

Western Pennsylvania Conservancy
Oil Gas and Minerals Policy
Adopted by the Board of Directors
December 1, 2011

Background

The Western Pennsylvania Conservancy (WPC) protects and restores exceptional places to provide our region with clean waters and healthy forests, wildlife and natural areas for the benefit of present and future generations. To advance our mission, WPC collaborates with private landowners, state and federal agencies, local governments, conservation partners and a variety of grassroots organizations. WPC has played a leadership role in identifying the most ecologically significant locations throughout the Commonwealth, and has protected more than 230,000 acres of natural lands in Pennsylvania through acquisitions of properties or conservation easements. These areas include large tracts of unbroken forest, lands in high quality watersheds, and rare habitats harboring a diverse variety of native plants and animals. WPC seeks to protect these exceptional places through collaboration with our partners, working together to advance mutual conservation goals.

The Western Pennsylvania Conservancy supports safeguarding significant ecological places as energy sources are developed including oil, natural gas, coal, wind, solar, biomass, hydropower and nuclear. It is essential that the development of all energy sources in Pennsylvania be done in a manner that protects our high value ecological places.

Broad Perspective

For energy development across Pennsylvania, the Western Pennsylvania Conservancy supports avoiding or greatly minimizing the impacts from oil, gas and mineral development in ecologically sensitive, high value conservation areas. These areas, identified through the Pennsylvania Natural Heritage Program, county natural heritage inventories and other local and regional planning initiatives, play a vital role in supporting the full array of native species and habitats in Pennsylvania. To ensure the long-term viability of Pennsylvania's native plants, animals, habitats and other important conservation values, WPC supports and encourages:

- use of data from the Pennsylvania Natural Heritage Program and other conservation planning tools to guide development to protect the ecologically significant locations;
- pre- and post-construction monitoring of priority forests, streams, and other important habitats to lessen potential fragmentation and water quality and quantity impacts, and to guide restoration;
- development of “best management practices” for the siting and development of all infrastructure;
- collaboration among government entities, conservation organizations, industry, and the public to balance energy needs with the protection of ecologically significant animals, plants, and habitats, and other important conservation, recreation, historic or scenic areas.

WPC does not typically endorse or oppose individual projects, in order to use its resources on broader conservation issues and to focus on conserving exceptional places. WPC focuses on issues that are sufficiently broad in scope and potential impact to advance the organization's conservation goals.

Land Conservation by the Western Pennsylvania Conservancy

The Western Pennsylvania Conservancy focuses on protecting high conservation value lands and lands of regional and local importance in Western Pennsylvania. The Conservancy recognizes that many properties that it may wish to permanently protect already have gas rights leased or severed, just as other mineral and property interests may have been severed. Also, some property owners may be unwilling to convey those rights to WPC. As opportunities arise to protect properties, WPC will evaluate the potential and actual impacts on each property from all oil, gas and mineral rights to determine whether and how the property's conservation values can be protected. When possible, gas and other rights will be acquired by WPC or limited by agreement with the property owners or the owners of the gas and other rights.

The Western Pennsylvania Conservancy transfers some of the exceptional ecological lands it acquires to state and federal land management agencies. These agencies have a long history of working with WPC by bringing substantial funding to acquire these properties that they will then own and make available to the public. WPC will protect properties it conveys to the agencies by reserving oil, gas and mineral rights or other methods when appropriate, particularly when WPC contributes its own funds to properties. Because every property and transaction is unique, WPC will work closely with the agencies to negotiate protections for each property.

Over its history, WPC has retained ownership of certain high value conservation lands. These holdings represent special natural areas or conservation lands important to WPC programs such as the Bear Run Nature Reserve in Fayette County. The Western Pennsylvania Conservancy will not enter into any development of oil, gas and minerals connected to the conservation lands it owns. When the Western Pennsylvania Conservancy sells conservation properties to private buyers, it will permanently restrict development of subsurface rights.

Marcellus Shale Advisory Commission

WPC was pleased to be represented by staff on Governor Corbett's Marcellus Shale Advisory Commission. Through this participation, WPC was able to provide science-based information to help formulate the commission's recommendations around safeguarding our land and water resources. All told, the commission adopted thirty-six public health and environmental protection recommendations. WPC will collaborate with the Governor, members of the legislature, and appropriate state agencies to enact legislation, regulation, and policy changes to advance implementation of the recommendations.

Collaboration with State Agencies that Manage State Parks, State Forests and State Game Lands

To ensure that the most ecologically sensitive areas in our state forest system are excluded from leasing for oil, gas and mineral exploration, WPC has shared science-based information with the Pennsylvania Department of Conservation and Natural Resources to assist the department in assessing the conservation sensitivity of unleased lands and in mapping categorical exclusions of high value conservation areas such as old growth forests and important wildlife habitats. More specifically, the Western Pennsylvania Conservancy shared information gathered in the science-based Pennsylvania Forest Conservation Analysis completed in 2005 and updated in 2007 by Western Pennsylvania Conservancy in partnership with The Nature Conservancy.

The Western Pennsylvania Conservancy has also shared the Pennsylvania Forest Conservation Analysis with the Pennsylvania Game Commission to help guide decision making on leasing of game lands for oil, gas and mineral development.

The Western Pennsylvania Conservancy has provided the Department of Conservation and Natural Resources and the Pennsylvania Game Commission with updated records of occurrences of rare species on lands the agencies manage to help inform resource management and decisions on leasing lands for oil, gas and mineral development.

In its almost 80-year history, the Western Pennsylvania Conservancy alone has protected over 230,000 acres of conservation lands and conveyed 175,000 acres of its conserved properties to the Commonwealth for inclusion in state parks, the state forest system, and game lands. Our investment has been significant. The Western Pennsylvania Conservancy opposes oil, gas and mineral development on the conservation lands it has historically conveyed to the Pennsylvania Department of Conservation and Natural Resources and the Pennsylvania Game Commission. Moreover, the Western Pennsylvania Conservancy opposes the development of oil, gas and minerals on highly sensitive ecological areas, as identified in the Pennsylvania Forest Conservation Analysis and other studies, in the state forests, parks and game lands.

Given the recent acceleration of natural gas development on our state lands, the Western Pennsylvania Conservancy strongly supports careful scientific assessment to determine impacts to forests, other significant habitats, rare species, water quality and quantity, and to gauge the threat of invasive species. This information will inform the development of best management practices and help guide the formulation of resource management plans. Scientific assessment is vitally important to the health of our forests, waters, and wildlife habitat. It also is essential to maintaining the current certification of our state forest system, the first sustainably managed public forest system to be certified by the Forest Stewardship Council (FSC) in the United States. Understanding the impacts and determining how best to manage them will help provide assurance of continued sustainable management of our forest system, a source of certified wood important to meeting strong market demand by the forest products industry. It is crucial that Pennsylvania's state forest system continues to meet certification requirements.

Overall, it is essential that significant conservation lands in our state parks, forests and game lands --- those conveyed by the Western Pennsylvania Conservancy as well as all of the state forest lands --- are managed through a science-based approach to ensure the long-term protection of special ecological areas and the overall good health of our forests

for present and future generations. The Western Pennsylvania Conservancy understands the economic challenges facing our state; however, it would not be prudent to jeopardize Pennsylvania's magnificent forest lands to meet short-term budget gaps.

Collaboration with the State Regulatory Agency

WPC staff members serve on several Pennsylvania Department of Environmental Protection committees that provide input that the department uses to make decisions on appropriate policies, regulations and enforcement related to natural gas exploration and extraction — particularly regarding siting guidelines and water quality and quantity impacts. WPC supports appropriate regulations and enforcement that will minimize the environmental impacts of natural gas extraction and supports appropriate levels of permit fees associated with oversight.

Collaboration with the United States Forest Service

Over its history of protecting 230,000 acres of conservation lands in Pennsylvania, Western Pennsylvania Conservancy has conveyed 20,316 acres to the United States Forest Service, Allegheny National Forest. The Western Pennsylvania Conservancy opposes oil, gas and mineral development on the conservation lands it has historically conveyed to the Allegheny National Forest. The Western Pennsylvania Conservancy also opposes the development of natural gas on highly sensitive ecological areas within Allegheny National Forest, as identified in the Pennsylvania Forest Conservation Analysis and other studies.

Collaboration with the Natural Gas Industry

The Western Pennsylvania Conservancy has met with representatives of several natural gas companies in an effort to build understanding of and appreciation for protecting significant ecological areas as these companies determine where to site wells and other related infrastructure. In addition, we have offered to provide assistance in developing management strategies around extraction activities that will minimize or eliminate negative impacts. All the information that WPC has shared has come through intense analysis of the Commonwealth's important ecological areas that was conducted in collaboration with conservation partners.

Note:

The Western Pennsylvania Conservancy has developed a conservation guidance document to assist in decision-making around natural gas exploration and extraction for landowners, partners and others. This document, *Conservation Guidance for Landowners on Natural Gas Development*, is available on the Western Pennsylvania Conservancy website at [this link](#).