

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2010-05 ]

#### Leasing of State Forest and State Park Land for Oil and Gas Development

October 26, 2010

*Whereas*, the Commonwealth owns more than 2.4 million acres of state forest and state park land containing some of Pennsylvania's most precious and rare natural resources, including wild and natural areas, old growth forests, pristine streams, scenic vistas, and river gorges; and

*Whereas*, the Department of Conservation and Natural Resources (DCNR) has a duty pursuant to the Conservation and Natural Resources Act (Act of June 28, 1995, P. L. 89, No. 18) to conserve and maintain state forests and state parks for the use and benefit of all its citizens as guaranteed by Section 27 of Article I of the Constitution of Pennsylvania; and

*Whereas*, Pennsylvania's state forest system has been certified through an independent scientific review to be compliant with the gold standard for environmentally and socially responsible forestry established by the international Forest Stewardship Council (FSC) and this certification is vital to the economic viability of the forest products industry in Pennsylvania; and

*Whereas*, more than 700,000 acres of the state forest and state park land are currently subject to oil and gas development, including development in the Marcellus shale formation, either through leases executed with the Commonwealth or through private ownership or leasing where the Commonwealth does not own the subsurface oil and gas; and

*Whereas*, the approximately 800,000 acres of state forest land that are currently not available for development of gas in the Marcellus shale formation contain significant environmental, eco-tourism, and recreational values, sometimes overlapping, including:

- 180,000 acres of high-value ecosystems designated as wild and natural areas;
- 200,000 acres of old growth forests;
- 128,000 acres with sensitive environmental resources (e.g., wetlands, riparian areas, threatened and endangered species, steep slopes, unique habitats) and valuable recreational resources (e.g., scenic vistas and viewsheds, trails, leased camps);
- 299,000 acres in remote areas generally inaccessible by motorized vehicles and offering wilderness experiences paralleling those in the Western United States;
- 88,000 acres of highly valued recreational and water resources in the Poconos in close proximity to many residents;
- 20,000 acres important to ecotourism in the Laurel Highlands region; and

*Whereas*, the advances in technology that have made development of gas in the Marcellus shale formation possible and profitable have led to a rapid and significant increase in the level of development activity on state forest and state park land; and

*Whereas*, in the next 10 to 20 years, full development of the gas in the Marcellus shale formation on state forest and state park land currently subject to drilling will result in the use of more than 30,000 acres for an estimated 1,100 well pads and associated infrastructure, access roads and pipelines; and

*Whereas*, the impact of the five-fold increase in the acreage of state forest and state park land that will be used for gas development as a result of activity in the Marcellus shale formation cannot be fully understood or predicted at this early stage of development; and

*Whereas*, additional gas development in the Marcellus shale formation on state forest and state park land will significantly increase openings in large blocks of currently contiguous forest canopies resulting in fragmentation and stress from invasive species and disease—the cumulative effect of which could fundamentally alter these forest ecosystems; and

*Whereas*, changes to surface and groundwater hydrology resulting from the increased drilling activity and the fracturing process required to develop gas in the Marcellus shale formation will need to be carefully monitored as drilling progresses to evaluate potential impacts; and

*Whereas*, additional leasing of state forest and state park land for oil and gas development will jeopardize DCNR's ability to fulfill its duty to conserve and maintain this public natural resource and sustain its FSC forest certification.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:



Governor

**Fiscal Note:** 2010-09. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 4. ADMINISTRATION**

#### **PART I. GOVERNOR'S OFFICE**

#### **CHAPTER 1. AGENCY OPERATION AND ORGANIZATION**

#### **Subchapter UU. LEASING OF STATE FOREST AND STATE PARK LAND FOR OIL AND GAS DEVELOPMENT**

Sec.

- 1.561. DCNR oil and gas leasing.  
1.562. Effective date.

#### **§ 1.561. DCNR oil and gas leasing.**

As of October 26, 2010, to protect the lands of this Commonwealth, lands owned and managed by the Department of Conservation and Natural Resources may not be leased for oil and gas development.

#### **§ 1.562. Effective date.**

This subchapter shall be effective immediately.

[Pa.B. Doc. No. 10-2184. Filed for public inspection November 19, 2010, 9:00 a.m.]