

---

Subject: : Conservation

Topic: : From the Forest Colalition

From the Forest Colalition

Author: : Chaz

Date: : 2013/6/14 23:21:43

URL:

## REPUBLICAN CAUCUSES SEEK TO QUASH PEDF LAWSUIT AIMED AT PROTECTING PENNSYLVANIA'S PUBLIC LANDS AND NATURAL RESOURCES

Do these words of Pennsylvania's Constitution matter?:

Article 1

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."

Yesterday, June 13, the State Republican Caucuses for both the House and the Senate petitioned the Commonwealth Court to intervene in the action brought by Pennsylvania Environmental Defense Foundation against the Governor of Pennsylvania (Case No. 228, M.D. 2012, Original Jurisdiction)

The Commonwealth Court action challenges the Governor's approval of legislation in 2009 and 2010 that ordered leasing of state forest land for natural gas exploration in order to raise money to balance the state budget that diverted vitally-needed funds from the conservation of Pennsylvania's state forests and parks to the state's General Fund Budget. These actions threaten and impact huge areas of our State's natural resources through leasing for Marcellus Shale gas production. These resources are the property of all the people of the Commonwealth, protected by the public trust established in Article I Section 27 of our Constitution.

The Republican Caucuses want to challenge the very basis of the public trust. They see the leasing of State forest land for gas extraction and the money from those leases as their own golden goose to provide a continuing source of general revenue, without any consideration of the costs to our natural resources. Amazingly, their Petition argues that the Article I Section 27 can and should be ignored whenever the legislature decides to lease more State Forest land for natural gas, and to take the funds from those leases for whatever purposes they determine appropriate.

The Republican Caucuses ignore the statutory framework that the legislature had previously established to allow some leasing of State lands for natural gas extraction. Through the Conservation and Natural Resources Act and the Oil and Gas Lease Fund Act, the Department of Conservation and Natural Resources (DCNR) was given the authority to lease some State Forest land for oil and gas, using their best judgment as to how much could be leased without changing the integrity of our natural resources, with the requirement that DCNR use all of the funds generated from the leases to build and maintain our award winning State Parks and Forests as we know them today.

The 2009 and 2010 legislation being challenged by PEDF strips DCNR of the funding and the authority to conserve Pennsylvania's public lands and maintain the balance in managing those lands that was created by statutory framework of the Conservation and Natural Resources Act.

Governor Corbett – and now the Republican Causes - say that Pennsylvania's Constitution doesn't matter. That the public trust created by our state Constitution doesn't matter. That the duty that it imposes on the Governor and the General Assembly to conserve and maintain Pennsylvania's precious public lands for the benefit of ALL the people, including future generations, doesn't matter.

PEDF believes that the rights created and the duties imposed by Pennsylvania's Constitution DO matter. That the people DO have the right to the preservation of their natural resources, and that right is NOT subject to the whims of the Governor and the General Assembly.

#### ABOUT PEDF:

The mission of the Pennsylvania Environmental Defense Foundation is to aid, assist and educate the people of Pennsylvania by advocating and enforcing their rights to a clean environment.

Where environmental laws grant citizens the right to enforce the law by means of litigation, the Foundation will help individuals and environmental organizations exercise the citizen's provisions of the law.

The Foundation was established in 1986 as a Pennsylvania nonprofit corporation. It is registered both with the Pennsylvania Department of State as a charitable organization and with the Internal Revenue Service as a tax-exempt organization under IRS Code 501(c)(3).

For more information, visit: <http://www.pedf.org/>

BTW, the legal action is to protect the citizens of Pennsylvania. And legal action costs money. Please show your support by donating to PEDF. And please forward this note.

Dick