

64th PACD / SCC Joint Annual Conference
Panel Discussion on Marcellus Shale in Pennsylvania
July 11, 2011 – 9:30 a.m. to 10:30 a.m.

Outline of Comments Presented by Ross H. Pifer, Director, Penn State Agricultural Law Resource and Reference Center

Potential opportunities for Conservation District involvement in Marcellus Shale activities

- Background of Marcellus Shale Activities in Pennsylvania
 - Currently, the environment is developing very rapidly
 - Last five years have seen dramatically different landscape
 - New issues, new players, new regulations, new legislation
 - Next five years likely will see further changes
 - Increasing federal involvement, PA General Assembly activity, PA Marcellus Shale Advisory Commission, NY moratorium ending?
 - Some amount of uncertainty regarding the legal and regulatory framework will continue
 - Changes present new opportunities
 - In the next ten minutes, I will offer some general thoughts on potential opportunities for conservation districts
 - Some, or many, of these ideas may not be practical, but I aim to put issues on the table for discussion
- Preliminary questions to answer before discussing specific potential opportunities:
 - What are the strengths of Conservation Districts?
 - Local knowledge
 - Technical expertise
 - What is the best role for Conservation Districts in overall development of natural gas resources?
 - As a regulator?
 - As an environmental advocate?
 - As a protector of landowner interests?
 - To support industry activities?
 - As an independent voice / independent actor?
 - Polarized debate creates great public need for independent voice
 - There can be some overlap as well as some conflict among the various potential roles listed above
 - For example – would acting as a regulator impair the ability of conservation districts to function as an effective independent voice?
 - Important to recognize that conservation districts cannot be all things to all people
 - In determining the appropriate role(s), conservation districts should focus on role(s) that is/are best fit with the organizational strengths

- Specific areas for potential conservation district involvement in Marcellus Shale activities:
 - Education
 - Utilize strengths (local knowledge and technical expertise) to educate:
 - Landowners
 - Local governments
 - Industry
 - Schools
 - General public
 - Technical assistance
 - At the individual landowner level
 - Advise on potential impacts to land and manners to minimize impacts
 - Prior to execution of lease / right of way agreement
 - Work with attorney preparing lease or lease addendum
 - Address location of well site and facilities, manner of site restoration
 - Prior to drilling
 - Work with company
 - Address location of well site and facilities, manner of site restoration
 - Preparation of model language for lease / right of way agreements?
 - At the macro level
 - Look at issues with multi-landowner impacts such as pipelines and other infrastructure
 - Data collection and evaluation
 - General
 - Important to many to know what, if any, changes are occurring as development progresses
 - Important to have information collected by an unbiased source
 - Ideal, but not necessary, to have data prior to activity
 - Individual landowner issues
 - Private water wells
 - Community / watershed issues
 - Regulatory enforcement
 - What actions, if any, are currently authorized?
 - Is it desirable for conservation districts to seek / accept delegated authority?