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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE RESOLUTION**

**No. 685**      Session of  
2008

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INTRODUCED BY RAPP, SURRA, CAUSER, BASTIAN, BROOKS, CALTAGIRONE,  
CAPPELLI, CLYMER, CREIGHTON, DALEY, ELLIS, FLECK, GEORGE,  
HARHART, HENNESSEY, HERSHEY, HUTCHINSON, KAUFFMAN, KOTIK,  
KULA, METCALFE, R. MILLER, NAILOR, PERRY, PICKETT, PYLE,  
READSHAW, REED, REICHLEY, ROHRER, SAYLOR, S. H. SMITH,  
SONNEY, R. STEVENSON AND VULAKOVICH, APRIL 2, 2008

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
APRIL 2, 2008

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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 State and  
4 privately owned property interests.

5 WHEREAS, Acquisition of National Forest Reserve Lands  
6 pursuant to the Federal law referred to as the Weeks Law, act of  
7 March 1, 1911 (36 Stat. 961, 16 U.S.C. §§ 480, 500, 513, 514,  
8 515, 516, 517, 518, 519, 521, 552 and 563 et seq.) is subject to  
9 the consent of the Commonwealth of Pennsylvania; and

10 WHEREAS, By the act of May 11, 1911 (P.L. 271, No.173),  
11 entitled "An act empowering the United States of America to  
12 acquire land in the State of Pennsylvania for National Forest  
13 Reserves, by purchase or by condemnation proceedings; and  
14 granting to the United States of America all rights necessary  
15 for control and regulation of such reserves," the Commonwealth  
16 of Pennsylvania consented to the acquisition of Allegheny

1 National Forest Lands and to the United States passing laws for  
2 the management of such lands subject to the Weeks Law and  
3 certain other stipulations, reservations and conditions; and

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

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

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

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

1 were in existence but not purchased or condemned by the United  
2 States at the time of acquisition; and be it further

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

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