

Testimony on House Bill 1576
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Chairman Causer, Chairman Haluska, Chairman Miller, Chairman Vitali, Members of the Game and Fisheries Committee and Members of the Environmental Resources and Energy Committee; as always it is a pleasure to appear before the House committees to offer testimony on important public policy. I could easily provide testimony for an hour or more as to why this piece of legislation does not serve the public nor the wildlife resources, but since we only have a few minutes I will address only the most important aspects of it.

Clearly the protection of our natural resources is a prime concern of the citizens of the commonwealth. In repeated surveys results indicate that over 90 percent of the public expects us to manage the threatened and endangered species to preclude their extirpation of those species. It is one of the primary mission of the Pennsylvania Game Commission and a key element of our strategic plan to preclude additional species from being placed on the list and we also do our best to improve species populations to take them off the list. In the past ten years we have added only three species to the list and we will be removing one this year. The ability to manage the species through the classification system is critical to their survival. The resource agencies have the expertise and the will to best manage the threatened and endangered species program. However, in doing so we work with industry and other interested parties to find a balance on the restrictions we establish for those species.

The next element addresses the idea of only using federal criteria. We as state agencies have fought for a long time to keep federal requirements out of the state's right to manage wildlife. This is a constant battle and we believe that states have a much better idea of the species inside our boundaries than the federal government has. If we can list species at the state level, we can in many cases preclude them becoming a federally listed species. Additionally, in most cases the federal requirements are much more onerous than the state requirements. Let me give an example. I am sure you have heard of the Indiana Bat a federally listed species. I am sure you have received letters, emails and phone calls on the strict and uncompromising restrictions of the Indiana Bat. We as a state agency must also comply with the federal restrictions on Indiana bat and they have hampered our operations. Have any of you received a call on the small footed myotis-small footed bat; a state listed species of bat? We can better control the requirements and the avoidance, minimization and mitigation factors at the state level. Once it gets into federal listing we have virtually zero ability to make compromises to facilitate agreements. I have even sat in negotiations on behalf of industry and tried to facilitate compromises with the US Fish and Wildlife Services o Indiana bat issues. Leaving the decisions or letting species get to the federal level of listing takes away the control from the states.

And herein lays the great irony with this legislation. The one species that is commonly referred to as the catalyst for this bill is the Indiana Bat. However, that is a species that is federally listed, not state listed. This legislation will make it much more difficult for agencies to list species as threatened and endangered, which will guarantee that the Fish and Wildlife Service will take a more active role in listing species. Thus, instead of preventing restrictions like those associated

with the Indiana Bat this legislation will ensure that more species are federally listed and more burdens are placed upon entities which apply for permits.

One of the issues addressed in the proposed legislation is the sharing of data that is the Pennsylvania Natural Diversity Inventory. The PNDI system is in place to help facilitate the issuance of permits and at the same time protect the species. The system allows the identification of areas that have T/E species and how we can assist in the avoidance, minimization of impact or mitigation of those conflicts. With good communication we have assisted many companies in their preplanning goals that have in fact saved them considerable costs. We have great concerns in the opening of point data for general use as there are considerable risks in that data. If you wish, I can provide specific instances where once the point data was known, entities have altered the sites to eliminate the T/E species. As an agency we feel we are a facilitator in this process and we work to insure both the industry and the species concerned are protected.

It is clear that the Pennsylvania Game Commission does not support this legislation. It is an increase in bureaucracy that results in totally inefficient and ineffective governance. Having an independent regulatory commission review the actions of another independent regulatory commission is redundant government that will negatively impact our constituents and will negatively impact our wildlife resources. I will be glad to answer any questions.