



## Loyalsock State Forest Clarence Moore Lands Fact Sheet

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Loyalsock State Forest is named for the Loyalsock Creek that winds through the heart of its 114,494 acres. Portions of the forest exist in Bradford, Lycoming and Sullivan counties. Much of the Loyalsock was purchased from the Central Pennsylvania Lumber Co. in the early 1930s following the great lumbering era. It was timbered extensively during that time.

There are nearly 200 miles of marked and unmarked hiking trails in Loyalsock State Forest, one of which is the Old Logger's Path. This 27-mile trail traverses the valleys of Rock Run and Pleasant Stream as well as the former town of Masten, which was once a lumber mill company town with more than 1,000 residents. The footpath utilizes old logging trails and the grades of logging railroads, and offers stunning vistas and clear, cold, cascading streams. It is enjoyed by hikers of all skill levels.

### **Clarence Moore Lands**

In the 1980s, Clarence Moore filed a lawsuit asserting that he owned the subsurface rights to approximately 25,000 acres of the Loyalsock State Forest in Lycoming County. These 25,000 acres include the entire Old Logger's Path, the headwaters and a portion of the Rock Run waterway, Pleasant Stream Valley, Sharp Top Vista and the ghost-town of Masten. Of the approximately 25,000 acres of Loyalsock State Forest, Commonwealth Court in 1989 found that the right of the subsurface owner (Clarence Moore) to enter upon the surface expired in 1983 on about 18,000 acres. These acres are referred to as "Commonwealth controlled access."

Common law rights to enter the surface of Loyalsock State Forest land still apply to approximately 7,000 acres. On these tracts, which are in scattered blocks throughout the approximately 25,000 acres, DCNR cannot prohibit surface access to the subsurface mineral rights.

As a result of the 1989 Commonwealth Court decision, the Loyalsock State Forest associated with the former Clarence Moore lands is a unique and complex situation in terms of ownership and rights. There is a legal disagreement about the degree of control offered by the 1989 decision, including over the potential impact of the State Supreme Court's 2009 decision in *Belden and Blake vs. DCNR*.

### **Transfer of Ownership**

The former Clarence Moore subsurface ownership estate has subsequently been divided into two separate and equal (50 percent) ownerships of the entire approximately 25,000 acres. One half of the subsurface oil and gas interest on the entire acreage (25,000) is currently held in fee (owned) by Anadarko Petroleum Corp. and the other half of the entire acreage DCNR believes to be under lease agreement to Southwestern Energy Corp.

### **Interest in Gas Development on the Clarence Moore Lands**

DCNR routinely responds to requests from subsurface owners under state forest lands that express interest in developing their subsurface resources.

Anadarko approached DCNR with an interest in developing its subsurface rights (50 percent) under its common law lands (about 7,000 acres) where it has the right to enter on the surface of state forest lands as well as their subsurface gas rights on the remaining approximately 18,000 acres. Anadarko proposed a Surface Use Agreement (SUA) between the department and the company to access all of their holdings.

Historically, DCNR has used SUAs to manage oil and gas activity on state forest lands where it does not own the subsurface rights. SUAs are essentially mutually-agreed upon contracts that serve to protect Commonwealth assets (surface) while giving companies more certainty on reasonable infrastructure development in order to extract natural gas. SUAs are agreements in principle that are tailored to each individual situation and voluntarily entered into by both parties.

Due to the complexity of issues (legal, ecological, recreational, economic) surrounding the former Clarence Moore lands, the department sought to customize an agreement for the Loyalsock lands in order to protect the specific assets on the surface in that area.

The new type of agreement was deemed a Surface Development Management Agreement as it goes beyond the standard SUA and takes an active hand in approvals of all surface impacts during the possible development phase of the project down to the smallest details.

The department has been involved in discussions with Anadarko concerning a Surface Development Management Agreement. Unlike a permit decision, there is no law or regulation that outlines or requires any process or time frame for these talks or contracts. DCNR has and continues to be guided by its primary responsibility to protect the Loyalsock State Forest, while recognizing the unique and complex legal issues surrounding this situation.

No decisions or agreements have been made on any issues surrounding the former Clarence Moore estate.

There is background information about gas development on state forest lands on the DCNR website at [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us), choose "Gas Drilling on State Forests" under "Quick Links."