

*"What is a fish without a river? What is a bird without a tree to nest in? What is an Endangered Species Act without any enforcement mechanism to make sure their habitat is protected? It is nothing.*

*-Jay Inslee, American Politician*



## **Greetings!**

The "incidental taking" of any endangered species is a rather obvious threat to that species' survival. Even still, a slough of gas companies are jointly applying for a permit to essentially disregard endangered bats in three states for the next 50 years. These bats have already survived the [White Nose Syndrome epidemic](#), and now the gas companies want permission to "take" aka "kill" any bats that might get in the way of their fossil fuel extraction, transmission and production. Public comments are being accepted until December 27th at midnight. Please take a little time out of your busy schedule to speak out regarding this onslaught against five already threatened and endangered bat species. Check out our [feature article](#) for coverage of last week's local meeting and what you can do to speak out against this proposal.

The Department of the Auditor General just shed more light on the questionable Act 13 spending Jim Dunn has been telling us about in his last couple of articles. Sadly, it's even worse than anticipated. Jim continues the discussion in [The Jig is Up](#), below.

New [gas well permits](#) have been issued and so has another disturbing violation. The [petition](#) for hotel tax money accountability is still up & running (please share... we need more signatures!) and the holiday season is upon us. If you like what we do, please consider a year-end tax-deductible gift to RDA. Donations are accepted through [our website](#) (upper right-hand corner) or by mail to our PO Box listed below. We greatly appreciate your support.

Merry Christmas & Happy New Year from your friends and neighbors at RDA!

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## **Going to Bat for Bats**

On a cold Friday evening a week before Christmas, over 100 people gathered at the Genetti Hotel in Williamsport for a Scoping Meeting hosted by the Federal Fish and Wildlife Service (FWS).

The meeting was held to inform the public about a request by a coalition of nine oil and gas companies for an Incidental Take Permit. When granted, such permits allow activities that cause damage and/or death to wildlife that is protected by the Endangered Species Act (ESA).



A mama bat and her pup.

In this case, the industry is asking for permission to kill (aka "take") five species of endangered and threatened bats over a three-state region wherever and whenever these bats (incidentally) impede the company's business plans for fossil fuel activities for the next 50 years! The permit would cover seismic testing, land clearing, drilling, fracking, waste disposal, pipeline transport, compression, odorizing and all other related industry activities.

Bats play a vital role in our ecosystem. Losing more of the core forest habitat necessary for hibernation will add to the severity of the many challenges these little mammals face.

The request includes the entire land mass of three states: Ohio, West Virginia and Pennsylvania. This is an unusually broad geographic range and an unprecedented length of time for such a "kill permit." In essence, this is the equivalent to the "Haliburton Loophole" for the ESA.

The Williamsport meeting was the last of five such events held in the impacted states. Three spokespersons took the microphone: a representative from U.S. Fish and Wildlife Service, a consultant hired by FWS, and a consultant from West, Inc. the company hired by the gas industry coalition.

Those leading the event planned to make their presentations and close the meeting, remaining in the room to mingle with audience members one-on-one. Those in attendance had other ideas and demanded an open public question and answer period. The organizers argued against changing the format but finally acquiesced to a brief public Q and A.

Time ran out before many who had questions were given the opportunity to ask them. The questions that were asked raised important issues, including:

- The five species of bats are an important part of insect control for agriculture. How will damage to bat colonies affect farmers and all who buy their farm products?
- The permit request is both wide-ranging and for a very extended period of time. How can we possibly predict what the next 50 years will mean for gas development and technology?
- Large corporations can hire expensive consulting firms to expertly navigate the permitting process. Who represents the citizens, those whose property, income and/or quality of life is affected by these wide-range industrial activities?
- This permit request is from a coalition of nine companies. How does this affect the many other companies involved in oil or gas extraction in the three states?
- Based on past experience, there is widespread distrust of the drilling companies and their lack of concern for the environmental damage their activities cause. The same distrust often applies to government agencies. If granted, who will monitor compliance with this permit?

For those who were unable to attend the meetings, the Fish and Wildlife Service website offers a comprehensive overview of the permit request, the issues at stake, the type of comments sought and the means to submit those comments. The deadline for comments is 11:59 PM on December 27, 2016. [Click here for more details.](#)

It's such a busy time of year and your "to do" list is already much longer than usual. We get that. But we need you. The bats need you, the forest needs you, the entire eco-system needs you. Please consider this your gift to nature and to the beauty of our region. Dr. Seuss said it best, *"Unless someone like you cares a whole awful lot, nothing is going to get better, it's not."*

Visit the [website](#).  
Get the facts.  
Submit your comments.

Thank you.

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## The Jig is Up

**by Jim Dunn, RDA Member**

Unconventional Gas Well Fees, more commonly known as Act 13 or Impact Fees are intended to help preserve, protect or replace our natural, scenic and recreational assets that have been lost to oil and gas development. Instead, millions of dollars are being misused and misspent by those who hold the purse strings.

The jig is up for the misuse of Act 13 funds. Last month, the Department of the Auditor General of Pennsylvania released a report containing the performance audit of these fees by PA counties and municipalities.

The report shows that a significant percentage of the Act 13 Impact Fees distributed to local government is being used questionably. So what does that mean exactly? How much money is being spent outside the intention of the law? Who is doing the spending?

Municipalities are doing a better job with compliance as compared to the larger county governments. Municipalities are townships, boroughs and cities. The "allowable spending" by municipalities was 96 percent. Counties did not fare as well; only 71 percent of county expenses were considered allowable. Combining the two, 24 percent of impact fee money was spent questionably. In actual dollars, \$20.2 million of the \$85.6 million in impact fees was misappropriated and spent on goods and services outside the Act 13 goal of offsetting the damaging effects of gas industry activities.

But that's not the whole story. Not all of the impact fee is being spent; 40 percent is reported to be held in capital reserve. Hundreds of millions of dollars are sitting in accounts that earn a whopping 1 percent interest or less every year. Another significant fact: not every county and municipality was included in the report. Only the results from 10 counties and 20 municipalities were reported. Nor did the report cover every year, only 2011-2014.

How did we fare locally? Was Lycoming one of the 10 counties covered in the report?

Yes, Lycoming was among the reporting counties, on the 50-yard line of counties that had misused funds; a list of questionable uses was included in the report. In similar fashion to David Letterman's Top Ten list, the top eight very large single expenses that were considered questionable were included, and Lycoming County came in at number four. Our big-ticket purchase was \$596,083 for a district judge's office.

In addition to missing two years of reporting overall and lacking reports entirely from 10 counties and 20 municipalities, what does all this mean? What is the significance of the audit, and why do I continue to complain about the misuse of the Act 13 funds?

The \$20.2 million in questionable spending is just the tip of the iceberg. If you look at the proposed \$750,000 from Act 13 impact fees in the current Lycoming County budget, you will get a clearer vision of how these monies are being spent across the state.

Significant impacts from the industrialization of our beautiful region have occurred and will continue to occur. The natural, scenic and recreational areas in our beautiful Pine Creek and Loyalsock Creek valleys have been significantly diminished. Hiking trails in the PA Wilds have been converted to gravel roads leading to well pads in once-forested regions. In some places, bird song, rustling leaves and the music of the forest is now drowned out by the diesel motor noise of compressor stations. Canoe launches and fishing holes have been converted to water withdrawal sites, ridgetop vistas and trails changed to industrial parks. Critical habitat has been lost; birds, bats and amphibians are disappearing at alarming rates. Loss of the special places that have defined life in rural Pennsylvania for generations has been extensive.

Act 13 Impact Fee money is supposed to preserve, protect or replace any of our natural, scenic or recreational assets lost to oil and gas development. Impacts from drilling have not affected the computers of county office workers, yet that is where some of the money has gone. Impacts from drilling have not caused heating and air conditioning problems, yet that is where some of the money has gone.

Who is to blame? Not the oil and gas companies. They knew they were going to destroy our forests and wild places. They pay the impact fee as a way to compensate us for this loss.

It is our elected officials who gave away too much and preserved, protected and replaced too little.

We don't need new rules or new regulators for the impact fee: the allowable uses are simple and the rules easy to follow. What we need are elected officials with the courage to do the right thing!

This article has been trimmed.  
[Click here to view the full article including Jim's proposed solution \(p2\).](#)

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## Well Permits & Violations

New natural gas well permits have been issued for the following Lycoming County Townships:

Eldred Township  
[Winter 1](#), [Winter 2](#), [Winter 3](#),  
[Winter 4](#), [Winter 8](#)

Gamble Township  
[Stunner Smith 2H](#)  
[Stunner Smith 3H](#)

While the state is debating knowingly sacrificing our endangered bat species, [a well operator violation](#) is



issued in Liberty Township, Tioga County for potentially polluting a local waterway. The citation reads as follows:

ACTIVITIES UTILIZING POLLUTANTS - Failure to take necessary measures to prevent the substances from directly or indirectly reaching waters of this Commonwealth, through accident, carelessness, maliciousness, hazards of weather or from another cause.

INCIDENTS CAUSING OR THREATENING POLLUTION - Failure to notify the Department of an accident or other activity or incident, a toxic substance or another substance which would endanger downstream users of the waters, result in pollution or create a danger of pollution of the waters of this Commonwealth, or would damage property.

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## Where Does Our Tax Money Go?

A bipartisan group known as the *Lycoming County Citizens For Hotel Tax Accountability* is concerned about the lack of transparency and accountability in the use of millions of dollars generated through hotel tax. These public funds are paid by hotel customers.



**If you agree that it is time for transparency in the use of our hotel tax, we invite you to sign on to a letter asking the Lycoming County Commissioners to hold the Chamber of Commerce accountable for appropriate use of this public tax money. Please SIGN ON at the link below.**

[Click here to sign the request.](#)

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RDA | [responsibledrillingalliance@gmail.com](mailto:responsibledrillingalliance@gmail.com) | [rdapa.org](http://rdapa.org)

[Click here to sign up for our monthly e-newsletter.](#) It costs nothing to sign up, but tax-free donations are accepted & greatly appreciated.

As a 501(c)(3) non-profit organization, RDA relies on donations for the important work we do. In order for RDA to continue its valuable education and advocacy outreach in 2017 and beyond, please consider a year-end tax-deductible contribution to our efforts. Click on the Facebook or RDA logos below, then click the "Donate" tab on the top right of either page to make your donation.

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Managing Editor: Brooke Woodside  
Contributing Editors: Barb Jarmoska,  
Ralph Kisberg, Ted Stroter, Norman Lunger