

Committee Joint Public Hearing

House Bill 1576

Hearing Testimony

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Pennsylvania Aggregates and Concrete Association

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Good afternoon. I would begin by thanking the committees of Game and Fisheries and Environmental Resources and Energy for the opportunity to offer testimony on behalf of the Pennsylvania Concrete and Aggregates Association. The information I will present will be in support of the proposed Endangered Species Coordination Act.

By way of introduction my name is Michael Welch and since 2010 I have been employed by Glenn O. Hawbaker Inc. as the company's Director of Environmental Services. In this capacity I am responsible for the coordination of all environmental permits and authorizations required for the land development and mining activities pursued by our company throughout Pennsylvania. Hopefully you will recognize the unique perspective I offer today since I am not a life-long industry representative but rather as an environmentalist who has spent over 33 years of my career working for commonwealth agencies, DER and DEP, charged with protecting our state's natural resources (a priority that I have carried over into my current position.) Drawing from past and present experience I am confident that industry truly wants to meet the expectations and regulatory requirements of the agencies overseeing the Pennsylvania Natural Diversity Index (PNDI) process. In addition I don't believe that industry and government have opposing views on the importance of protecting endangered species and their critical habitats. But in

order for companies, such as Glenn O. Hawbaker, and those represented here today to protect and preserve our natural resources and yet successfully compete and grow our economy regulatory review agencies must recognize that the role they play is not only critical environmentally but economically.

The development of business plans and the ability of industry to be responsive to the needs of their customers is dependent on receiving timely approvals and responses from the regulatory review agencies. The existing Environmental Review Screening Tool administered by the Pennsylvania Natural Heritage Program is useful in identifying whether a potential or actual impact (for the planned activity) exists under the jurisdiction of any of the review agencies within the project area. It doesn't however have the ability to offer what the exact species of concern is in all cases or the specific locations. In addition it does not have the program depth to coordinate between the agencies or offer mitigation options etc. To offer for consideration the level of review and oversight which goes into review and permitting of an average sized non-coal mining operation requires various level of involvement with over 20 outside review and regulatory agencies. As this committee is aware the PNDI component itself involves oversight by four federal and state agencies.

The proposed legislation offered as the Endangered Species Coordination Act, the topic of today's hearing, sets out a consistent framework for review that would complement the goals and objectives of both the regulators and the regulated entity.

For the resource agencies, USFWS, PAFBC, DCNR, and PAGC, it upholds their regulatory authority. It continues to highlight the importance of identifying and protecting the state's endangered and threatened species and habitats. It affords the oversight agencies the opportunity to eliminate duplicative reviews, saves costs, and also gives them a vehicle to make communications and interplay more seamless. Related to compliance it has a penalty component built in to address non-compliance.

For industry and private developers the uniform framework for each review includes utilizing a centralized data base (comprised of all four agencies information) and a single point of contact to coordinate the searches and

responses. By also adopting an independent regulatory review element to guide decisions related to additions to the data base there is accountability and consistency. These modifications to the search and response process should make this a much more timely exercise and more cost effective.

The other major benefit included in this legislation is the requirement to assist in the preparation of avoidance and mitigation measures in their operations.

In summary:

By enacting this legislation the longstanding requirements of the Endangered Species Act would be met. The government agencies and the industry applicant would see financial benefit from the streamlined review process. The regulatory agencies would have the benefit of pooling their knowledge and information into a common repository. The public would have ease of access to information. And, regulated industries would have the ability to identify challenges and costs far sooner allowing them to budget for or modify planning in a more predictable manner.

Thank you again for this opportunity to address this group today. Are there any questions or clarifications I can attempt to answer?