

Executive Order

Commonwealth of Pennsylvania Governor's Office

Subject: Leasing of State Forest and State Park Land for Oil and Gas Development	Number: 2014-03
 By Direction of: Tom Corbett, Governor	Date: May 23, 2014

WHEREAS, the Department of Conservation and Natural Resources (DCNR) is the state agency charged with ensuring the stewardship and protection of state forest and state park lands for the benefit of all citizens; and

WHEREAS, Pennsylvania is home to a world-class state forest and state park system, comprising over 2.2 million acres of state forest land and 200,000 acres of state park land contained within 120 state park and conservation areas; and

WHEREAS, Pennsylvania's award-winning state parks provide opportunities to enjoy healthful outdoor recreation and serve as classrooms for environmental education in a setting where natural, scenic, aesthetic and historical values are preserved for current and future generations while hosting 38 million visitors annually, contributing \$1.2 billion annually to the commonwealth's economy and providing more than 13,000 jobs; and

WHEREAS, Pennsylvania's state forest system is managed for a variety of uses and values, including ecological integrity; wild character; drinking water supply protection; recreation; plant and animal habitat; high-quality timber; and the environmentally sound utilization of mineral resources; and

WHEREAS, the international Forest Stewardship Council (FSC) has developed a set of principles and criteria that apply to FSC-certified forests around the world, and FSC forest-management certification confirms that a specific area of forest is being managed in accordance with the FSC principles and criteria; and

- WHEREAS, Pennsylvania's state forest system has been independently certified to be in adherence with the gold standard for environmentally and socially responsible forestry established by the FSC, and Pennsylvania's state forest system has been FSC-certified longer than any other state forest system in the United States; and
- WHEREAS, in December 2012, after five years of natural gas development in the Marcellus shale formation, the Rainforest Alliance's annual audit of Pennsylvania's conformance with the FSC certification found that certification requirements are being met and recommended maintenance of certification; and
- WHEREAS, an independent review of Pennsylvania's state forest system in 2013 by Scientific Certification Systems, a certification body accredited by the FSC, recommended that Pennsylvania's state forest system be awarded FSC certification as a "Well Managed Forest"; and
- WHEREAS, the *Conservation and Natural Resources Act (Act of June 28, 1995, P.L. 89, No. 18)* authorizes DCNR to enter into leases for the disposition of oil and natural gas when doing so would be in the best interests of the commonwealth; and
- WHEREAS, DCNR has the responsibility and expertise to approach shale gas development in a way that efficiently utilizes commonwealth energy resources while balancing the many uses, values and overall sustainability of the state parks and state forest system; and
- WHEREAS, the Governor's Marcellus Shale Advisory Commission, in accordance with *Executive Order 2011-01*, unanimously adopted a report and accompanying recommendations on the safe and responsible development of unconventional shale gas resources, and the Commission recommended that any future leasing of state forest land should be limited to agreements which result in no or minimal surface impact to commonwealth-owned land; and
- WHEREAS, the Pennsylvania General Assembly enacted the *2012 Oil and Gas Act (Act of Feb. 14, 2012, P.L. 87, No. 13) (Act 13)*, which significantly enhanced the environmental protection standards for shale gas resource development in the commonwealth, including new protections for rivers, streams, water wells and public water supplies, well site inspection and enforcement, public notice and information sharing, remediation standards, and other enhancements; and
- WHEREAS, *Article 1, Section 27* of the *Constitution of Pennsylvania*, recognizes the right of citizens to clean water and pure air and establishes the commonwealth's duty to conserve and maintain Pennsylvania's public natural resources for the benefit of all the people; and
- WHEREAS, *Executive Order 2010-05, Leasing of State Forest and State Park Land for Oil and Gas Development* issued by Governor Edward G. Rendell on October 26, 2010 ordered that no lands owned and managed by DCNR shall be leased for oil and gas development; and

WHEREAS, oil and natural gas development which results in no additional surface disturbance to state park and forest lands managed by DCNR is consistent with ensuring the stewardship and protection of such lands for the benefit of all the citizens, and with the requirements of *Article 1, Section 27* of the *Pennsylvania Constitution*;

NOW, THEREFORE, I, Tom Corbett, 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:

- 1. DCNR Oil and Gas Leasing.** As of the date of this Executive Order, no state forest or state park land may be leased for oil and natural gas development which would result in additional surface disturbance on state forest or state park lands.
- 2. Use of Oil and Gas Royalty Revenue to Buy Oil and Gas and Other Mineral Rights and to Provide Improvements in State Parks and State Forests.** DCNR shall seek, in accordance with applicable laws, to utilize the royalty revenue generated from oil and natural gas leasing and development to:
 - a. repair and improve upon the infrastructure and amenities of the state forest and state park systems;
 - b. prioritize and acquire high-value inholding lands, indentures and areas of high conservation value or ecological importance; and
 - c. prioritize and acquire privately-owned oil, natural gas, and other mineral rights underlying high-value surface lands owned by DCNR.
- 3. Effective Date.** This Executive Order shall take effect immediately.
- 4. Termination Date.** This Executive Order shall remain in effect until amended or rescinded by the Governor.
- 5. Rescission.** Effective immediately, *Executive Order 2010-05* is hereby rescinded.