



THE EDWARD L. ROSE CONSERVANCY

Fall 2023 Newsletter

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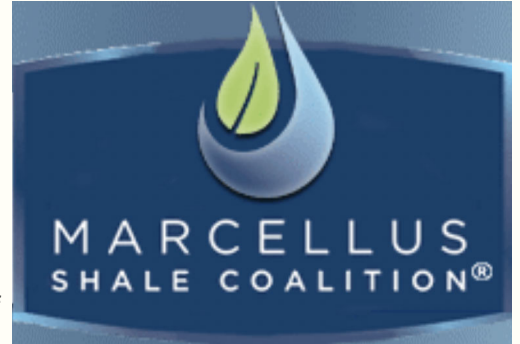
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A Bad Time for the Marcellus Shale Coalition

There are a lot of nervous nellys in Pennsylvania's oil and gas industry offices these days.

Their fretting is due, in part, to a debate in the Pennsylvania legislature about enacting a law that would significantly reduce the acreage in the State available for oil or gas drilling.

Senate Bill 650 (and House Bill 1465) contemplate increasing the distance from buildings and water supplies to unconventional natural gas drilling operations. The rationale for this modification is a result of the Attorney General's investigative report (leaning heavily on a study performed by the U. of Pittsburgh), which found that health effects from industry activity are "magnified by proximity."



This past August, the Pennsylvania Department of Health and the University of Pittsburgh School of Public Health released the findings of studies that examine the relationship between living near fracking operations and childhood cancers, asthma and birth outcomes. The studies reported a link between proximity to fracking and increased cancer rates, asthma attacks, low birth weight. While they did not attempt to identify the cause of the health problems, they did conclude that there were numerous correlations.

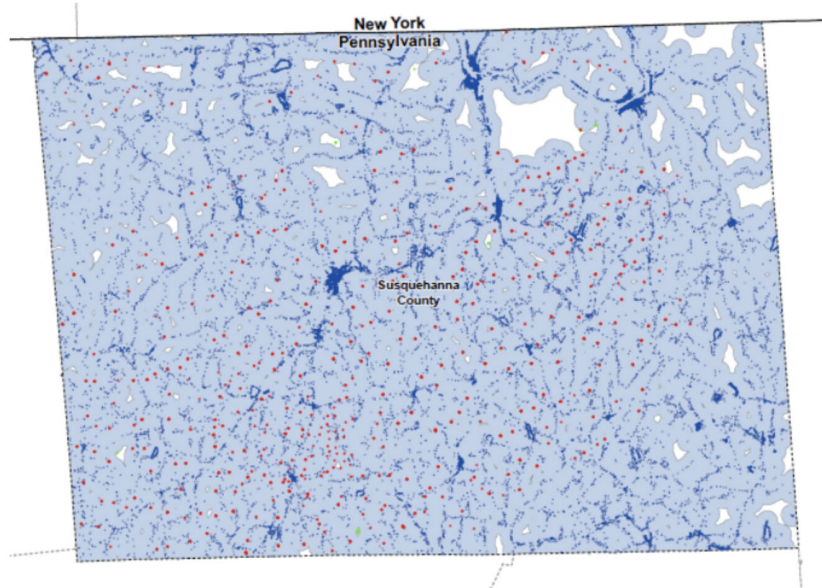
Predictably, the Marcellus Shale Coalition, an industry group whose members actively work in the natural gas industry, contended the report did not demonstrate any direct causation from unconventional shale development to any of the health risks studied.

One study found that children living within a half-mile from a fracking well had a higher chance of developing cancer. The results showed that the chances of a child developing lymphoma "were 5-7 fold greater when living within 1 mile of a well compared to children with no wells within 5 miles." The study concluded that those living closest and among the "highest density" of fracking activity were at the highest risk for developing the rare cancer.

Under current regulations, wells must not be drilled within 500 feet of a building or private water well, and within 1000 feet of a public water supply well, surface water intake, reservoir, or other water supply extraction point, unless the land owner consents to the activity. This setback would, under the new law, be increased to 2,500 feet and 5,000 feet respectively.

According to the Marcellus Shale Coalition, current setbacks eliminate activity from 30% and 40% of land in Susquehanna and Washington, respectively. The proposed setback, they claim, would essentially sterilize the counties from any development.

SUSQUEHANNA COUNTY



Blue areas represent land banned from development under SB 650 and HB 1465.

The Coalition is already licking their wounds from ending up on the losing end of a lawsuit decided by the Pennsylvania Supreme Court this past spring. On April 19, 2023, the Pennsylvania Supreme Court upheld the Department of Environmental Protection's ("DEP") oil and gas regulations that, among other things, protect privately-owned "public resources," such as playgrounds and recreation areas, environmentally sensitive areas, and "common areas of a school's property."

One practical impact of the Court's decision is that privately owned properties that include areas such as playgrounds, recreation areas, or environmentally sensitive habitats are now clearly afforded protection under the Environmental Rights Amendment ("ERA").

Article II, Section 27 of Pennsylvania's Constitution, otherwise known as the Environmental Rights Amendment ("ERA"), states that:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Challenging the regulations, the Marcellus Shale Coalition alleged that DEP exceeded its authority by including areas such as schools and playgrounds in the definition of public resources. The Court did not agree.

Donating to E.L. Rose: A Better Way to Address Climate Change?

We were intrigued by the title of a 2022 Time.com [online article](#) *Donating to Climate Charities Might Be Better Than Buying Carbon Offsets*.

Given that one category of climate charities is the land conservancy, we wondered if the E.L. Rose Conservancy might be a good candidate for corporations seeking to do their ESG obligations.

Note: Environmental, social, and corporate governance (ESG) is a set of aspects considered when investing in companies, that recommends taking environmental issues, social issues and corporate governance issues into account. Source: Wikipedia

In the current governmental climate, businesses may reduce their carbon footprint by either curtailing activities that emit greenhouse gases or through the purchase of carbon credits from other sources that have earned those credits, through their own conservation efforts.



Here's an example. Micron Corporation, is preparing, at a cost of more than \$100 billion to build a factory in Clay, near Syracuse, producing semiconductors, which will consume more electricity in the process than the entire state of Vermont—640 million kilowatts per month, or enough to power 1 million New York homes. As part of their agreement to accept enormous state tax incentives, Micron commits to purchasing all of their electricity from renewable sources.

Since that amount of renewable-based electricity is not available from utilities powering the grid in New York, Micron will have to buy carbon credits from other sources, effectively acting as a proxy for green power they can't obtain.

The *Time* article argues that the entire carbon offset concept does not adequately change behavior:

"When a person or business buys carbon offsets, they ostensibly cancel out some degree of their emissions without necessarily changing parts of their lifestyle or business practices. That's the rub for many climate activists

who feel the very concept of carbon offsetting promises an impossibly happy ending—that the wealthy corporations of the world can continue with business as usual, guilt-free, if they simply pay a fee."

Further, buying offsets in, say, a forest planting effort, may not produce the desired results in carbon reduction if that forest burns, an increasingly commonplace event. California has set aside a pool of money to be used to buy carbon credits that will offset the potential carbon release from forest fires. [A sobering study](#) in the August 5, 2022 issue of *Frontiers in Forests and Global Change* found that "at least 95 percent of the buffer pool contributions set aside to manage 100 years of wildfire risks had been depleted by the end of the 2021 wildfire season."



At its core, the author of the Time article argues that carbon offsets are not **additional**, meaning they maintain the status quo as opposed to everyone being responsible for reducing their own carbon footprint.

Another challenge is a concept called *leakage*, which means that a carbon credit purchased from an entity to, say, not build a coal plant might be rendered useless if that power plant was built somewhere else on the planet.

University of California, Berkeley, researcher Barbara Haya, the director of the Berkeley Carbon Trading Project argues a better approach is to direct donations to groups like ours,

which focuses all their efforts on conserving natural lands. "Offsets don't really offset our emissions and I worry that they undermine action by offering a cheap way to pay a fee and meet an emissions target on paper," she says. "We need to shift to a contributions approach."

Perhaps we have a marketing opportunity to approach our corporate friends who need to get their ESG houses in order.

Greenwood Sanctuary News



Our sanctuary in Dimock, a few miles south of Montrose, has been in need of some TLC. Since our caretaker, Jesse Wells, passed away in 2021, the 120 acre property has been a bit neglected.

Keith Oberg, Scott Heckman and Tom Stoll, along with some help from Ken Thompson, took on the challenge this summer and not only cleaned up the existing trails, but added new trails, refreshed the paint blazes, put in new signage and developed a trail map.

As with the other properties held by the Conservancy, falling limbs from all the dead ash trees have made trail clearing significantly more difficult than in the past.

But the first task facing Keith and Scott was to unplug the outlet pipe for the large man-made pond near the barn. The water was overflowing the dam and a total washout was a possibility.



The paddle boat that was stored in the old ice-house seemed like the way to go, since the pipe, which maintains the water level in the pond, is a good ten feet from the shore in deep water. After dragging the boat over to the pond and jumping in, they found to their dismay that the rudder was missing. They were at the mercy of the breeze. Nonetheless, they were able to unclog the drain, and allow the pond to go back to its normal level.

Trail clearing also included liberating the old outhouse located behind the barn. Trees had fallen all around and on top of the shed structure, but damage was minimal. So, for now the trails are in good shape, and the trails and the outhouse are ready for our members, but we can be sure that next spring will bring new trail clearing chores.

- Contributed by Keith Oberg

