

SPORTSMEN ALLIANCE FOR MARCELLUS CONSERVATION



Virginia Council of TU · Northeast Council of Federation of Fly Fishers · Forks of the Delaware Chapter of TU · Iron Furnace Chapter of TU · Lloyd Wilson Chapter of TU · Tulpehocken Chapter of TU · Wild Trout Flyrodders · Twin Tiers Fiver Rivers Chapter of the Federation of Fly Fishers

WHO WE ARE

The Sportsmen Alliance for Marcellus Conservation (Sportsmen Alliance) is a coalition of **more than 265,000 sportsmen and women** working together to identify and propose solutions to mitigate the impacts caused by gas drilling in the Marcellus Shale on hunting, fishing, trapping and other outdoor sporting activities. The coalition is not opposed to gas drilling and recognizes its potential economic and social benefits. Rather, the Sportsmen Alliance is concerned that the current state and local policies governing gas drilling and hydraulic fracturing in the Marcellus Shale do not adequately protect valuable and irreplaceable natural resources, including clean water and critical habitat for fish and wildlife.

CONCERNS WITH THE CURRENT OVERSIGHT PROCESS

While gas drilling is regulated independently by each state—often leading to inconsistent regulations and environmental protections—common concerns about each state's oversight of gas drilling and hydraulic fracturing (also known as hydrofracking) exist across the Marcellus Shale region.

Marcellus Shale development is occurring in special places. The concentration of Marcellus Shale gas development is occurring in or targeted for watersheds with intact forests and pristine streams. In most cases, these special areas have no additional protections to ensure that valuable resources—the places where we hunt and fish—are not harmed. Small, headwater streams that boast wild trout populations and trout spawning habitat are unfortunately often the closest and most convenient source of water for drilling wells. Short-term, high volume withdrawals needed for the hydraulic fracturing process can acutely affect blue-ribbon trout fisheries.

Monitoring and inspection are inadequate. Agencies overseeing the drilling process do not currently have sufficient funding and staffing to inspect and monitor gas wells on a regular basis. In addition, baseline data on water quality and soil chemistry is not required to be collected prior to issuing a permit for gas drilling. Without this information, it is very hard to determine if hydrofracking is the source of water pollution or to hold drilling companies accountable for contamination.

Drilling rules are not being effectively enforced. State agencies overseeing the gas industry currently do not have the manpower to enforce the existing laws that offer some protection for natural resources from poorly managed or planned gas drilling. Further, the new combination of hydraulic fracturing and horizontal drilling will require additional regulations which, if stricter and require more reporting and monitoring, will in turn require additional staff resources to enforce new policies and protections.

Water use is not regulated state-wide. Pennsylvania, New York, West Virginia and Virginia do not have comprehensive statewide regulations and monitoring programs to determine how much water can be or is being taken from streams, rivers, lakes and the ground for hydraulic fracturing. Without these basic rules, regulatory agencies cannot sufficiently determine the cumulative impacts on water resources, aquatic life and habitat from gas drilling and hydraulic fracturing.

Wastewater treatment facilities do not exist. To date, facilities do not exist to adequately treat the large volumes of wastewater that will be produced through the hydraulic fracturing process. While the gas industry is pursuing technological advances to recycle and re-use drilling wastewater, progress has been slow. However, state agencies continue to issue permits for drilling, thereby increasing the volume of wastewater that will need to be treated in the short and long-term.

WHAT PROTECTIONS ARE NEEDED?

In light of new technologies being employed and the predicted fast pace of gas drilling in the Marcellus Shale, each state in the Marcellus Shale region needs to improve or strengthen its current regulations for horizontal gas drilling. Increased oversight, including monitoring, inspection and enforcement, will require additional staff and funding for the agencies that regulate gas drilling. Additional laws are needed to protect wildlife and other natural resources from the impacts of Marcellus Shale gas drilling and hydraulic fracturing. Further, mandatory Marcellus Shale-specific best management practices, especially related to water resources and fish and wildlife, should be developed by conservation agencies and partners. Below is a brief list of recommendations for agencies, regulators and legislators to consider as they begin to address impacts from gas drilling on natural resources and on the interests of sportsmen and women. The term "drilling operations" used below refers to all activities and infrastructure related to the extraction of Marcellus Shale gas.

Recommendations for Laws and Policies to Protect Natural Resources and Hunting, Angling and Trapping Experiences:

- Gas drilling industry exemptions under the federal Safe Drinking Water Act and Clean Water Act should be repealed.
- Each state should adopt a comprehensive statewide water withdrawal law. These laws should require any entity proposing to withdraw a certain amount of water, above a pre-determined threshold, to receive a permit. This law would allow the state to track and prioritize essential uses and provide a predictable, consistent mechanism for managing water resources. Each state should determine the maximum amount of water that can be extracted from a given stream. When necessary, it should limit total withdrawals for gas drilling, to ensure hydrologic functions and ecological needs. Water withdrawals should be prohibited from sensitive trout streams during spawning periods.
- To protect world-class angling and other outdoor experiences, drilling operations should not be permitted in watersheds with special state-designated conservation status, such as Pennsylvania watersheds with designated wilderness trout streams (or other state equivalencies), without additional regulatory requirements, review and inspection.
- States should evaluate whether well pad sites are appropriate based upon their Comprehensive Wildlife Conservation Strategies and areas where species of greatest conservation need have been identified. Mitigation measures should be taken to avoid impact to the identified species in these areas.
- Drilling operations, including truck traffic, should be prohibited on state lands during opening days of hunting, fishing and trapping seasons and should be minimized during key breeding seasons.
- Inspection of all vehicles for invasive species should be required. Gas industry workers should be trained on how to identify invasive species and how to clean equipment prior to entering and/or leaving a drilling site.
- Construction of well pads, compressor stations, storage pits and other drilling infrastructure should not be authorized within 300 feet of surface waters. Well pad development and construction of impoundments should be prohibited in 100-year floodplains.
- High fencing should be required around wastewater storage impoundments and well pads to reduce the likelihood that wildlife will enter well pad sites and consume wastewater or other toxic chemicals. Netting and appropriate bird deterrents should be installed over storage impoundments to keep birds from consuming wastewater.
- The gas drilling industry should be required to collect independently certified pre-drilling water quality monitoring data, as part of the permit process. This monitoring data will document contaminants that may already be present in the water. Water quality monitoring should occur regularly in nearby surface waters where a drilling site is active. Monitoring should continue for at least one year after the hydraulic fracturing process is complete.
- States should require each well operator to report the amount of water being withdrawn from a source, the total amount of water available from that source and projected demands on that watershed. Prior to issuing drilling permits, comprehensive studies should be required that assess existing and available surface and groundwater supplies and uses.
- Pre-lease planning on state lands should include mapping of high quality habitats important to fish and wildlife and core interior forests where limited or no drilling should occur.
- Vegetation loss should be minimized in construction of well pad or other drilling-related infrastructure.
- Remediation plans for well sites should be required and should include requirements for re-vegetation.
- Stormwater best management practices (BMPs) and technology should be employed, and the well operator should be required to prove that such practices are functioning prior to drilling.

For more information about the **Sportsmen Alliance for Marcellus Conservation**, go to: www.sportsmenalliance.org or contact Katy Dunlap, (marcellus@sportsmenalliance.org or 607-703-0256).