

PENNSYLVANIA HOUSE GAME AND FISHERIES COMMITTEE
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PENNSYLVANIA HOUSE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE
SEPTEMBER 17, 2013 JOINT PUBLIC HEARING
HOUSE BILL 1576

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PENNSYLVANIA AGGREGATES AND CONCRETE ASSOCIATION

Good morning. I wish to thank the Chairmen and members of the Game and Fisheries Committee and the Environmental Resources and Energy Committee for the opportunity to testify on behalf of the Pennsylvania Aggregates and Concrete Association.

My name is Darrel Lewis and I am employed by the Allegheny Mineral Corporation based in Kittanning, Pennsylvania. Today, I am testifying on behalf of the Pennsylvania aggregates industry comprised of crushed stone, sand & gravel and slag producers. Pennsylvania has a long mining history and our state is one of the largest aggregate producers by volume in the United States. Our association represents both smaller producers – companies with one quarry or sand and gravel operation – to companies serving multiple markets in the Commonwealth but above all I am proud to say that a great share of our membership is family owned business with strong roots over many generations in Pennsylvania.

In my capacity as Chief Engineer at Allegheny Mineral Corporation, I am responsible for the coordination of all environmental permits required for mining activities. In that role, I have had the pleasure of working closely with all the state organizations – agencies and commissions – that regulate our industry, including the Pennsylvania Department of Environmental Protection, Department of Conservation and Natural Resources, the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission. Based on my experiences over the last 30 plus years, I support House Bill 1576 – the Endangered Species Coordination Act.

Our industry works closely with all the regulators to minimize the impact of our activities on the environment. We take a long term view on our interaction with the environment as our companies make a generational investment every time we develop a quarry or a sand and gravel operation. We understand the importance of balancing the benefits of a business – employment and a tax base in our local communities – with the principles of sound environmental practices as we live and appreciate the quality of life of our communities.

I believe that our industry truly wants to meet the expectations and regulatory requirements of the agencies overseeing the Pennsylvania Natural Diversity Index (PNDI) process. At the same time, we hope that the regulatory review agencies also understand the impact of their policies and regulations on companies that want to invest in Pennsylvania. Together we need to find the balance between environmental protection and economic development.

Economic development and our ability to be responsive to our customers – including state agencies like the Pennsylvania Department of Transportation – depend 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 that

project area. However, it does not have the ability to offer what the exact species of concern is in all cases or their specific locations. In addition, it does not have the program capability to coordinate among the various agencies or offer mitigation options. Under these circumstances, sometimes it feels like the blind are leading the blind. Industry is told to perform surveys because the agencies are unsure but wish to play it safe. The financial investment for those surveys is considerable and it appears that serves no other purpose than to test the resolve of the company to bring good paying jobs and benefits to communities seeking a steady employer.

The proposed legislation – the Endangered Species Coordination Action – sets out a consistent framework for review that would complement the goals and objectives of the regulators and the regulated.

For the resource agencies, it upholds their regulatory authority. The bill continues to highlight the importance of identifying and protecting the state's endangered and threatened species and habitats. It allows the oversight agencies the opportunity to eliminate duplicative reviews, saves costs and offers a unified platform to make communication and interaction more seamless.

For our industry, we welcome the uniform framework for each review by utilizing a single centralized database and a single point of contact to coordinate the searches and responses. Even more importantly, it offers the additional requirement to assist us in the preparation of avoidance and mitigation measures during the planning process. Furthermore, the introduction of the Independent Regulatory Review Commission in the promulgation of regulation strengthens the citizen's engagement with this process and offers an oversight procedure mandated by law for all other state agencies.

In summary, by enacting this legislation the longstanding requirements of the Endangered Species Act would be met. The agencies and the industry would realize real benefits from a streamlined review process and above all mitigation implementation. The Commonwealth would benefit by pooling the knowledge and information of all agencies into a single repository for the exclusive protection of endangered and threatened Pennsylvania species and habitats. Lastly, our members would have the ability to identify challenges in the planning process and be able to make the necessary investments at the onset of development and thus achieve better predictability for the investment in our communities.

Thank you for the opportunity to address the joint committee hearing today.