

COMMONWEALTH OF PENNSYLVANIA
SENATE OF PENNSYLVANIA
ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE

* * *

CONFIRMATION HEARING
MICHAEL DiBERARDINIS, SECRETARY
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Before : SENATOR MARY JO WHITE, Chair
SENATOR EDWIN B. ERICKSON, Vice Chair
SENATOR RAPHAEL J. MUSTO, Minority Chair
SENATOR MICHAEL W. BRUBAKER
SENATOR JAMES J. RHOADS
SENATOR ANDREW E. DINNIMAN
SENATOR J. BARRY Stout

Date : March 13, 2007, 9:10 a.m.

Before : Patricia M. Brown
Reporter - Notary Public

Place : Room 8EB
Capitol Building
Harrisburg, Pennsylvania

SPEAKERS:

Michael DiBerardinis

1 SENATOR WHITE: Would you stand for a moment
2 and raise your right hand?

3

4 MICHAEL DIBERARDINIS, called as a witness,
5 being duly sworn, testified as follows:

6

7 SENATOR WHITE: Thank you very much. Good
8 morning. Do you have an opening statement?

9 SECRETARY DiBERARDINIS: Yes, I do, Senator.

10 SENATOR WHITE: Please proceed.

11 SECRETARY DiBERARDINIS: Good morning, Madam
12 Chairman, distinguished members, and guests. It
13 is a pleasure to appear before you regarding my
14 nomination to continue as the second secretary of
15 DCNR.

16 I have enjoyed my brief meetings with all of
17 you. Today I would like to expand upon some of
18 our many accomplishments since I was last here and
19 describe how DCNR is poised to achieve great
20 things in service of conservation.

21 When I appeared before you four years ago, I
22 was three weeks on the job, feeling excited about
23 DCNR, its mission, and its future. Today I remain
24 just as excited about leading an agency with the
25 cornerstone services of maintaining and improving

1 state parks; managing state forests to assure
2 their long-term health sustainability and economic
3 use; providing mapping services that are vital to
4 regional and community planning, public safety,
5 and economic development; and administering grant
6 and technical assistance programs that benefit
7 rivers conservation, trails, greenways, local
8 recreation, regional heritage, and education
9 programs.

10 True to the commitments I outlined in my
11 remarks in 2003, DCNR is also expanding its
12 mission beyond traditional boundaries to one of
13 broad stewardship and leadership around land
14 conservation, outdoor recreation, and the role of
15 the Commonwealth's natural resources in
16 sustainable communities, economic development, and
17 revitalization.

18 The process of developing our expanded goals
19 and mission involve me spending a good amount of
20 time on the road in service of two promises I made
21 in 2003, to listen to staff and to challenge them
22 to achieve great results and to listen and respond
23 to our stakeholders.

24 My travels, of course, acquainted me with our
25 physical assets, our large and complex system of

1 state parks, forests, heritage areas, and our work
2 regionally. They also allow me to act on my
3 belief that being a good manager means paying
4 close attention and listening to our employees,
5 setting goals, and creating high expectations that
6 make the difference between success and failure.

7 I invested a lot of time in learning about
8 the agency's strengths and weaknesses from the
9 people who make it run, and I think it was time
10 well spent as we developed a set of measurable
11 goals for the agency and developed ways to make it
12 stronger. My commitment to listening continues
13 today as each year I attend more than twenty major
14 meetings within the department as forums to
15 exchange ideas with our staff.

16 The second reason for hitting the road was my
17 belief that as public servants we have an
18 obligation to the people we serve. I consider
19 this a compact. We are entrusted with critical
20 responsibilities, and it is our duty not only to
21 provide what our citizens expect but also to
22 aspire to give them more. It is vital that we
23 listen and understand the broad issues and
24 interests that define our stakeholders, including
25 businesses, nonprofit organizations, the general

1 assembly, and the recreation and conservation
2 communities.

3 What we learned through this process is that
4 citizens across the state care about conservation.
5 They care about clean air, open space, and
6 protected watersheds; that hunters care about
7 global warming and its impact on habitat; that
8 families want forests and parks and trails to
9 recreate on. They may not call it conservation or
10 consider themselves environmentalists, but there
11 is a deep connection to the land and water that
12 resides in the hearts of our citizens.

13 The results of this listening and learning
14 process is a comprehensive action plan for DCNR
15 that was guided by two underlying themes that has
16 shaped my thinking as I began my time with the
17 department and continues to do so today.

18 The first concerns sustainable economic
19 development. Most people don't think of DCNR as
20 an economic development agency, but the reality is
21 very different. In the rural areas of the state
22 where economic growth is perhaps most needed, our
23 state parks and forests fuel businesses and help
24 drive the local economy. From tourism to timber
25 production, our natural resources help

1 Pennsylvania thrive and prosper.

2 We are proud that Pennsylvania has one of the
3 country's largest sustainable certified forests,
4 2.1 million acres managed as a sustainable
5 ecosystem. We will continue to oversee our state
6 forests in this manner to yield high quality
7 timber and to ensure a healthy forest today and in
8 the future.

9 Guided by the governor's vision to link the
10 conservation of the state's natural resources with
11 sustainable economic growth, we have successfully
12 launched the Pennsylvania Wilds initiative. It is
13 a national model for mobilizing and coordinating a
14 wide array of conservation, tourism promotion,
15 economic development, and community revitalization
16 interests. By using tourism to promote
17 appropriate stewardship and conservation, we are
18 helping to revitalize communities while retaining
19 their rural character.

20 We also learned that to emulate the successes
21 we are experiencing in the Pennsylvania Wilds in
22 other landscapes across the Commonwealth, we need
23 to seek out ways to leverage our investments, to
24 work closely with local and county governments, to
25 manage our natural resources appropriately, and to

1 promote collaborative work among DCNR bureaus and
2 with other state agencies. These are important
3 lessons that will guide our work over the next
4 several years.

5 Through our grants programs and leadership
6 efforts, we are also working in cities and towns
7 across the state to regain access and clean up
8 their rivers as tools for revitalization; to
9 protect open space; and to provide recreational
10 opportunities that will help communities be places
11 where people want to live, to work, and to play.

12 The second underlying theme in our plan is
13 the opportunity for DCNR to play a role in shaping
14 a sustainable Pennsylvania. While maintaining our
15 core functions of managing state parks and forests
16 and helping communities meet their recreational
17 goals, we are forging new paths in open space
18 protection, private land stewardship, biodiversity
19 conservation, sustainable communities, deer
20 management, and around public policies such as
21 impacts of wind power of wildlife and carbon
22 sequestration to address global warming.

23 And later this year, we will be extending
24 this leadership role by launching a new
25 communication and visitor-base initiative to more

1 actively engage Pennsylvanians in conservation and
2 with DCNR.

3 I think we are at a unique moment to apply
4 our expertise in these new venues to protect our
5 natural heritage and to secure its future for the
6 benefit of every citizen. I believe constant
7 communication will be a key to our continued
8 progress, and I pledge that DCNR will continue to
9 be accessible and responsive to citizens and
10 stakeholders.

11 My four years with DCNR have deepened my
12 appreciation and respect for the men and women who
13 serve this department and expanded my expectations
14 about what is possible for our agency to
15 accomplish.

16 It would be an honor for me to continue to
17 serve the citizens of the Commonwealth as
18 secretary, and I ask that you give me the
19 opportunity to do so. Thank you for your time and
20 consideration.

21 SENATOR WHITE: Thank you, Mr. Secretary. I
22 just want to make one observation. I was in the
23 Delaware County visitors' center on Friday. This
24 is in connection with the Pennsylvania Wilds
25 program. There was a great big sign. It said,

1 Welcome to Pennsylvania. And then in big letters,
2 it said, Now get out. Below it it showed hiking
3 boots and paths. It just made me stop and laugh.
4 It's really an attention getter.

5 SECRETARY DiBERARDINIS: Thank you.

6 SENATOR WHITE: I would like to start with
7 Senator Stout who has to leave shortly for another
8 hearing.

9 SENATOR STOUT: Thank you, Madam Chairman.
10 I'm sorry I have to leave early because of the
11 confirmation hearing for Secretary Biehler of
12 Transportation, but I want to go on record
13 supporting the confirmation of Senator
14 DiBerardinis and any other issues that come before
15 this committee. I would give my proxy to Senator
16 Musto to vote. In the meantime, I leave. And if
17 there's anything I can do, Mr. Secretary, please
18 feel free to contact me. Thank you.

19 SECRETARY DiBERARDINIS: Thank you, Senator.

20 SENATOR WHITE: Thank you, Senator. Senator
21 Erickson?

22 SENATOR ERICKSON: Just a brief question
23 really, Mr. Secretary, good morning, to get you on
24 record. We are blessed in Delaware County to have
25 the Ridley Creek State Park. It's a wonderful

1 facility. You should be proud of it. We also
2 have people in that facility who rent some of the
3 facilities. You have kindly come down to see that
4 on a number of occasions. We had had a
5 cooperative venture between you and your
6 department and those groups that occupy some of
7 those facilities. My question to you is, do you
8 intend to continue to have that cooperative kind
9 of approach?

10 SECRETARY DiBERARDINIS: Yes, we do. We
11 value that relationship. We think that those
12 residences create the kind of atmosphere, maintain
13 the heritage of the park. And we continue to look
14 forward to maintaining that relationship.

15 SENATOR ERICKSON: Thank you.

16 SENATOR WHITE: Senator Musto? I think there
17 are other questions. Senator Brubaker said he had
18 a question.

19 SENATOR BRUBAKER: Thank you, Mr. Secretary.
20 It's a privilege to be with you.

21 SECRETARY DiBERARDINIS: Thank you.

22 SENATOR BRUBAKER: I will start out by
23 complimenting you. You described yourself as a
24 listener, and I think you described yourself in a
25 very accurate way. The feedback that I've gotten

1 is that you're indeed reaching out to the citizens
2 of Pennsylvania. I want to congratulate you on
3 that. 2.1 million acres of state forest, I think
4 you said a hundred and seventeen state parks is an
5 awesome responsibility. From everything I can
6 determine, you're handling that responsibility
7 exceptionally well, so thank you.

8 At another time I'd like to explore with you
9 a bit further on the outreach to local governments
10 that you talked about. I'd like to dig down a
11 little bit deeper than what we might have time
12 today and understand how we can work cooperatively
13 to make sure that the local government
14 relationship that you're looking for excels.

15 On renewable energy inside the parks, can you
16 talk about whether you have initiatives as to
17 renewable energy strategies like wind into parks
18 that are appropriate?

19 SECRETARY DiBERARDINIS: Well, we're
20 approaching this from a couple of levels. The
21 first thing is we are already in the process and
22 have completed a few small renewable energy
23 projects in our state parks, small windmills that
24 will generate energy to run a few of the buildings
25 within the park but at the same time act as

1 educational tools. So we will interpret as folks
2 visit the parks, come into the main office, or
3 come into the environmental education center.
4 They will actually see a working windmill, small,
5 but generates enough power to operate some of the
6 buildings within the park. We think this is an
7 important educational feature, and so far the ones
8 that are up and running have been -- people get
9 excited about it and are a great interest in the
10 park.

11 On the broader issue, is it possible to site
12 windmills, large windmills that would connect to
13 the grid and produce real energy, real renewable
14 energy, on state forests is an open question. My
15 view is we can't talk about sustainability, we
16 can't talk about global warming and not address
17 it. I think it would be hypocritical.

18 So I think at a minimum we have to -- I tell
19 my staff we can't have our cake and eat it too.
20 If we're serious about this, we have to look at
21 what are the siting standards that are necessary
22 and are there siting standards that we can comply
23 to that would allow us to continue our mission of
24 stewardship and ecosystem management on the public
25 lands, at the same time site windmills.

1 Right now we're in the process of reviewing
2 and creating a set of broad siting standards that
3 then we would apply to our system, and the answer
4 hopefully would lie therein. If we then think
5 that it is possible, and we're not sure of that,
6 but if it is possible, then we would come to you
7 eventually and seek your authorization to site
8 those windmills on public lands.

9 So we're in I think a rigorous, thoughtful,
10 collaborative effort with state agencies, federal
11 agencies, industry folks, as well as environmental
12 conservation groups in that process of developing
13 those standards and then applying them to public
14 lands.

15 SENATOR BRUBAKER: Thank you very much. And
16 with the Chair's permission, I'd like to ask one
17 more question if I may.

18 SENATOR WHITE: Yes.

19 SENATOR BRUBAKER: As I've reached out and
20 asked people what kind of questions I should be
21 asking here this morning, a number of questions
22 came back to me about fleet vehicles within your
23 department. I'm unclear as to why I'm getting as
24 many questions as I am on fleet vehicles, the
25 number of vehicles you have, who drives vehicles.

1 Can you tell me, is there an issue on fleet
2 vehicles in the department?

3 SECRETARY DiBERARDINIS: Not as far as I'm
4 concerned. We have been asked, and I think part
5 of the belt tightening in the first couple of
6 years of this administration was for all the
7 agencies to look at their operations closely and
8 to look at how we're operating and are there ways
9 to save money, quite frankly.

10 We went through our system and to also look
11 at the fleet and to measure the utility of the
12 vehicles, the utility and service of the vehicles
13 against the type of vehicles we have. And we did
14 that. I think our fleet has diminished somewhat,
15 but I don't believe that those changes have
16 limited or curtailed our ability to do our job.

17 SENATOR BRUBAKER: Thank you very much.
18 I will be supporting your nomination, and I need
19 to head off to another committee meeting if the
20 Chair permits.

21 SENATOR WHITE: Our scheduling system is
22 supposed to avoid this, but apparently we haven't
23 worked out all the bugs yet. Thank you, Senator.

24 SENATOR BRUBAKER: With your permission, I'd
25 like to give you my proxy for the vote.

1 SENATOR WHITE: Thank you, Senator. Senator
2 Rhoads?

3 SENATOR RHOADS: One of the questions I'm
4 familiar with is the windmill you put up back in
5 Schuylkill, Locust, a little bit of Tuscarora.
6 The money that you had, did you have to take that
7 out of your budget or was that given to you
8 through administration, through some other
9 programs?

10 SECRETARY DiBERARDINIS: It was a
11 combination. Some of that was in our grants
12 budget, our stewardship fund. And there was other
13 nonprofit organizations that invested, so it was
14 collaborative.

15 SENATOR RHOADS: The seventy-eight thousand
16 didn't come out of your budget?

17 SECRETARY DiBERARDINIS: In part, yes. I'm
18 digging here. I think it was fifty-fifty.

19 SENATOR RHOADS: As you know, we had
20 neighbors adjacent to the park who complained they
21 didn't want to see, so on and so forth. You and
22 your department were, how should we say,
23 cooperative in terms of what you can do and what
24 you were trying to adjust.

25 Another thing too, I want to add this. As

1 you look at siting, also make sure that you get
2 money out of that if you're going to do it on
3 state lands. From Tuscarora, you can see thirteen
4 giant windmills that we have on one of our ridges.
5 And they work, and they work well. Matter of
6 fact, the power can feed about eight thousand
7 homes, so it's worthwhile. I'm sure you have
8 enough area. It looks technically futuristic, to
9 tell you the truth.

10 Thank you. Thank you, Madam Chair.

11 SENATOR WHITE: Senator Dinniman?

12 SENATOR DINNIMAN: It is with great pleasure
13 that I would vote for Mike as the secretary. In
14 fact, the question that my colleague and friend,
15 Senator Brubaker, had asked about the local,
16 county, state cooperation I can see took place so
17 well within my own county. During the fifteen
18 years as county commissioner, never were we helped
19 as much than by the secretary in the last four
20 years. Of course, the secretary lives there too
21 in my district.

22 SENATOR RHOADS: Everybody lives in your
23 district.

24 SENATOR DINNIMAN: And grew up in
25 Downingtown. The point is that he has a real

1 passion, a real commitment to the environment and
2 he was able to work with us, that we would put the
3 township, the county, and the state together in
4 amazing partnerships which saved literally
5 hundreds and hundreds of land in Chester County.
6 It really just was masterful.

7 Of all the departments in state government,
8 the secretary's department was the one that worked
9 closest with the county and the local governments;
10 and we were able to achieve together so much, so
11 it's really a pleasure to support you.

12 SECRETARY DiBERARDINIS: Thank you. Just for
13 the record, I grew up in Downingtown. My family
14 is still there.

15 SENATOR WHITE: I thought you told me you
16 lived in Philadelphia.

17 SECRETARY DiBERARDINIS: But I'm in
18 Philadelphia now, so I have dual allegiance to
19 Chester County and Philadelphia County.

20 SENATOR DINNIMAN: That's true. Anybody who
21 grows up in the beauty of Chester County will
22 always remain a Chester Countian.

23 SECRETARY DiBERARDINIS: Agreed.

24 SENATOR DINNIMAN: But the wonderful thing,
25 the reason I mention this, Senator White, when we

1 went to dedicate a piece of land that we put
2 together with the local township and the county
3 and the state, the secretary was able to tell us
4 how we walked and fished that piece of property
5 and were able to preserve it so that future kids
6 growing up in Downingtown can walk and fish that
7 piece of property.

8 SENATOR WHITE: Thank you, Senator. I have
9 one observation or question, and then I'm going to
10 turn it over to Senator Musto for a motion to
11 approve.

12 As you know, state park operations was 61.795
13 million in '02/03. The first Rendell budget was a
14 tough one. It cut ten million. We've been
15 gradually working our way back. The post funding
16 for federal aid is sixty-two, five, approximately
17 5.3 million than the previous year. It's my
18 understanding that a significant amount of that,
19 I'm not sure of the exact number, but I think it's
20 over three million, is the cost to implement the
21 new collective bargaining costs. We're inching,
22 but we're not there yet.

23 I say that as background to the fact that you
24 had proposed a moratorium on Shell Gas leasing in
25 the forest in 2003 and then backed away from that,

1 had a change of opinion. But I don't think
2 there's been any drilling since 2003; and that's,
3 you know, four years ago. So we need the money.

4 I would suggest to you that an oil and gas
5 well has a much smaller footprint than a windmill.
6 It's been done successfully in the Allegheny
7 National Forest for many, many years.

8 The governor has expressed his desire for
9 more energy independence from foreign oil sources
10 and more reliance on local sources. You've
11 indicated that you want to be a partner in the
12 economic development in the local areas. I would
13 suggest to you that in my district, oil and gas
14 production is a very integral part of our local
15 economic development.

16 That's a long way of leading into a question.
17 You had indicated that it was going to be a very
18 long process. But this has been done by policy,
19 not by regulation, not by law. Nothing really
20 needs to change except the willingness of the
21 department to say, Yes, we could use this money
22 for the benefit of our parks, It's available, It's
23 possible to do in a completely environmentally
24 conscious way. Why aren't we doing it?

25 SECRETARY DiBERARDINIS: Well, we are. We

1 have almost four hundred active wells in the state
2 forest. That program has been operational, and
3 I'm going to guess, I'm pretty close, since the
4 early fifties.

5 SENATOR WHITE: That's true. But what I'm
6 talking about is going forward because with oil
7 prices where they are now, drilling interest has
8 revived. There were many years in there where
9 nobody was drilling anything because the prices
10 were too low. Now the opportunity is there.

11 SECRETARY DiBERARDINIS: I don't think we
12 disagree, Senator. As you noted, in the budget
13 hearings as well and as you noted now, we
14 reconsidered our policy based on feedback from
15 this committee, went into I think a productive but
16 a little bit lengthy process with the industry
17 where we literally reshaped our lease working with
18 them where we tried to meet their interests and
19 also the interests of the forest management plan.
20 That process is concluded.

21 We are now at the very beginnings of -- if
22 you want to say eight months, six months to eight
23 months is a long period from this point, I think
24 given what we're proposing relative to both the
25 public review and the nominations that would come

1 out of that, I realize that the need is there.

2 But I think we're addressing it in what I
3 would consider to be an open, transparent, and
4 engaging way, both with the industry and with the
5 other public interests.

6 So we may differ a little bit on the timing;
7 but I think fundamentally there's not a big
8 disagreement about this program and its necessity,
9 its history, and its future.

10 SENATOR WHITE: Thank you. Other questions
11 before I turn it over to Senator Musto? Senator?

12 SENATOR MUSTO: Thank you, Senator White.
13 Mr. Secretary, you have mentioned management of
14 natural resources; and we're talking about
15 revenues produced by your department. I'm sure
16 the committee would like to know about your forest
17 management and timber operations.

18 SECRETARY DiBERARDINIS: When I was here four
19 years ago, my understanding of that bureau and its
20 depth of its operation across the state, its
21 impact I have to admit was limited when I first
22 came to Harrisburg and was confirmed and started
23 the job. But over the last four years, I've grown
24 to appreciate and respect the history of the
25 Bureau of Forestry.

1 Right now we generate annually for our
2 operating budget between thirty-five and
3 thirty-eight million dollars of revenue from the
4 sustainable timber practices in the state forests.
5 And that is, barring any sort of natural
6 catastrophe that we don't have any control over,
7 that will be a regular, consistent, and reliable
8 source of timber for the state and the timber
9 industry. We're very proud of that.

10 And we operate that bureau, I think sixty to
11 sixty-five percent of the revenue needed to
12 operate the bureau comes from timber sales.
13 That's done though within a forest plan that
14 guarantees that the ecosystem and the conservation
15 values, the recreation values, the ecosystem
16 values, the economic values are all intact as we
17 do it. We're very proud of that.

18 We think we are a consistent, reliable
19 business partner with the timber industry. We're
20 committed to continuing that and hopefully support
21 the expansion of value added of wood products in
22 the state over the long haul.

23 SENATOR MUSTO: Over the four years, you have
24 shown great leadership and compiled a great
25 record. And for that reason, I am highly honored

1 to move to report favorably the nomination of
2 Michael DiBerardinis as secretary of the
3 Department of Conservation and Natural Resources.

4 SENATOR ERICKSON: Second.

5 SENATOR WHITE: Motion and second. Please
6 call the vote.

7 (Eleven affirmative votes.)

8 SENATOR WHITE: Thank you.

9 (The proceeding concluded at 9:35 a.m.)

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1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the
3 notes taken by me on the within proceedings, and
4 that this copy is a correct transcript of the
5 same.

6 Dated at Wormleysburg, Pennsylvania, this
7 10th day of April 2007.

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Patricia M. Brown
Reporter - Notary Public

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