

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 150 Session of 2011

INTRODUCED BY VITALI, GEORGE, B. BOYLE, BRADFORD, BRENNAN, BRIGGS, CARROLL, D. COSTA, CREIGHTON, DALEY, DePASQUALE, EVERETT, FABRIZIO, FARRY, SCHRODER, FRANKEL, FREEMAN, GIBBONS, GOODMAN, HARPER, HORNAMAN, JOSEPHS, KIRKLAND, KULA, MANN, MULLERY, MUNDY, MURPHY, MURT, M. O'BRIEN, PASHINSKI, READSHAW, SANTARSIERO, K. SMITH, STABACK, WAGNER, YOUNGBLOOD, COHEN, BISHOP, K. BOYLE, V. BROWN, BROWNLEE, BURNS, P. COSTA, CURRY, DeLUCA, DERMODY, DeWEESE, DONATUCCI, GERBER, GERGELY, HALUSKA, HANNA, KAVULICH, W. KELLER, KORTZ, KOTIK, LONGIETTI, MAHONEY, MATZIE, MCGEEHAN, MIRABITO, PAYTON, ROEBUCK, SABATINA, SAINATO, SAMUELSON, SHAPIRO, STURLA, THOMAS, WATERS, WILLIAMS, BUXTON, JOHNSON, MYERS AND PRESTON, MARCH 9, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 9, 2011

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

1 may not be leased for the purposes of natural gas exploration,
2 drilling or production.

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

5 Section 3. Duties of department.

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

14 (b) Comprehensive Environmental Impact Review.--

15 (1) The Department of Conservation and Natural Resources
16 shall prepare a Comprehensive Environmental Impact Review
17 (CEIR) within two years after the start date of the
18 moratorium. The scope of the CEIR shall include the
19 following:

20 (i) An assessment of the potential impacts related
21 to development of Marcellus gas utilizing alternative
22 development projections. One of these projections shall
23 address the maximum possible development on State forest
24 lands of all currently leased acreage and other State
25 forest lands where Marcellus gas is not owned by the
26 Commonwealth. The development projections shall include
27 the potential for shallow gas drilling.

28 (ii) An assessment of the potential impacts for each
29 development projection on the forest ecosystem, forest
30 uses and forest users. This shall include an

1 identification of possible problems that are associated
2 with noncompliance of environmental regulations,
3 nonconformance with lease requirements, accidents and
4 related problems.

5 (iii) The CEIR will identify and evaluate the
6 impacts for each development scenario related to
7 exploration, pad development, drilling operations, road
8 and bridge development, collection and transmission
9 lines, compression facilities, treatment plants, waste
10 disposal, water withdrawals and other associated
11 development. The scope of this evaluation shall include
12 impacts on State forest lands and private landowners and
13 communities.

14 (iv) For those State forest lands where the
15 Marcellus gas is not owned by the Commonwealth, the CEIR
16 shall identify the specific controls in place to protect
17 these State forest lands and compare these with the
18 conservation provisions contained in the Department of
19 Conservation and Natural Resources' leases.

20 (v) The CEIR will identify those lands proximate to
21 State forest land where Marcellus development by other
22 entities has the potential to impact the State forest.
23 Potential impacts will be identified including vehicular
24 use and rights-of-way for roads, pipelines and related
25 development.

26 (vi) The CEIR shall identify the Department of
27 Conservation and Natural Resources' workload associated
28 with administration and development of Marcellus gas for
29 each development scenario. A workload baseline shall be
30 established for fiscal year 2006-2007 that identifies the

1 workload allocation within the Bureau of Forestry and
2 shall include staffing assigned to existing
3 responsibilities such as forest fire protection, forest
4 health, timber management, recreation, water supply, deer
5 management and oil and gas development. Marcellus
6 staffing shall be addressed separately.

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

15 (3) The Department of Environmental Protection will
16 provide to the Department of Conservation and Natural
17 Resources a workload analysis with projections regarding
18 inspection and enforcement staff time that will be allotted
19 to assure environmental compliance on State forest lands
20 under each of the Marcellus development scenarios. New
21 staffing needs will be identified.

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

25 (c) Report.--Beginning in year three the Department of
26 Conservation and Natural Resources shall submit an annual report
27 to the General Assembly and the Governor regarding the effect of
28 natural gas exploration, drilling or production on State forest
29 lands. The Department of Conservation and Natural Resources
30 shall continue to submit the annual report after the moratorium

1 expires under section 2(b).

2 Section 4. Report contents.

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

7 (1) Water and soil quality.

8 (2) Forest fragmentation.

9 (3) Plants, wildlife, habitats and invasive species.

10 (4) Air quality.

11 (5) Social fabric, including, but not limited to:

12 (i) Tourism.

13 (ii) Recreation.

14 (iii) Hunting.

15 (iv) Fishing.

16 (v) Community aesthetics.

17 (vi) Quality of life.

18 (6) The staffing needs of the Department of Conservation
19 and Natural Resources regarding the monitoring, assessment
20 and regulation of natural gas exploration, drilling or
21 production on State forest lands.

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

24 (a) General rule.--Three years after the moratorium set
25 forth above and following the completion of the Department of
26 Conservation and Natural Resources' Comprehensive Environmental
27 Impact Review (CEIR), the Legislative Budget and Finance
28 Committee shall conduct a study regarding the environmental,
29 economic and societal impacts of the leasing of State lands for
30 Marcellus development in this Commonwealth. The Legislative

1 Budget and Finance Committee shall use the CEIR as a basis for
2 its environmental study but may also conduct further
3 investigation and utilize other sources of data for its study.

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

6 (1) The separate environmental, economic and societal
7 impacts to both the Commonwealth and its citizens resulting
8 from Marcellus development on State lands.

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

12 (3) Based on the impacts of Marcellus development that
13 has taken place, a projection of the environmental, economic
14 and societal impacts that will result from Marcellus
15 development of all the existing leases of State land for
16 Marcellus development.

17 (4) The specific impacts on communities and citizens
18 living in close proximity to State land which has been
19 developed.

20 (5) The impact of Marcellus development on various State
21 land user communities such as hunters, fishermen, hikers,
22 mountain bikers, campers, all-terrain vehicle users,
23 snowmobilers, boaters, horse riders and general visitors.

24 (6) Whether the terms of the leases for State land
25 should be modified to mitigate any identified environmental
26 or societal impacts or maximizes economic benefits to this
27 Commonwealth and its citizens.

28 (7) Whether the Department of Environmental Protection,
29 the Department of Conservation and Natural Resources, the
30 Game Commission, the Fish and Boat Commission and other State

1 agencies have sufficient resources and personnel to
2 effectively oversee and regulate Marcellus development on
3 leased State land.

4 Section 6. Post-moratorium leasing.

5 The Department of Conservation and Natural Resources shall
6 not offer State forest land for lease for the purposes of
7 natural gas exploration, drilling or production once the
8 moratorium expires unless it, in its sole discretion, determines
9 the State forest can be sustained in a balanced state that
10 preserves water and air quality, plant and animal habitats and
11 the multiple ecosystems, recreational, social and aesthetic
12 values of the forest with the proposed lease.

13 Section 20. Effective date.

14 This act shall take effect immediately.