



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2407

PRINTERS NO. 3205

PRIME SPONSOR: Hamm

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	\$0	\$0

SUMMARY: House Bill 2407, Printer's Number 3205, amends the Dam Safety and Encroachments Act to limit Pennsylvania Fish and Boat Commission authority or jurisdiction related to stream maintenance or clearing activities.

ANALYSIS: This bill amends the Dam Safety and Encroachments Act (Act 325 of 1978) by amending Section 9 addressing permit issuance and conditions which states that the Department of Environmental Protection (DEP) shall have the power to grant a permit if it determines the proposed project complies with related laws and regulations as administered by DEP and any river basin commission created by interstate compact. The department may impose permit terms and conditions regarding construction, operation, maintenance, inspection and monitoring of the project as are necessary to assure compliance.

The bill limits the role of the Pennsylvania Fish and Boat Commission (PFBC) stating the commission shall have no authority or jurisdiction and no approval or authorization shall be required for any stream maintenance or clearing activities conducted within this Commonwealth. DEP may not delegate its authority to the commission related to stream maintenance or clearing activities, but the PFBC may be involved in an advisory capacity with permits and plans regarding the construction or installation of new bridges or culverts.

Section 20 addressing enforcement orders is amended to state that the PFBC may enforce stream maintenance or clearing activities in this Commonwealth only when there is a potential violation under Title 30 (Fish) due to a person not having a valid permit or conducting an activity not authorized by a permit. The PFBC shall not issue a violation if the stream maintenance or clearing activity is general maintenance of a bridge or culvert or enforce a penalty for a violation under Title 30 (Fish) until a permit is verified with DEP and the relevant county conservation district.

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT: Enactment of this legislation will have no impact on Commonwealth funds.

PREPARED BY: Jeffrey Clukey
House Appropriations Committee (R)

DATE: June 13, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.