



For Immediate Release

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Governor's Executive Order Allowing Drilling Of State-Owned Lands Challenged in Court

Harrisburg, PA: The Delaware Riverkeeper Network filed in Commonwealth Court against Governor Corbett and the Pennsylvania Department of Conservation and Natural Resources challenging Governor Corbett's Executive Order 2014-03 issued May 23, 2014 titled Leasing of State Forests and State Park Land for Oil and Gas Development.

According to the Petition for Review filed October 30, 2014: "Petitioners challenge the constitutionality of the Commonwealth's decision to attempt to balance the state budget by leasing state park and forest land for industrial shale gas development."

"The Governor's Executive order will invite, inspire and spawn a wave of industrial development both in our state parks and forests and right up to its edges – turning once natural areas and beautiful communities into industrial zones, irreparably harming the water, air, recreation and the natural resources of both present and future generations" said Maya van Rossum, the Delaware Riverkeeper and a Petitioner on the case.

"The Governor has a constitutional obligation to protect Pennsylvania's shared natural resources from harm. By authorizing increased industrial gas drilling of our state parks and forests, Governor Corbett has violated his constitutional duties. This legal action seeks to hold him accountable and to protect our precious public assets from further harm."

As issued, the Governor’s Executive Order and Section 1601.1-E. of the Fiscal Code allow ongoing and increased shale gas development on lands already leased in state park lands and forests as well as allowing drilling beneath the state owned lands to extract gas from shale, including by using horizontal drilling and fracking technology.

Among the legal claims presented is that Governor Corbett’s Executive Order infringes on the people’s rights under Article I, Section 27 to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment and breaches the fiduciary duties of the Governor and the Commonwealth to act as the *trustee* of the people’s public natural resources, including state parks and forests, and the myriad of public natural resources in them.

The Delaware Riverkeeper Network and Delaware Riverkeeper were integral to obtaining the recent Supreme Court ruling in Robinson Township, Delaware Riverkeeper Network, et al. v. Commonwealth, which reinvigorated Article I, Section 27 and reaffirmed that all citizens have a right to a clean and healthy environment that the Commonwealth and local governments may not unreasonably infringe upon.

The legal action seeks a declaratory judgment from the Commonwealth Court that Executive Order 2014-03 and Section 1601.1-E. of the Fiscal Code violate Article I, Section 27 of the Pennsylvania Constitution and that further leasing of state forest and park land (including subsurface rights) violates Article I, Section 27 of the Pennsylvania Constitution. The legal action also asks that the Court issue an injunction prohibiting further leasing of state forest and park land (including subsurface rights) and an injunction prohibiting further permitting of wells using the technologies of high-volume hydraulic fracturing and directional drilling – whether “unconventional” or “conventional” – on, in, under, or through state forests and parks.

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