



Somerset County Conservancy A Charitable Trust

www.somersetcountyconservancy

Newsletter

Fall 2011

Management Assistance

by Les Brunell

The Spring 2010 issue of the Somerset County Conservancy newsletter included an article on the technical assistance grant we had received from Western Pennsylvania Conservancy to assess water quality issues on Kimberly Run. That grant also made us eligible to receive assistance from the Bayer Center for Nonprofit Management (BCNM) at Robert Morris University. We have been working with Peggy Outon, Executive Director of BCNM, since April 2011. The SCC held a full-board meeting and informative workshop with Outon on September 21. The BCNM is offering us help with budget-making, fundraising, and using technology.



The Bayer Center for Nonprofit Management at Robert Morris University was founded in 1999 to provide the necessary tools for nonprofit organizations to effectively manage and compete in today's society. The Center works with clients to assure that the money invested from public and private sources is efficiently and effectively spent to advance their charitable mission.

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Kimberly Run Natural Area

By Jeff Payne

The two-mile walking trail at the Somerset County Conservancy's scenic Kimberly Run Natural Area (KRNA) recently received an upgrade. Life Scout Jacob Craig of Berlin constructed two covered rest benches for trail users to enjoy as they observe the natural world that surrounds them. Craig built the benches as a service project on the road to earning his Eagle Scout Award. We encourage the public to hike the trail and check out these new rest areas. Thank you, Jacob, for a job well done!



An Invitation to our Annual membership Banquet

Of the
The Somerset County Conservancy

Wednesday, Dec. 7, 2011

Cocktails at 6:30 pm Dinner at 7:00 pm

Somerset Trust Company's Meeting Room

**The old building at the corner of N. Center Ave. & Union St.
Enter through the Union St. side door entrance (post office side)**

**131 North Center Avenue
Somerset, PA 15501**

Come and enjoy dinner under the Dome

Catered by Chuck Wagon Restaurant

\$20.00 per person at the door

**Celebrate the 20th anniversary of SCRIP
Western Pennsylvania's premier watershed organization**

Reservations required

E-mail mail@somersetcountyconservancy.org

or

814-445-4850

Invasive Plant Control Workshop

by Bob Hook

(with information from Dave Mankamy, Zac Wert and Les Brunell)

At the request of the SCC, Natural Biodiversity of Johnstown completed an invasive species evaluation of our Kimberly Run Natural Area (KRNA) in 2009. This field study identified Autumn Olive (*Elaeagnus umbellata*) as the predominant invasive plant species at KRNA.

SCC board member Dave Mankamy worked with Natural Biodiversity (NB) staff to arrange a Weed Control for Wildlife Habitat Field Workshop to help address the Autumn Olive problem. The educational workshop was conducted by Zac Wert, Stewardship Coordinator for NB, on August 12, 2011, at the Somerset Ag Center. Staff members from Conservation Land Management and the Southern Alleghenies RC & D were also involved in planning the workshop. SCC members Jim Moses, Jeff Payne, Dave Mankamy, and Lester Brunell attended the workshop as well as PA Game Commission land management officers, the Somerset Conservation District's watershed specialist, and Conservation Reserve Program (CRP) landowners.

Joel Elder, District Conservationist from the Somerset office of the USDA's Natural Resource Conservation Service (NRCS), spoke about the CRP participation requirements for controlling invasive plants and the services available through NRCS to assist landowners with the process. Wert presented information on invasive plant identification and control, followed by a discussion of wildlife habitat improvement techniques.

Following the classroom portion of the workshop, attendees traveled to the SCC's 266 acre KRNA property for a field demonstration of the invasive plant control methods discussed earlier. KRNA contains a variety of habitat features including warm and cool season grass fields, a mixed hemlock and deciduous forest, a bog, and other types of wetlands. Autumn Olive has been the predominant threat to ongoing wildlife habitat restoration efforts by the SCC. Since other means of controlling the Autumn Olive at this site have been attempted with limited success, the cut-stem method was demonstrated from start to finish for the group. After Natural Biodiversity's field demonstration, the work crew of Moses, Payne, Mankamy, Brunell and Shustrick did three hours of Autumn Olive control. Chainsaws were used to cut the invasive plants in approximately 15 acres of field and then the remaining stumps were treated with Garlon 4, the recommended herbicide. The effectiveness of this treatment method for KRNA will be evaluated in 2012.



The plant control workshop and demonstration were funded by a grant from NRCS.

Mother Earth News Fair 2011

By Brooke Mishler

It was another well attended year at Seven Springs for the Mother Earth News Fair. The Mother Earth News Fair is a fun-filled, family-oriented sustainable lifestyle event that feature dozens of practical, hands-on demonstrations and workshops. This year new presenters, exhibits, demonstrations and workshops were added from last year's itinerary. There are presenters that travel from all over the United States to share their talents and mission with others. In a survey used from last year 62% of attendees drove more than 100 miles to attend. Other statistics collected from the survey include:

- Attendance: Women: 63% Men:37%
- Average age: 48.3
- Average household income: \$71,502
- Average number of acres owned: 18.2

This year I attended workshops learning how to make healing salve, homemade wine, and soap. The event is so unique and right in our back yard, we are quite fortunate to have such a great opportunity to have the Mother Earth News Fair in Somerset County. Read more about the event at www.motherearthnews.com/fair.

SCC's 2011 Annual Picnic at Kimberly Run

By Brooke Mishler

This year on September 18th we had a wonderful get together at Kimberly Run Natural Area for our annual picnic. It was a pleasant day which brought 23 people to the site. We had plenty of delicious food, as we do every year! Each year new members join us for the picnic, this year the Borek Family attended! Jeff Payne took us for the two mile loop hike on Piersol Trail and pointed out flora and fauna as we went. We



stopped to admire Kimberly Run and the sturdy picnic table shelters built by Jacob Craig, from Berlin as his Boy Scout Eagle project.

Each year our picnic is held on the third Sunday in September. We hope you join us for the picnic in 2012!

HEINEMYER PROJECT BEING HELD UP BY PERMITTING

Editorial By Dan Seibert

In February of 2008 the Somerset County Conservancy and the Somerset Conservation District began a joint effort to build a passive water treatment system to treat the Heinemyer Discharge. The mine water discharge is located at the headwaters of Lamberts Run within the Flight 93 Memorial Park.

Federal and State permitting agencies are out of control and obstructionistic to beneficial public projects. The requirements of most permits needed for natural resource improvement projects require tremendous amounts of information, as well as the money to collect the information. When all is said and done in the permit process, the result is that the project is constructed the same way it would have been if completed without the frustration and expense of the permitting process.

This is a very bold and condemning statement. The Conservancy is not opposed to permitting to assure the correct and beneficial use of our natural resources, but the current paradigm in force with Federal and State agencies is redundant, overbearing, and lacks common sense in the implementation of the laws enacted to protect our environment.

To justify this bold and condemning statement, I will lead you through some of the high points (or should I say low points) of the permitting of the Heinemyer project.

For perspective, the Heinemyer project is about a 2 acre project to build a settling pond to precipitate iron from the Heinemyer discharge in order to improve nearly a mile of Lamberts Run.

At the very beginning of the project development process the Somerset Conservation District was contacted to gain insight into the requirements for the **National Pollutant Discharge Elimination System** (NPDES) permit process. The meeting provided useful information that we incorporated into our design for the treatment system

Once the design was completed and reviewed by the Somerset Conservation District, the Conservancy made a few minor changes to the design to address technical and administrative concerns raised by the Conservation District. The project was tentatively approved by the District for an NPDES permit.

At the discretion of the Conservation District the design was sent to the Department of Environmental Protection's (DEP) Pittsburgh Regional Office for further review. This is the point where the permit process became exceedingly confusing and fragmented. We were informed by the Regional Office that we would need a Chapter 105, Stream Encroachment Permit. The bizarre part of this requirement is that there is no stream on the proposed treatment site. We were informed that if a mine discharge has a defined stream bed and stream banks, it is considered a stream for permitting purposes.



PERMIT WAIVER RECOMMENDED BY DEP

With a follow up call to the Regional Office we were encouraged to obtain a Chapter 105 Stream Encroachment **WAIVER**. At the time, a **Permit Waiver** sounded like a good thing to do because we were led to believe there would be fewer requirements to meet with a permit waiver. We agreed to the process of preparing a waiver. When we received a fax outlining the requirements of the waiver, we were greeted with page after page of requirements spewing out of the fax machine. The requirements of the waiver turned out to be essentially the same as the normal Chapter 105 permit. The requirements are redundant, requiring the same information several times in different sections of the permit waiver. The requirements also required several thousand dollars of additional cost in permit preparation. We were required to have a jurisdictional wetland delineation completed, even though our original design avoided nearby wetlands. We had to do this just to be sure we were not disturbing existing wetlands.

We also had to do extensive stream macroinvertebrate studies in the mine discharge channel and downstream of the discharge. We also had to provide economic analysis data to justify the worth of the project. This is ironic because we received the grant money to do the project from another Bureau of the DEP.

FEDERAL AGENCIES BROUGHT INTO THE REVIEW OF CHAPTER 105 WAIVER

During the process of assembling the permit waiver we became well educated about the meaning of the word WAIVER. We learned that the waiver did not mean any less work for the Somerset Conservancy, but it did mean **less work for the DEP Pittsburgh Regional Office**. When a permit is waived, the original Federal agencies having jurisdiction over the law authorizing the permit are brought into the review process, so DEP has less review responsibility. So, now we not only had to deal with the DEP Regional Office, but also the U.S. Army Corps of Engineers and the U.S. Department of Interior, Fish and Wildlife Service.

After navigating the bureaucracy of the State and Federal agencies we submitted our permit waiver in February 2011. Several weeks passed and we had no correspondence from the DEP except for the return receipt of our mailing the permit to the Regional Office. A call was made to the Regional Office. We were told they had no record of receiving our permit waiver submittal. We supplied them with a copy of the return receipt, but the 3 inch pile of paper for the permit waiver we sent them could not be found.

PERMIT PACKAGE LOST BY DEP FOR 37 DAYS

We were advised to resubmit our Chapter 105 permit waiver. This was no easy task to reassemble all of the required information and was costly for a non-profit organization. We were nearly ready to resubmit to submit the 3 inch deep pile of paper when, 37 days after our original submittal, we received a call telling us that the Regional Office had located our original permit package.

CHANGE IN INDIANA BAT IMPACT AREA PREVENTS SUMMER 2011 CONSTRUCTION

After this 37 day delay by the DEP and during their review process, the U.S. Fish and Wildlife Service changed the impact area for the Indiana bats that hibernate in the abandoned Pennsylvania Turnpike tunnel, to include the area of the Heinemyer Project. As a result of this change no trees can be cut down from March through November. If the DEP had not lost our permit for 37 days and processed the waiver in a timely manner, the project would already be constructed and successfully treating water flowing into Lamberts Run.

THE REAL IMPACTS OF THE CHAPET 105 PERMIT WAIVER PROCESS

1. Aquatic life in Lamberts Run continues to be negatively impacted by mine drainage from the Heinemyer discharge.
2. Water quality in Lamberts Run in Lamberts Run and the Stonycreek River continue to be negatively impacted.

3. The economic benefits of this project, which has a benefit to cost ratio greater than 1 to 1, are not being realized.

4. The jobs that would be created by the construction of this project have not been created.

5. Most important of all; the continuous effort by the Conservancy to comply with the Chapter 105 permit waiver process did not change anything in how the project would have been constructed, if the Chapter 105 waiver had not been recommended by the DEP Pittsburgh Regional Office.

Conservation by Rail

By Roger Latuch

Many of us were taken aghast this spring by the news of the Pinkerton Tunnel day lighting project. The aesthetic impacts of the cut, and the environmental damage of the piled overburden to be placed on the Pinkerton Horn, have raised legitimate concerns from many who enjoy the area.

But step back a bit, looking at the bigger picture and you will see how we may now, and have in the past, benefited from the carving of rail corridors. Obviously, the Pinkerton horn will never be the same again, but there is a saving grace to this project. The actual cut will sever the only land access, other than the Allegheny Passage to the area known as "the horn," deferring it from the possibility of private development. If the proposed land swap with the new owner, CSX, to Somerset County comes to fruition, the area will be in public hands, which should in turn, even further protect the future diversity of Pinkerton..

It would be ideological to imagine what the waterways that wind through the valleys of Wills and Flaugherty creeks, the and Casselman, Youghioghenny and Stonycreek rivers would be like without the coming of the great Iron Horse. Imagine, if you will, wooded slopes brushing river banks, undisturbed by rail, ballast, trestles, the blasting of oncoming horns, or the towns that have sprouted in their wake. Certainly a beautiful picture, but in reality, the scene would likely be far worse than the ribbons of rail now traversing our river valleys today. Active rail lines serve to protect habitat along our waterways by severing access to areas prime for development. The abandoned Western Maryland, as well as other regional rails to trails projects, has provided both recreational opportunities and a greenway of buffers throughout some of our most beautiful areas. The one hundred year old scars of construction have long healed over, and now can be found on brochures, greeting cards, and our own private photo galleries.

In a relatively short time, the new wounds to the landscape brought about by the National Gateway Project will also heal. The benefits to CSX and other carriers will be the ability to handle double stacker cars, nearly doubling product transportation, conserving fuel and easing the loads on our highways.

Hopefully, industry, natural biodiversity, and recreational opportunities will continue to flourish through the valleys of time.

Somerset County Conservancy
Box 241
Somerset, PA 15501

HELP US SPREAD THE WORD!

Pass this newsletter on to a friend and ask them to join.

Enclosed is: \$ 15

Individual Member

_____ \$ 25

Family Member

_____ \$ 75

Sustaining Member

_____ \$100

Patron, Club, Organization Member

_____ \$750

Lifetime Member

Name: _____

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