



OFFICE OF
EXECUTIVE DIRECTOR
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COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Game Commission

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*"To manage all wild birds, mammals and their habitats
for current and future generations."*

August 14, 2013

The Honorable Martin Causer
41B East Wing
P.O. Box 202067
Harrisburg, PA 17120-2067

The Honorable Gary Haluska
114 Irvis Office Building
P.O. Box 202073
Harrisburg, PA 17120-2073

Dear Chairman Causer and Chairman Haluska:

For almost 120 years, the Pennsylvania Game Commission has managed the wild mammals and birds of Pennsylvania. Included within that responsibility is the task of designating certain species as threatened or endangered. HB 1576 represents a substantial change in the manner in which threatened and endangered species have been designated and provides that before the PGC, Fish and Boat Commission (PFBC) or Department of Conservation and Natural Resources (DCNR) may designate a species as threatened or endangered the agencies would first have to go through the Independent Regulatory Review Commission (IRRC). If an agency has not listed a species – or if IRRC has not yet ruled on whether the agency may list the species – the agencies may not take any action toward conserving that species unless it has already been listed in the federal endangered species list. HB 1576 also requires that the PGC, PFBC and DCNR create a database of the location of all threatened or endangered species in the Commonwealth and share the information on that database with anyone who asks.

Thank you for scheduling a hearing on this bill. We appreciate the opportunity to comment on the legislation. In advance of the hearing, we have prepared the following comments outlining our concerns regarding HB 1576 and the implications it would have on the Commonwealth's natural resources:

The US Fish and Wildlife Service (FWS) has determined that this legislation may affect the PGC's and PFBC's eligibility to receive federal funding.

- The PGC and the PFBC rely on federal funding to make up a substantial part of their budget. As a condition to receiving that funding, the FWS must determine that the agency has full authority to issue regulations regarding wildlife and has control of its own

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funding. The FWS has determined that this bill may affect the PGC and PFBC in those areas, and thus make either, or both, agency ineligible for federal funding.

This legislation fixes a problem that does not exist.

- Regulatory action to list a species as threatened or endangered is already an infrequent and deliberative process and requires scientific data from agency biologists demonstrating that a species is in imminent danger of extinction throughout their range in the state. Only the most imperiled species are proposed for listing, in fact over the past 10 years, only 3 species have been added to the endangered/threatened species list by the PGC. The current process has been recognized across the nation as a wildlife success story in allowing the PGC to preserve and restore threatened and endangered species in the Commonwealth.

Currently the listing and delisting a species by the PGC is a process that is already transparent, takes approximately six months to complete, and includes two periods of public comment and two separate votes by the Board of Commissioners.

- Any regulatory action by the Board of Commissioners must be in accordance with the Game and Wildlife Code, the Sunshine Act, the Commonwealth Documents Law, the Commonwealth Attorneys Act and is subject to judicial review.

Requiring the listing of a species to go through the IRRC approval process will take up to two years and result in added layers of inefficient bureaucracy.

- The administrative process outlined in this legislation is slow and cumbersome wasting valuable time. The listing of species through the IRRC process will be too time consuming to respond to an immediate crises that may be caused by a significant decline in a population from disease or other population-wide limiting factor, allowing the species to become extinct by the time IRRC acted.

This legislation will have the opposite effect of its intended goal.

- State endangered species programs serve as a first line of defense in protecting species not yet federally listed. One of the criteria the FWS evaluates when determining whether to list a species as federally threatened or endangered is the “adequacy of existing [state] regulatory protections.” Slowing down the process whereby state resource agencies can list species will force the FWS to take a more active role in designating species. Thus, instead of having minor, temporal restrictions placed on the state level, entities will have to deal with more onerous restrictions imposed by the federal government which will exist for a longer period of time.

This bill will result in regulatory uncertainty.

- Requiring all listed species to be renewed every two years presents a tremendous uncertainty for industry, creating a situation in which the status of all species will be in

doubt. Projects with long development times will be unable to analyze liabilities with revisions occurring every two years.

The natural resource agencies already maintain a database on the location of threatened and endangered species in the Commonwealth.

- Information on that database is shared with outside entities when needed in order to protect and preserve those species. Increasing access to that database will increase the risk of unlawful taking of threatened and endangered species as many of those species have substantial value on the black market. This legislation would require the natural resource agencies to provide a virtual roadmap to the location of species that are often targeted for illegal sale and trade.

This legislation would shift the burden of determining the presence of threatened or endangered species onto the PGC and the PFBC and away from the entities applying for a permit.

- The PGC will be forced to incur a substantial cost in hiring new employees to check for threatened and endangered species. License fees will be diverted from their intended use to the newly created purpose of hiring new staff.

For the reasons listed above the PGC opposes the legislation and believes that if adopted as written it would be a serious deterrent to our wildlife resources.

Sincerely,

Carl G. Roe
Executive Director
Pennsylvania Game Commission

Attachments