

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1420 Session of  
2010

INTRODUCED BY LEACH, FONTANA, ERICKSON, O'PAKE, FERLO, DINNIMAN,  
BOSCOLA, GREENLEAF, RAFFERTY, HUGHES, WASHINGTON, STACK AND  
BROWNE, JUNE 24, 2010

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 24, 2010

AN ACT

1 Providing for a moratorium on leasing State forest lands for the  
2 purposes of natural gas exploration, drilling or production;  
3 imposing duties on the Department of Conservation and Natural  
4 Resources; and providing for report contents and for  
5 Legislative Budget and Finance Committee study.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the State Forest  
10 Natural Gas Lease Moratorium Act.

11 Section 2. Moratorium.

12 (a) Establishment.--Notwithstanding any other provision of  
13 law, a moratorium is established during which State forest lands  
14 may not be leased for the purposes of natural gas exploration,  
15 drilling or production.

16 (b) Expiration.--The moratorium in subsection (a) shall  
17 expire three years after this act takes effect.

18 Section 3. Duties of department.

19 (a) Monitor and assess.--The Department of Conservation and

1 Natural Resources shall have a duty to monitor and assess the  
2 impact of the leases granted for the purposes of natural gas  
3 exploration, drilling or production on State forest lands that  
4 took effect prior to and during the moratorium imposed in  
5 section 2(a). The Department of Conservation and Natural  
6 Resources shall continue to monitor and assess after the  
7 moratorium expires under section 2(b).

8 (b) Comprehensive Environmental Impact Review.--

9 (1) The Department of Conservation and Natural Resources  
10 shall prepare a Comprehensive Environmental Impact Review  
11 (CEIR) within two years after the start date of the  
12 moratorium. The scope of the CEIR shall include the  
13 following:

14 (i) An assessment of the potential impacts related  
15 to development of Marcellus gas utilizing alternative  
16 development projections. One of these projections shall  
17 address the maximum possible development on State forest  
18 lands of all current leased acreage and other State  
19 forest lands where Marcellus gas is not owned by the  
20 Commonwealth. The development projections shall include  
21 the potential for shallow gas drilling.

22 (ii) An assessment of the potential impacts for each  
23 development projection on the forest ecosystem, forest  
24 uses and forest users. This shall include an  
25 identification of possible problems that are associated  
26 with noncompliance of environmental regulations,  
27 nonconformance with lease requirements, accidents and  
28 related problems.

29 (iii) The CEIR will identify and evaluate the  
30 impacts for each development scenario related to

1 exploration, pad development, drilling operations, road  
2 and bridge development, collection and transmission  
3 lines, compression facilities, treatment plants, waste  
4 disposal, water withdrawals and other associated  
5 development. The scope of this evaluation shall include  
6 impacts on State forest lands and private landowners and  
7 communities.

8 (iv) For those State forest lands where the  
9 Marcellus gas is not owned by the Commonwealth, the CEIR  
10 shall identify the specific controls in place to protect  
11 these State forest lands and compare these with the  
12 conservation provisions contained in the Department of  
13 Conservation and Natural Resources' leases.

14 (v) The CEIR will identify those lands proximate to  
15 State forest land where Marcellus development by other  
16 entities has the potential to impact the State forest.  
17 Potential impacts will be identified including vehicular  
18 use and rights-of-way for roads, pipelines and related  
19 development.

20 (vi) The CEIR shall identify the Department of  
21 Conservation and Natural Resources workload associated  
22 with administration and development of Marcellus gas for  
23 each development scenario. A workload baseline shall be  
24 established for fiscal year 2006-2007 that identifies the  
25 workload allocation within the Bureau of Forestry and  
26 shall include staffing assigned to existing  
27 responsibilities such as forest fire protection, forest  
28 health, timber management, recreation, water supply, deer  
29 management and oil and gas development. Marcellus  
30 staffing shall be addressed separately.

1           (2) The Marcellus workload assessment shall project the  
2 Marcellus workload over the next ten years and identify how  
3 this workload will be carried out and staffing options which  
4 include flat or reduced staffing levels. Each of these  
5 options will be compared to the staffing baseline in  
6 paragraph (1)(vi) and describe the likely impacts of the  
7 Marcellus development scenarios on staffing levels related to  
8 other State forest responsibilities.

9           (3) The Department of Environmental Protection will  
10 provide to the Department of Conservation and Natural  
11 Resources a workload analysis with projections regarding  
12 inspection and enforcement staff time that will be allotted  
13 to assure environmental compliance on State forest lands  
14 under each of the Marcellus development scenarios. New  
15 staffing needs will be identified.

16           (4) The proposed scope and content of the CEIR will be  
17 subject to review and comment by the public for 60 days prior  
18 to initiation of the work to prepare the report.

19       (c) Report.--Beginning in year three the Department of  
20 Conservation and Natural Resources shall submit an annual report  
21 to the General Assembly and the Governor regarding the effect of  
22 natural gas exploration, drilling or production on State forest  
23 lands. The Department of Conservation and Natural Resources  
24 shall continue to submit the annual report after the moratorium  
25 expires under section 2(b).

26 Section 4. Report contents.

27       The contents of the report required under section 3(c), shall  
28 include, but not be limited to, the effect of natural gas  
29 exploration, drilling or production on State forest lands on the  
30 following:

- (1) Water and soil quality.
- (2) Forest fragmentation.
- (3) Plants, wildlife, habitats and invasive species.
- (4) Air quality.
- (5) Social fabric, including, but not limited to:
  - (i) Tourism.
  - (ii) Recreation.
  - (iii) Hunting.
  - (iv) Fishing.
  - (v) Community aesthetics.
  - (vi) Quality of life.
- (6) The staffing needs of the Department of Conservation and Natural Resources regarding the monitoring, assessment and regulation of natural gas exploration, drilling or production on State forest lands.

Section 5. Legislative Budget and Finance Committee study relating to Marcellus gas development.

(a) General rule.--Three years after the moratorium set forth above and following the completion of the Department of Conservation and Natural Resources' Comprehensive Environmental Impact Review (CEIR), the Legislative Budget and Finance Committee shall conduct a study regarding the environmental, economic and societal impacts of the leasing of State lands for Marcellus development in this Commonwealth. The Legislative Budget and Finance Committee shall use the CEIR as a basis for its environmental study but may also conduct further investigation and utilize other sources of data for its study.

(b) Contents of study.--The study shall, at a minimum, analyze the following:

- (1) The separate environmental, economic and societal

1 impacts to both the Commonwealth and its citizens resulting  
2 from Marcellus development on State lands.

3 (2) The overall cumulative impact on this Commonwealth  
4 and its citizens resulting from the Marcellus development  
5 that has already taken place on State lands.

6 (3) Based on the impacts of Marcellus development that  
7 has taken place, a projection of the environmental, economic  
8 and societal impacts that will result from Marcellus  
9 development of all the existing leases of State land for  
10 Marcellus development.

11 (4) The specific impacts on communities and citizens  
12 living in close proximity to State land which has been  
13 developed.

14 (5) The impact of Marcellus development on various State  
15 land user communities such as hunters, fishers, hikers,  
16 mountain bikers, campers, all terrain vehicle users,  
17 snowmobilers, boaters, horse riders and general visitors.

18 (6) Whether the terms of the leases for State land  
19 should be modified to mitigate any identified environmental  
20 or societal impacts or maximizes economic benefits to this  
21 Commonwealth and its citizens.

22 (7) Whether the Department of Environmental Protection,  
23 the Department of Conservation and Natural Resources, the  
24 Game Commission, Fish and Boat Commission and other State  
25 agencies have sufficient resources and personnel to  
26 effectively oversee and regulate Marcellus development on  
27 leased State land.

28 Section 6. Post-moratorium leasing.

29 The Department of Conservation and Natural Resources shall  
30 not offer State Forest land for lease for the purposes of

1 natural gas exploration, drilling or production once the  
2 moratorium expires unless it, in its sole discretion, determines  
3 the State Forest can be sustained in a balanced state that  
4 preserves water and air quality, plant and animal habitats and  
5 the multiple ecosystems, recreational, social and aesthetic  
6 values of the forest with the proposed lease.

7 Section 20. Effective date.

8 This act shall take effect immediately.