

Draft Document for Public Comment

THE PENNSYLVANIA BIODIVERSITY CONSERVATION PLAN

GOVERNMENT COORDINATION AND OTHER POLICY ISSUES

Policy Task Force, Pennsylvania Biodiversity Partnership

Definitions: This section deals specifically with public policy actions that promote the conservation of native species and their habitat.

Orphan species = Species of plants and animals that do not fall under the jurisdictional responsibility of any state agency. This includes terrestrial invertebrates, (animals without backbones), such as earthworms, snails, spiders, butterflies, and other insects.

Background: Although some laws protecting the environment existed prior to the 1960's, there was no concerted effort to manage and protect the use of Pennsylvania's natural resources in the state. This changed in 1971, with the passage of the Environmental Rights Clause to the Pennsylvania Constitution, which declared that Pennsylvanians have a right to a healthy environment and that the Commonwealth has the responsibility to conserve its natural resources.

Since this time, state, federal, county and local government organizations all have developed a role in managing the land, water, and biological resources of Pennsylvania. State and Federal agencies have a particular role in the area of biodiversity. For the most part, these actions address the desires of the public, which have consistently placed a high value on protecting plants, animals, and their habitats. Biodiversity is also critical to numerous important industries and economic activities that rely upon natural resources.

Coordination between these organizations is sometimes lacking. Priorities are not identified. As a result, there are gaps in both the oversight of species and in the programs needed to assist property owners to conserve biodiversity on their own land.

Vision: Create an improved governmental effort to address biodiversity conservation that:

1. Increases cooperation and coordination among government agencies.
2. Provides landowners with adequate tools to increase voluntary biodiversity stewardship.
3. Addresses responsibility gaps for orphan species.
4. Establish priorities for conservation on a statewide level.
5. Encourages science-based management decisions.

Issues to be Addressed to Achieve Vision

1. Coordination Among Government Agencies. As background for *Biodiversity in Pennsylvania: Snapshot 2002*, the Environmental Law Institute researched those state and federal governmental agencies that manage or regulate activities on land, water, and biological resources in Pennsylvania. These included:

State Agencies:

- Department of Conservation and Natural Resources
- Department of Environmental Protection
- Department of Agriculture
- Pennsylvania Fish & Boat Commission
- Pennsylvania Game Commission
- Department of Transportation and Turnpike Commission
- PENNVEST
- Department of Community and Economic Development

Federal and Regional Agencies:

- U.S. Forest Service
- U.S.D.A. Natural Resources Conservation Service
- U.S. Army Corps of Engineers
- National Park Service
- Department of Defense
- Environmental Protection Agency
- Susquehanna River Basin Commission
- U.S. Fish and Wildlife Service

Although these multiple government units provide many tools, they sometimes have resulted in a lack of coordination in matters of land use and biodiversity conservation.

Coordination of intermunicipal planning as well as federal and state agency coordination involves two overarching issues. The first is that all aspects of biodiversity conservation planning and information are fragmented among federal, state, and local agencies with jurisdictions that frequently overlap, while at the same time also leaving large gaps. The second is that the planning of open space areas and uses is fragmented and ignores biological needs.

Areas that are conserved in the long term through conservation easements, acquisition by conservation organizations or public entities, or open space set-asides in development plans are generally not selected or linked pursuant to a consistent strategy that is intended to advance biodiversity. Although some conservation groups have developed such strategies, these are not coordinated and do not address many of the areas of the Commonwealth where coordination is most lacking. Some other states have adopted strategies and even maps to address this problem. The plan should address how such coordination can be achieved and the roles of the various private and public stakeholders in the process.

Recommendations:

- A. Establish a Governor's Biodiversity Council (or recognize the Pennsylvania Biodiversity Partnership to serve this role) to coordinate and prioritize the efforts of federal and state agencies involved in biodiversity in Pennsylvania. Include the involvement of all government agencies that impact biodiversity, not just those that have jurisdiction over natural resources, including the involvement of other councils and commissions. Key private stakeholders groups promoting voluntary biodiversity conservation activities should also have a voice in this Council.
- B. Provide linkages with other states to understand the impacts of activities in Pennsylvania on biodiversity outside the borders of the Commonwealth.

2. *Municipal and Intermunicipal Planning for Biodiversity Conservation.* Most land use planning and development decisions are made at the local level. County and local government initiatives are critical to the success of any statewide biodiversity conservation strategy. Each of Pennsylvania's 2,568 local governments has full authority over land use planning, zoning, and subdivision regulation. This makes coordination of land use planning and protection of biodiversity more difficult than it is in states where land use is regulated at a larger geographical scale, such as at the county level.

Recommendations:

- A. Educate public officials and staff of county and local governments, planning commissions, environmental advisory committees, and conservation districts on the economic, environmental, and quality of life benefits that biodiversity provides to the municipality and its citizens.
- B. Utilize scientifically-derived data, such as the Pennsylvania Natural Diversity Inventory (PNDI), to establish priority conservation lands and linkages that cross municipal boundaries.
- C. Identify and develop tools and financial resources to persuade and assist municipal officials in efforts to better coordinate biodiversity conservation efforts within their municipality and across multiple jurisdictions.

- D. Develop comprehensive land-based strategic planning among public and key private land managers.
- E. Create a mechanism to mediate conflict between municipalities and the private sector.
- F. Develop a central clearinghouse of private sector biodiversity activities that a local government can utilize and promote in its municipality. This should include tools to deal with wildlife nuisance issues.

3. Support a Tool Kit for Voluntary Biodiversity Conservation. As most of the land in Pennsylvania is in private hands, biodiversity conservation can be achieved only if the stewards of private lands have the education, tools, and will to make it happen. Some of these tools are in the form of voluntary, non-regulatory Best Management Practices (BMPs), tailored to specific types of land use practices, such as agriculture, forestry, and residential developments. While most practices do not specifically target biodiversity, more recent ones include management activities that address biodiversity.

Other strategies are also needed to educate, encourage, or assist private landowners in implementing good stewardship practices that conserve and enhance biodiversity on their land. Government has a role in influencing voluntary biodiversity conservation. Loans and grants, provided by state and federal government agencies, are among the most frequent method used to fund land protection. These loans and grants typically fund planning and implementation of management plans as well as acquisition of land or easements. Federal, state, corporate, and personal tax policies can also provide tax incentives for the protection of land to promote biodiversity. Private practices and activities play an increasingly important role in biodiversity protection. Private organizations and partnerships are important to these efforts. Tools with an enterprise component include acquisition or easement transfers, trading programs, and certification programs.

Education and research are key to advancing land protection and biodiversity. Many government and private conservation organizations have environmental education as an important component of their activities. Research projects on biodiversity are found at universities, government agencies, and museums as well as at some environmental groups and land trusts.

There are a variety of tools available in Pennsylvania to protect land ranging along a continuum from land and easement acquisition to education. These tools are frequently used in conjunction with one another, with multiple tools often employed in a single effort. Strategies are essential to determine where and how these tools should be targeted and coordinated. Such coordination is essential to achieve the ultimate goal of biodiversity conservation throughout the Commonwealth.

Recommendations:

- A. Educate landowners on the tools available to them which will improve biodiversity on their property.
- B. Identify and provide additional tools needed by landowners.
- C. Prioritize funding for existing and needed landowner tools.

4. Oversight of Orphan Species. Responsibility for monitoring plants, birds, mammals, fish, reptiles, amphibians, mussels, and aquatic insects is divided among state agencies, including the Department of Conservation and Natural Resources, Fish and Boat Commission, Game Commission, and Department of Agriculture. However, there is a vast array of species that are not assigned to any agency for oversight and monitoring.

Insects and other terrestrial invertebrates are the most abundant and least known multicellular organisms in the state. It is estimated that less than one half of the invertebrate species have been documented. Those invertebrate species documented – approximately 12,000 in total – account for nearly 50 percent of all the known species in Pennsylvania. The conservation status is uncertain for those species known to occur here. There is also little data on the effects of habitat loss, invasive species, pollution, and common human activities have on these organisms.

Recommendations:

- A. Identify the agency of the Commonwealth that will be assigned the jurisdiction to monitor and manage orphan species in the Commonwealth. This may include the assignment of different agencies for different orphan species.
- B. If not already participating, include these agencies in the Biodiversity Council identified in Issue 1 to ensure that orphan species management is coordinated with the management of other species.
- C. Provide assigned agencies with the necessary resources to develop and implement a strategy to begin documentation and monitoring of these species.
- D. Agencies with jurisdiction should also be charged with coordinating the education of other government agencies, officials, and members of the public on the benefits of these species and the impact of biodiversity issues on the current and future conservation status of these species.

5. *Legislative Needs and Priorities.* At present Pennsylvania has numerous laws, regulations, and policies that relate to biodiversity conservation. These include laws that govern public and private actions affecting lands and waters as well as ones specifically addressing conservation and restoration objectives. Other laws and policies address what biological information is collected, how it is organized, how it is made available to public and private decision-makers, and what requirements or incentives exist to ensure its use. Significant opportunities exist under current laws and policies for government agencies, business, and citizens to develop and implement strategies for conserving biodiversity. There may be a need for additional legislation related to issues not yet addressed by existing law or voluntary conservation efforts.

Recommendations:

- A. Identify gaps in the state's current set of laws and programs managing or regulating activities on the natural resources of the Commonwealth as it relates to biodiversity conservation.
- B. Provide funding to support the implementation of the Pennsylvania Biodiversity Conservation Plan.