

Subject: : Conservation

Topic: : disheartening at the very least (a rant)

Re: disheartening at the very least (a rant)

Author: : franklin

Date: : 2011/12/14 7:43:18

URL:

Quote:

bikerfish wrote:

direct quote from state constitution regarding public lands

Natural Resources and the Public Estate

Section 27.

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.

There has been mining, drilling, and timber harvesting on public lands in Pa. for over a hundred years. I would think there is some precedent in law where that section of the constitution has already been used to challenge sale of resources. Since the state auctioned off many gas sites on state forest land the state they probably own the mineral rights at those sites.

Does "conserve and maintain for the benefit of all people" mean that it must remain pristine and untouched or that it can be "managed"? Remember that the definition of the term "conservation" has changed a bit over the years. In first half of the 20th century it was defined more as active management of the resource to be self sustaining. A lot of bridges and dams were built in the name of conservation. If you visit some of the sites of the early pioneers of the conservation movement you find trees planted in rows, etc.

It would be interesting to see if any of our forum legal experts can shed any light on how the phrase in the state Constitution is interpreted.