I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, November 14, 2006 at 7:10 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Tom Maxfield, Chairman, presiding.

ROLL CALL: Present – Tom Maxfield - Chairman, Sandra Yerger, Tom Conlon, Dennis Aranyos, Allan Johnson, Hazem Hijazi, and Glenn Clouser. Rick Tralies from Boucher & James was present and Mike McKenna from Hellertown.

Absent - Ted Beardsley and Laura Ray.

PLEDGE OF ALLEGIANCE

II. DEVELOPER ITEMS

Nothing

III. OLD/MISCELLANEOUS BUSINESS

A. OPEN SPACE SUB COMMITTEE

Mr. Maxfield said the Open Space Committee is still a committee that they are going to have to form. They are going to talk some more about forming that committee. He is just going to assume that is the committee that will morph into the one that works with the open space parameters to help us select and review properties.

B. REVIEW AND APPROVAL OF 2007 MEETING DATES

Mr. Maxfield said in your packet are meeting dates for 2007, and this is something we don't have to have totally approve until January when we reorganize. If anyone has a problem with the days we are meeting, let Tom know. The dates are on Tuesdays at 7:00 PM: January 9, February 6, March 6, April 3, May 1, June 5, July 3, August 7, September 4, October 2, November 6, and December 4.

C. NRP ORDINANCE

Mr. Maxfield this is an amendment to our Natural Resources Protection Ordinance and it's dealing with riparian corridors which are currently set at 75 feet and we'd like to expand it to 100 feet. This initially came out of the EAC and it's being recirculated to all of the groups for review.

Mr. Tralies said basically Mr. Maxfield summed it up. We're going to bump up the protection areas for riparian areas and wetlands. The other changes are where we had to change some definitions. The way the ordinance used to read was that any waters of the U.S. or waters of the Commonwealth needed a riparian buffer. They realized that really excludes a lot of waterways in the township, so the wording is changed now so that waters of the U.S., waters of the Commonwealth, and any perennial or intermittent water course would require a riparian buffer. They also had to change the definition of wetlands. Previously, the wetlands definition was worded or stated that anything that was delineated by the Army Corps of Engineers,

DEP, but the Army Corps of Engineers is no longer going to be doing delineations so they had to change that definition. He doesn't know why they are not doing it anymore, but that's what they've been led to believe. They are changing the definition. Wetland now are areas that are inundated or saturated by surface water or ground water in duration sufficient to support and that due under normal circumstances support a prevalence of vegetation typically adapted. They just changed the last line to state that any area identified as a wetland or in accordance with the PA Dept. of Environmental Protection or delineated by any other qualified wetland scientist.

Mr. Maxfield said he is aware the Army Corps has been told to halt a lot of what they are doing as of recent months and he doesn't exactly know what that means. There are changes down in Louisiana with the reconstruction of New Orleans. They are talking about different classifications of wetlands now, like high quality wetlands, low quality wetlands, and now, it seems okay to go in and fill in low quality wetlands. They heard from a couple of different people there may be some problems with 100 foot riparian corridors on intermittent streams. He would like to get a vote on it as funds will have to be expended, but he'd like to refer to NRP 2, our Counsel for the EAC, Terry Clemmons, and get his opinion on that to see if it's a challengeable point or not.

Mr. Hans Riemann, Board Member of the Cook's Creek Watershed Association, said in Springfield, their Solicitor, Mr. Clemmons and Associates, was reluctant to institute the 100 foot buffer for intermittent streams as he was afraid it was going to be challenged in court. They were disappointed in that as they are also rezoning the whole of Springfield, but this was an environmental issue that came up for riparian buffers. What's ironic about this is the Bucks County Planning Commission said they weren't being strict enough on all of these issues, including the protection. He thinks they would all support it down in Springfield.

Mr. Maxfield said they may still choose to go with the 100 foot buffer and test it. He would like to hear Mr. Clemmons opinion on how challengeable it is.

Mr. Riemann congratulated the EAC on their open space referendum.

Mr. Maxfield said since we'd have to spend funds to have Terry Clemmons review it, he would like to get a vote.

MOTION BY: Mr. Maxfield moved for approval to send the draft ordinance to Terry Clemmons and get his legal opinions specifically on the 100 foot riparian corridor on intermittent streams.
SECOND BY: Mrs. Yerger
ROLL CALL: All in Favor: Yes
Opposed: None

Mr. Maxfield said where it says wetland buffer, any area 50 feet from the edge of any wetland – he thought our ordinance before was 25 feet riparian corridor and 50 wetland buffer? Mr. Tralies said previously it was 75 feet riparian buffer being bumped up to 100 feet. It was previously 25 feet wetland buffer and now we're bumping it up to 50 feet. Mr. Maxfield said maybe we should ask Terry about that also.

Mrs. Yerger said she wasn't that concerned about that as she thought the intermittent stream was the issue, and regarding the wetland buffer, when we were at the watershed conference, they said they are coming out with 50 foot buffer recommendations for wetlands.

Mr. Hijazi asked how many properties were affected? Mr. Tralies said he can't really give a judgment of how many properties. What he remembers specifically is we started talking about this when the Saucon Meadows project came in front of us, and there was a wetlands that they had their house 25 feet away from the wetlands, so they met the requirements, but then this person's

backyard was a wetland essentially. Mrs. Yerger said at the watershed conference, the girl that was giving the presentation from the Army Corp of Engineers basically said it's pretty much a universal agreement that 50 feet is the minimum adequate setback on a wetland.

Mr. Maxfield said one things he's been uncomfortable with is we don't have any mandatory restoration of riparian corridor at this time, so he doesn't think increasing it to 100 feet is going to have that much of an impact since it's not forcing any existing properties to go back and do anything. It's just going to affect new development.

Mr. Tralies said considering a lot of the lot sizes we get here, and as much cluster development that we are starting to get, he doesn't think the extra 25 feet on either of these is going to come close to killing any developments.

IV. UPDATES/REPORT

A. HELLERTOWN REPORT

Mr. McKenna said congratulations to the Open Space Referendum.

Mr. McKenna said most people read the newspaper about Route 412 and the Borough's ability to push and push and they finally got the Department of Transportation to reduce the speed from 35 MPH to 30 MPH. This will help pedestrians get across the road a little better. The Police Chief is very diligent on setting up traps for crosswalks. The fine is $181.

Mr. McKenna said Phil Weber was elected Borough Council Vice President to fill Tom Opsapki's position.

Mrs. Yerger said she just got an email about Thursday night. The County Open Space funding question is coming up at 6:30 PM at the County Courthouse. If you can attend, she would encourage it. They need to know there are people out there who care what's going to be happening. Mr. Stoffa will be presenting a plan to fund the open space for the county.

II. NEW BUSINESS

A. PRESENTATION BY THE APPALACHIAN HIKING CLUB

Ms. Christine Sykes and Mr. John Storelli were present. Ms. Sykes is the Mid Atlantic Project Manager for the Appalachian Mountain Club. AMC has had their offices in Bethlehem since this summer and their Mid Atlantic office has been around since the late 1990's. Previous to Bethlehem, they were in Titusville, NJ and Washington Crossing State Park. They presented a slide presentation.

Ms. Sykes said AMC's mission is to promote the protection, enjoyment and wise use of the mountains, rivers and trails of the Appalachian region. AMC is the oldest conservation and recreation organization in the country. They got their roots working on protecting the White Mountain National Forest in New England, and working on projects in Maine. In their Mid Atlantic office, AMC has been working on protecting a region called the Highlands region. She does a lot of work in Washington, DC trying to get federal funds. When they were trying to get a federal bill passed to protect the Highlands and they had to talk to some Western members of Congress, they actually thought the photo was photo shopped because they did not quite realize that there were forests, wilderness areas and wildlife areas so close to cities. The PA Highland really typifies that the most, because you have State Parks, and suburban urban areas that are interspersed next to large forests. The PA Highlands specifically is almost half of the whole Highland's region,

so it's about 1.4 million acres. It starts in the Meisho State Forest in the left hand corner of the map, and it traverses up past Reading. It includes thirteen different counties, extending from Adams all the way up to Northampton County up on the Delaware and Lehigh River. The whole Highlands are 3.5 million acres. The Appalachian Trail is through most of the Highlands with the exception of PA.

Ms. Sykes said a few reasons why AMC is working on protecting the Highlands, aside from the fact that it is the backyard of paradise. AMC is a member of the Highlands Coalition. It has been around since the late 1980's and was first started out focusing on the New Jersey Highlands. New Jersey passed successful legislation a couple of years ago to protect the New Jersey Highlands, The New Jersey Protection and Planning Act. There's about 180 groups in the PA Highlands including municipalities, state agencies, etc. The PA Dept. of Conservation Natural Resources attends all of the PA Highlands Coalitions meetings. The Highlands Coalition is part of the Appalachian Mountain Club. It's not on 501C3. AMC is the fiscal agent for the Highlands Coalition. Similar to one of the reasons they protected the Highlands in New Jersey was the fact that there's a lot of important rivers, creeks, and watersheds in the Highlands. The Highlands provide about 15 million people clean drinking water and it's probably more now.

Ms. Sykes said when we're talking about this backyard paradise and these interspersed wildlands with suburban urban areas, these areas that are biologically significant in the Highlands provide a really important habitat for a lot of species. There are about 70 song bird species that traverse from Central – South America, up through North America and into Canada. There are 1,860 miles of trout streams and a number of different plant and animal species that are threatened or endangered including bobcats, black bears and river otters. Bobcats and black bear, in particular, need large areas to roam, so they are trying to work on connecting some of these areas that are already protected so that these large animals have passageways to go through. Other wildlife are bog turtles, and the Cooper's Hawk.

Ms. Sykes said the Appalachian Mountain Club has a lot of members that like to hike, but others like to recreate. The Highlands is a great recreation destination. Just in the PA Highlands, there is a horse shoe trail, Mason Dixon trail, Schuylkill River trail, and a number of different trails that folks traverse on. The Highlands, in general, is about 1 hour from 25 million folks, so a lot of people use this area to recreate.

Ms. Sykes said one of the main reasons that AMC and the Highlands Coalition members are working on protecting this place is that there is a lot of development, and particularly, in the last decade, there's been a tremendous amount of development. The Forest Service did a study of the New York, New Jersey Highlands and found out that they were losing 5,000 acres a year to development. There's a lot of folks coming from New York City to this particular part of PA, and then the more Southern part of PA, like Adams County, the Fruit Belt, that is also developing as well as people are willing to drive further and further to find lower cost housing. It's only a 2 ½ hour drive each way to get to Adams County.

Mr. Beardsley arrived. The time was 8:05 PM.

Ms. Sykes said the most recent statistic that she heard for PA was done by the US DA NRCS and they found out that PA was 5th in the amount of rural acreage lost and that was between 1982 and 1987. We're hopeful that we'll get an updated statistic. The US Forest Service is doing a study of the PA, Connecticut Highlands and looking at land use changes.

Ms. Sykes said the goods news is that AMC, along with the Highlands Coalition, was able to get a federal bill passed in November 2004 which recognizes this particular region from PA to Connecticut as nationally significant. President Bush signed the bill, so we're kind of on the map now from a federal standpoint. This act really recognizes a lot of the important things that they were talking about that need to be protected in the Highlands – water resources, agriculture, wild life, recreational and cultural resources. It's really significant to have this federal recognition. What it means with the passage of this bill is that there is the option of Congress to appropriate up to $100 million in matching funds over ten years for land protection. It also authorizes about $1 million for the U. S. Forest Service to do technical research and provide planning assistance to the Highland States.

Ms. Sykes said we're been moving forward despite the tough fiscal climate in Washington, DC, but maybe it'll be changing a little bit more next year as we have some folks that are more favorable to land conservation. The Highlands Conservation Act stipulated that the four Highland states of PA, NJ, NY and Connecticut had to come together jointly and submit projects to be eligible for this Highland Conservation Act funding. Last year the projects for fiscal year 2007, and all the projects that are on the list without the exception of New Holland waters – when President Bush did his budget last year, put in, unfortunately, only $2 million out of the $10 million, but it was the only new conservation program to receive funding in the budget. Congress hasn't passed their appropriation's bill yet, but are hopeful that at least $1 million will go toward Highland Conservation Act. You are probably thinking that land prices are really expensive and some times it can be close to $100,000 an acre, but the thing about these projects is that they are joint projects. They are a 50/50 match. When the State puts forward these projects, the State has to contribute half of that. If the Federal Government gives $250 million, then the State would give $250 million. You can use that to leverage other resources such as private foundation resources. We know the townships and counties in PA have been really great at raising money for the land bond, so it's kind of a joint partnership project. Even though it's not a huge amount of money given the land values that we are talking about, at least it's some additional funds that maybe can put you over the edge. For the next year, they are hoping to get funds from the Highlands Conservation Act, a lot closer to that $10 million. These are quite large projects. The New Holland Water Authority lands, as many of you know, when they are water authority lands, there's the greater potential for development because the water resources are already there. The other significant about New Holland Water is that it's close to 800 acres of intact forest which, unfortunately, given this unfragmented landscape of the PA Highlands, is kind of rare.

Mr. Storelli said he's the Mid Atlantic GIS Scientist, who makes maps for a living. He lives in Bethlehem. There are a couple of projects AMC is working on in the area. The study was derived from the act that Christine was speaking about a minute ago. The project was broken up into two phases. What they are looking to do is to develop some high conservation value lands in the Highlands. Those lands would be eligible for federal dollars for protection. There are several organizations and groups involved in this study. They are broken up into different working groups based on the skill level that each group would have. That was part of Phase I. In order to do that, what they are setting out to do was to identify some potential high conservation value areas. These high conservation value areas were assessed on five key factors, one being agricultural, biological, forest, recreation and waters. Those areas were what were high potential conservation value lands. That phase is just about being wrapped up at this point. They are now starting Phase II which is where he comes into play. They are doing a land use analysis. They are considering the implications of further continued development. What they want to do is figure out areas that are being converted from undeveloped into developments. They are looking for development, reasons why areas are changing. They are looking for where areas are changing and what that rate of change is. They are looking at what happened in the past. What was the rate of change from undeveloped to developed in the past, and take that information and try to project where places will be developed in the future. They are using a computer simulation model to help them do them

which is called GeoMod. It's a really good tool to take different parameters of land use change, like road networks, what are the distance for roads and why roads would be a good player as to why land use would change. With Phase II, this land use analysis is going to be really important. With this study, they are looking at Phase I and putting that information with Phase II. Those areas they are looking at to be potential high conservation value lands and put that information on top of Phase II which they are looking at the land use analysis. Where is land use going to change and what is that rate of change and how important is it for those five key areas, and where those rates of change are going to be. He's excited to be part of this. In the near future, they'll have some good data coming out of Phase II and at the end of the study, they'll have maps and be able to show the information from Phase I and Phase II and show those high conservation value areas. They'll be charts and graphs to back up those maps.

Mr. Storelli said a second project that is going on is the PA Greenway map. He has an example of the map with him. After the meeting, he'd be glad to speak in more detail to anyone who has any questions about that.

Mr. Storelli said the Greenway map is the center piece of the Highlands Conservation atlas. The map can be used for there key areas – planning, conservation and education. With planning, it can be for land use planners, local county planners, municpalities can use this information setting up their own greenway plans. Conservation, many conservation organizations can use that in their initiatives. He sees it as a large education piece to show people where the Highlands are. He showed an example of the Greenway map. There is a hubbing corridor. The areas outlined in green are hubs. These areas are key conservation areas where they might be made up of forested lands, undeveloped areas, or areas that are already under some type of protection. The hub areas are made up of forest land, undeveloped lands and areas that have some protected lands. The brown areas are corridors that connect the hubs. They are the best areas to connect the hubs. The corridors are just as important for conservation as these are the areas that connect the hubs, and without these, you will lose biodiversity. On the map, the red squares with the numbers are critical treasures. Critical treasures are recognized areas for additional conservation. Each red square has a number in them which corresponds with the table at the bottom. He brought a green way map with him if anyone wants to look at it after the meeting.

Ms. Sykes said there is a new staff person in the Bethlehem office, Jennifer Heisey, who is the Mid Atlantic Recreation Planner brought on specifically to help them with an initiative that they are working with the Highland Coalition on the PA Highlands trail. Currently, there is a Highlands trail, a national millennium trail that does exist that the NJ-NY trail conference has been working on. It's about 180 miles from the NY – Connecticut border all the way down to NJ with the exception of about 15 miles in the Muskenet Valley, and they are still trying to find how they are going to get that 15 miles over into PA. It's mostly complete and the Appalachian Trail doesn't run through most of the PA Highlands, so they see this initiative as a two prong thing – one creating more recreational opportunities in PA Highland, and getting more folks out into PA Highlands and helping them with land conservation. They had groups get together last week to talk about how the Highlands Trails, the PA section should go, and right now the idea is to have a trunk trail, which we also have a working map of the different trails in PA. The beginning part of it is in Northampton-Lehigh County where there is a fair amount of protected lands we can go through, and will just be a linear trail. The idea is not to necessarily have a linear trail like the Appalachian trail, but create possible loops that connect State Parks and other parks. It's really extensive to build new trails, so our hope is to have some dual designation of trails that could also use some more help. The horse shoe trail has been threatened by development and has had some parts of it that aren't well maintained or on private land where the landowner decides they don't want to have a trail go through their land anymore. That's our PA Highland project, so if you have any ideas or places where you think a root could go, we have a map and she can give you Jennifer's contact information.

Ms. Sykes said they have been reaching out to the DCNR and other organizations. There isn't one map that has all the trails that are in the Highlands on it. This map doesn't even show all of the trails. Though research, a lot of state parks don't have their trails GPS'd. They are going to do that this summer.

Ms. Sykes asked for any questions. Mr. Hijazi said the boundary of the Highlands, how was that determined? Ms. Sykes said the Highlands and the work they have been doing to protect it has been kind of a mix of the ecological basis with the political so the forest service boundary of this US Forest Service Study does not go to the Maryland border. It only goes a little over the Susquehanna and into York and Lancaster County. That's based on politics. There's no reason it shouldn't go down to the Maryland border. It was easier for the Forest Service to have it go out to the municipalities just for convenience sake. There's not any ecological basis for it. It's all kind of an overlay of politics on the land production they are doing. Mr. Storelli said the initial boundary may not be depicted on that particular map, but the boundary goes within the municipality. They basically took the boundary and extended it out to the municipally to keep with the politics that are involved in the area. It is an ecological region which has extended out to the political boundary. The entirety of Allentown or Bethlehem would be included in the municipality that fell within that ecological region.

Ms. Sykes said the Department of Conservation Natural Resources has been really active in protecting lands in the PA Highlands. Not as much further south, although there is an new group that is being headed up by the Nature Conservancy but has DCNR involved as well as the local watershed groups down there. They've been told by their friends at DCNR that the PA Highlands is one of their top priorities for the State of PA. They give a lot of money to groups that are working on land protection in the Highlands. Years ago, they had a meeting with Secretary DeBerdenas, and he designed the PA Highlands as one of only five state mega greenways in the State of PA. There are definitely some funds. The Wm. Penn Foundation also funded a lot of land acquisition in PA Highlands and also have made the Highlands a top priority as well.

A resident asked if there was special money available? Ms. Sykes said it should be soon. Congress hasn't passed it's interior appropriations bill yet. They decided because of other bills that came up, they were going to roll it into an all over spending bill, which means there's a whole bunch of different bills that are all lumped into one bill. Presumably, within the next month, that bill will be passed and will have to work its way through Congress. It's a long process, but there should be money.

Mr. Riemann said they have been the most enthusiastic opponents and he's amazed there is an office in Bethlehem. He'd like to have them to come and speak to residents in Springfield. He doesn't know how much they know about procedures for signing up and getting lots and properties signed up for the future funding. They heard last spring you needed a sponsor organization. This would be a holding group for these properties. Ms. Sykes said the Highland Conservation Act, those lands that get protected actually are state properties and are eased so they are not actually bought outright. That was one of the ways they were able to get the bill passed as it has strong private property rights language that said it wouldn't become part of the federal land base. As far as lands that are up for Highlands Conservation Act funding, there is no sponsor. They have a good relationship with the state of PA and they asked the various members of the Coalition were properties they thought might fit into the requirements of the Highland Conservation Act, then they presented them to the PA DCNR and they made a decision which projects they wanted to focus on and then they forward those to the Dept. of the Interior. The Forest Legacy program is really focused on working forest lands and does have a different process through the state where you do have to get an area approved. The state has put those projects forward and then the forest service, at a national level, ranks those projects. The Highlands Conservation act says it's only lands that have been identified as having high conservation value by the Forest Service and they decide for

the ability to get it through the office of management and budget which is really into cutting budges. The Highland Conservation Act projects are being ranked, but you don't have to have a particular sponsor for a Highland Conservation Project. There's been a lot of support for this bill when other bills have not really received a lot of funds.

Mr. Maxfield said is there any legislation going on a statewide level for protection of the highland area? Ms. Sykes said it's definitely been talked abut. The question is the way that the State would go about it. There is definitely going to be some hackles raised when you talk about regulation, and this large of a landscape. There was some resistance with the NJ Highlands legislation, and that's because of the way they proceed. It happened quickly and there is still a little bit of misunderstanding as to what the regulations mean to a farmer or land owner. There's definitely talk of this well delineated area that is recognized by DCNR as a significant region to protect, but what's the best way to go about it and they are still trying to figure that out. Ms. Sykes said Highlands has committed in each state and there's a PA state coalition which has about 40 different organizations and they've just undertaken to look at a strategic plan. With the greenway map, the basis of it is with smart conservation that the Natural Lands Trust developed. There was a lot of discussion with communities of, here's an area that shows up as having high conservation value and then when you talk to local folks, they says that's what we call this. So it has a community value as well as ecological value and John has all the data from the greenway map.

Mr. Johnson asked if they had any detailed version of the greenway maps? Mr. Storelli said he will get a copy to the EAC either by email or by GIS.

Ms. Sykes said one of the goals of the conservation atlas was to really call out these places that are well known and kind of need of protection but kind of a morphs and don't necessarily have a boundary or have a designation to them. Critical treasures are different places that folks submit it to the Coalition of places they were working on. The idea with the conservation atlas was to call out these larger landscapes that have a lot of really important pieces to them and say here's a whole landscape and different places we need to protect.

Mrs. Yerger said one of the things we struggle with is we have these hills and steeply wooded slopes, and we are lacking flat lots. Ms. Storelli said a lot of that has to do with thinking ahead and that's what we are all here doing. Thinking about when you are developing with smart growth, and maybe even just simple open spaces in your development plan helps. That's very important. Getting those ideas ahead of time certainly helps with your long range planning and getting you planner and your local DEP involved and have them help set up open space plans in your development. That's a key factor.

VI. <u>ADJOURNMENT</u>

MOTION BY: Mrs. Yerger moved to adjourn. The time was 8:30 PM.
SECOND BY: Mr. Aranyos
ROLL CALL: All in Favor: Yes
Opposed: None