

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, D. WHITE AND ARMSTRONG, APRIL 24, 2008

SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, AS
AMENDED, APRIL 29, 2008

A RESOLUTION

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

1 lands subject to the Weeks Law and certain other stipulations,
2 reservations and conditions; and

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

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

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

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

<—

1 be it further

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

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