

Natural Gas and Land Conservation Conference

hosted by the Pennsylvania Land Trust Association

Thursday, June 19, 2008: General Session

Friday, June 20, 2008: Special Session

Felicita Garden Resort & Spa
Harrisburg, Pennsylvania

Draft Program

Day One: Developing a General Understanding of the Issues

Schedule:

9:45 am Registration, Coffee and Casual Conversation
10:30 am Program Begins
6 pm Evening Break
7 pm Dinner

Confirmed Speakers:

Nathan Bennett, Geologist, Mineral Section, PA Department of
Conservation and Natural Resources

John Carroll, Esq., Pepper Hamilton LLC, Harrisburg

George Conti Jr., Esq.

Michael DiMatteo, Chief, Oil/Gas and Minerals Development Section, PA
Game Commission

David English, Environmental Program Manager, PA Department of
Environmental Protection

Lester Greevy, Esq., Greevy and Associates, Williamsport

Andy Loza, Pennsylvania Land Trust Association (*moderator*)

Steve Rhoads, Executive Director, PA Oil and Gas Association

Donald Saxton Jr., Esq., Law Office of Donald Saxton, Washington

Harry Weiss, Esq., Ballard Spahr, Philadelphia

Program:

- I. Introduction
 - A. Context for Land Conservation
 - B. Goals of the Conference
- II. The Fundamentals: An Orientation to Gas Exploration and Extraction in Pennsylvania
 - A. Pennsylvania Geology and Economics
 - 1. Where is the gas? How accessible? How much?
 - 2. Present and future value of gas deposits
 - B. Gas Activities and Impacts
 - 1. Activities
 - a) Exploration
 - b) Construction
 - c) Extraction
 - (1) High-pressure injection
 - d) Storage (during and post-production)
 - e) Transportation/distribution
 - f) Facilities maintenance
 - 2. Environmental Impacts
 - a) Water use
 - b) Tailings and disposal
 - c) Hazardous waste collection and disposal
 - d) Roads
 - e) Pipelines
 - f) Invasive species
 - g) Sub-surface disruption
 - h) Other environmental impacts: air, carbon, ...
 - C. Remediation and Reclamation
 - 1. Post-construction
 - 2. During or post-production
 - 3. Best management practices
 - D. DEP Permitting and Oversight
 - E. The Gas Industry Perspective: What's Going On and What Will Be Going On?

- F. Ownership
 - 1. Who owns the gas? Surface vs. subsurface rights
 - 2. Coal bed methane
 - 3. Right of capture, right of access and other “ownership” issues
 - 4. Relation to other mineral rights
 - 5. Historic patterns of ownership
 - 6. Understanding the brokers and secondary leasing situation
 - G. Statutory, Regulatory and Legal Framework
 - 1. Statutes
 - 2. Regulations
 - 3. Case law
 - 4. Eminent domain
 - 5. Forced jointure
 - H. Working with the Gas Company
 - 1. Getting the information you need
 - 2. Standard lease terms
 - 3. What should be included in the lease
 - a) DCNR lease
 - b) SW PA effort
 - 4. Tips on negotiating
 - 5. How royalties are calculated
- III. Dinner Discussion
- A. Digestion of the day’s information
 - B. Community and social impact of gas extraction and dollars
 - C. Opportunities for conservation

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Day Two: Crafting Responses, Discussion and Deliberation

Schedule:

- 7:30 am Breakfast and Casual Conversation
- 8:15 am Program Begins
- 3 pm Program Ends

Land Trust Program:

Agenda item IV is highly specific to land trusts and municipalities with active open space programs. County agricultural land preservation boards are welcome to develop their own session to deal with their specific issues. Agenda items V and VI are applicable to land trusts, municipalities and ag boards.

IV. Land Trust Response

- A. Issues, Goals and the Day's Structure
- B. *Pending* Conservation Easements: Philosophy and Policy vis-à-vis Gas
 - 1. Small group discussions
 - a) Considering and/or negotiating easements on lands not yet subject to gas leases and with mineral rights intact
 - b) Considering and/or negotiating easements on lands already subject to gas leases or with severed mineral rights
 - c) Considering the sharing of royalties with the landowner
 - 2. Panel presentation of small group discussions by small group leaders
 - a) Discussion
 - b) Areas of consensus, areas of differences
- C. *Existing* Conservation Easements: Philosophy and Policy vis-à-vis Gas
 - 1. Short presentations
 - a) Examples of land trust experiences

- b) Interpretation of easement terms
 - (1) Matters of legality
 - (2) Matters of policy
 - c) Amendment
 - (1) National non-consensus, principles, gray areas and cautionary notes
 - (2) To address drafting ambiguities
 - (3) To change the easement objectives and/or restrictions
 - 2. Small group discussions
 - a) How to approach ambiguities in older easements?
 - b) How to handle easements that clearly prohibit extraction?
 - 3. Panel presentation of small group discussions by small group leaders
 - a) Discussion
 - b) Areas of consensus, areas of differences
- D. Stewardship of Easements vis-à-vis Gas: Panel Presentation and Large Group Discussion
 - 1. Monitoring issues
 - 2. Violation and enforcement issues
 - a) Landowners signing leases in violation
 - b) Activities occurring in violation
- E. Land Trust Land Ownership and Management vis-à-vis Gas
 - 1. Philosophy and policy: small group discussions
 - a) To acquire or not to acquire land with severed gas rights?
 - b) To lease or not to lease land trust land?
 - c) Development vs. non-developmental lease?
 - d) Seeking to recover severed rights?
 - e) Rights of capture?
 - f) Other issues and concerns
 - 2. Panel presentation of small group discussions by small group leaders
 - a) Discussion
 - b) Areas of consensus, areas of differences

- F. Stewardship of Fee Lands vis-à-vis Gas: Panel Presentation and Large Group Discussion
 - 1. Preparing for development
 - 2. Ongoing stewardship of developed land
 - 3. Planning for reclamation of developed land
- G. Translating Policy into Practice (*format TBD*)
 - 1. Gas lease terms
 - 2. Easement terms
 - 3. Royalty sharing terms
 - 4. Other issues
- V. Working Collectively: Large Group Discussion
 - A. Public Policy
 - B. Statewide Legal Defense Fund
 - C. Best Management Practices
 - D. Other
- VI. Wrap-Up
 - A. Next Steps
 - B. Summation

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