

House Game and Fisheries and Environmental Resources and Energy Committees
Joint Hearing on HB1576
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Department of Conservation and Natural Resources
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Chairman Causer, Chairman Miller, Chairman Haluska, Chairman Vitali and committee members, thank you for this opportunity to address House Bill 1576 and highlight the Department of Conservation and Natural Resource's (DCNR) involvement with Threatened and Endangered Species listings.

I am Dan Devlin, Director of DCNR's Bureau of Forestry. DCNR's mission is to conserve and sustain Pennsylvania's natural resources for present and future generations' use and enjoyment. Part of our responsibility is to maintain an inventory of the Commonwealth's ecological and geologic resources and to conserve native wild plants, which includes protecting threatened and endangered flora species. DCNR is the largest land steward in the state, actively managing more than 2.4 million acres of state forests and parks.

DCNR has two main roles regarding threatened and endangered species in Pennsylvania. The "Wild Resources Conservation Act" (Act 170 of 1982) directs DCNR to determine the status of wild plants; creates an enforcement system to protect endangered, threatened, and vulnerable wild plant species; creates a permit procedure for persons interested in wild plant management; creates a commercial license procedure for persons who purchase vulnerable plants (such as American Ginseng) with the intent to sell them; and authorizes DCNR to create a statewide system of private wild plant sanctuaries. DCNR has adopted regulations, at 17 Pa. Code Chapter 45, through the requirements of the Regulatory Review Act, to implement this program.

DCNR's second main role regarding threatened and endangered species is obtained through Act 18 of 1995, Section 305 (10) which is to create, maintain and inventory the

Commonwealth's ecological resources, which includes threatened and endangered species. Section 305 (a) states that DCNR shall have the power and its duty shall be to the study and protect the Commonwealth's ecological and geological resources. DCNR's responsibility is to conduct surveys of the significant ecological resources and provide the information for reference.

Currently DCNR works in partnership with other Commonwealth agencies through the Pennsylvania Natural Heritage Program to collect biological and ecological information. PNHP is a partnership between the DCNR, the Game Commission, the Fish and Boat Commission and the Western Pennsylvania Conservancy to conduct inventories and collect, analyze and distribute data to describe the Commonwealth's rarest and most significant ecological features. That information is stored in a centralized database and shared with individuals and organizations. Those individuals and organizations use the information for conservation, development planning and resource management.

PNDI and PNHP

The Pennsylvania Natural Diversity Inventory (PNDI) is the Environmental Review function of the natural heritage program. The PNDI system is managed by DCNR in order to provide conservation information which, among other things, is used for development planning, resource management and also permitting. The general process used to collect and disseminate this ecological information goes as follows:

- The PNHP partnership conducts inventories and collects data to identify and describe the Commonwealth's most rare and significant ecological features.
- These features are maintained in a centralized database. This includes all ecologically significant resources such as plant and animal species classified as rare, threatened, endangered, tentatively undetermined or candidate as well as other taxa such as moths,

butterflies, dragonflies, significant natural plant communities, and unique geologic features.

- Information regarding those features can be found for public use in two places. For planning purposes all ecological information can be found in County Natural Area Inventories and the features that are considered most endangered, threatened, rare or ecologically significant are found in the PNDI Environmental Review Tool.

PNDI Program and Tool

The PNDI program is the main source of information in Pennsylvania utilized for conservation planning needs and state permitting for the protection of special concern species and resources. PNDI coordination is conducted to support biodiversity conservation and sustainability and to facilitate the avoidance and minimization of impacts to endangered, threatened, rare, candidate and special concern species and resources.

The PNDI information system is continually updated to include recently discovered plants, animals, significant natural communities and unique geological features/locations. Updates also include species recently de-listed and species populations no longer found.

Anyone, including property owners; environmental consultants; industry staff; project planners; conservation planners; and the Department of Environmental Protection (DEP), can access the tool for PNDI project screening. The PNDI ER Tool is used during any project pre-planning phases, prior to submitting permit applications to DEP, or for other state or federal funding requirements.

The PNDI ER Tool screens projects and provides the user with instant responses regarding species and resources of concern in their project area or area of interest, including:

- Instant No Impact responses;

- Listing of species occurrences known within the project area if there is a potential impact and which agency to coordinate with further;
- Avoidance Measures to minimize impacts to the species known in the vicinity of the project (e.g. maintain a 300-foot buffer on wetlands); and
- Conservation Measures which are voluntary measures to minimize impacts to non-listed species and resources.

House Bill 1576 standardizes a state process for listing threatened or endangered species, consolidating the listings into a centralized database managed by DCNR, and granting access to information in the database to outside persons as defined in the legislation.

DCNR already has a process established, which includes the Independent Regulatory Review Commission, to list species under our jurisdiction as Threatened and Endangered.

While the department has not taken an official position on the legislation, we do have - recommendations.

In the legislation as written, our recommendations are with regard to the definitions for “Persons” and “Listing Species;” the terminology used when defining the designation of a threatened or endangered species; and data sensitivity and access to such data. We would like to work with you on those issues.

As I have explained, there is a robust system in place to inventory and disseminate ecological information to those who need it. As the needs of the users constantly change, DCNR continues to adapt its tools and policies to meet the needs of the users while still fulfilling our statutory obligation of protecting the species.

The protection of natural heritage species and resources can be accomplished in harmony with development needs across Pennsylvania. The PNHP and its PNDI ER Tool and review

process can help guide planning and development, avoiding impacts to biodiversity and exemplary ecological areas.

DCNR is willing to work with you to improve this legislation.

Thank you and I am happy to take questions.