

Environmental Advisory Council



A municipality's governing body may establish an environmental advisory council to advise the municipality's decision-makers and undertake projects regarding the protection and conservation of natural resources.

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Introduction

An environmental advisory council (EAC) is a group of 3-7 people, appointed by a municipality's governing body, that *advises* the elected officials, as well as the planning commission and park and recreation board, on the protection, conservation, management, promotion and use of natural resources within the municipality. When municipal officials are stretched for time and energy, it can be difficult to attend to environmental issues—even harder to consider them at the front end of decision-making. An EAC's well-deliberated input is often a valuable perspective that the local elected officials respect and consider.

An EAC may also undertake or assist with a variety of environmental endeavors. The work of its members may take many shapes—providing professional assistance at no charge on a specific matter, raising money for a project, organizing and running a program, and more.

Pennsylvania's Act 148 of 1973 (amended in 1996 as P.L. 1158, No. 177)¹ *authorizes* municipalities to establish EACs. State law *does not mandate* the creation of EACs.

An EAC may only be established with the support of the local governing body—no support, no EAC. If a

local governing body wants to create an EAC, it must do so by passing an ordinance.

The law allows municipalities to form multi-municipal EACs.

As of the last formal survey in 2008, local governments had established 150 EACs in the Commonwealth, mostly in eastern Pennsylvania.

The Pennsylvania Land Trust Association manages the website <http://EACnetwork.org> to educate on the establishment and operation of EACs and to aid EAC members in communicating with one another.

What Do EACs Do?

State law provides that environmental advisory councils "shall have the power to:

- 1) Identify environmental problems and recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within its territorial limits.
- 2) Make recommendations as to the possible use of open land areas of the municipal corporations within its territorial limits.
- 3) Promote a community environmental program.
- 4) Keep an index of all open areas, publicly or privately owned, including flood-prone areas, swamps and other unique natural areas, for the purpose of obtaining information on the proper use of those areas.
- 5) Advise the appropriate local government agencies, including the planning commission and recreation and park board or, if none, the elected governing body or bodies within its territorial

¹ Senate Bill 689, Session of 1995.

limits, in the acquisition of both real and personal property [by a variety of means for environmental purposes].”

(Title 53 of the Pennsylvania Consolidated Statutes, Part III, Subpart D, Chapter 23, Subchapter B Environmental Advisory Councils §2324 (a))

What Don't EACs Do?

- An environmental advisory council does not make land use and other regulatory decisions. They may only advise on regulatory matters.
- EACs do not take the place of nor should they compete with planning commissions or park and recreation boards; they should augment and work closely with them.
- EACs are not independent environmental advocacy groups. They are part of the local government and accomplish the most when they maintain positive and productive working relationships with other municipal officials.

Other Impacts of EACs

- Whenever the elected officials or staff of a municipality change, there is risk that key knowledge about the municipality will be lost with the departure of the individuals. The members of an environmental advisory council provide an additional repository of institutional knowledge to guard against such losses.
- EACs may help elected officials communicate with the public on important issues.
- EACs may rally people around a project, getting individuals to volunteer their time or donate money.
- A multi-municipal EAC may provide an important means for promoting intergovernmental cooperation.
- EAC members occasionally go on to run for public office and become elected officials, making for better understanding of natural resource conservation issues on the governing body.

Common EAC Obstacle

Elected officials may fear that if they establish an environmental advisory council, it could be taken over by radicals. In this case it is helpful to remind the elected officials that *only they* have the power to appoint EAC members, and that as an advisory body, the EAC only works if its recommendations achieve the respect and support of municipal officials. As such, EAC members have strong motivation to be deliberate in their work and maintain good communications with elected officials.

The Impetus for EACs

The impetus for establishing an environmental advisory council varies by the community:

- A citizen or group of citizens may be concerned about an environmental matter in the community and approach municipal officials about creating an EAC to remedy the situation.
- A municipal official or advisor may recommend that an EAC be formed to address a particular issue needing attention.
- Elected officials may create an EAC as a vehicle for more broadly maintaining and improving quality of life in the municipality.

Defining the Role

Once an environmental advisory council is formed, it becomes part of the municipality's local government structure, much like a planning commission, park and recreation board, or other appointed volunteer body. Each EAC works with elected and other officials to define its role. Officials may provide a list of projects to the EAC—or the EAC may suggest projects to the officials.

Examples of community environmental projects that could be spearheaded or topics that could be addressed by an EAC include:

- Open space protection
- Greenway and trail development

- Dedicated open space bond or earned income tax referendum
- Environmental resource inventories
- Site plan reviews
- Conservation ordinances
- Rivers conservation plans
- Riparian buffer plantings
- Stream cleanups
- Water quality monitoring
- Air quality monitoring
- Brownfield remediation
- Community Supported Agriculture
- Recycling
- Green purchasing
- Green buildings
- Sustainable parks
- Alternative energy
- Stormwater management plans and ordinances
- Habitat conservation and restoration
- Energy audits
- Addressing climate change
- Invasive species removal
- Public education on any of the above topics

Regardless of an EAC's projects, it is critical that the elected and other municipal officials support the EAC and that the EAC maintains positive and productive working relationships with them.

Starting an EAC

Education

Elected officials will need to have some understanding of what an environmental advisory council is and what it entails before they are willing to establish one. And community leaders and residents won't be able to support the EAC's creation or volunteer to serve on the EAC without some understanding. The amount of education needed or desired will vary by municipality and circumstances. A wealth of educational information can be found at <http://eacnetwork.org/> and <http://ConservationTools.org>.

Municipality Enacts Ordinance

Once the municipality's governing body has agreed that the creation of an EAC is appropriate, it establish-

es the EAC by local ordinance. Sample ordinances can be found at <http://eacnetwork.org/>.

Municipality Selects EAC Members

Once the ordinance is passed, elected officials may select and approve three to seven members for the EAC. They also appoint one these members as the EAC chair.

The municipality may advertise for EAC members through a newsletter, website, posted notice, etc., and accept applications. Members are not required by law to have any particular expertise, but strong candidates for membership might include hydrologists, biologists, landscape architects, engineers, attorneys, professors, teachers, and other knowledgeable residents who are willing to volunteer to improve their community.

EAC members must be residents of the municipality, and Act 177 of 1996 states that "whenever possible, one member of the EAC shall also be a member of the municipal planning commission."

EAC Establishes Bylaws

The EAC is responsible for developing a set of bylaws to guide the council's organization and operation. Model bylaws can be found at <http://eacnetwork.org/>.

Resources at ConservationTools.org

To find experts on the topics covered by this guide, see the right hand column of the on-line edition at <http://conservationtools.org/guides/show/1>. The on-line edition also contains the most up-to-date listing of related library items and guides.

Submit Comments

Help improve the next edition of this guide. Email your suggestions to the Pennsylvania Land Trust Association at aloza@conserveland.org. Thank you.

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