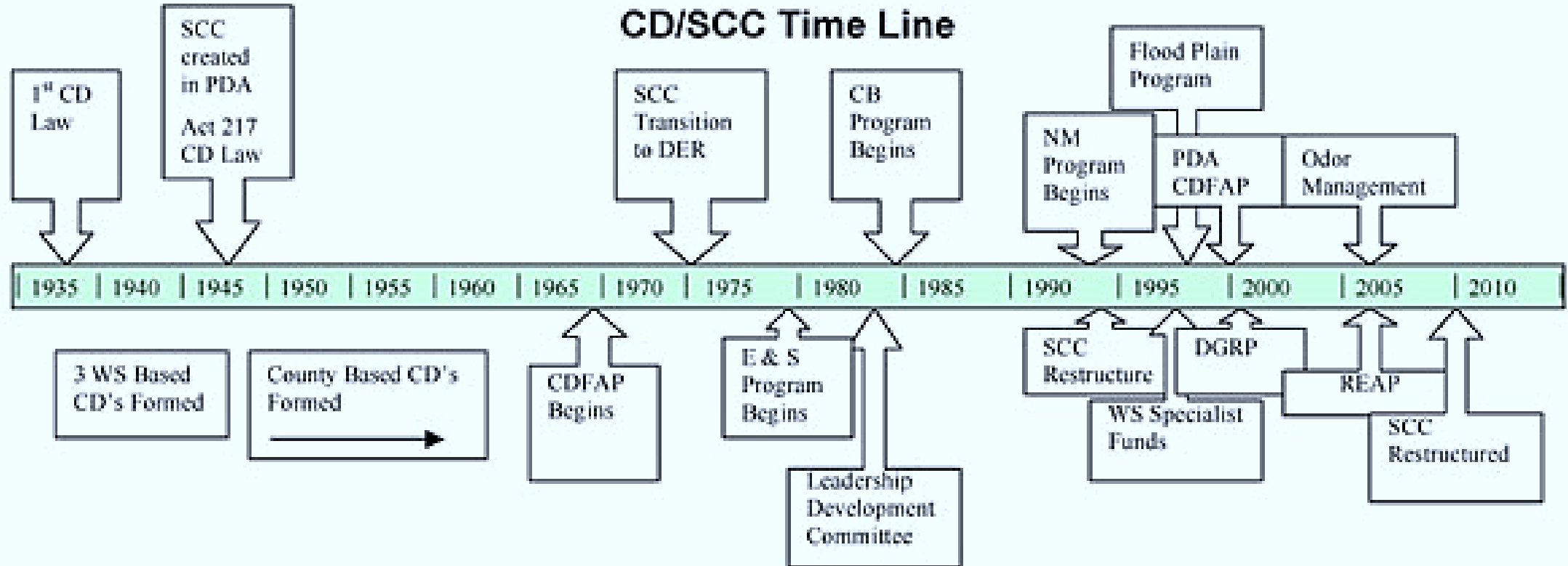
ACT 217 OF 1945

PA CONSERVATION DISTRICT LAW (AS AMENDED)

AN ACT

Relating to the conservation of soil, water and related natural resources and land use practices contributing to soil wastage and soil erosion; providing for the organization of the various counties into conservation districts; the appointment of their officers and employes; and prescribing their powers and duties; creating the State Conservation Commission in the Department of Environmental Resources and fixing its powers and duties relative to the administration of this act; providing financial and legal assistance to such conservation districts and the commission; and authorizing county governing bodies to make appropriations thereto; providing for disposition and operation of existing districts; and repealing existing laws. (Title amended Dec. 19, 1984, P.L.1125, No.221)

CD/SCC Time Line



DECLARATION OF POLICY

SECTION 2

Section 2. Declaration of Policy.--It is hereby declared to be the policy of the Commonwealth:

- (1) To provide for the conservation of the SOIL, WATER and related resources of this Commonwealth, and for the control and prevention of soil EROSION, and thereby to preserve natural resources; assist in the control of FLOODS; assist in developing and implementing plans for STORM WATER management; prevent impairment of dams and reservoirs; assist in maintaining the NAVIGABILITY of rivers and harbors; protect AIR QUALITY; preserve WILDLIFE; preserve the tax base; protect public lands; and protect and promote the HEALTH, SAFETY and general WELFARE of the people of the Commonwealth.
- (2) To designate conservation districts as A PRIMARY LOCAL GOVERNMENT unit responsible for the conservation of natural resources in this Commonwealth and to be responsible for implementing programs, projects and activities to quantify, prevent and control NONPOINT SOURCES OF POLLUTION.
- (3) To authorize and ENCOURAGE conservation districts to work in close COOPERATION with landowners and occupiers, agencies of Federal and State Government, other local and county government units and other entities identified and approved by the commission for the purposes of effectuating programs and policies under this act.



DEFINITIONS

ACT 217: SECTION 3

County Governing Body:

- County Commissioners, or
- County Council

Board of Directors:

Conservation District Board of Directors

CREATION OF CONSERVATION DISTRICTS

SECTION 5

- Created based on petition (request) and or referenda (vote) of county landowners/occupiers
- Created by an action of county governing body (county commissioners or council)
- Action creates a “new” independent entity, not just an expansion of county government
 - *Such a district, upon its creation, shall constitute a public body corporate and politic exercising public powers of the Commonwealth as an agency thereof*
- 66 of 67 counties have districts (Forest County was last in 1972)
- According to Act 217, Districts are:
 - *An independent subdivision of commonwealth,*
 - *More akin to a municipal authority than a county agency,*
 - *With authority to cooperate with landowners/occupiers and any other unit of government (e.g. county, township, state, federal, etc.),*
 - *For any purpose consistent with the Act (i.e. employment of staff, purchase of property, etc.)*

DESIGNATION OF DISTRICT DIRECTORS

SECTION 6

- Seven member board of directors
 - One county commissioner or one county council member
 - Not more than four or less than two **farmers**
 - Not less than two or more than four **public** members
- Always seven members **unless**, upon request of the district and the county governing body, the Commission approves change
- Minimum five and Maximum nine members
- Directors appointed by County Commissioners, from a list of nominees from nominating organizations
- Nominating organization must be approved by SCC
- **District board may appoint associate directors without voting power.**



DEFINITIONS: FARMER & PUBLIC DIRECTORS

3 PA. STAT. § 952

- **Farmer Director** - An individual who is actively engaged in the production of an “agricultural commodity” as a part of a “normal farming operation”, as defined by the Pennsylvania Right to Farm Act (3 PA. Stat. Subsection 952). The spouse of a farmer and a retired farmer who previously met the qualifications of a farmer director shall also qualify.
- **Public Director** - Any individual who does not qualify as a farmer director.
- **New policy (2021)** on former district employees serving as conservation directors (3-year window).



DEFINITIONS: NORMAL FARMING OPERATION

3 PA. STAT. § 952

- **Normal Farming Operation** ⁽³⁾ – The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities and is:
 - Not less than ten contiguous acres in area; or
 - Less than 10 contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.
 - The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to crop dryers, feed grinders, sawmills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

APPOINTMENT; QUALIFICATION; COMPENSATION; & TENURE OF DIRECTORS

SECTION 7

- County Commissioners appointed yearly
- Four year, staggered terms for farmer & public directors
- Residency may be required
- A director shall hold office until a successor has been appointed and has qualified but no longer than six months beyond the four-year period



FILLING BOARD VACANCIES

SECTION 7

Full Terms

- Appointed by the county governing body
- List containing at least one eligible nominee for each director to be appointed
- List shall be composed of eligible nominations submitted in writing by a qualified officer of each of the nominating organizations

Partial Terms

- Unexpired terms shall be appointed by the county governing body as in subparagraph (a) OR
- From a list of the associate directors who have had two or more years of active service with that district and who meet the commission's eligibility criteria for the unexpired term.

FILLING BOARD VACANCIES

- The names and contact information shall be provided to the commission by county within 30 days
- Final list of nominations shall be placed on file by the county governing body and shall be open to public inspection
- Unexpired terms, the county governing body may make appointments from any list prepared in the above manner that has been compiled within the twelve months preceding such appointments.

DIRECTOR COMPENSATION

SECTION 7

- Commissioner member receives no additional compensation
- Other board members serve without pay
 - Exceptions:
 - Reimbursement of actual and necessary expenses allowable
 - Commission (SCC) may, at district's request, approve pay to directors for services rendered on specific projects
 - Per diem allowable (commission establishes terms) & provided funds are made available by the county governing body or by the commission for such purpose

ORGANIZATION OF DIRECTORS

SECTION 8

- Board of directors shall be the **governing body**
- Board leadership elected annually (chairperson, vice-chairperson)
- Secretary and/or treasurer may be elected or appointed
 - May or may not be a member of the board
- Other officers appointed as deemed necessary
- Quorum - A majority of the voting members
- Directors may delegate powers and duties to chairperson, or to one or more directors as they shall deem proper.
- Upon request of commission, directors must furnish copies of such rules, orders, contracts, forms and other documents they adopt or employ and such other information concerning their activities

ORGANIZATION OF DIRECTORS

(CONTINUED)

- Surety bonds shall be executed for any members or employees entrusted with funds or property.
- Board shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.
- Board shall prepare and distribute annual reports.
- Board shall provide for an annual audit of the accounts of receipts and disbursements.
- Board may invite any political subdivision to designate a representative to advise and consult with the district on all questions of program and policy which may affect the property, water supply, or other interests of such political subdivision.
- A director absent from regular district meeting three or more times during a year without due cause may be replaced by the county governing body.
- The county governing body may remove a district director from the district board for malfeasance or misfeasance based on commission guidelines & procedures.

POWERS OF DISTRICTS & DIRECTORS

SECTION 9

1. Conduct surveys & investigations relating to control of soil erosion
- 2a. Employ personnel & provide fringe benefits for employees
- 2b. Provide insurance coverage for directors and employees
3. Carry out preventive/control measures within the district (engineering operations, methods of cultivation, the growing of vegetation, changes in use of land and drainage operations on public and private lands with permission
4. Cooperate or enter into agreements with, and to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district in carrying on erosion and sediment control best management practices; subject to such conditions as the directors may deem necessary; and provided that funds are available
5. Obtain options upon, and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property real or personal or right or interests therein; to maintain, administer and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act; to sell, lease or otherwise dispose of any of its property or interests therein; and to borrow and invest money and to apply for, receive and use low-interest loans in furtherance of the purposes and the provisions of this act;

POWERS OF DISTRICTS & DIRECTORS

CONTINUED

6. Make available within the district, agricultural/engineering machinery and equipment; fertilizer, seeds and seedlings and such other material or equipment as will assist such land occupiers to carry on conservation operations upon their lands for the prevention and control of soil erosion

7. Construct, improve and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this act

8. Assist/advise owners and occupiers of land in developing and/or implementing plans for storm water management, water use, water management and water pollution control, soil erosion control and conservation of water and soil resources, including recommended engineering practices, cultivation methods, cropping programs, tillage practices and changes of land use [very broad scope]

9a. Assist/advise county and municipal governments in subdivision and land development reviews, developing and implementing storm water management plans and programs and in administering programs for flood control, flood plain management, water use, water management and water pollution control and other natural resource concerns [very broad scope]

POWERS OF DISTRICTS & DIRECTORS

CONTINUED

9b. Engage in any of the following activities: wetland construction and maintenance; reclamation of mine lands; reclamation of soil erosion; water management; management of parks, trails and related facilities; management of forest lands and roads; road maintenance; odor management and air quality; development of alternative energy resources; or any other natural resource program approved by the commission [very broad scope]

10. Conduct educational programs relating to any natural resource program approved by the conservation district and to publish related educational materials

11. Accept, upon approval by the commission, any authority delegated by municipal or county governments, the Commonwealth or Federal Government

12a. Sue and be sued in the name of the district

12b. To have perpetual succession unless terminated

12c. To make policies and procedures necessary or convenient to the exercise of its powers

12d. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers

12e. To make, and from time to time amend and repeal, rules and regulations not inconsistent with this act to carry into effect its purposes and powers

POWERS OF DISTRICTS & DIRECTORS

CONTINUED

13a. As a condition to extending any benefits under this act, or to the performance of work upon any lands not owned or controlled by the Commonwealth or any of its agencies, the board of directors may require contributions in money, services, materials or otherwise to any operations conferring such benefits and may require land occupiers to enter into and perform such agreements or covenants as to the long term use of such lands as will tend to prevent or control accelerated erosion thereon.

13b. On lands owned or controlled by the Commonwealth or any of its agencies, the Commonwealth, at its sole discretion, may agree to fee schedules for work performed by the district for State-delegated program duties specifically related to earth disturbance, erosion and sediment control or stream encroachments.

13c. To enter into a contract or agreement with Federal, State, county and local Governments for payment for work performed or services rendered by the district consistent with this act.

POWERS OF DISTRICTS & DIRECTORS

CONTINUED

14. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the Legislature shall specifically so state [note: building not specifically included]

15. To accept contributions of any character from any source whatsoever, but only by and with the consent and approval of the commission, unless the funding is from the Federal, State or local Government or unless specifically authorized so to do by this act

16. To sponsor projects under the Watershed Protection and Flood Prevention Act, U.S. Public Law 566 of 1954, as amended, and the Resource and Conservation and Development Program authorized by Public Law 87-703, the Food and Agriculture Act of 1962, as amended;

POWERS OF DISTRICTS & DIRECTORS

CONTINUED

17. To enter public or private property to make such inspections as are necessary to determine compliance with "The Clean Streams Law"; the "Dam Safety and Encroachments Act," and any rules, regulations, permits or orders issued thereunder, to the extent that such inspection authority has been delegated to a district by the department

18. To establish a program of assistance to environmental advisory councils which may include, but not be limited to, educational services, exchange of information or assignment of administrative and/or technical personnel; and

19. No agent or employee of a conservation district or other Commonwealth agency or political subdivision engaged in the planning, design, construction or regulatory review of soil and water conservation projects and practices under the authority of this act, "The Clean Streams Law," or delegations pursuant to paragraph (2) of section 11 of this act shall be considered to be engaged in the practice of landscape architecture.



COOPERATION ENCOURAGED

SECTIONS 10 & 11

Section 10. Cooperation between Districts.--The directors of any two or more districts organized under the provisions of this act may cooperate with one another in the exercise of any or all powers conferred in this act and, upon approval of the county governing bodies and the State Conservation Commission, may create official special purpose or watershed organizations to solve specific problems of a multicounty or multistate nature.



COOPERATION ENCOURAGED

SECTIONS 10 & 11

Section 11. Commonwealth Agencies to Cooperate.--(1) Agencies of this Commonwealth and agencies of any county or other governmental subdivision of the Commonwealth may cooperate with the directors of any districts organized hereunder in the effectuation of programs and operations undertaken by the board of directors under the provisions of this act.

COMMONWEALTH AGENCIES TO COOPERATE

DELEGATIONS OF AUTHORITY

- DEP and any other state agencies may delegate authority and programs to districts
- Any district acting pursuant to a delegation agreement shall have the same powers and duties of the delegating department, to the extent delegated by the agreement
- Delegating department shall monitor and supervise the activities of each district conducted pursuant to a delegation agreement
- Any person aggrieved by an action of a district pursuant to a delegation agreement may appeal such action within thirty days following notice of such action

COMMONWEALTH AGENCIES TO COOPERATE

DELEGATIONS OF AUTHORITY

- Delegation agreements require “willing buyer” and “willing seller:”
- State agencies “choose” to offer delegation agreements
- Conservation districts “choose” to accept or reject them
- Delegations and contracts are similar, but different
- Legal liability and risk are different



STATE CONSERVATION COMMISSION

SECTION 4

Section 4. State Conservation Commission.—(1) There is hereby created the State Conservation Commission, which shall be a DEPARTMENTAL ADMINISTRATIVE COMMISSION under the CONCURRENT AUTHORITY of the department and the Department of Agriculture, with all the powers and duties generally vested in, and imposed upon, such commissions by the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

STATE CONSERVATION COMMISSION

SECTION 4

- (a) The commission shall be **ADMINISTRATIVELY HOUSED** within the Department of Agriculture and shall be **STAFFED AND SUPPORTED BY** both the department and the Department of Agriculture.
- (b) In order for the commission to fulfill its duties and responsibilities and exercise its authority under this and other acts, an **AGREEMENT SHALL BE EXECUTED** between the Department of Agriculture, the department and the commission which specifically defines and delineates the role and responsibility of each agency in assisting the commission in fulfilling its duties.

STATE CONSERVATION COMMISSION

SECTION 4

(c) **IN ORDER FOR THE COMMISSION TO FULFILL ITS DUTIES** and responsibilities and exercise its authority under this and other acts, the commission, the department and the Department of Agriculture:

(i) **MAY ESTABLISH JOINT OFFICES** in order to facilitate cooperation and coordination of work and to eliminate overlapping functions.

(ii) **SHALL COOPERATE** with each other in the use of employees, land, buildings, quarters, facilities and equipment.

(iii) **SHALL ESTABLISH** a single point of contact for the support, funding, administration and oversight of conservation districts, directors and staff and other cooperating organizations and individuals.

STATE CONSERVATION COMMISSION

SECTION 4

(g) The **CHAIRMANSHIP** of the commission shall **ROTATE** on an annual basis between the Secretary of Agriculture and the Secretary of Environmental Protection with the Secretary of Agriculture chairing the first annual rotation beginning July 1, 2007.

(i) The commission by a majority of its voting members shall select and employ an **INDEPENDENT EXECUTIVE SECRETARY** to serve and report to the commission. The executive secretary shall not be supervised by the Department of Agriculture, the department or any other voting member entity. The commission shall assign the executive secretary duties and responsibilities as required to fulfill its obligations under this and other acts.

STATE CONSERVATION COMMISSION

SECTION 4

(k) At the last regular meeting of the commission in the calendar year, a VICE-CHAIRPERSON shall be elected by the members of the commission and shall serve in that capacity for the ensuing year.

(l) The farmer and public members of the commission shall be appointed for a period of FOUR YEARS and shall hold office until their successors have been appointed and have qualified, but no longer than SIX MONTHS beyond the four-year period. The four farmer members' terms shall be so staggered that no more than one member's term shall expire each year while the two public members' terms shall be so staggered that no more than one member's term shall expire every second year. At the expiration of their terms of office or in the event of vacancies through death, resignation or otherwise, new farmer or public members shall be appointed to fill the unexpired terms of the members they are replacing. All FARMER AND PUBLIC MEMBERS OF THE COMMISSION SHALL BE ENTITLED TO ONE HUNDRED FIFTY DOLLARS (\$150) PER DIEM ADJUSTED EVERY FOUR YEARS FOR INFLATION PLUS REIMBURSEMENT FOR REASONABLE TRAVELING, LODGING AND OTHER NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES IN ACCORDANCE WITH COMMONWEALTH REGULATIONS.

STATE CONSERVATION COMMISSION

SECTION 4

(2) At the request of the commission, the Attorney General and/or Office of General Counsel of the Commonwealth **WILL PROVIDE SUCH SERVICES AS THE COMMISSION** may require. With respect to **ANY PROGRAM DELEGATED** by any department of the Commonwealth to a conservation district pursuant to section 11(2), at the request of the commission, the Attorney General and/or Office of General Counsel **WILL PROVIDE SUCH SERVICES AS THE CONSERVATION DISTRICT MAY REQUIRE**. With respect to the performance of any duties or functions delegated to a conservation district by any department of the Commonwealth pursuant to section 11(2), the Commonwealth **WILL DEFEND AND INDEMNIFY DISTRICT DIRECTORS, ASSOCIATE DIRECTORS AND DISTRICT EMPLOYEES TO THE SAME EXTENT AS IT DEFENDS AND INDEMNIFIES COMMONWEALTH EMPLOYEES, AND SUCH DIRECTORS, ASSOCIATE DIRECTORS AND EMPLOYEES SHALL HAVE ALL IMMUNITIES AFFORDED BY LAW TO COMMONWEALTH EMPLOYEES.**

STATE CONSERVATION COMMISSION

SECTION 4

(5) In addition to the duties and powers herein conferred upon the commission, it shall have the following duties and powers:

(a) To offer such TRAINING, ASSISTANCE AND CERTIFICATION as may be appropriate to the directors, staff and volunteers of conservation districts;

(b) To KEEP THE DIRECTORS of each of the districts GENERALLY INFORMED of activities and experience useful to other districts;

(c) To APPROVE and coordinate the PROGRAMS of the conservation districts or projects; to APPORTION among the several districts or to any agency of the Commonwealth, the United States or cooperating organizations any FUNDS allotted from State, Federal or other sources; TO BE RESPONSIBLE FOR THE EXPENDITURES OF SUCH FUNDS BY THE DISTRICTS; AND TO ESTABLISH STANDARDS FOR CONSERVATION DISTRICT AUDITS;

STATE CONSERVATION COMMISSION

SECTION 4

- (d) To SECURE THE COOPERATION AND ASSISTANCE of any governmental agency and to be THE AGENCY through which government AID in land and water management and conservation of related resources CAN BE EXTENDED TO PRIVATE LANDS;
- (e) To DISSEMINATE INFORMATION concerning the activities and programs of the conservation districts and to encourage the formation of such districts in areas where their organization is desirable;
- (f) To ACCEPT CONTRIBUTIONS OF MONEY, services or materials to carry on land and water management and conservation of related resources under the provisions of this act;
- (g) To designate the ORGANIZATIONS within the county that may act in NOMINATING persons for appointment as directors, as provided in section 6 of this act. Such designations may be changed from time to time as conditions may warrant;

STATE CONSERVATION COMMISSION

SECTION 4

- (h) To approve applications for projects and recommend priorities for planning for watershed applications under the Watershed Protection and Flood Prevention Act, U. S. [PUBLIC LAW 566](#) of 1954, as amended;
- (i) To approve applications for projects and recommend priorities for planning for applications under the [RESOURCE AND CONSERVATION AND DEVELOPMENT PROGRAM](#) authorized by Public Law 87-703, the Food and Agriculture Act of 1962, as amended;
- (j) To approve applications and recommend priorities for [OTHER FEDERAL PROGRAMS](#) requiring State Conservation Commission participation;

STATE CONSERVATION COMMISSION

SECTION 4

- (k) To provide assistance through conservation districts to **ENVIRONMENTAL ADVISORY COUNCILS** created by municipalities pursuant to the act of December 21, 1973 (P.L.425, No.148), referred to as the Municipal Environmental Advisory Council Law;
- (l) To **APPROVE THE DELEGATION OF AND CONTRACTING** for certain functions and powers to districts and to monitor district activities in response to delegated functions and powers otherwise accepted by or contracted to districts;
- (m) To **REVIEW FEES FOR SERVICES** established by conservation districts for the purpose of determining if such fees are reasonable in relation to the scope of the service to be provided;
- (n) To develop, implement and enforce **PROGRAMS** which meet the purposes of this act, including nutrient management and odor management under 3 Pa.C.S. Ch. 5 (relating to nutrient management and odor management) and resource enhancement and protection tax credits under Article XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

STATE CONSERVATION COMMISSION

SECTION 4

(6) The commission shall have the power to RECEIVE such FUNDS as appropriated, given, granted or donated to it, or to the program provided for in this act by the Federal Government, the Commonwealth or any other governmental or private agency or person, AND SHALL USE SUCH FUNDS FOR THE CARRYING OUT OF THE PROVISIONS OF THIS ACT. The commission MAY ALLOCATE such FUNDS, or parts thereof, TO THE CONSERVATION DISTRICTS OR TO ANY AGENCY of this Commonwealth, the United States, or cooperating organization. Funds so allocated shall be apportioned in an equitable and just manner at the discretion of the commission, but the decision of the commission shall be final.

(7) The commission shall have the power to administer GRANT, LOAN AND TAX CREDIT PROGRAMS for landowners to implement non-point source and other best management practices on their properties.

SECTION 14: FUNDING

Section 14. Funding.-

(a) The General Assembly of the Commonwealth shall appropriate from time to time as may be necessary, moneys out of the General Fund to administer the provisions of this act.

(b) There is created a special fund in the State Treasury to be known as the CONSERVATION DISTRICT FUND. State funds appropriated for assistance to local conservation districts shall be deposited in the fund. All money in the fund and the interest it accrues are appropriated to the commission for allocation to the conservation districts for activities necessary to meet the requirements of this act.

SECTION 14: FUNDING

- (c) The fund may be supplemented by moneys received from the following sources:
- (1) **STATE FUNDS** appropriated to conservation districts or the commission.
 - (2) **FEDERAL FUNDS** appropriated to conservation districts, the commission or other agencies of the Commonwealth.
 - (3) Programs **DELEGATED** to or **CONTRACTED** to conservation districts by any agency of the Commonwealth.
 - (4) Proceeds from the sale of any **BONDS** made available to the commission.
 - (5) **GIFTS** and other **CONTRIBUTIONS** from public and private sources.
 - (6) Any **FEES** collected by the commission.

SECTION 14: FUNDING

- (d) The commission shall have the **DUTY AND AUTHORITY** to do all of the following:
- (1) **ADOPT CRITERIA AND PROCEDURES** for the allocation of moneys in the fund.
 - (2) **CREATE ACCOUNTS** within the fund for the purposes of providing funding for the programs authorized by this act.
 - (3) Provide for provisions to make **ADVANCE PAYMENTS** and **REIMBURSEMENTS** to conservation districts for approved purposes.
 - (4) **MAKE PAYMENTS** to conservation districts or any agency designated by the commission in accordance with the requirements of the agency from which the funds originated.

SECTION 14: FUNDING

(e) FUNDS allocated to conservation districts SHALL BE USED FOR costs associated with implementing PROGRAMS DELEGATED OR CONTRACTED by the Commonwealth, ENVIRONMENTAL EDUCATION, PROGRAMS TO PROTECT THE ENVIRONMENT APPROVED BY THE COMMISSION **or** for ACTIVITIES NECESSARY TO MEET THE REQUIREMENTS OF THIS ACT.



For resources on PA Conservation History:
<https://paconservationheritage.org/>

THANK YOU

Upcoming Fall Leadership Webinars:
Wednesday November 13 :: Applicable Laws & Policies
Wednesdays December 4 & 11 :: District Boards Function & Engagement

