

Western Pennsylvania Conservancy
Oil Gas and Minerals Policy Statement
As Amended by the Board of Directors
February 26, 2015*

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 235,000 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.

In its 83-year history, the Western Pennsylvania Conservancy alone has conveyed 159,000 acres to the Commonwealth for inclusion in state parks, the state forest system, and state game lands. In addition, WPC has conveyed 20,697 acres to the United States Forest Service, Allegheny National Forest. Our investment in conserving land in Pennsylvania has been significant.

The Western Pennsylvania Conservancy supports safeguarding significant ecological places as oil, gas and minerals are developed. It is essential that development of these resources be done in a manner that protects all of our lands and waters, particularly our high value ecological places. Accordingly, WPC supports avoiding or greatly minimizing impacts from the development of oil, gas and minerals and pipeline development in all areas of Pennsylvania, with greatest consideration for 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.

Western Pennsylvania Conservancy Policies

In keeping with its conservation mission, WPC will adhere to the following policies:

- 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. And, generally, WPC will not approve pipeline development on lands it owns. When the Western Pennsylvania Conservancy sells conservation properties to private buyers, it will permanently restrict development of subsurface rights and pipeline development. (See note 1).
- The Western Pennsylvania Conservancy focuses on protecting high conservation value lands and lands of regional and local importance in Western Pennsylvania, both through

purchases and gifts. 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 and pipeline development 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.
- 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, the Pennsylvania Game Commission and the US Forest Service, Allegheny National Forest.
- Given the extent of leasing for natural gas development in the State Forest system to date, the Western Pennsylvania Conservancy is opposed to additional leasing of State Forest or State Park land for shale gas development.
- The Western Pennsylvania Conservancy opposes the development of oil, gas and minerals and pipeline development on highly sensitive ecological areas, as identified in the County Natural Heritage Inventories, the Pennsylvania Forest Conservation Analysis and other studies, in the state forests, parks and game lands.
- WPC supports the establishment of substantial setbacks of oil, gas and mineral development sites, including unconventional shale gas development sites and pipelines, from waterways and wetlands, in order to protect natural resources.
- 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.

Implementation of Best Management Practices

As oil, gas and minerals and pipelines are developed in the Commonwealth, the Western Pennsylvania Conservancy supports the development, implementation and adherence to "best management practices" (BMPs) for the siting and development of infrastructure on all private

and public lands to avoid and minimize adverse impacts to our forests, waterways, wetlands. To safeguard our natural resources, BMPs should include the following:

- Scientific assessment and use of data from the Pennsylvania Natural Heritage Program and a comprehensive conservation pre-planning process to guide siting, development, and restoration, in which all sensitive ecological areas are identified and mapped to enable avoidance or minimization of long-term impacts.
- Monitoring of sensitive species in pre- and post-construction phases to understand potential negative impacts to ecologically sensitive, high value conservation areas from habitat fragmentation, changes to water quality and quantity, and to prescribe restoration measures.
- Restoration of areas that were needed for development but are not needed during the operational life of the development activity. For example, early development activity for shale gas extraction, including well pad development and associated infrastructure including pipelines, often results in greater soil and canopy disturbance than is needed for long-term operation.
- Implementation of restoration measures including use of native vegetation to screen long-term infrastructure, establish forest canopy and native shrub and herbaceous vegetation, soil grading, control of non-native invasive species, and measures that return the natural character to the site to provide habitat that is critical for plant and animal species.

Conclusion

It is essential that the development of oil, gas and minerals and pipelines in Pennsylvania be done in a manner that protects all of Pennsylvania's lands and waters, particularly our high value ecological places.

Given the recent acceleration of natural gas development in the Commonwealth, the Western Pennsylvania Conservancy strongly supports careful scientific assessment to determine overall and cumulative impacts from all related infrastructure 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 the most effective best management practices and help guide the formulation of resource management plans.

It is essential that government entities, conservation organizations, industry, and the public collaborate to effectively balance energy needs with the sustainable protection of our ecologically significant land, water and wildlife habitats. The Western Pennsylvania Conservancy regularly collaborates with government agencies, conservation partners, industry sectors, and the general public to provide scientific data and information to advance comprehensive understanding of the Commonwealth's high value biological and ecological resources. Some of WPC's collaborative activities and efforts are listed in Appendix A.

Note 1:

WPC is concerned about the proliferation of natural gas pipelines in Pennsylvania and the fragmenting impacts to significant ecological areas and the critical habitats they support.

The Western Pennsylvania Conservancy recognizes that there may be rights of eminent domain in connection with interstate pipeline development. In connection with WPC owned lands and easement holdings, WPC's staff will collaborate with interstate pipeline developers to achieve the least possible impact to natural resources.

Note 2:

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, *Considerations for Gas Leasing: Avoiding and Minimizing Ecological Harm From Natural Gas Development*, is available on the Western Pennsylvania Conservancy website at [this link](#).

Appendix A:

Western Pennsylvania Conservancy Collaborative Activities

1) WPC Shale Gas Monitoring Program

WPC has implemented a comprehensive monitoring program working in collaboration with conservation partners to assess the current and potential threats of shale gas development on high value conservation areas across Pennsylvania and apply the findings in land conservation, environmental management, and public policy activities. WPC's monitoring includes water quality assessment and monitoring of habitat. Through the implementation of this project and the resulting information obtained, we will be able to:

- Have baseline year and first year data available on water quality and habitat conditions, in the event of a spill, forest disturbance or fragmentation, or other impact.
- Provide guidance for development of specific science-based recommendations for changes to laws and regulations that protect rare species and high value conservation areas, including changes to policies governing water use and quality, habitat fragmentation, and setbacks and advance recommendations through the WPC and partners.
- Provide information to develop and implement land protection/acquisition strategies for prioritized high value conservation areas.
- Provide guidance to initiatives to change the conservation status for specific species threatened by shale development activities.

- Provide guidance to landowners within prioritized high value conservation areas to minimize shale gas development impacts.

2) **Marcellus Shale Advisory Commission**

WPC was represented by staff on the 2011 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. WPC will continue to collaborate with partners to advance the recommendations not implemented to date to ensure the protection of the commonwealth's land and water resources. Among others, WPC will support substantial setbacks of oil, gas and mineral development sites, including unconventional shale gas development sites, from waterways and wetlands, in order to protect natural resources.

3) **Pennsylvania Department of Conservation and Natural Resources (DCNR)**

- 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 the Western Pennsylvania Conservancy in partnership with The Nature Conservancy.
- WPC is represented on DCNR's Conservation and Natural Resources Advisory Committee. Mandated by law, the Committee provides advice on conservation and stewardship of the Commonwealth's natural resources to DCNR, the Governor, the General Assembly and the public.
- WPC is represented on DCNR's Natural Gas Advisory Committee created to fulfill a recommendation of the Marcellus Shale Advisory Commission. The committee will assist DCNR in identifying concepts, best practices and principles, and assist in integrating them into the department's natural gas management efforts on DCNR lands.

4) **Pennsylvania Game Commission**

WPC has also shared the Pennsylvania Forest Conservation Analysis and updated records of occurrences of rare species with the Game Commission to help guide resource management decision making on leasing of game lands for oil, gas and mineral development.

5) **Pennsylvania Department of Environmental Protection (DEP)**

- WPC is represented on the DEP Citizens Advisory Council. Mandated by law, the Council provides oversight of the operations, management and

policies of DEP, evaluates environmental issues and laws, participates in the development of environmental regulations, and provides advice on environmental matters to DEP, the Governor, and the General Assembly.

- WPC is represented on the Environmental Quality Board (EQB) as an appointment by the Citizens Advisory Council. EQB is a 20-member independent board that adopts all of DEP's regulations.
- WPC is represented on DEP's Mining Reclamation Advisory Board (MRAB) as an appointment by the Citizens Advisory Council. MRAB assists the secretary of DEP to disburse the funds for the purposes provided by the Pennsylvania Surface Mining Conservation and Reclamation Act and to advise on all matters pertaining to surface coal mining and reclamation.
- WPC is represented on the Chapter 78 Rulemaking Stakeholder Group of DEP's Oil and Gas Technical Advisory Board. Chapter 78 provides regulations and provisions related to oil and gas development.

6) **Oil, Gas and Mineral Extractive Companies**

The Western Pennsylvania Conservancy has met with representatives of a number of oil, gas and mineral companies in an effort to build understanding of and appreciation for protecting our lands and waters and significant ecological areas as these companies determine siting. 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.