

GENERAL BILL SUMMARY
HOUSE BILL 1576 - PRINTER'S NUMBER 2133
HOUSE GAME AND FISHERIES COMMITTEE
2012-13 LEGISLATIVE SESSION

House Bill 1576, introduced by Rep. Jeff Pyle (R – Armstrong/Indiana), seeks to standardize the state process for designating species of fish, wildlife or plants as threatened or endangered, and for designating waters as wild trout streams.

HB 1576 creates a stand-alone Act known as the “Endangered Species Coordination Act” setting forth the procedures for the PA Department of Conservation and Natural Resources (DCNR), the PA Game Commission (PGC) and the PA Fish and Boat Commission (PFBC) for such designations.

Under this legislation, an agency must follow the provisions required in the bill to designate a stream as a wild trout stream, or to designate fish, wildlife, or plants as threatened or endangered on a state level, unless they are already designated under the federal Endangered Species Act.

The bill would require any designating action by an agency to go through the Independent Regulatory Review Commission (IRRC) for approval (which is already the case for DCNR, but not the PGC or PFBC). The agency must provide to IRRC, as well as to the standing House and Senate committees with related jurisdiction, the detailed reasons, acceptable data, and methodology upon which the proposed designation is based. Also, the agency must inform IRRC and the committees of the activities that may be affected by the proposed designation.

The bill also provides that any species which is currently listed as threatened or endangered must go through the IRRC process within two years of the bill’s effective date to justify its continued designation.

Any listing of an endangered species shall be made only if the extinction or endangerment is likely throughout all or a significant portion of its range for the foreseeable future.

DCNR will create and maintain a centralized database of species that have been designated as threatened or endangered. Information relating to species within the database, including location of species, habitat, buffer zones, and avoidance procedures, shall be available upon request to specific persons or groups involved in the activities for which a permit is required by federal or state law that may impact the listed species or their habitats.

Those who request and receive this detailed information are prohibited from disclosing it to other persons without prior written authorization from DCNR. The use of this information is solely for conservation, planning, resource management, and compliance.

Violations of the provisions related to unauthorized dissemination of information or illegal use of the data is a civil penalty of not less than \$250 nor more than \$5,000.

Any action or regulation to designate a stream or portion of a stream as a wild trout stream must go through the IRRC process and will not be effective until promulgated as final.

The bill also addresses the responsibilities of Pennsylvania Natural Diversity Index (PNDI) permit applicants. It relieves applicants of any obligation to determine or evaluate the presence of endangered or threatened species or their habitats, unless there is data showing such species are located in the area.

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