

May 29, 2007

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Senator Mary Jo White  
Environmental Resources and Energy Committee  
Room 168 State Capitol Bld.  
Senate Box 203021  
Harrisburg, Pa. 17120-3021

Dear Madam Senator:

We are writing as concerned citizens and as observers at the public hearing held last week on coal bed methane issues. We ask that this letter be included with the comments made at the hearing when considering legislation on this issue.

We believe that the testimony submitted by Joel Rotz, Betty Reefer, Bill McConnell, and Bob Davis, highlighted the need for some controls on the cbm drilling industry and that the only effective solution will be legislative. Indeed the statements by the coal, gas and oil representatives that landowners are being treated fairly were almost instantly disproved by their assertion that any law mandating fair treatment will be challenged in court. If the industry is truly willing to negotiate fairly with surface owners the absolute right that coal owners claim to access and destroy the surface owner's property must be removed. Only then would the surface owner be able to negotiate equitably. Claims by the industry representatives that this would be a taking of their property lack factual proof. The owners of coal, oil, and natural gas have been negotiating with surface owners for decades and are reporting record profits. The cbm industry will be no different. The true facts point to the taking of the surface owner's property under present circumstances.

There are two points that pertain to our situation in Fairfield Township, that were touched on by other testimony, but we feel need to be explained more extensively. When we bought our property in 1977, we were aware that the coal was severed from our deed, and that it was owned by a local mining company. After some research we were assured that there was no minable coal left under our property. We also knew that surface owners were newly protected from strip mining by recent court and regulatory decisions. We knew that the mining company had gone out of business in the 80's and were even vaguely aware that they had quit paying taxes on the coal properties that they owned. We never heard of coal bed methane or the Supreme Court Hoge case until early this year. It was only then we learned that the coal under our property had been acquired by a land speculator for \$100 and was already leased to a drilling company.

In the thirty years that we have owned this land we have arduously protected it from developers and extractive industry. We are active in local conservancies to protect land in the Conemaugh Valley and to repair damage done in the past by the coal industry. We have served as an example in our community to show a new way to be responsible landowners. And throughout those thirty years we have gladly paid taxes on our property and given back to the community that we derive so much enjoyment from. All this culminated last year with our donation of a conservation easement to the Western Pennsylvania Conservancy on our land. This agreement voluntarily gives away the right for us or any future owner to drill gas wells on this land. In addition we are committed to fund an escrow account that will

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allow the WPC to perpetually police this agreement. You cannot imagine our dismay when we learned that there is a new threat to the integrity of our easement, which could potentially make it worthless.

As you are considering legislation we ask that you weigh the value that those of us who live, work, raise families, and pay taxes in our communities are adding to the welfare of all of our citizens. Pennsylvania is currently putting out its property owners as a welcome mat for out of state drilling companies to walk all over. Until we offer as much protection as other states do to their landowners, the wealth that we have been blessed with will continue to be shipped away.

Sincerely,

A handwritten signature in blue ink that reads "Barry Tuscano". The signature is written in a cursive style with a large initial "B".

Barry Tuscano

A handwritten signature in blue ink that reads "Kitty Tuscano". The signature is written in a cursive style with a large initial "K".

Kitty Tuscano