



August 26, 2013

**To: Members of the House Game & Fisheries Committee  
Members of the House Environmental Resources & Energy Committee**

**From: John Walliser, Pennsylvania Environmental Council**

**RE: Opposition to House Bill 1576 (P.N. 2133)**

On behalf of the membership of the Pennsylvania Environmental Council (PEC), I am writing to express our opposition to HB1576. This proposed legislation will be the subject of a joint Committee hearing on August 26<sup>th</sup>.

HB1576 would, if enacted, fundamentally change the review and designation of threatened and endangered species in Pennsylvania, and would work counter to the many challenges it purports to address.

**Review by the Independent Regulatory Review Commission (IRRC) would be less meaningful than an already established, scientific and public process.**

- Both Commissions utilize independent and peer-reviewed data in considering the listing of species, provided through uniform criteria established by the Pennsylvania Biological Survey. The IRRC does not have scientific expertise or standards to evaluate species listing proposals.
- Both Commissions are already required, in listing or de-listing species as threatened or endangered, to do so in accordance with the Commonwealth Documents Law which requires publication in the Pennsylvania Bulletin and opportunity for public review and comment – including submission of additional data. Both Commissions also follow the Sunshine Act and the Commonwealth Attorneys Act in this process.
- HB1576 proposes review criteria divorced from meaningful and Pennsylvania-specific scientific analysis. For example, in establishing parameters for evaluating the range of a potential threatened or endangered species, Section 5(b) appears to set a numeric test against indefinite criteria (“significant portion”). This provision discounts the status of a particular species within the boundaries of the Commonwealth, and thus the intent of Pennsylvania species protection itself. Furthermore, this standard will require the Commissions to conduct data analysis over a much more extensive geographic range – adding to time and expense.

### **HB1576 Would Place Additional Time and Expense Burdens on the Commonwealth**

By requiring the re-nomination and approval of already-listed species within two years, HB1576 would impose a time and cost prohibitive burden on the Commonwealth. If one of the driving concerns behind this proposed legislation is encouraging prompt and efficient response, saddling the Commissions with such an unprecedented workload will only serve to exacerbate the issue.

### **HB1576 Could Encourage More Federal Involvement in Species Protection**

One of the criteria utilized by the U.S. Fish & Wildlife Service in determining whether to pursue listing of a species is the sufficiency of state resource protection laws. By curtailing the authority of the Commissions, this proposed legislation could prompt a more active federal role in species protection. In addition, this proposed legislation could jeopardize federal funding for the Commissions, further limiting their ability to work efficiently and effectively in the Commonwealth.

### **Conclusion**

While there are surely ways to improve transparency and informational sharing to avoid adverse impacts to species and allow approvable projects to be completed, these goals can be accomplished without this overreaching legislation. Based on the provisions of HB1576 hundreds of species will be immediately dropped from environmental permit review, regardless of the significant amount of data supporting their consideration.

We commend the Committees for holding hearings on HB1576, and we encourage you to consider the full ramifications of what this proposed legislation could ultimately mean for the natural and recreational communities of Pennsylvania. This proposed legislation would place a tremendous burden on the Commonwealth when better, collaborative solutions remain available.

Thank you for your consideration.