

# Protecting Communities and Special Places

e-Newsletter August 30, 2013



**"Based on the evidence there is no reason to expect that loosening environmental standards will have any effect**

**on the pace of state economic growth."**

**~ Stephen M. Meyer, MIT**

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## UPCOMING EVENTS

**Public Forum with John Hanger**

**Tuesday  
September 3, 2013  
6 - 9 p.m.**

**Bloomsburg University,  
Bakeless Hall, Room 208**

Gubernatorial candidate [John Hanger](#) has agreed to meet with citizens concerned about the impacts and consequences of unconventional shale gas drilling in a public forum expressly planned to discuss this issue. Mr. Hanger does not support the Democratic Party policy on a moratorium, but instead

## Endangered and Threatened Species Under the Gun in Pennsylvania

By ANN PINCA

POTTSVILLE, Pa. - In a three-hour display of behavior sometimes unbecoming of public officials, a joint hearing of the House Game and Fisheries and Environmental Resources and Energy Committee met August 26 in Pottsville to hear testimony regarding House Bill 1576, the Endangered Species Coordination Act. Though open to the public, the hearing allowed testimony only from scheduled speakers.

According to bill sponsor [Rep. Jeffrey Pyle](#) (R-Armstrong), [HB 1576](#) will "establish a uniform and transparent process for evaluating; designating and protecting threatened and endangered species and their critical habitats in the Commonwealth." While proposing significant changes to the current processes in place, Pyle's bill would also place the Pennsylvania Fish and Boat Commission (PFBC) and the Pennsylvania Game Commission (PGC) under the review of the [Independent Regulatory Review Commission \(IRRC\)](#). A similar bill, [SB 1047](#), was introduced in the Senate by [Sen. Joe Scarnati](#) (R-Jefferson).

The tone of those in favor of the legislation was set quickly before testimony began by [Rep. Mike Tobash](#) (R-Berks/Schuylkill) who stated, "We're looking for ways to get government out of the way to cut back on red tape."

Testimony presented in favor of HB 1576 was given by representatives from the [Pennsylvania Builders Association](#); [Glenn O. Hawbacker](#), whose services include gas well service and construction; and Pennsylvania Anthracite Council representative William Parulis of [WJP Engineers](#), whose business activities include mine permitting, planning, and regulatory compliance. The industry representatives' testimonies were peppered with anecdotes on projects that suffered inflated costs or were even stopped due to expensive required environmental studies. Phrases like "timely" and "cost effective" or "financial benefit from a streamlined process" indicated why they favor this bill.

*Rep. McCarter listens to testimony.*

*IMAGE: Wendy Lynne Lee*

favors better regulation and enforcement.

This forum will be a **civil and respectful exchange** and will be a listening/Q&A session, **not a protest!**

[Directions to Bloomsburg University](#)

Sponsored by **Shale Justice Coalition**  
[www.shalejustice.org](http://www.shalejustice.org)



**Keep It Wild Hike**

**September 22  
10:00 a.m.**

Bob Webber Trail  
Wolf Run Wild Area  
Tiadaghton State Forest  
Route 414,  
Cammal, PA 17723

[Look here for more information](#)



[www.KeepItWildRDA.org](http://www.KeepItWildRDA.org)



**SHALE GAS OUTRAGE  
2013**

**September 24-26**

**Philadelphia, Pa.**

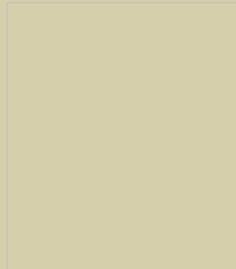
Join us for Shale Gas  
Outrage!

This year's event will include a Water Drive and the Freedom from Fracking III Conference.

Shale Gas Outrage Water

Those testifying about their concerns with HB 1576 were the [Sierra Club](#), [Trout Unlimited](#), and agency representatives Carl Roe of the PGC and John Arway of the PFBC. Dan Devlin also testified on behalf of the Pennsylvania Department of Conservation and Natural Resources (DCNR), making it clear that his agency did not have a formal position on the proposed bill.

Concerns of those not in favor of the bill included the eventual inability to maintain current status of species due to several new requirements, the decimation of rare species through the creation of a central data base that will provide access information to protected species currently not available to the public, the inability to act quickly when needed in a species population crisis due to the addition of the required IRRC review process that can take up to two years, and the loss of millions of federal funding dollars from the U.S. Fish and Wildlife Service due to the changed independent status of the agencies.



Comments from legislators in support of the bill accused the agencies of not wanting any oversight, insisting that adding the extra layer of regulation through the IRRC was simply like getting a second opinion or having an "extra set of eyes" watching them. Bats and wild trout streams seemed especially targeted, with one legislator suggesting that Trout Unlimited is actually detrimental to trout fishing in Pennsylvania. Others, including Rep. Pyle, didn't think it necessary to preserve habitat for a species that is all-but-gone already - especially when jobs and public school districts are involved.

*Rep. Pyle waits to comment at the hearing.*

*IMAGE:  
Wendy Lynne Lee*

John Arway (PFBC) argued against those ideas, referring to a [study](#) by MIT professor Stephen M. Meyer, which found that "based on the evidence there is no reason to expect that loosening environmental standards will have any effect on the pace of state economic growth."

[Rep. Greg Vitali](#) (D-Delaware) made the point early in the proceedings that shifting oversight to the IRRC was shifting current good science done by the agencies in their work to a regulatory board containing no scientists or scientific expertise. [Rep. Steve McCarter](#) (D-Montgomery) echoed that idea, stating that HB 1576 would shift the balance from its current scientific basis to a possibly lengthy regulatory process. He summed up the hearing with this thought:

"This is pushing this far too along the path, of going back to a time ... where we had robber barons who made all the decisions for us in the industries here in Pennsylvania."

Robber barons indeed. Though the legislators strongly urging passage of this bill repeatedly claimed it is because their constituents are demanding it, a quick check of [MarcellusMoney.org](http://MarcellusMoney.org) reveals that bill sponsor Rep. Jeffrey Pyle received \$48,961.68 in recorded campaign contributions from the oil and gas industry, while Senator Scamati, sponsor of SB 1047, received \$359,145.72. Apparently that is enough "industrial" incentive to streamline some of Pennsylvania's rarest species into oblivion.

*Read more about HB 1576 and SB 1047 [here](#) and [here](#). Contact your Representative and Senator to let them know your thoughts. Use these [talking points](#) from the PFBC.*

[See pictures by Dr. Wendy Lynn Lee from the hearing here and here.](#)

*Representatives listen to testimony at the hearing for HB 1576. IMAGE: Ann Pinca*

**Hear No Evil, See No Evil, Speak No Evil**

Drive, September 24-26

Freedom from Fracking III Conference, 2 pm - 8 pm Thursday, September 26.

The conference is free, but requires [registration](#).

[Find more information here.](#)

## TAKE ACTION!

### Report Shale Gas Air Pollution NOW

Clean Air Council announces a new auto-alert system for notifying relevant agencies about odors, noises or visible emissions that residents suspect are coming from natural gas operations in their community.

[Look here for details](#)

## New Phone Number! Contact RDA at 888-332-1244

### What Did She Say?

Occupy the Hollers brings this little bit of "adjusted advertising" on natural gas extraction.

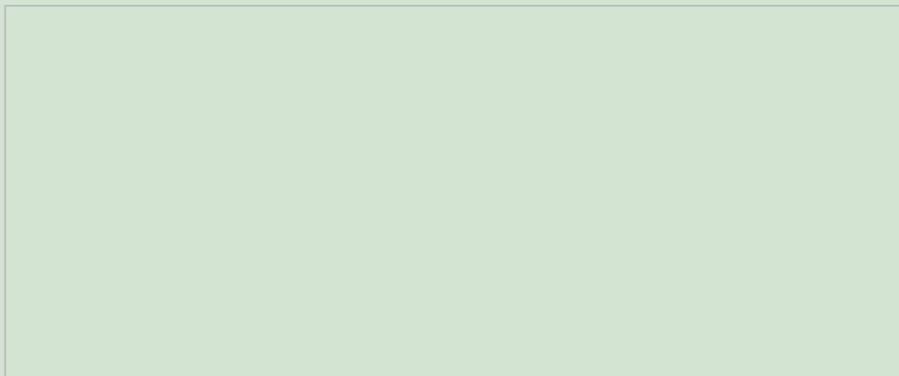
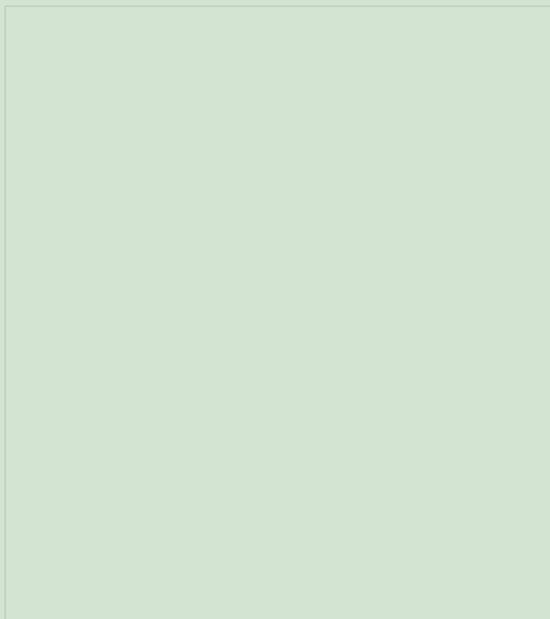


## IN THE NEWS

### This Week's Scoops

As Governor Corbett's [poll numbers](#) continue to sink, his shale buddies rev up the rhetoric on natural gas. Consider Lt. Governor Cawley's recent editorial on how we're [scaring the Saudis](#), and U.S. Senator Pat Toomey's ["touting"](#) of

This apparently was President Obama's motto as he rolled into Scranton last Friday to speak on education reform at Lackawanna College. Despite concerned citizens [lining the way with signs](#), they were disappointed to find that not so much as a mention of natural gas issues was on the President's agenda. Even [Delaware Riverkeeper](#) Maya K.van Rossum's [call from the balcony](#) near the end of President Obama's speech produced nothing more than a pause. It was a discouraging end to what many hoped would be an opportunity to catch our President's ear while he was so close to the shale in Pennsylvania.



*All images courtesy of Dr. Wendy Lynne Lee  
[See more photos from the event](#)*

## Knowledge is Power and Ignorance is Bliss

By CAROL FRENCH, Guest Columnist

This letter is in response to the editorial by State Senator Gene Yaw titled: ["Facts Rather Than Ignorance."](#)

I was born and raised in Bradford County. I have lived here all of my life living/operating a dairy farm. While attending school functions, the county fair or even local auctions, my path has crossed with many that call Bradford County their home. In my opinion, the best ways to characterize Bradford County are by its tranquil and rural beauty and its trustworthy, generous, loyal residents. I would never call my neighbors, classmates, or friends ignorant for their opinions. We were raised to honor a man's word. Many would tell you, "A man's word is as good as his handshake."

In previous years, oil and gas leases were signed. Some were automatic renewal leases, yet nothing ever became of them until this wave of enthusiasm

[natural gas](#) at a Wyoming County Chamber of Commerce event, with a careful warning included on how EPA could mess things up.

Then again, the Pennsylvania DEP messed up when it [tried to keep a "controversial" report out](#) of its long overdue climate report. Seems like they didn't want to include something that disagreed with their outlook. Kudos to the PSU scientists who refused to change the information when asked.

In western Pennsylvania, Shell is [gathering up ethane](#) contracts as it moves closer to building that cracker plant; their tax free zone is ready and waiting. Some of that ethane may come from the Pittsburgh International Airport, as Consol [presented its plans](#) for drilling on the airport and secured an ethane deal with Shell.

This week we learned that [over half of DCNR's operating budget](#) comes from the oil and gas lease fund - a fund originally used to pay for maintenance and now used for daily operations. With well decline rates being what they are, one wonders what will happen when the gas eventually runs out. Until then, we can only suspect that it will be drill, baby, drill just to keep the department afloat.

The [proposed Endangered Species Coordination Act](#) looks to be a contentious piece of legislation for Pennsylvania, but for the threatened Blackside Dace in Acorn Fork Creek, Kentucky - and all the other fish as well - it was Game Over in 2007 when a [fracking fluid spill wiped out](#) all aquatic life in the stream in the spill area.

Guess being on the threatened list doesn't necessarily mean you are protected after all.

and grandeur caught the county by storm. Landowners were treated like royalty. We were invited to auditoriums where free hats, pens, tablets and snacks awaited us. Our local elected officials would introduce the speakers as if they were to be trusted ol' friends. There were promises of clean abundant fuel that would keep our country independent from foreign oil. The gas companies explained their operations. They even said, "We wouldn't even know that they were here."

Promise after promise was made at the kitchen table, no one being the wiser that these promises were deceptions in disguise. Not even our local and state politicians expressed concern over the deals (leases) being made. If a landowner had any doubt about the language of a lease, the best advice offered by our elected officials was to contact an attorney for legal advice. That is when the red flags should have popped up. We should have asked which attorney studied oil and gas law and should have required that attorney to sign an agreement stating that they didn't have a retainer agreement with any oil and gas company operating in Pennsylvania.

Not once did Senator Yaw, State Representative Tina Pickett or our County Commissioners hold an informative meeting warning us that the landowner would become a "Prudent Partner" with a gas company should we sign a lease. Are you aware that a Mechanics Lien would be filed against the landowner if the Prudent Partner (Gas Company) didn't pay its debt? Why didn't we define the terminology used in the leases? Did any elected official warn you that a lease was a contractual agreement to sell your subsurface property? Now, there are companies, countries, and wealthy individuals owning equal-or-less-than percentage of interest in subsurface property that will not be subject to post production costs or the taxes that may follow later on. The burden is ours until royalty interest - working royalty interest - is truly defined by our legislators.

As Bradford County landowners and residents go through the "educational" pains and learn hard lessons about royalty payments, change in property value, unreliable job opportunity, and changes to the composition of our water, soil, and air, we become powerful in knowledge. As relayed in an article in a local newspaper, Rep. Tina Pickett said in response to the resent layoffs by Chesapeake Energy, "We seriously relied on all of those contacts to solve those problems." Pickett recalled the earliest days of the gas boom and how she lamented that some companies did not have people "on the ground" whom she could call when she had a question. (The Rocket Courier 8/23/13)

It should have been our elected officials setting the rules of operation, not the gas companies advising them on the do's and don'ts of the operation. The fact is that the elected officials relied on the gas companies' input instead of doing their homework and trusting in what their constituents were telling them. Whenever I, or other landowners, addressed issues concerning the gas industry to our State Senator, House Representative and our County Commissioners, we were told we needed to bring them the FACTS.

The fact is that Bradford County residents and landowners are very smart and trusting, but we are living and paying for the elected officials' ignorance. Perhaps that is why Senator Yaw felt he had to insult his constituents. With knowledge is power. Our power is in voting. Voting is change!"

*Editor's Note: Ms. French was not the only one to feel the sting of Senator Yaw's "ignorance" comments. [Read here](#) to see what two Bradford County Commissioners had to say.*

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## Join RDA

We welcome your active participation and are in need of help for special events, publicity, research, and other projects. Contact us for details.

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 2013, please consider a tax-free contribution to our efforts.

[Join Our Mailing List!](#)

## RDA Newsletter

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**Thank you for your support!**

[Donate](#)

