

MINUTES

CONSERVATION AND NATURAL RESOURCES ADVISORY COUNCIL (CNRAC)

May 26, 2021

MEMBERS PRESENT

Rocco Ali, Member
Silas Chamberlin, Member
Greg Goldman, Member
Meredith Graham, Secretary
Sarah Hall-Bagdonas, Member
Dean Jackson, Member
Joanne Kilgour, Member
Bob Kirchner, Vice Chair
Gary Kribbs, Member
Geraldyn Singer, Chair
Steve Stroman, Member
Janet Sweeney, Member
Ted Tharan, Member
Dave Trimpey, Member

DCNR

Cindy Dunn, DCNR Secretary
Gretchen Leslie, CNRAC Advisor

ADMINISTRATOR

Katrina Harris, CNRAC Administrator

GUESTS PRESENT

Eric Nelson, DCNR, Director of Legislative Affairs (presenter)
Ryan Szuch, DCNR, Section Chief, Forest Resource Planning, Bureau of Forestry (presenter)
Audrey Miner, DCNR, Chief Counsel (presenter)
Meredith Hill, DCNR
Nate Lotze, DCNR
Chris Novak, DCNR
Nicole Faraguna, DCNR
Matt Keefer, DCNR
Alex MacDonald, DCNR
Stacie Amsler, DCNR
John Norbeck, DCNR
Aara Vinsh, DCNR
Jake Newton, DCNR
David Hess, PA Environment Digest Blog
Sarah Corcoran, Sierra Club
Elizabeth Krug, PSSA
Nancy Baker
Jack Clark, DCNR ATV/Snowmobile Advisory Council
Griffin Caruso, PA House of Representatives

WELCOME

Ms. Gretchen Leslie opened the meeting and welcomed everyone to CNRAC's virtual meeting for May 2021. Ms. Leslie read a list of Council members present. She stated Council members have the ability to interact with presenters and have discussions among themselves, and the general public will have an opportunity to speak at the end of the meeting. She stated the meeting is being recorded, and by participating, consent is being given to the recording, retention and use of the session recording. She advised no one had pre-registered to make comments, but if after hearing the presentations, anyone is interested in making a comment, they can place their name and topic in the Chat feature, and they will be acknowledged during the public comment period.

Ms. Leslie introduced some of the DCNR staff present. She also acknowledged the individuals joining the virtual audience.

Geralyn Singer, Chair, expressed appreciation for everyone taking the time to attend and DCNR's support of the virtual meeting. She also thanked the individuals presenting today who will be providing information and sharing ideas.

APPROVAL OF MINUTES

Council unanimously approved the March 24, 2021 minutes.

COUNCIL REPORT

Geralyn Singer, CNRAC Chair

Ms. Singer mentioned the Council had held the first in a series of CNRAC Conversations which focused on equity in the outdoors and how social barriers inhibit participation in and enjoyment of Pennsylvania's outdoors. She noted two CNRAC work groups, Communications & Outreach (led by Sarah Hall-Bagdonas) and Diversity, Equity and Inclusion (led by Joanne Kilgour), had developed the session, along with work group members, DCNR staff, and CNRAC's Administrator. She thanked everyone who had helped with the session. Ms. Singer stated the information gained from the session will help CNRAC as it makes recommendations to DCNR for future programming. Ms. Singer advised a recording of the session is available on the CNRAC web site.

Ms. Singer said the second in the CNRAC Conversations series is slotted for October and will focus on infrastructure needs of state parks and forests.

SECRETARY'S REPORT

Cindy Dunn, DCNR Secretary

Secretary Dunn stated she had been traveling across the state since the last CNRAC meeting to participate in numerous events, including ribbon cuttings, grant awards, and groundbreakings. She noted parks and forests continue to see record-breaking numbers of visitors over 2019 and 2020 numbers.

Secretary Dunn advised DCNR is experiencing difficulty in hiring lifeguards which may impact the opening of some pools.

Secretary Dunn noted DCNR is working to align its COVID-related restrictions to the CDC's recommendations, which will lift restrictions that have been in place regarding outdoor programs. She advised indoor programs will be at 50% capacity, with measures in place for unvaccinated visitors. She stated DCNR will be publishing these changes and providing updates.

Secretary Dunn stated John Norbeck has been working with the Bureau of Forestry on an ATV pilot program that was required as part of the previous year's fiscal code. She explained the pilot program would develop a regional trail system in Pennsylvania that utilizes some portion of DCNR roads, along with some PennDOT roads. She noted discussions with local townships are planned for the next day, and more planning is needed prior to having the program in place by the target date of late summer.

Secretary Dunn reviewed the number of wildfires experienced to date in 2021, noting the numbers were high for this season. She noted DCNR fire personnel continue to assist with fires in the western portion of the United States.

Secretary Dunn said DCNR continues to push for state funds to be invested in outdoor recreation and infrastructure, including opportunities that may exist with Federal funds from the American Rescue Plan. She stated the funding is needed to provide outdoor recreation for all Pennsylvanians and to provide DCNR staff with the required resources.

Rocco Ali asked about funding for high-hazard dams, and Secretary Dunn responded that more than 30 high-hazard dams are on the list of infrastructure needs for repairs. Mr. Norbeck said DCNR has received capital funding in the past for dam work; currently there are no dam projects under capital bond money. Mr. Norbeck said DCNR depends solely on the Keystone Fund and Environmental Stewardship Fund to do the majority of infrastructure work. He noted a number of dam projects are in the design phase or anticipated to be in progress over the next year.

Bob Kirchner asked about the meeting scheduled with townships for the following day on the ATV project and if any additional information could be provided. Mr. Norbeck responded the meeting was with townships in the north-central part of the state, primarily townships in Tioga, Potter and Clinton counties; he noted that many of those townships have roads open to ATVs. Mr. Norbeck said the connectors under discussion would involve DCNR/PennDOT lands and slightly less than five miles of trails.

Mr. Kirchner asked for confirmation that all DCNR roads are not open to ATVs this coming weekend. Mr. Norbeck responded that the fiscal code had a target date for this pilot program to be in place before Memorial Day, but this date could not be met due to the complexities of the program and partners involved. Mr. Norbeck said the pilot program will be limited to a small number of DCNR roads. Secretary Dunn added that safety is the top priority for the program, and this program will require a high level of personal responsibility/safety. Mr. Norbeck noted the fiscal code requires the pilot program to be in place for two years and then a report on the program will be provided to the legislature, so a monitoring program has been developed including economic impact information and environmental impacts.

DCNR ADVISOR REPORT

Gretchen Leslie, CNRAC Advisor

Ms. Leslie reminded everyone of future CNRAC meeting dates -- July 28, September 22, and

November 17. She noted decisions will be made at a later date as to whether the meetings will be virtual, in-person or a hybrid meeting.

Ms. Leslie provided an update on the proposed Maryland Air National Guard plan to conduct low-levels flyovers down to 100 feet over the Pennsylvania Wilds area. She noted an Environmental Assessment is expected in late summer or early fall. She stated an existing Memorandum of Agreement allowed for flyovers at 8,000 feet. She noted a 45-day public comment period would also be held. She said there have been some adjustments made from the original proposal which would limit the flyovers to 500 to 1,000 feet over sensitive areas. Greg Goldman said this should be an activity that Council closely monitors. Mr. Ali noted there may be the potential for structural damage with the sound vibrations from such low flyovers, as well as impacts to humans and wildlife, and also encouraged close monitoring by Council. Ms. Singer stated Council has been following the issue and had requested the update for this meeting since there had been revisions to the original proposal. Ms. Singer said coordination with Nicole Faraguna and Ms. Leslie will continue to ensure Council stays updated and prepared to comment. Ms. Singer invited ideas from Council to help inform the local communities about the proposal and the opportunity to comment. Mr. Goldman asked for confirmation that the Environmental Assessment is prepared by the Maryland Air National Guard on their own proposal, and Ms. Leslie said she would have Ms. Faraguna provide this information to Council.

Ms. Leslie mentioned one of Secretary Dunn's recent trips had been to attend an addition to the national old growth forest network. She advised that six recent additions make Pennsylvania the top state in the nation for protected old growth designated forest.

Ms. Leslie noted DCNR is working with DEP on properly closing legacy gas wells in Cornplanter State Forest in Forest County, to prevent leaks.

Ms. Leslie noted there had been spraying in the month of May on state-owned lands as part of DCNR's gypsy moth program, which was the first spraying event in a few years; she stated the spraying was undertaken due to outbreaks in a few areas.

Ms. Leslie referenced a request for proposals to operate a downhill ski and recreation adventure center at Denton Hill State Park, noting the ski area has been closed since the winter of 2014. She advised DCNR is committing \$10 million in capital improvements to this project. She stated this recreational resource is important to Potter County and the Pennsylvania Wilds Conservation Landscape.

LEGISLATIVE UPDATE

Eric Nelson, Director of Legislative Affairs, DCNR

Mr. Eric Nelson summarized several bills DCNR is monitoring:

- Representative Brett Miller introduced House Bill 764 that would allow employers to hire employees on a provisional basis pending the completion of all background checks.
- Senate Bill 503 would expand heart and lung benefits to DCNR rangers, as well as other Commonwealth employees.

Mr. Nate Lotze added that during the first week of June, Secretary Dunn and the Deputy Secretaries will be briefing the Democratic members of the Senate's Community and Economic

Development Committee on the impact of recreation on tourism, especially during the pandemic.

COUNCIL BUSINESS

Ms. Singer advised it was time for the election of officers and introduced Ted Tharan, Chair of the Nominating Committee. Mr. Tharan submitted the following nominations: GERALYN SINGER for Chair, Bob Kirchner for Vice Chair, and Meredith Graham for Secretary. Mr. Tharan requested any other nominations, and none were offered. Mr. Tharan moved that nominations be closed, and the motion was seconded. Mr. Tharan made a motion the three named individuals be elected and asked for anyone opposed to the motion; no opposition was offered.

Mr. Goldman thanked all the officers for their work and leadership this year.

PRESENTATIONS

PUBLIC INPUT FOR CONSERVATION PLANNING

Ryan Szuch, DCNR Section Chief, Forest Resource Planning, Bureau of Forestry

Ryan Szuch stated he would be presenting on the methods the Bureau of Forestry used to gather stakeholder, staff and public input related to the development of a new strategic plan. Mr. Szuch recognized others who have been collaborating with him on the research effort.

Mr. Szuch reminded the Council that the current strategic plan was written in 1995. He advised the process to write a new strategic plan began in 2017, and new methods have been undertaken to seek public input. He stated the main traditional method had been public meetings and more recently, online voluntary polls. Mr. Szuch said public meetings provide only a bias sample of people not a general sample of the population, have a relatively small reach, and were not possible during the pandemic.

Mr. Szuch advised the Bureau of Forestry had worked with Penn State University to develop a mixed methodology approach, using both qualitative and quantitative methods to gather input. He explained the quantitative method used two different types of surveys, one called the Lion Poll and also Survey Monkey, a common online service for conducting surveys. Mr. Szuch continued explaining that the qualitative methods used were cognitive testing, focus groups, and in-depth interviews.

Mr. Szuch stated the Lion Poll was undertaken in 2019. He noted the poll was not unique to the Bureau of Forestry but included questions from other entities. He explained it is a web-based poll that is self-administered to about 1,000 Pennsylvanians. He stated the Bureau of Forestry had 10-12 questions included in the poll. Mr. Szuch explained the 1,000 people who take the poll match census data in terms of age, gender, and region to provide statistically valid sampling of the population. He noted the questions asked related to values and threats to forests; forest visitation, use, and experiences; value of Bureau of Forestry services; and specific questions such as whether there is support for the acquisition of new state forest lands. Mr. Szuch showed and briefly discussed several slides summarizing the results of the Lion Poll 1. Mr. Szuch said he would not be going in-depth on the results during this presentation, as the focus is on the methods used and the different types of information collected.

Mr. Szuch discussed three focus groups conducted in 2019; one consisted of the general public

(adults in the Harrisburg area) to explore their view on forests, one consisted of stakeholders with economic interests, and one was with stakeholders with conservation/recreational interests. Mr. Szuch displayed a chart showing the values, threats and opportunities identified by the focus groups.

Mr. Szuch stated in preparation for a second Lion Poll to be conducted in the spring of 2020, the Bureau of Forestry did some cognitive testing. He said a concern was the Lion Poll 1 questions were written for forestry professionals, not the general public. He said the Penn State staff used a method called the think-aloud method to formulate the questions for the second Lion Poll. Mr. Szuch showed an example of improving upon a question to get specific information desired by the Bureau. Mr. Szuch briefly discussed the Lion Poll 2 key findings which incorporated demographic data collected through the poll.

Mr. Szuch next reviewed the surveys conducted through Survey Monkey later in 2020, noting these surveys included questions from Lion Polls 1 and 2. He stated the surveys were targeted at three audiences: Bureau of Forestry staff, DCNR staff, and stakeholders (have some attachment to the Bureau such as being on a mailing list). He advised more than 17,000 responses were received from these surveys. He displayed a heat map showing the distribution of survey respondents across the Commonwealth. Mr. Szuch noted demographic information was also collected through these surveys. He discussed a chart showing the combination of results from all the methods used and how such information could be used by the Bureau for future communications and outreach, as well as building and enhancing partnerships.

Mr. Goldman stated the National Audubon Society has found through interactions with youth that there is a strong interest in employment opportunities and has been looking at ways to connect environmental concern with environmental issues that offer future employment opportunities. He noted Pennsylvania's forests are a significant part of Pennsylvania's economy, and there are employment opportunities related to forest management. Mr. Goldman said balancing the conservation side with environmentally-sound environmental activities and environmental employment opportunities may increase the general public's understanding of the importance of forests in Pennsylvania.

Meredith Graham asked if Mr. Szuch thought these methods of gathering input would benefit other bureaus within DCNR. Mr. Szuch said he believes an enormous amount of useful information has been gathered, and the Bureau is in the process of engaging a consultant to help with the strategic planning, including analyzing the data. He stated he believes the information will be useful for a number of DCNR bureaus.

Ms. Graham noted CNRAC is looking forward to reviewing the strategic plan and asked if Mr. Szuch could provide a date when the draft would be available. Mr. Szuch responded the original draft is being revised and should be available towards the end of the year.

50th Anniversary of Environmental Rights Amendment: How DCNR Serves as Trustee Cindy Dunn, DCNR Secretary; Audrey Miner, DCNR Chief Counsel

Secretary Dunn introduced Audrey Miner and noted her expertise with respect to the Environmental Rights Amendment. Secretary Dunn stated Ms. Miner has been key to helping DCNR staff understand their responsibilities with respect to the Amendment.

Ms. Miner provided background on the amendment, noting in 1776 Pennsylvania and other

colonies wrote state constitutions. She said Article I of Pennsylvania's Constitution contained the declaration of the rights of the people. She advised Pennsylvania also adopted three equal branches of government—legislative (Articles II and III), executive (Article IV), and the judiciary (Article V); all come after Article I, the people's rights. She noted Article I states that "All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness." She noted women were added to Article I in 1971 through the Equal Rights Amendment. She stated Section 25 of Article I speaks to the reservation of power in people and specifically states "To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate."

Ms. Miner stated in 1971 Pennsylvania amended its Declaration of Rights to add an environmental rights section. She added that Article 1, Section 27, the Environmental Rights Amendment, was proposed by Senator Franklin Kury who recognized the need to protect Pennsylvania's natural resources. She advised that by the 1920s the entire state of Pennsylvania had been clear cut. Ms. Miner said during the World War II era, Pennsylvania became one of the giants of the smokestack economy, mining coal and iron deposits which became the basis of the steel industry. She explained that combined with the growth of the railroad industry, use of Pennsylvania's natural resources exploded without thought to the future. She continued explaining that early legislation primarily protected Pennsylvania's fish, game and forest resources. Ms. Miner reviewed a series of incidents which significantly impacted Pennsylvania's environment in the 1940s to the 1960s; she noted there were also national disasters affecting waterways and wildlife. Ms. Miner stated a key figure during this time was Rachel Carson who published "Silent Spring" in 1962 which explained the impact on the environment of chemicals such as DDT. Ms. Miner noted the Pennsylvania Assembly in the 1970s passed many environmental laws in addition to the Environmental Rights Amendment.

Ms. Miner reviewed the process needed to amend the Pennsylvania Constitution, including legislative actions as well as a vote by the citizens. She advised the Environmental Rights Amendment was passed unanimously by both the House and Senate. She added it was ratified by voters by a 4 to 1 margin.

Ms. Miner noted a key concept of the Environmental Rights Amendment is that Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. She said as trustee of these resources, the Commonwealth needs to preserve and maintain them for the benefit of all the people.

Ms. Miner pointed out some of the unique aspects of the Environmental Rights Amendment which include the fact that there is no Federal counterpart, it does not need a statute to implement its provisions, it recognizes individual rights, and it creates a public trust. Ms. Miner said a duty of the Commonwealth under the Constitution is to act affirmatively by legislative option to protect the environment. She stated DCNR was created in 1995 as a Cabinet-level office, and is one of a few, if not the only agency, that has enabling legislation as a reference under the Pennsylvania Constitution. Ms. Miner reviewed some of the legal actions which relied upon the Environmental Rights Amendment and enforced the importance of the amendment. She advised the court established the common ownership of the natural resources by the people, including future generations, and that the amendment created a public trust and established the Commonwealth as a public trustee—not as an owner—but as a manager for the people.

Secretary Dunn thanked Ms. Miner for the presentation on this important foundational document. Secretary Dunn offered to continue the discussion on the amendment at a future meeting. Ms. Singer said the Council appreciated this offer and will discuss.

WORK GROUP REPORTS

MOTORIZED RECREATION WORK GROUP

Bob Kirchner, Chair

Bob Kirchner advised the Motorized Recreation Work Group did not have any updates.

COMMUNICATIONS AND OUTREACH WORK GROUP

Sarah Hall-Bagdonas, Chair

Sarah Hall-Bagdonas advised the video from the April CNRAC Conversations discussion “Equity in the Outdoors” is available on the CNRAC website, along with the Motorized Recreation Work Group’s Updated Report. She stated the work group continues to expand its mailing list for its notices and newsletter and invited Council to let the work group know of any suggestions for adding groups to the list. She also invited any individuals or organizations interested in receiving the newsletter to sign-up.

DIVERSITY, EQUITY AND INCLUSION WORK GROUP

Joanne Kilgour, Chair

Joanne Kilgour stated the work group appreciated the interest and high level of participation in the recent CNRAC Conversations discussion “Equity in the Outdoors.” She advised the work group will be meeting to discuss next steps and how CNRAC might bring the equity lens more regularly into its meeting agendas. Mr. Goldman added that he wanted to make sure everyone knew there were more than 100 participants in the discussion, one of the largest turnouts CNRAC has experienced for an event.

INFRASTRUCTURE WORK GROUP

Geralyn Singer, Chair

Ms. Singer advised the next CNRAC Conversations will focus on infrastructure with a tentative date of October. She said she will also be discussing with the Council a possible letter to be sent to Governor Wolf and the General Assembly regarding the use of funds from the American Rescue Plan for funding infrastructure needs at state parks and forests.

STRATEGIC PLANNING WORK GROUP

Meredith Graham, Chair

Meredith Graham advised the work group’s next projects will be looking at how CNRAC can provide input on proposed changes to the state science education standards, followed by a review of the draft Bureau of Forestry’s Strategic Plan.

PUBLIC COMMENTS

Ms. Singer stated no requests for providing public comments had been received. She noted a

comment related to the Maryland Air National Guard topic discussed earlier had been placed in the chat by Sarah Corcoran asking if it is possible to request the Maryland Air National Guard develop an Environmental Impact Statement versus an Environmental Assessment.

OTHER BUSINESS

Ms. Singer asked for any other business topics, and none were offered.

MEETING ADJOURNED

A motion was made to adjourn the meeting at 11:58 p.m.

Notice of the May meeting was published in a newspaper of general circulation in Dauphin County and mailed to individuals and offices in compliance with the Sunshine Act (1986-84). These minutes constitute the official record of the Conservation and Natural Resources Advisory Council; no official transcript is provided.