

Pennsylvania House of Representatives Finance Committee
Lycoming College
Williamsport, PA
May 12, 2010

Testimony by John A. Arway
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Good afternoon, Chairman Levdansky, Chairman Rohrer, and members of the House Finance Committee. My name is John Arway, and I am the Executive Director of the Pennsylvania Fish and Boat Commission. On behalf of our Board of Commissioners and Pennsylvania's anglers, boaters, and aquatic resources, I would like to thank you for the opportunity to offer this testimony today in support of legislation designed to dedicate a portion of severance tax revenues to support the conservation work of the Fish and Boat Commission.

Specifically, I am here to explain why the Commission should receive a portion of the severance tax to support our work associated with making sure that Marcellus Shale natural gas is developed in a way that has as little impact as possible to our fish, reptiles, amphibians, and other aquatic organisms and the habitats upon which they depend.

The mission of the Pennsylvania Fish and Boat Commission is to protect, conserve, and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities. The Commission is an independent administrative agency with statutory authority and responsibility for these matters.

We accomplish this mission with a relatively small full-time complement of 432 employees, consisting of dedicated waterways conservation officers, fisheries biologists, fish culturists, engineers, and other professional and support staff. We have approximately 150 temporary and seasonal employees who are hired during periods of peak operation, and we also

rely on a network of volunteers and other partners to carry out our work. The breadth of our activities is described in our 2009 Annual Report, which can be viewed on our website at www.fishandboat.com.

As you know, fishing and boating contribute significant revenues to local, regional, and statewide economies. Over 870,000 anglers and 2.5 million boaters together contribute nearly \$3.4 billion to the Commonwealth's economy every year. While you may know us best for the work we do directly related to recreational fishing and boating, we perform countless activities that benefit all citizens and visitors to our Commonwealth.

In fulfilling our mission, we manage hundreds of game and non-game species; review permit applications to protect threatened and endangered species; educate thousands of Pennsylvanians to be safe boaters; train water rescue personnel to save lives in all weather conditions; and enforce water pollution, fishing, and boating laws – these public services are all funded by our anglers and boaters.

Many people do not realize that the Commission relies almost entirely on fishing license sales, boat registrations, and federal funding tied to fishing and boating to support these activities and everything else we do. This includes trying to keep pace and stay ahead of the curve on the current and projected impacts of Marcellus Shale development to fishing, boating, and the resources we are entrusted to protect.

With limited staff, we have been able to take some initiative on issues such as working with the Pennsylvania Department of Environmental Protection (DEP) to ensure water quality protection, preventing the spread of aquatic invasive species, advising the Susquehanna and Delaware River Basin Commissions on water withdrawals to protect in-stream flows and the

animals that depend on water to live, and having our waterways conservation officers proactively conduct over 125 Marcellus gas well inspections.

We are also stepping up our efforts and looking to outside partners – including faculty and staff here at Lycoming College – to help us survey and document the presence of wild trout waters in thousands of miles of previously unassessed streams – many of which flow through regions underlain by Marcellus Shale. Once properly assessed and designated by the Commission, DEP would then protect these waters consistent with Commonwealth laws and regulations.

We want to help the industry protect our waters and habitats and comply with the environmental laws that you, as our General Assembly, promulgate. Industry representatives have told us that they would welcome the chance to work more proactively with us in areas such as avoiding sensitive rattlesnake habitats, insuring water quality protection for sensitive aquatic life uses, and avoiding Exceptional Value wetlands. Unfortunately, we simply do not have the resources (staff and funding) to adequately and proactively assist the industry, DEP, and the River Basin Commissions with controlling the impacts of Marcellus development. We understand the realities of today's natural gas rush and recognize the importance of our Marcellus gas to fueling our national energy needs; however, this cannot be at the expense of our natural resources since we have lived the story and have seen what happened to our waters when Pennsylvania coal was extracted from our mountains almost a century ago. We cannot, in good conscience, let that happen again.

Good fishing requires healthy functioning ecosystems comprised of a wide diversity of aquatic organisms, and our staff review thousands of permit applications to prevent and minimize the impacts to species that comprise those communities. We just do not have enough

people or enough hours in a day to adequately keep up with the volume of Marcellus gas well development projects and, perhaps even more importantly, to get into the field to help companies design and implement their projects in ways that have the least impact on our Commonwealth's natural resources.

We are glad that DEP is adding staff to deal with the challenges of Marcellus development, and we support any efforts to get them and other agencies the funding and staff they need to do their jobs. Without a legislative change, the Commission does not have the authority to charge fees to support the work we do to assist gas companies and other developers in reviewing and implementing their projects in ways that protect, conserve, and enhance our natural resources.

I believe that our agency has a good track record of working with DEP and other regulatory agencies in many regulatory review programs. Dr. Maurice Goddard, former DER Secretary, once said during his acceptance speech for the PFBC's Ralph W. Abele Conservation Heritage Award, that the PFBC was DER's "environmental conscience" at a time when our coal resources were being exploited and they were under pressure to issue permits in the early 1980's. Today, DEP is under similar pressures and the PFBC stands ready to help. For example, we assist PennDOT through a formal agreement that contributes to the salaries and other costs of staff positions whose sole responsibilities are to review and advise on transportation projects and make sure that they are planned and constructed to protect our trust species and their habitats.

If we received a portion of a severance tax, we could take a similarly collaborative approach with both the industry and the other agencies that are reviewing and advising on projects. Ultimately, we would like to have Commission staff in position to spend the necessary time reviewing and commenting on projects and working in the field with developers and other

agencies to make sure our resources are protected. I truly believe that the public expect that service from us and the resources under our jurisdiction depend upon it to survive.

The Commission appreciates the foresight of Representative Levdansky, Representative George, Senator Dinniman, and other legislators who have co-sponsored and spoken out in favor of legislation containing provisions to dedicate severance tax proceeds to the Commission and other conservation priorities. You recognize the importance of our role in the process and we appreciate your foresight.

In addition to providing resources to the Fish and Boat Commission, we also support the allocation of severance tax proceeds to other conservation priorities, including the Hazardous Sites Cleanup Fund, county conservation districts, the Pennsylvania Game Commission, and the Environmental Stewardship Fund.

County conservation districts know our lands and waters at the local level better than anyone and are at the forefront of responsible local planning. The Game Commission performs environmental review and permitting roles for birds and mammals and is a key player in making sure projects are developed with minimal environmental impact. Our resources share the same landscape and we have learned from the teachings of Leopold and others that one cannot disconnect what happens on the land from the quality of our water.

The Environmental Stewardship Fund has helped to fund the incredibly successful Growing Greener program, but it faces an uncertain future as is it being used to pay debt service on bonds rather than supporting vital local projects. The watershed restoration and open space conservation benefits of Growing Greener offer a good blueprint for how locally driven projects can be planned in concert with responsible energy development.

When I assumed this position over two months ago, I emphasized that one of my top priorities is to secure alternative sources of funding to help the Commission implement its mission for not just today but to provide security of our resources for our children and grandchildren. Just like a family or business diversifies its investment portfolio to achieve financial stability and achieve goals, we must diversify our funding portfolio if we are going to meet the growing expectations being placed on the Commission as we implement our mission on behalf of all Pennsylvanians and our fragile natural resources.

By passing and dedicating a portion of the severance tax to the Fish and Boat Commission, you have an historic opportunity to help us make sure this incredible energy resource is developed consistent with the needs of fish, reptiles, amphibians, anglers, boaters and the general public.

We recognize and respect the difficult decisions you and your colleagues will be forced to make both this budget season and in the years to come and are asking you to keep outdoor values at the forefront of your minds as you cast important votes.

Natural gas development appears to be here to stay for the foreseeable future and the Fish and Boat Commission wants to make sure that the species we all value and our phenomenal fishing and boating opportunities are here to stay, too.

Thank you again for this opportunity to speak with you today. I would be happy to answer any questions now and as you continue deliberations in the coming weeks.