

1 INTERIM RESOLUTION 2007-004

2
3 TO PROTECT THE QUALITY OF LIFE OF CITIZENS OF THE NATURAL STATE
4 WHILE DEVELOPING THE FAYETTEVILLE SHALE PLAY AND TO ENCOURAGE THE
5 DEVELOPMENT OF A COMPREHENSIVE PLAN THROUGH COORDINATION OF STATE
6 AGENCIES, WORKING IN PARTNERSHIP WITH THE AFFECTED PUBLIC,
7 CONSERVATION GROUPS, AND ENERGY INDUSTRY.
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9 WHEREAS, the Joint Performance Review Committee finds that the
10 development of the Fayetteville Shale Play for the extraction of natural gas
11 is an economic benefit to the State and its citizens that has the potential
12 to become a sustaining economic growth industry; and
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14 WHEREAS, the Joint Performance Review Committee finds that intact and
15 functioning ecosystems, healthy fish and wildlife populations, and abundant
16 access to natural landscapes are a significant contributing factor to
17 Arkansas's economy as well as quality of life; and
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19 WHEREAS, the Joint Performance Review Committee finds that the
20 preservation of our water resources for drinking water, agricultural use, and
21 recreational use is vital to our survival as citizens of our natural state;
22 and
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24 WHEREAS, the Joint Performance Review Committee finds that proper land
25 use management is necessary to prevent erosion and the effect of erosion that
26 disrupts the natural environment and contributes to the deterioration and
27 repair of roads; and
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29 WHEREAS, the Joint Performance Review Committee finds that Arkansas's
30 current oil and gas regulations fail to provide comprehensive protection for
31 our water and natural resources; and
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33 WHEREAS, the Joint Performance Review Committee finds that the state's
34 oversight of the drilling and operation of and oil and gas well is spread
35 among several state agencies with no current mandate for the state agencies
36 to share information or coordinate activities and regulation; and

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2 WHEREAS, the Joint Performance Review Committee finds that protecting
3 Arkansas natural resources while developing the Fayetteville Shale play
4 requires a high degree of coordination among a myriad of state agencies; and
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6 WHEREAS, the Joint Performance Review Committee finds that the state
7 must concentrate on planning and communication among state agencies, working
8 in partnership with the affected public, conservation groups, and energy
9 industry to protect wildlife and natural resources and mitigate the
10 environmental impact from the development of the Fayetteville Shale Play
11 while allowing for drilling and extraction of resources; and
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13 WHEREAS, the Joint Performance Review Committee finds that the
14 development of the Fayetteville Shale Play, if not properly executed as a
15 part of a comprehensive plan to protect these natural resources, can create
16 irreparable harm to intact and functioning ecosystems, drinking water,
17 healthy fish and wildlife populations, abundant public access to natural
18 landscapes and ultimately destroy the public's enjoyment of the Natural
19 State, and
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21 WHEREAS, the Joint Performance Review Committee finds that our
22 citizen's need to preserve and flourish in our wealth of natural resources is
23 tantamount to the need for economic growth,
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25 NOW THEREFORE,

26 BE IT RESOLVED BY THE JOINT PERFORMANCE REVIEW COMMITTEE OF THE EIGHTY-SIXTH
27 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 THAT the members of the Joint Performance Review Committee recognize
30 that the simultaneous desire for economic development and maintenance of the
31 existing natural resources necessitates a comprehensive and integrated state
32 plan and notification system to insure that both interests are protected.
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34 BE IT FURTHER RESOLVED, that the Joint Performance Review Committee
35 proposes that the following solutions be referred to the General Assembly for
36 consideration of appropriate legislation:

1 1. That the state agencies, working in partnership with the affected
2 public, conservation groups, and energy industry create a comprehensive
3 Fayetteville Shale Development Coordination Plan. The purpose of the plan is
4 to gather information obtained by the various state agencies, the affected
5 public, conservation groups, and energy industry and organize the information
6 in a central location in order to comprehensively evaluate the impact of the
7 development of the Fayetteville Shale on the state's natural resources. The
8 plan shall contain at a minimum, but not be limited to, specific information
9 detailing the impact of drilling and extracting gas in the Fayetteville Shale
10 from every gas well location and every location that a permit application to
11 locate a gas well has been submitted to the Arkansas Oil and Gas Commission,
12 including:

13 (a) Impact on local wildlife populations, wildlife habitats, and
14 wildlife migration corridors;

15 (b) Impact on water resources, including uses for drinking
16 water, agriculture, or recreation;

17 (c) Impact on air quality;

18 (d) Impact on soil and the potential for soil erosion affecting
19 state and county roads and natural resources; and

20 (e) Other significant impacts on the affected public's quality
21 of life.

22 2. That the state agencies, working in partnership with the affected
23 public, conservation groups, and energy industry, develop an objective
24 protocol for permits to drill and operate that include monitoring to insure
25 the protocol is met, require prophylactic permit conditions to mitigate
26 potential and identifiable environmental impacts of oil and gas drilling and
27 provide for enforcement by the state agencies if the protocol is not being
28 met. Permits and permit decisions should include:

29 (a) Permit conditions that include site-specific analyses and
30 development of criteria necessary to protecting wildlife habitat, local
31 wildlife populations and wildlife migration corridors located in the field of
32 development;

33 (b) Environmental site analysis and permit conditions as
34 necessary to protect local drinking water, aquifers, and water resources;

35 (c) Permit conditions that address the development and
36 maintenance of roads that are integral to the drilling operation; and

1 (d) Any other permit condition that addresses significant
2 concerns about the drilling operation that would maintain the affected
3 public's quality of life.

4 3. That the following state agencies are identified as critical
5 agencies responsible for the development of the Fayetteville Shale
6 Development Coordination Plan, recommending strongly that the Arkansas Oil
7 and Gas Commission serve as the central repository of the Fayetteville Shale
8 Development Coordination Plan:

- 9 (a) The Arkansas Commission of State Lands;
10 (b) The Arkansas Oil and Gas Commission;
11 (c) The Arkansas Department of Environmental Quality;
12 (d) The Arkansas Natural Heritage Commission;
13 (e) The Arkansas Natural Resources Commission;
14 (f) The Arkansas Game and Fish Commission;
15 (g) The Arkansas Forestry Commission;
16 (h) The Arkansas Highway and Transportation Commission;
17 (i) The Arkansas Geological Survey;
18 (j) The Arkansas Department of Parks and Tourism; and
19 (k) The Arkansas Department of Health.

20 4. That a notification process be established that contains a
21 checklist for the purpose of disseminating information gathered under the
22 Fayetteville Shale Development Coordination Plan to the following state and
23 federal agencies and local authorities, recommending strongly that the
24 Arkansas Oil and Gas Commission serve as the state agency to notify:

- 25 (a) The Arkansas Commission of State Lands;
26 (b) The Arkansas Oil and Gas Commission;
27 (c) The Arkansas Department of Environmental Quality;
28 (d) The Arkansas Natural Heritage Commission;
29 (e) The Arkansas Natural Resources Commission;
30 (f) The Arkansas Game and Fish Commission;
31 (g) The Arkansas Forestry Commission;
32 (h) The Arkansas Highway and Transportation Commission;
33 (i) The Arkansas Geological Survey;
34 (j) The Arkansas Department of Parks and Tourism;
35 (k) The Arkansas Department of Health;
36 (l) Bureau of Land Management;

- 1 (m) United States Fish and Wildlife Service;
- 2 (n) United States Forest Service;
- 3 (o) The county judges or other appropriate county official in an
- 4 affected county; and
- 5 (p) The affected public.

6 5. That the state agencies define the scope of the affected public
7 whose quality of life may be affected by an oil and gas drilling and
8 extraction operation in order to identify the needs and concerns of citizens
9 and landowners whose comprise the affected public and include the needs and
10 concerns in the Fayetteville Shale Development Coordination Plan. The
11 Fayetteville Shale Development Coordination Plan shall reasonably address the
12 affected public's concerns.

13 6. That the state agencies, working in partnership with the affected
14 public, conservation groups, and energy industry should create a natural
15 features inventory identified in a GIS system maintained by the Arkansas
16 Geological Survey. The inventory should include, but not be limited to the
17 identification of:

18 (a) Unique or sensitive areas, including wetlands, lakes and
19 streams, steep slopes, and other natural features and areas that are
20 ecologically sensitive, special, or unusual;

21 (b) Unique biotic communities that the Arkansas Game and Fish
22 Commission lists or verifies;

23 (c) Critical habitat for endangered, threatened, special-
24 concern, or sensitive species;

25 (d) Special or unusual recreation or scenic areas.

26 (e) Areas with archaeological or historical significance.

27 (f) Inland lakes and streams.

28 7. That the state agencies, working in partnership with the affected
29 public, conservation groups, and energy industry gather data to identify any
30 state land management issues, including all surface lands within a given
31 region that are:

32 (a) Lands with specific deed or other legal restrictions
33 prohibiting leasing or mineral development.

34 (b) Public parks and recreations areas, campgrounds, fish
35 hatcheries, research areas, lands dedicated under wilderness and natural
36 areas, and similar facilities and sites; and

1 (c) State lands with deed or other legal restrictions that
2 prohibit surface development.

3 8. That before any future oil or gas permit is issued for the
4 Fayetteville Shale Play, the state agencies, affected public, conservation
5 groups, and energy industry shall have a reasonable period of time to review
6 land use information, identify any errors, and raise concerns with the permit
7 to the state agencies. These concerns shall be included in the Fayetteville
8 Shale Development Coordination Plan, including the timely resolution of
9 significant issues that affect the natural resources of the state.

10 9. That the state agencies, working in partnership with the affected
11 public, conservation groups, and energy industry, update the plan as needed
12 to reflect the current environmental and governmental conditions, and shall
13 meet at least once each year to consider changes. The parties shall consider
14 energy demands and technological advances when updating the Fayetteville
15 Shale Development Coordination Plan that do not unduly compromise existing
16 natural resources.

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18 Respectfully submitted,

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22 Representative Betty Pickett
23 District 45

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36 By: LMG/vjf