

PENNSYLVANIA CAMPAIGN FOR CLEAN WATER

1315 Walnut Street, Suite 1650
Philadelphia PA 19107
215-545-5250 phone
215-545-2315 fax

November 12, 2013

Re: HB 1576 & SB 1047 – Endangered Species Coordination Act

Dear House Game and Fisheries Committee Member:

We write on behalf of the Pennsylvania Campaign for Clean Water (Campaign), a coalition of over 180 environmental, conservation, sporting, and religious groups from all corners of the state. The Campaign speaks in one voice in support of federal and state policies to protect and restore Pennsylvania's water resources. The Campaign would like to express our substantial concerns with the proposed Endangered Species Coordination Act (HB 1576, SB 1047) that we understand may be considered and potentially amended on November 13th by the House Game and Fisheries Committee. The bill, as originally written and as amended, would greatly dismantle agency tools, oversight, and protective measures and laws now in place for Pennsylvania species that need this protection the most. The following paragraphs provide our specific concerns with the proposed legislation.

House Bill 1576 would place programs to protect threatened and endangered species by the Fish and Boat Commission and the Game Commission under the purview of the Independent Regulatory Review Commission. This change threatens to undermine the independence of the agencies and subjects programs which need to be scientifically based and data-driven to control by the political appointees making up the Independent Regulatory Review Commission.

The current process allows scientists from the PA Game Commission, PA Fish and Boat Commission and the Department of Conservation and Natural Resources, after public hearings and discussion, to determine when a species in Pennsylvania is rare, threatened or endangered and to take necessary steps to protect them. The current process also allows the PA Fish and Boat Commission to designate Wild Trout streams. The bills would take this independent authority away from these agencies and their professional staff, and put the ultimate decisions in the hands of political appointees.

Under this newly proposed law, any new designation of a Pennsylvania endangered species could only happen if that species is in danger of extinction throughout all or a significant portion of its entire federal range. So a species could be on the verge of extinction in Pennsylvania and it would not qualify as endangered. This ignores the fact that many species may be threatened in Pennsylvania due to conditions in our state that do not exist in other states. Agency staff have testified the bill would make it more difficult to protect many rare Pennsylvania wildlife and fish species.

The proposed legislation would greatly weaken PA's Wild Trout stream designation by removing the possibility for a stream to be given Wild Trout stream protection provisionally in advance of publication in the PA Bulletin. This contradicts how DEP applies Exceptional Value existing use designation to Wild Trout streams in advance of Environmental Quality Board approval and would allow for degradation of our important and rare wild trout streams due to the lengthy and often multi-year stream upgrade process.

Species currently listed by Pennsylvania as threatened or endangered would be automatically delisted from the state's "centralized database" after two years unless they are re-designated by the agency. This would require a huge investment of agency resources in order to re-justify a currently listed species, without providing funding to pay for the agency work.

The cumulative effect of the changes proposed in the bill blunt the Commissions' programs for threatened and endangered species of fish and wildlife – allowing drilling, mining, and clear-cutting to evade agency review. With ever-larger tracts of public and private land being subjected to industrial development, including gas drilling, pipeline construction, and mining, the likelihood of encroachment on the habitat of threatened and endangered species increases. Pennsylvanians cherish their wild resources; the protection of these resources should not be lessened nor placed in the hands of political appointees.

We thank the Committees for holding hearings this summer on this controversial legislation. **We respectfully request that you vote NO on HB 1576 / SB 1047 in its current form, and that you strive to address these concerns before proceeding with any legislation.**

Sincerely,

Air Soil Water
Jolie DeFeis
Executive Director

Allegheny Defense Project
Ryan Talbott, Executive Director
Matt Peters, Events & Outreach Coordinator

Allegheny Group, Sierra Club
Peter Wray
Chair, Conservation Committee

Alliance for Sustainable Communities-Lehigh Valley
Martin Boksenbaum
Steering Committee Member

American Rivers-PA
Liz G. Deardorff
Director

Aquashicola/ Pohopoco Watershed Conservancy
Jim Vogt
President

Berks Gas Truth
Karen Feridun
Founder

Blue Mountain Preservation Association
Frank O'Donnell
President

Center for Coalfield Justice
Patrick Greuter
Executive Director

Clean Air Council
Joseph Otis Minott, Esq.
Executive Director

Clean Water Action
Myron Arnowitz
PA State Director

Concerned Harding Area Residents
Steve Simko
Chairman

Damascus Citizens for Sustainability
B. Arrindell
Director

Delaware Riverkeeper Network
Maya van Rossum
the Delaware **RIVERKEEPER**®

Ecological Associates, LLC
B. Scott Fiegel
Director

Environmental Management Center of the Brandywine Conservancy
Wesley R. Horner
Senior Advisor for Water Resources

Keep Sutton Creek Clean Committee
Steve Simko
Chairman

The League of Women Voters of Pennsylvania
Susan Carty
President

LEPOCO Peace Center, Lehigh-Pocono Committee of Concern
Nancy Tate
Staffperson

Montgomery County Democracy for America (Montco DFA)
Beverly Hahn
Chairperson

Mountain Watershed Association
Beverly Braverman, Executive Director
Krissy Kasserman, Youghiogheny **RIVERKEEPER**®

Pennsylvania Alliance for Clean Water and Air
Jenny Lisak
Co-Director

Pine Creek Valley Watershed Association
Ingrid E. Morning
President

Quittapahilla Audubon Society
Art Schiavo
Conservation Chairperson

Save Cummins Hill
Jolie DeFeis
Founder

South Branch Tunkhannock Creek Watershed Coalition
Ellie Hyde
Chair

Wissahickon Valley Watershed Association
Dennis O. Miranda
Executive Director

Valley Forge Chapter of Trout Unlimited
Robin Feisem
President