

Secretary Seif Speaks Of The New Farmer Friendly DER

EVERETT NEWSWANGER
Managing Editor

HARRISBURG (Dauphin Co.) — In discussion of the impending legislation that would split the Department of Environmental Resources (EPA) into two new departments, Pennsylvania State Secretary James Seif said the House had passed the measure 193 to 6 last week, and it was being discussed in Senate committee as he spoke to the Council of Farm Organizations Monday morning. The new divisions would be the Department of Conservation and Natural Resources (DCNR) and the Department of Environmental Protection (DEP).

(Editor's Note: See Vern Achenbach's report on the background and update of this "split up" legislative activity.)

Seif said his department needed to work on attitudes and gave three principles that are to be incorpor-

ated into DER or the subsequent departments as the new way to work with farmers. The principles Seif proposed are:

- Moderation: problem solving rather than only enforcement.
- Integrity: to include intellectual, political and scientific integrity.
- Communication: work with ag advisory boards to get input for what is practical. "I think in communication we have a very solid framework between the administration and the agricultural community that goes way back to Tom Ridge's earliest campaign days," Seif said.

Wetlands have become an agricultural/environmental topic that has many farmers and developers at odds with DER. "We looked early on at the wetlands program, and we confirmed what you have been saying," Seif said. "A lot of it was not consistent with the federal program. We have too

many disputes and discussions over very minor issues. We discovered that 80 percent of our permit applications involved wetlands of less than a half acre. And there was no organization to help match wetlands replacement projects with land owners who desired to have such projects."

Because of these problems Seif said the following proposals are at the top of his agenda:

1. State regulations will be consistent with federal requirements using the 1987 manual.
2. Converted wetlands into agricultural production prior to 1985 that are still in production shall be exempt from wetlands regulations.
3. A voluntary registry of land owners that have created wetlands on their property shall be kept. The registry will be made available to permit applicants and organizations seeking available sites for wetlands projects.

4. Permit requirements shall be simplified. He proposes a general permit to allow the filling of up to half an acre of wetlands for the construction of homes within established subdivisions. Applicants would contribute to the National Fish and Wildlife Foundation at a prescribed rate so that improvements can be brought about in real existing valuable wetlands rather than mud puddles. This should be done to gain the benefit of wetlands throughout the state without dickering over five-tenths of an acre.

5. Make wetlands replacement and improvements easier and more affective. Seif's goal is to create more wetlands than the law requires.

6. Create a wetlands management advisory board of 16 members appointed by the deputy secretary for water management. Proposed members are to come, four from business/industry; four

from environmental groups; four from state and local governments; two from federal government; and two citizens. Ag groups took issue with the make-up of this board because it contained no specific agricultural representatives.

7. Work with the State Department of Transportation to establish advance wetland compensation sites to satisfy the mitigation requirements for unavoidable wetland impacts resulting from construction and maintenance activities.

"Our purpose is to protect on a long term basis real wetlands and create more real wetlands," Seif said. "Wetlands do have environmental value, but we also want to make sure business, agriculture, and landowners can meet regulation requirements without going broke. I hope these items have your attention and that you will help us to get them right and implement them into an effective program.

State Legislators Reorganize Environmental Government

VERNON ACHENBACH JR.

Lancaster Farming Staff
HARRISBURG (Dauphin Co.) — The state Legislature is expected to soon approve legislation that would reorganize cabinet-level agencies that administer environmental law.

Provisions in the reorganization plan actually have several implications for agriculture.

The action is a fulfillment of Gov. Tom Ridge's campaign promise to narrow the responsibilities of the state Department of Environmental Resources (DER), and create a separate cabinet-level department that would deal with the state's forests, parks and other natural resources.

House Bill 1400, with 73 co-sponsors in the House, has been approved twice on the full Senate floor, having received, as of Thursday, only two minor amendments that correct language.

Though nothing in state politics is certain, the bill is expected to receive approval on third consideration before the Senate (possibly this coming week), receive concurrence from the House on the amendments, and be signed into law by the governor.

As written, the law would go into effect July 1, if the governor signs.

The proposed law would be called the Conservation and Natural Resources Act to reflect the creation of a new state department. The governor would appoint a secretary of conservation and natural resources to oversee the department.

The gist of the proposal is not complicated, though specifics may be for those not familiar with the structure of state government.

Basically, the 70-page proposal is to create a new department that would take over control of the state's forests, state parks, recreational and heritage programs, and inventory and manage the state's natural resources.

The name of the new department would be the Department of Conservation and Natural Resources (DCNR).

At the same time, a much trimmed DER would be renamed to the Department of Environmental Protection (DEP) and focus on enforcement, though with a directive to work with citizens and industry to achieve a safe and

healthy environment.

Three other state departments would be affected if the proposal is made law.

The Department of Community Affairs' Bureau of Recreation and Conservation would become a DCNR bureau.

The Department of Health would pick up several responsibilities concerning living conditions and public health that had been DER's purview.

The Department of Agriculture would pick up responsibility for enforcing the Seasonal Farm Labor Act.

More specifically, the DCNR would assume all the responsibilities and people and funds previously allocated to DER for the management, administration and regulation of the forest and park bureaus, as well as picking up responsibility for community recreation and heritage conservation programs that were previously assigned to the state Department of Community Affairs.

The proposal would also empower the DCNR to commission officers who would have regular police powers to "... preserve order in the state parks and state forests ..."

According to the proposal, its intent is to "... create a new Department of Conservation and Natural Resources to serve as a cabinet-level advocate for our state parks, forests, rivers, trails, greenways and community recreation and heritage conservation programs to provide more focused management of the commonwealth's recreation, natural and river environments.

"The primary mission ... will be to manage state forest lands to assure their long-term health, sustainability and economic use, to provide information on Pennsylvania's ecological and geologic resources and to administer grant and technical assistance programs ..." that help it achieve its role as advocate for the state's natural resources.

The reason for these proposed changes are many, but more or less add up to the fact that DER has become too large, unfocused and underfunded to take proper care of the forests, park systems and other resources of the state, in addition to handling the wide spectrum of environmental concerns that exist

today, such as nuclear waste, reactors, heavy metals, air pollution devices, toxic waste, wastewater and water treatment, storm water runoff, landfills, solid waste, etc.

A long list of "findings" included in the proposal outline the deficiencies in giving proper attention to the state's natural resources.

There has also been a political effort to get state government to help develop some of the apparent economic potential inherent in the state's resources.

The proposal acknowledges that the tourism and recreation industry is the second largest, next to agriculture, in the state.

Given the proximity of the state to the heavily populated East Coast cities (practically one continuous megalopolis), it is considered that the potential to boost this industry is great and would mean economic growth in many areas of the state, as well as benefiting the living conditions here.

Support for the proposal is strong and has been growing for some time — the first secretary of DER, Maurice Goddard, had called for the division of DER about 10 years ago.

The current secretary of DER has also been an outspoken supporter of the idea.

Initially, current regulations will stay the same, until the new agencies have opportunity to review and revise them.

At another level, the proposed change also eliminates the Pennsylvania Energy Office and gives the new DEP responsibility over energy conservation, assistance and alternative fuels.

Meanwhile, the Department of Health is to take over DER powers and duties in the "... control of nuisances from grounds, vehicles, apartments, buildings and places within this (sic) Commonwealth, to the sanitary condition of tenements, lodging and boarding houses, to management of the sanitary affairs of this Commonwealth, the issuance of waterworks permits and to the control of water pollution."

The Health Department would also take over annual "... registration of organized camps for children, youth and adults ..." and the Public Bathing Law.

Conservation Commission
Also contained in HB1400 is a

proposal to cut some of the strings that DER had to the State Conservation Commission (SCC).

This proposal comes directly as a result of some political uneasiness about the state Nutrient Management Act. Under the act, the SCC is to serve as the enforcement agency.

There has been some concern that with the relationships between the SCC and DER, that enforcement of the nutrient management act might come with too much input from environmental protection advocates.

The prime mover for this addition to the proposal comes from Lancaster Rep. John Barley, who had earlier called for the SCC to be transferred to PDA entirely.

However, while that met with resistance from many political entities including agriculture, the current proposal has been widely approved, except for a few objections from strong environmental protectionists.

This proposal would modify slightly the SCC, in that the chairmanship of the commission would no longer be given automatically to the secretary of DER (in the future DEP).

Instead, the state secretary of agriculture would share those duties, with the two secretaries alternating chairmanship annually.

The staff of the SCC currently is comprised of DER employees. That would change with the executive secretary of SCC not being connected to either DEP or PDA.

Further, PDA would be directed

to support the SCC in with enforcement of laws when dealing with production agriculture.

According to the proposal, "... the secretary of agriculture shall designate an office and staff within that agency to coordinate and assist in the development, implementation and enforcement of programs adopted by the (SCC) that solely affect production agriculture."

Not only that, but that PDA office and staff are to act as advocate for production agriculture "... in the development of programs by the (SCC), assist in developing methods of managing excess manure in an environmentally sound manner, develop programs to assist those engaged in production agriculture to comply with the Nutrient Management Act and act as an ombudsman to help resolve issues related to county conservation district implementation of (SCC) programs solely affecting production agriculture."

At the same time, the secretary of DEP is designate its own office and staff to help the SCC with matters concerning the protection of surface and groundwater.

Further, as the SCC enforces the Nutrient Management Act, when violations are discovered that are violations of the state's Clean Streams Law then the DEP office and staff are to assist the SCC.

When any other types of possible violations are discovered in the course of enforcing the Nutrient Management Act, PDA's designated office is to assist the SCC.

Colemans Win Top Honors With Beef

CLAYTON, N.J.—Two young Salem County brothers, Tim and Grant Coleman, and their crossbred steers took top honors at the South Jersey Beef Show held at Mullica Hill on May 13.

Tim, of Elmer, was awarded grand champion, while brother Grant won reserve champion. The Colemans, along with other young cattlemen and cattlemen from all over New Jersey, fitted and showed their steers and heifers at the annual preview show designed to allow youth to work their animal for the first time this season.

Other winners included: Crystal Dixon of Baptistown—Grand Champion Heifer and Reserve Champion Angus Steer; Brit-

tany Dixon of Baptistown—Reserve Champion Angus Heifer; Shaun Burger of Pitman—Grand Champion Polled Hereford Heifer; April Daley of Frenchtown—Reserve Champion Polled Hereford Heifer; Grand Coleman of Elmer—Grand Champion Simmental Heifer and Overall Grand Champion Heifer; Tom Capecci of Franklinville—Grand Champion Simmental Steer; Amanda Sylvester of Williamstown—Reserve Champion Simmental Steer; April Daley of Frenchtown—Grand Champion Polled Hereford Steer; Rose Marie Sylvester of Williamstown—Grand Champion Angus Steer; Showmanship in the Older & Bolder Division was won by Mr. Denny Dare of Montrossville. Fitting & Showmanship Division: Kevin Bishop of Elmer—Junior Fitting & Showmanship; Britty Dixon of Baptistown—2nd Place - Junior Fitting & Showmanship; Crystal Dixon of Baptistown—Intermediate Fitting & Showmanship; Shaun Burger of Pitman—2nd Place - Intermediate Fitting & Showmanship; Grand Coleman of Elmer—Senior Fitting & Showmanship; Steve Burger of Pitman—2nd Place - Senior Fitting & Showmanship.