

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1127 Session of
2007

INTRODUCED BY M. WHITE, SCARNATI, MUSTO, ERICKSON, EARLL, ORIE,
ROBBINS, KITCHEN, BROWNE, D. WHITE, WOZNIAK, PUNT AND FOLMER,
OCTOBER 19, 2007

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 19, 2007

AN ACT

1 Amending the act of June 28, 1995 (P.L.89, No.18), entitled "An
2 act creating the Department of Conservation and Natural
3 Resources consisting of certain functions of the Department
4 of Environmental Resources and the Department of Community
5 Affairs; renaming the Department of Environmental Resources
6 as the Department of Environmental Protection; defining the
7 role of the Environmental Quality Board in the Department of
8 Environmental Protection; making changes to responsibilities
9 of the State Conservation Commission and the Department of
10 Agriculture; transferring certain powers and duties to the
11 Department of Health; and repealing inconsistent acts,"
12 further providing for the exploration for and development of
13 the Commonwealth's indigenous natural gas resources; and
14 making an editorial change.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Sections 101, 302(a) and (b), 303(a) and 305(a)
18 of the act of June 28, 1995 (P.L.89, No.18), known as the
19 Conservation and Natural Resources Act, are amended to read:
20 Section 101. Findings and statement of purpose.

21 (a) Findings.--The General Assembly finds and declares as
22 follows:

23 (1) Pennsylvania's public natural resources are to be

1 conserved and maintained for the use and benefit of all its
2 citizens as guaranteed by section 27 of Article I of the
3 Constitution of Pennsylvania.

4 (2) Pennsylvania's State forests and parks cover almost
5 2.3 million acres in this Commonwealth and contain some of
6 our State's most precious and rare natural areas.

7 (3) Pennsylvania has the third largest system of State
8 parks in the United States.

9 (4) Our State parks and forests and community recreation
10 and heritage conservation areas are critical to the continued
11 success of our tourism and recreation industry, the second
12 largest industry in the State.

13 (5) Our forest products industry employs over 100,000
14 people and contributes over \$4.5 billion a year to our
15 economy, making it the State's fourth largest industry.

16 (6) Preserving, enhancing, maintaining and actively
17 managing our system of State parks, forests, community
18 recreation and heritage conservation areas contributes
19 greatly to the quality of life of Pennsylvania's citizens and
20 the economic well-being of the State.

21 (7) The current structure of the Department of
22 Environmental Resources impedes the Secretary of
23 Environmental Resources from devoting enough time, energy and
24 money to solving the problems facing our State parks and
25 forests.

26 (8) State parks and forests have taken a back seat to
27 other environmental issues because polluted air and water and
28 toxic waste sites, for example, are more immediate, life-
29 threatening and publicly visible issues than natural resource
30 concerns.

1 (9) State parks, forests and community recreation and
2 heritage conservation areas have lost out in the competition
3 for financial and staff resources because they have no
4 cabinet-level advocate to highlight these issues for the
5 public.

6 (10) Income earned by the Commonwealth as royalties from
7 leasing development rights for natural gas reserves and land
8 rental payments from natural gas storage facilities
9 underlying Pennsylvania State forest lands has paid for
10 numerous conservation, recreation, dam and flood control
11 projects that were not funded by appropriations from the
12 State's General Fund. The royalty and rental payments have
13 also enabled the Commonwealth to substantially improve public
14 recreational opportunities through the purchase of lands
15 needed to create eight State parks and to supplement and
16 expand 31 other State parks.

17 (11) It is in the best interest of this Commonwealth to
18 encourage and promote the development of the rich endowment
19 of valuable minerals underlying Pennsylvania's 2.1 million
20 acres of State forest lands to enhance Pennsylvania's energy
21 security, to curb carbon emissions, to meet the growing
22 demand for new electric generating capacity and to provide a
23 source of clean energy for residential and commercial heating
24 and as a fuel or feedstock for manufacturers.

25 (b) Intent.--It is the intent of the General Assembly and
26 the purpose of this act:

27 (1) To create a new Department of Conservation and
28 Natural Resources to serve as a cabinet-level advocate for
29 our State parks, forests, rivers, natural resources, trails,
30 greenways and community recreation and heritage conservation

1 programs to provide more focused management of the
2 Commonwealth's recreation, natural and river environments.
3 The primary mission of the Department of Conservation and
4 Natural Resources will be to maintain, improve and preserve
5 State parks, to manage State forest lands to assure their
6 long-term health, sustainability and economic use, to enhance
7 and facilitate the identification, development and delivery
8 to market of valuable minerals underlying State forest lands,
9 to provide information on Pennsylvania's ecological and
10 geologic resources and to administer grant and technical
11 assistance programs that will benefit rivers conservation,
12 trails and greenways, local recreation, regional heritage
13 conservation and environmental education programs across
14 Pennsylvania.

15 (2) To change the name of the Department of
16 Environmental Resources to the Department of Environmental
17 Protection.

18 (3) To retain the rulemaking powers of the Environmental
19 Quality Board in relation to the Department of Environmental
20 Protection.

21 Section 302. Forests.

22 (a) Acquisition, establishment and disposition.--The
23 department has the following powers and duties with respect to
24 the acquisition, establishment and disposition of State forest
25 lands and certain other Commonwealth-owned resources:

26 (1) To acquire, in the name of the Commonwealth, by
27 purchase, gift, lease or condemnation and hold as State
28 forests, subject to the conditions of any lease and subject
29 to reservations, if any, of mineral rights, stumpage rights,
30 rights-of-way or other encumbrances as the department

1 considers consistent with such holding, any lands, including
2 tax-delinquent lands, which in the judgment of the department
3 the Commonwealth should hold, manage, control, protect,
4 maintain, utilize and regulate as State forests or for
5 reforestation, for adding to and extending the existing State
6 forests, for the purpose of lessening soil erosion and
7 silting up of reservoirs, to control the flow of streams and
8 extinguish interior holdings or for the establishment and
9 maintenance of fire observation towers and stations and
10 adjoining lands as may be deemed necessary to control,
11 maintain and develop such towers and stations and furnish
12 access to them.

13 (2) To purchase and hold as State forests unseated,
14 vacant or unappropriated lands, lands advertised for sale for
15 taxes and land sold for taxes as may now or hereafter be
16 provided by law.

17 (3) To hold, manage, control, protect, maintain,
18 utilize, develop and regulate the occupancy and use of all
19 lands, heretofore or hereafter acquired, owned, leased and
20 maintained as State forests or for reforestation, for
21 extending existing State forests, for the purpose of
22 lessening soil erosion and the silting up of reservoirs, to
23 control stream flow, to extinguish interior holdings and for
24 fire observation tower and station purposes, together with
25 the resources thereof.

26 (4) To divide this Commonwealth into such convenient
27 forest districts as it considers economical and effective, to
28 administer, protect, develop, utilize and regulate the
29 occupancy and use of the lands and resources of the State
30 forests, to protect all forest land in this Commonwealth from

1 forest fires, fungi, insects and other enemies, to promote
2 and develop forestry and knowledge of forestry throughout
3 this Commonwealth, to advise and assist landowners in the
4 planting of forest and shade trees, to obtain and publish
5 information respecting forest lands and forestry in this
6 Commonwealth, to assist in Arbor Day work and promote and
7 advance any other activity in local forestry which the
8 department may consider helpful to the public interest and to
9 execute the rules and regulations of the department for the
10 protection of forests from fire and depredation. It may also
11 assign district foresters to take active charge of such
12 forest districts and also foresters, forest rangers and other
13 help for the administration of forest districts as the
14 secretary considers necessary and for the accomplishment
15 throughout this Commonwealth of the purposes for which the
16 department is established.

17 (5) To cooperate with the authorities of townships,
18 boroughs and cities of this Commonwealth in the acquisition
19 and administration of municipal forests, as may now or
20 hereafter be provided by law.

21 (6) Whenever it shall appear that the welfare of this
22 Commonwealth, with reference to reforestation and the
23 betterment of the State forests, with respect to control,
24 scientific management, protection, utilization, development
25 and regulation of their occupancy and use, will be advanced
26 by selling or disposing of any of the timber on the State
27 forests, to dispose of timber on terms most advantageous to
28 this Commonwealth. The department is authorized and directed
29 to set aside, within the State forests, unusual or historical
30 groves of trees or natural features especially worthy of

1 permanent preservation, to make the same accessible and
2 convenient for public use and to dedicate them in perpetuity
3 to the citizens of this Commonwealth for their recreation and
4 enjoyment. The department is hereby empowered to make and
5 execute contracts or leases in the name of the Commonwealth
6 for the mining or removal of any valuable minerals that may
7 be found in State forests, or of oil and gas beneath those
8 waters of Lake Erie owned by the Commonwealth, or of oil and
9 gas beneath the land of Woodville State Hospital owned by the
10 Commonwealth, whenever it shall appear to the satisfaction of
11 the department that it would be for the best interests of
12 this Commonwealth to make such disposition of those minerals.
13 Any proposed contracts or leases of valuable minerals
14 exceeding \$1,000 in value shall have been advertised once a
15 week for three weeks, in at least two newspapers published
16 nearest the locality indicated, in advance of awarding such
17 contract or lease. The contracts or leases may then be
18 awarded to the highest and best bidder, who shall give bond
19 for the proper performance of the contract as the department
20 shall designate. The department shall conduct a competitive
21 public auction to lease State forest land for exploration and
22 development of oil and gas owned by the Commonwealth whenever
23 two or more bidders nominate overlapping or contiguous State
24 forest land acreage for lease. The department shall conduct
25 the public auction within six months of the receipt of a
26 second nomination for contiguous or overlapping acreage.
27 However, where the Commonwealth owns a fractional interest in
28 the oil, natural gas and other minerals under State forest
29 lands, the requirement of competitive bidding or public
30 auction may be waived, and the department may enter into a

1 contract to lease that fractional interest, with the approval
2 of the Governor, and upon such terms and conditions as the
3 department deems to be in the best interest of this
4 Commonwealth.

5 (7) To appoint and, with the approval of the Governor,
6 fix the compensation of a Chief Forest Fire Warden and such
7 district forest fire wardens, and to appoint and fix the
8 compensation of such local forest fire wardens and other
9 assistants as shall be required for the prevention, control,
10 and extinction of forest fires.

11 (8) To establish and administer auxiliary forest
12 reserves, in the manner and under the terms and conditions as
13 may now or hereafter be provided by law.

14 (9) To distribute young forest trees, shrubs and vines
15 as provided by law to those desiring to plant them.

16 (10) To furnish information and issue certificates and
17 requisitions necessary for the payment of the fixed charges,
18 in lieu of taxes on State forest and auxiliary forest
19 reserves, to school districts, road districts and counties,
20 as may now or hereafter be provided by law.

21 (11) To sell or exchange State forest land, as provided
22 by law, whenever it shall be to the advantage of the State
23 forest interests, provided that such action has been approved
24 by the Governor.

25 (12) To set aside, when in the judgment of the
26 department it is considered necessary, for exclusive use for
27 parks, parkways and other places of scientific, scenic,
28 historic or wildlife interest, any State-owned lands which
29 are now or which may hereafter be under the jurisdiction of
30 the department.

1 (13) To have the authority, with the approval of the
2 Governor, to enter into agreements with owners or lessees of
3 property or property rights located in the same area as lands
4 owned or leased by the Commonwealth, for the protection,
5 preservation or recovery of metallic or nonmetallic ore,
6 fuel, oil, natural gas or any other mineral deposits
7 underlying those lands, provided the deposits are owned by
8 the Commonwealth.

9 (b) Utilization and protection.--The department has the
10 following powers and duties with respect to the utilization and
11 protection of State forest lands:

12 (1) To lease for a period not exceeding ten years, on
13 terms and conditions as it may consider reasonable, to any
14 person, corporation, association, church organization or
15 school board of this Commonwealth, such portion of any State
16 forest, whether owned or leased by the Commonwealth, as the
17 department may consider suitable, as a site for buildings and
18 facilities to be used by such person, corporation,
19 association, church organization or school board for health
20 and recreation, or as a site for a church or school purposes.
21 However, the department may, with the approval of the
22 Governor, if a substantial capital investment is involved and
23 if it is deemed in the best interests of this Commonwealth,
24 enter into such leases for a period not to exceed 35 years.
25 The department shall not terminate the lease of a person
26 whose cabin has been destroyed or seriously damaged by fire,
27 storm, flood or other natural causes and shall permit the
28 rebuilding of such cabin. The department shall permit persons
29 holding leases to renovate or make additions to existing
30 cabins with the approval of the department.

1 (2) To lease, for not more than ten years, small areas
2 in State forests, whether owned or leased by the
3 Commonwealth, which it considers to be better suited for the
4 growing of other crops than for the growing of forest trees.
5 If more than one person shall apply for the same tract, the
6 lease shall be advertised for sale in three local county
7 papers, if there be so many, once a week for three weeks, and
8 may then be awarded to the highest responsible bidder, but
9 the department may nevertheless reject any or all bids. Upon
10 the termination of any such lease, the lessee may remove
11 buildings and fences placed thereon at his own expense, or
12 the same may be purchased by the lessor as a part of the
13 permanent improvement of the tract, upon such terms as may be
14 agreed upon by the department and the lessee.

15 (3) To grant rights-of-way through State forests to
16 individuals or corporations who may apply therefor when it
17 shall appear to the department that the grant of a right-of-
18 way will not so adversely affect the land as to interfere
19 with its usual and orderly administration, and when it shall
20 appear that the interests of the Commonwealth or its citizens
21 will be promoted by such grant. The department shall grant
22 rights-of-way as needed to facilitate the gathering and
23 delivery to market of oil and gas produced from State forest
24 lands or from adjacent or contiguous public or private lands.
25 Right-of-way, as used in this subsection, is hereby construed
26 to include rights of passage and haulage for any lawful
27 purpose, also rights of flowage or transmission for any
28 lawful purpose.

29 (4) To give to street railway companies, duly
30 incorporated under the laws of this Commonwealth, upon such

1 terms and subject to such restrictions and regulations as the
2 department considers proper, the privilege to construct,
3 maintain and operate their lines of railway over, along and
4 upon public highways now laid out and in actual use, which
5 lie within or border on any State forests, whenever the
6 interests of the Commonwealth will be benefited.

7 (5) To give to boroughs and other municipalities of this
8 Commonwealth and to related municipal authorities, upon such
9 terms and subject to restrictions and regulations as the
10 department considers proper, the privilege of impounding
11 water and drilling water wells upon any State forest, and of
12 constructing, maintaining and operating lines of pipes upon
13 and through State forests for the purpose of conveying water
14 therefrom, whenever it shall be to the public interest so to
15 do.

16 (6) In all cases where there are public roads, regularly
17 established, running into or through or bordering upon State
18 forests, from time to time, to expend such reasonable sums
19 for the maintenance, repair or extension of such roads as may
20 be necessary for the proper administration and protection of
21 State forests. All expenses that may thus be incurred shall
22 be paid in the same manner as the other expenses of the
23 department.

24 (7) To enter into cooperative agreements with county,
25 township, municipal and private agencies for the prevention
26 and suppression of forest fires as provided by law.

27 (8) To grant to public utility companies lawfully doing
28 business in this Commonwealth the privilege to construct,
29 maintain and operate their lines over, along and upon
30 highways and roads which lie within or border on any State

1 forests and to grant right of access by such companies to or
2 through State forest lands, in order to bring public
3 utilities to camps and cottages in State forest lands and in
4 other homes and farms adjacent to State forest lands.

5 (9) To grant to individuals, groups of individuals,
6 associations, firms, partnerships or corporations the
7 privilege to erect, construct, maintain and operate, on and
8 over State-owned or -leased lands under the jurisdiction of
9 the department, antennas, towers, stations, cables and other
10 devices and apparatus, helpful, necessary or required for
11 broadcasting, telecasting, transmission, relaying or
12 reception of television. It may charge for such privilege
13 such rental and damages as the department deems the
14 conditions and circumstances warrant.

15 (10) To lease, with the approval of the Governor, State
16 forest lands for the underground storage of natural gas, upon
17 such terms and conditions as the secretary deems to be in the
18 best interest of this Commonwealth.

19 (11) To lease, with the approval of the Governor, and in
20 cooperation with the Department of [Commerce] Community and
21 Economic Development, those State forest lands acquired by
22 gift from Pennsylvania State University or by acquisition
23 from the Curtiss-Wright Corporation which are located at
24 Quehanna, Pennsylvania, or recovered through the termination
25 of a lease with Curtiss-Wright Corporation relating to
26 Quehanna, Pennsylvania, and upon which are erected certain
27 industrial buildings constructed by the Curtiss-Wright
28 Corporation for industrial or economic development purposes
29 or for nuclear reactor safety zone purposes. Such leases may
30 be made with industrial tenants or nonprofit industrial

development corporations. The department in securing tenants shall cooperate fully with the Department of Commerce. Every such lease entered into shall conform in general to the terms of the standard industrial lease used by the department and approved by the General Counsel and the Attorney General. Every such lease shall otherwise than as in this act prescribed be upon such terms and conditions as the secretary considers in the best interests of this Commonwealth. However, all paved roads through the Quehanna project shall remain open to the general public use. Any such lease may permit the tenant to alter or expand, at its own expense and with the approval of the department first obtained in writing, existing buildings to meet the requirements of its particular industrial operation. Every such lease shall provide for the deposit of industrial floor space rentals and sewage and water rentals in a restricted revenue account from which the department may draw moneys for use in developing, operating and maintaining the water and sewage disposal facilities, and replacing machinery, equipment and fixtures appurtenant thereto, at aforesaid Quehanna. The restricted revenue account shall be audited two years from the effective date of this act and at two-year intervals thereafter, with any residue appearing in the account at the end of each auditing period to be deposited in the General Fund. The department is hereby authorized to indemnify and hold harmless PermaGrain Products, Inc., from and against any and all damages incurred by PermaGrain Products, Inc., related to personal injury or property damage, resulting from radioactive contamination arising exclusively from performance by this Commonwealth or its contractors of the

1 characterization, remediation, decontamination and removal of
2 radioactive materials from contaminated structures on those
3 State forest lands acquired from the Pennsylvania State
4 University or Curtiss-Wright Corporation and located at
5 Quehanna, Pennsylvania.

6 * * *

7 Section 303. Parks.

8 (a) Powers and duties enumerated.--The department shall have
9 the following powers and duties with respect to parks:

10 (1) To supervise, maintain, improve, regulate, police
11 and preserve all parks belonging to the Commonwealth.

12 (2) For the purpose of promoting healthful outdoor
13 recreation and education and making available for such use
14 natural areas of unusual scenic beauty, especially such as
15 provide impressive views, waterfalls, gorges, creeks, caves
16 or other unique and interesting features, to acquire, in the
17 name of the Commonwealth, by purchase, gift, lease or
18 condemnation, any lands which in the judgment of the
19 department should be held, controlled, protected, maintained
20 and utilized as State park lands. Such lands may be purchased
21 or accepted, subject to the conditions of any such lease and
22 subject to such reservations, if any, of mineral rights,
23 rights-of-way or other encumbrances as the department may
24 deem not inconsistent with such holdings. However, the amount
25 expended for the acquisition of lands for State park purposes
26 shall not be more than the amount specifically appropriated
27 for such purposes.

28 (3) To see that conveniences and facilities for the
29 transportation, shelter, comfort and education of people
30 shall be so designed and constructed as to retain, so far as

1 may be, the naturalistic appearance of State park areas,
2 surroundings and approaches, and conceal the hand of man as
3 ordinarily visible in urban, industrial and commercial
4 activities.

5 (4) To lease for a period not to exceed ten years, on
6 such terms as may be considered reasonable, to any person,
7 corporation, association or organization of this Commonwealth
8 a portion of any State park, whether owned or leased by the
9 Commonwealth, as may be suitable as a site for buildings and
10 facilities to be used for health, recreational or educational
11 purposes, or for parking areas or concessions for the
12 convenience and comfort of the public. However, the
13 department may, with the approval of the Governor, if a
14 substantial capital investment is involved and if it is
15 deemed in the best interests of the Commonwealth, enter into
16 such leases for a period of not more than 35 years.

17 (5) To study, counsel and advise in reference to gifts
18 of lands or money for park purposes.

19 (6) To counsel and advise in reference to the
20 development of park lands by concessionaires with facilities
21 and equipment for the accommodation and education of the
22 public.

23 (7) To appoint and commission persons to preserve order
24 in the State parks, which persons shall have all of the
25 following powers:

26 (i) To make arrests without warrant for all
27 violations of the law which they may witness and to serve
28 and execute warrants issued by the proper authorities.

29 However, in cases of offenses for violation of any of the
30 provisions of 75 Pa.C.S. (relating to vehicles), the

1 power to make arrests without warrant shall be limited to
2 cases where the offense is designated a felony or a
3 misdemeanor or in cases causing or contributing to an
4 accident resulting in injury or death to any person.

5 (ii) To have all the powers and prerogatives
6 conferred by law upon members of the police force of
7 cities of the first class.

8 (iii) To have all the powers and prerogatives
9 conferred by law upon constables of this Commonwealth.

10 (iv) To serve subpoenas issued for any examination,
11 investigation or trial under any law of this
12 Commonwealth.

13 (v) When authorized by the secretary or his
14 designee, to exercise all of the foregoing powers on
15 State forest lands or in other areas administered by the
16 department.

17 (8) For the purpose of providing parking facilities and
18 incidental services within the borders of any State park area
19 situate in the City of Philadelphia to lease or grant, by and
20 with the written approval of the Governor, any portion of any
21 such State park area, underground, aboveground, or both, to
22 the city or to any parking authority now or hereafter
23 existing in the city, pursuant to the provisions of the act
24 of June 5, 1947 (P.L.458, No.208), known as the Parking
25 Authority Law, as the same may now or hereafter be amended,
26 if:

27 (i) the City of Philadelphia or the parking
28 authority agrees that the lands and interests and
29 privileges therein shall be used by the city or parking
30 authority, or any lessee or sublessee holding under

1 either of them, pursuant to any lease or sublease granted
2 by the city or parking authority as may be permitted by
3 law, to promote the establishment of parking services and
4 facilities, but portions of the street level or lower
5 floors of the parking facilities may be leased for
6 commercial use, including emergency automobile repair
7 service and the sale by the lessee of any commodity of
8 trade or commerce or any service except the sale of
9 gasoline or automobile accessories; and

10 (ii) The department, with the written approval of
11 the Governor, determines that the lease or grant:

12 (A) will aid in promoting the public safety,
13 convenience and welfare of the people of Philadelphia
14 by aiding in the establishment of adequate parking
15 services for the convenience of the public and
16 otherwise promoting the public policy of the
17 Commonwealth in authorization for the creation of
18 parking authorities; and

19 (B) will not unduly interfere with the promotion
20 of those public objects for which the State park area
21 was acquired and for which it is held.

22 Any lease or grant shall be upon the terms and conditions of
23 the period or periods of time the department, with the
24 written approval of the Governor, may prescribe. The
25 department shall execute and deliver and is empowered to
26 receive deeds or other legal instruments necessary to
27 effectuate any lease or grant. All deeds and instruments
28 shall have the prior approval of the Office of General
29 Counsel and the Office of Attorney General, and a copy
30 thereof shall be filed with the Department of Community

1 Affairs.

2 (9) To make and execute contracts or leases in the name
3 of the Commonwealth for the mining or removal of any oil or
4 gas that may be found in a State park whenever it shall
5 appear to the satisfaction of the department that it would be
6 for the best interests of this Commonwealth to make such
7 disposition of said oil and gas. Any proposed contracts or
8 leases of oil and gas more than \$1,000 in value shall be
9 advertised once a week for three weeks in at least two
10 newspapers published nearest the locality indicated in
11 advance of awarding such contract or lease. Such contracts or
12 leases may then be awarded to the highest and best bidder who
13 shall give bond for the proper performance of the contract as
14 the department shall designate.

15 (10) To grant rights-of-way in and through State parks
16 to municipal authorities and political subdivisions of this
17 Commonwealth for the laying of water lines and of lines for
18 the transportation of sewage to sewage lines or sewage
19 treatment facilities on State park land under such terms and
20 conditions, including the payment of fees, as the department
21 may deem proper and when it shall appear that the grant of
22 such right-of-way will not so adversely affect the land as to
23 interfere with its usual and orderly administration and that
24 the interests of this Commonwealth or its citizens will be
25 promoted by such grant. The department shall grant rights-of-
26 way in and through State parks as needed to facilitate the
27 gathering and delivery to market of oil and gas produced from
28 State park lands or from adjacent or contiguous public or
29 private lands.

30 (11) To issue permits under emergency situations, upon

1 such terms and subject to such restrictions, fees and
2 regulations as the department may deem proper, for the
3 utilization of water at a State park and for constructing,
4 maintaining and operating lines of pipes upon and through a
5 State park for the purpose of conveying water therefrom,
6 wherever it shall be in the public interest to do so.

7 * * *

8 Section 305. Ecological and geological services.

9 (a) Powers and duties enumerated.--The department shall have
10 the power and its duty shall be with respect to the study and
11 protection of the Commonwealth's ecological and geological
12 resources:

13 (1) To undertake, conduct and maintain the organization
14 of a thorough and extended survey of this Commonwealth for
15 the purpose of elucidating the geology and topography of this
16 Commonwealth. The survey shall disclose the chemical analysis
17 and location of ores, coals, oils, clays, soils, fertilizing
18 and of other useful minerals, and of waters, as shall be
19 necessary to afford the agricultural, forestry, mining,
20 metallurgical and other interests of this Commonwealth and
21 the public a clear insight into the character of its
22 resources. It shall also disclose the location and character
23 of such rock formations as may be useful in the construction
24 of highways or for any other purpose.

25 (2) To collect such specimens as may be necessary to
26 form a complete cabinet collection of specimens of the
27 geological and mineral resources of this Commonwealth and
28 deposit the same in the State Museum of Pennsylvania.

29 (3) To put the results of the survey, with the results
30 of previous surveys, into a form convenient for reference.

1 (4) To collect copies of the surveys of this and other
2 states and countries and digest the information therein
3 contained to the end that the survey hereby contemplated may
4 be made as thorough, practical and convenient as possible.

5 (5) To enter into and upon all lands and localities in
6 this Commonwealth which it may be necessary to examine for
7 the purpose of survey; but, in such entry, no damage to
8 property shall be done.

9 (6) To avail itself as fully as possible of the
10 information, maps and surveys possessed by citizens and
11 corporations of this Commonwealth, relative to the geology
12 and topography of this Commonwealth.

13 (7) To transmit all publications of the survey, or any
14 part thereof, to the Department of General Services to be
15 copyrighted by the Secretary of General Services in the name
16 of the Commonwealth.

17 (8) To arrange for the cooperation of the United States
18 Geological Survey or of such other national organization as
19 may be authorized to engage in such work.

20 (9) To exercise the powers and duties vested in the
21 Department of Environmental Resources by the act of June 23,
22 1982 (P.L.597, No.170), known as the Wild Resource
23 Conservation Act. Notwithstanding any provision in the act to
24 the contrary, the department may use any funds appropriated
25 to it to carry out the purposes of this section.

26 (10) To undertake, conduct and maintain the organization
27 of a thorough and extended survey of this Commonwealth for
28 the purpose of inventory, survey and elucidation of the
29 ecological resources of this Commonwealth, to gather and
30 digest information from sources within and outside this

1 Commonwealth and to put the results of the survey into a form
2 convenient for reference. The ecological survey should
3 identify the significant natural features of this
4 Commonwealth and the species which comprise these features.
5 The department shall use a portion of the royalty and rental
6 income deposited into the Oil and Gas Lease Fund established
7 pursuant to the act of December 15, 1955 (P.L.865, No.256),
8 entitled "An act requiring rents and royalties from oil and
9 gas leases of Commonwealth land to be placed in a special
10 fund to be used for conservation, recreation, dams, and flood
11 control; authorizing the Secretary of Forests and Waters to
12 determine the need for and location of such projects and to
13 acquire the necessary land," to provide staffing that is
14 adequate to complete all Pennsylvania Natural Diversity
15 Inventory project screening reviews for potential impacts on
16 resources of special concern within 30 days of the receipt of
17 information on a project submitted using the department's
18 Environmental Review Tool.

19 * * *

20 Section 2. This act shall take effect immediately.