
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 294 Session of
2008

INTRODUCED BY M. WHITE, SCARNATI, ERICKSON, ROBBINS, MUSTO,
STOUT, GREENLEAF, BROWNE, PUNT, BRUBAKER, WONDERLING, FOLMER,
EARLL, KITCHEN, WAUGH AND D. WHITE, APRIL 24, 2008

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 24, 2008

A RESOLUTION

1 Affirming that the consent of the Commonwealth of Pennsylvania
2 to the acquisition of Allegheny National Forest Lands by the
3 United States is conditioned on the preservation of property
4 interests of the Commonwealth of Pennsylvania and privately
5 owned property interests.

6 WHEREAS, Acquisition of National Forest Reserve Lands
7 pursuant to the Weeks Law of 1911 (36 Stat. 961, 16 U.S.C. §§
8 480, 500, 513, 514, 515, 516, 517, 518, 519, 521, 552 and 563)
9 is subject to the consent of the Commonwealth of Pennsylvania;
10 and

11 WHEREAS, By the act of May 11, 1911 (P.L.271, No.173),
12 entitled "An act empowering the United States of America to
13 acquire land in the State of Pennsylvania for National Forest
14 Reserves, by purchase or by condemnation proceedings; and
15 granting to the United States of America all rights necessary
16 for control and regulation of such reserves," the Commonwealth
17 consented to the acquisition of Allegheny National Forest Lands
18 and to the United States passing laws for the management of such
19 lands subject to the Weeks Law and certain other stipulations,

1 reservations and conditions; and

2 WHEREAS, Section 12 of the Weeks Law (16 U.S.C. § 480)
3 prescribes that the Commonwealth shall not lose its jurisdiction
4 over lands acquired by the United States, nor its inhabitants
5 their rights and privileges as citizens of the Commonwealth; and

6 WHEREAS, Section 9 of the Weeks Law (16 U.S.C. § 518) limits
7 the authority of the Federal Secretary of Agriculture to
8 regulate rights-of-way, easements, reservations or other
9 property interests retained by the owner of the lands acquired
10 by the United States to the extent that such rules and
11 regulations are expressed in and made part of the written
12 instrument conveying title to said lands; and

13 WHEREAS, Recent revisions to the Land and Resource Management
14 Plan for the Allegheny National Forest purport to impose new and
15 additional rules and regulations on oil, gas and mineral estates
16 and the easements and surface rights appurtenant thereto that
17 had been or were excepted and reserved by their owners when the
18 United States acquired said lands pursuant to the Weeks Law;
19 therefore be it

20 RESOLVED, That the Senate of the Commonwealth of Pennsylvania
21 affirm that the consent of the Commonwealth to the acquisition
22 of the Allegheny National Forest Lands, pursuant to the Weeks
23 Law by the act of May 11, 1911 (P.L.271, No.173), did not and
24 does not confer power on the United States to manage, regulate,
25 extinguish, diminish or disparage any Commonwealth-owned or
26 privately owned easements, rights-of-way, mineral estates and
27 surface rights appurtenant thereto or any other property
28 interests that were in existence but not purchased or condemned
29 by the United States at the time of acquisition; and be it
30 further

1 RESOLVED, That the adoption or imposition by the United
2 States of any rules, regulations or policies that would manage,
3 regulate, extinguish, diminish or disparage said property
4 interests exceeds the consent of the Commonwealth insofar as
5 such rules, regulations and policies are not expressed in and
6 made part of the written instrument conveying title to the lands
7 to the United States; and be it further

8 RESOLVED, That copies of this resolution be transmitted to
9 the Federal Secretary of Agriculture, to the Chief of the United
10 States Forest Service and to the Forest Supervisor of the
11 Allegheny National Forest.