

DRAFT

## **MINUTES**

### **AGRICULTURAL ADVISORY BOARD MEETING February 18, 2009**

DEP South Central Regional Office  
Susquehanna Room A  
Harrisburg, PA

#### **In Attendance – Members**

**Larry Breech, PA Farmers Union**  
**Michael Brendle, Poultry Producer**  
**Kristine Ebersole, representing Senator Michael Brubaker, PA Senate**  
**Michael Firestine, Agri-business**  
**Barry Frantz, USDA Natural Resources Conservation Service**  
**Diane Hain, representing Representative Michael Hanna, PA House**  
**Duane Hobbs, Agricultural Chemicals Manufactures**  
**Jay Howes, representing Representative Sam Rohrer, PA House**  
**Betsy Huber, PA Grange**  
**David McElhaney, Livestock Producer**  
**Cathy Curran Myers, PA Department of Environmental Protection**  
**Michael Pechart, PA Department of Agriculture**  
**Walt Peechatka, PennAg Industries**  
**Joel Rotz, PA Farm Bureau**  
**Gerald Seyler, Grain Producer**  
**William Wells Jr., Ornamental Horticulture**

#### **In Attendance - Agencies, Advisors, and Guests**

**Mary Bender, State Conservation Commission**  
**Rob Davidson, PA Department of Agriculture**  
**Craig Derickson, USDA Natural Resources Conservation Service**  
**Grant Gullibon, Pennsylvania Builders Association**  
**Kelly O'Neill, Chesapeake Bay Foundation**  
**Gregg Robertson, Pennsylvania Landscape and Nursery Association**  
**Ken Murin, Frank Schneider, Steve Taglang, Department of Environmental Protection**

The February 18, 2009 meeting of the Agricultural Advisory Board (AAB) was called to order by Chairman Michael Firestine at 10:15 a.m.

Chairman Firestine announced that the following members had asked to be excused:

William Evans, representing Senator Michael O'Pake, PA Senate  
Keith Masser, Vegetable Producer  
John R Peters, Fruit Producer  
Thomas Williams, Dairy Producer

Chairman Firestine announced that a new member to the AAB is William Evans. William Evans is the Executive Director of the Senate Agriculture and Rural Affairs Committee, in Senator Michael O’Pake’s office. William replaces Neil McAuliffe, who retired effect January 1, 2009.

Chairman Firestine announced that copies of the DEP six month regulatory rolling agenda are available on the table and were e-mailed by Frank Schneider.

Minutes from the December 17, 2008 meeting were read, and approved as written.

**Horticulture Industry** – Gregg Robertson, from the Pennsylvania Landscape and Nursery Association, provided information of the association, the landscape and nursery industry, and the association’s position on “green industry”.

Mr. Robertson reported that the Pennsylvania green industry consists of landscape contracting, nurseries, and green houses. The industry is valued at approximately 5.6 billion dollars and has experience roughly an 11% yearly growth. It was also reported that the landscape and nursery business is considered agriculture, supports Pennsylvania largest cash crop, and is Pennsylvania’s third largest agriculture sector.

Mr. Robertson reported, and provided documentation as a handout, that there are many benefits to the green industry. He went into specifics on the benefits of the green industry on carbon sequestration, water quality, biodiversity, green roofs, health care and hospitals, workplaces, schools and children, and neighborhoods and crime.

In summary, Mr. Robertson, explained that presently the benefits of the green industry are undervalued. Mr. Robertson also advised that any build project should include considerations of green elements.

Mr. Mike Firestine asked about some of the green roof data from Chicago and if there was any supporting numbers. Mr. Robertson answered that Chicago leads the nation in green roof technology. Mr. Wells also added that Penn State University has 3 green roofs on campus.

Mr. Barry Frantz asked if the PA Landscape and Nursery Association offers any conservation programs or if any issues arise with conservation programs. Mr. Robertson said that there have not been any major issues but he sees stormwater concerns arising. The Association also does not have any current programs.

Mr. Jay Howes asked if the Association was looking at green projects for odor control. Mr. Robertson answered that the PA Association is not looking at it currently but he anticipates the national association funding research on the topic.

Mr. Walt Peechatka asked about the health benefits of gardening. Mr. Robertson mentioned several studies that showed person are less preoccupied with their weight, have long term weight loss, and gardening has aerobic and psychological effects.

Mr. Joel Rotz asked how the economy is affecting the industry. Mr. Robertson mentioned that the industry is not feeling any negative effects at this time, but this spring will be a true test. He also mentioned that the industry believed that it was recession proof, but has come to realize that it is not.

Ms. Betsy Huber questioned if Mr. Robertson was aware of the situation with a Bucks County Garden Center and a township issue. Mr. Robertson mentioned that since nurseries are considered agriculture, the garden center has asked the Attorney General to review the case under the Agriculture, Communities, and Rural Environments (ACRE) legislation.

Mr. Steve Taglang asked if Mr. Robertson had a breakdown of the 5.6 billion dollar industry figure. Mr. Robertson did not have a breakdown with him, and offered to provide it to the Board. *Note: The study was e-mailed to members on February 19, 2009 by Frank Schneider.*

**Update, Chapter 102 Regulations** – Ken Murin and Steve Taglang, DEP Bureau of Watershed Management, presented the concepts, and an overview, of the proposed changes to the Chapter 102 regulations. The proposed regulations will cover all earth disturbance activities and are being updated due to changes in The Environmental Protection Agencies (EPA) National Pollution Discharge Elimination System (NPDES) regulations.

New to the regulations will be an additional Permit by Rule (PBR) option. The PBR option will only be available in certain low impact areas and a riparian buffer will be required. This proposed PBR will be optional, and traditional development will still covered under Chapter 102. PBR applicants must use the DEP BMP manual and Post Stormwater Control (PSWC) Manual and be signed, sealed, and certified by a Professional Engineer or geologist. Deputy Secretary Cathy Myers added that PBR will enhance the installation of more green practices.

Mr. William Wells asked if DEP is suggesting native plants in the PBR. Deputy Secretary Myers answered that the PSWC Manual includes a listing and suggestion of native plants for different practices.

Mr. Steve Taglang added that the agricultural section of Chapter 102 has not changed conceptually since the ideas were brought before the AAB in December 2007. The concepts include: plowing and tilling was changed to agricultural cultivation; animal heavy use areas; equine operations; and Soil Tolerance (T) values over the life of the rotation.

Mr. Taglang also mentioned that DEP will rely on the Natural Resources Conservation Service (NRCS) Soil and Water Technical Manual for conservation plan and animal heavy use area guidelines.

He anticipates that the draft proposed Chapter 102 regulation package will be reviewed at a February 25th special meeting of the Water Resources Advisory Committee (WRAC), the April 15th Agricultural Advisory Board meeting and considered by the Environmental Quality Board (EQB) in June.

Mr. Walt Peechatka asked if the AAB would have time to review the proposed package before the April 15<sup>th</sup> meeting. Deputy Secretary Myers said that the package should be released to AAB members in March.

Mr. Jay Howes asked how farm lanes are going to be treated in the revised regulations. Mr. Taglang mentioned that DEP is not currently looking at farm lanes as an agricultural activity, but rather they would be treated as roads, and the construction, operation and maintenance of farm lanes would fall under the general provision of Chapter 102. Mr. Rob Davidson asked if there was a degree or scope for farm lanes and if DEP would try to regulate according to PennDot standards. Deputy Secretary Myers answered that DEP will need to train personnel on the review of plans that include farm lanes and that farm lanes are part of the farms conservation plan and not PennDot or township roads. More guidance on farm lanes is expected.

**Marcellus Shale, How it affects Agriculture and Bio-Security** – Rob Davidson, Pennsylvania Department of Agriculture (PDA), spoke on the affects of the Marcellus Shale drilling on agriculture and bio-security. Mr. Davidson mentioned that 2/3 of the state has the potential to have Marcellus shale drilling. He mentioned that this has huge economic benefits for agriculture and the PDA supports and encourages the Marcellus shale development.

Mr. Robertson reviewed other affects on agriculture including impacting multiple generations, considerations before signing a lease, obtaining legal advice, tax and estate planning, other mineral rights, negotiating the location of the well and pipelines, replacement of topsoil, pipes below tillage depth, etc., fencing around equipment, gates/security around wells, improvements to lanes/roads and final improved surface, Erosion and Sediment control measures, Bio-Security, symmetric work, and lease termination. Mr. Robertson also touched on the subject of knowing who you are signing a lease with. Is it an actually drilling company or a broker that will try to resell the lease to a drilling company.

Mr. Robertson mentioned that the Farmland Preservation Program does allow the leasing of oil and gas rights, but it needs to be balanced. He also mentioned that clean and green taxes are administered at the county level and it is up to the individual county to determine if and when roll back taxes need to be paid. Mr. Robertson mentioned that some legislation may be proposed to make it consistent between counties.

Mr. Robertson mentioned that the bond that DEP requires of well driller is only for environmental issues and not a bond for farmers that loss crops, etc.

Ms. Diane Hain asked how much land the state has leased. Mr. Robertson answered that he did not know the exact figure but that the Department of Conservation and Natural Resources (DCNR) has leased roughly 75,000 acres.

Mr. David McElhaney inquired if he expects a loss of agriculture land since many farmers will use leasing as a retirement package. Mr. Robertson answered that the PDA believes agriculture and gas exploration can co-exist, and when a farmer retires, that land may be available for rent to other farmers. Mr. Robertson did advise if a farmer sells his land, rather than renting, they should keep a percentage of the mineral rights.

Mr. Walt Peechatka mentioned that Bio-security is very important and DEP should include and incorporate bio-security language in our oil/gas permits.

**Farm Bill Targeted Watershed Effort** – Craig Derickson, Natural Resources Conservation Service (NRCS) State Conservationist, presented on a targeted watershed effort that will be employed with the new Chesapeake Bay Watershed Implementation Grant (CWIG). The CWIG was recently funded in the 2008 federal farm bill and provides 23 million dollars in the entire bay watershed, with PA positioned to receive 5.5 million dollars for 2009. The CWIG funds will be used thru existing NRCS programs and all lands within the Chesapeake Bay drainage are eligible. Mr. Derickson mentioned that at a listening session for the CWIG, four major themes were repeated including focusing on priority locations, promoting priority practices, leveraging technical assistance, and monitoring and evaluation cooperation

Mr. Derickson reported that NRCS, and its partners, identified small watersheds that had the most potential to affect agriculture impacts on water quality. The criteria used included, nutrient yields and water quality impairments related to agriculture, anticipated water quality response, and implementation opportunities. The four watersheds that were chosen include the Conewago, Quittapahilla, Kishacoquillas, and Codorus. Mr. Derickson made it clear that these four watersheds were priorities but that all lands within the Chesapeake Bay drainage are eligible for CWIG funding. Mr. Derickson reported that priority practices to be installed will be those practices that are highly effective in controlling sediment and nutrients and can be readily installed by most farmers. These practices include no-till or reduced till, cover crops, planning, and buffers.

Mr. Derickson reported that NRCS will have to collaborate with federal, state, and local partners to add capacity to technical assistance. Assistance will be needed with outreach, education, farmer contact, implementation, and data collection. NRCS estimates that is only has about ½ of the staff needed to fully implement the CWIG and it will be looking to its partners for assistance. Mr. Derickson mentioned that the CWIG funds are limited to four years, so NRCS and its partners need to be flexible, adjust to change, and spend dollars fast.

Mr. Mike Firestine asked if any members of the AAB or public had any comments.

There being no additional discussions, the meeting was adjourned at 12:25 p.m.