



October 29, 2019

Donna R. Pearson
Pine Creek Preservation Association
P.O. Box 11
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- First, I want to sincerely thank you for your May 8, donation of \$100.00. Because of supporters like you, PEDF was able to win a landmark Supreme Court case that put meaningful teeth in the Environmental Amendment of PA's Constitution. Specifically, the decision defined the role of government at all levels to be trustees of a public trust in which public natural resources belong to the people of PA. The decision specified that the responsibility of the trustees is to preserve and maintain public natural resources not to exploit these resources. The decision also states that any income gained from the sale of public natural resources must be re-invested in the conservation and protection of the resources. The decision sets a powerful precedent and, again, it would not have happened without your support. Do you have any questions about the landmark Supreme Court decision?
- Secondly, I want to bring you up to date on what PEDF is doing to make sure the Supreme Court decision is properly enacted.
 - First, Oral argument is set for PEDF's challenge to the 2017 Fiscal Code repealing the Oil and Gas Lease Fund Act of 1955, and to the transfers from the revenue from oil and gas to the operations of DCNR for the years 2017-18 and 2018-19, amounting to \$110,000,000. If DCNR operations can be funded by the depletion and degradation of our public natural resources then we will have no constitutional protection for our public resources.
 - Second, the current Commonwealth Budget for FY 2019-2020 is transferring another \$90,000 from the Oil and Gas Lease Fund to the General Fund to pay DCNR operating expenses. PEDF has recently filed a suit in Commonwealth Court that contends that Governor Wolf is intentionally violating the Supreme Court Opinion of 2017 as well as his constitutional duties as trustee.
 - Third, we have just appealed to the Pennsylvania Supreme Court a recent Commonwealth Court decision that states that any revenue from bonuses and rentals paid by the gas companies can be used by the Commonwealth as income, despite the fact that there is no authority under Article I Section 27 to lease our State forests for income, and the Commonwealth has no authority as trustee to receive that income.
 - In addition to these legal actions, PEDF is contesting DCNR's decision to mitigate damage caused by fracking in our State forest in northcentral Pennsylvania by buying a thousand acre parcel of land in Southeastern PA. PEDF's position is if a land purchase is used to mitigate fracking damage, the purchase should be in the region where the damage occurred, Northcentral PA.
 - We are also continuing to challenge DCNR's 2016 State Forestry Management Plan which makes oil and gas extraction a value of the forest to be developed.
- Our continuing actions are necessary because the Supreme Court decision is still being challenged, not only by the Pennsylvania General Assembly and the Governor, as well as DCNR and DEP, but by the Commonwealth Court as well! PEDF is now busy making sure the decision is enacted and enforced. Any questions

These actions are at least as expensive as the initial Supreme Court appeal. In fact, another organization decided that it could not contest the use of Oil and Gas Lease Fund to balance the General Fund because it would cost \$500,000 in legal fees. PEDF is able to take these actions due to the generosity of supporters like you and the unbelievable generosity of our counsel, John Childe, who has donated an untold amount of time to our legal actions.

Again, our sincere appreciation for your support.

Sincerely,
Ron Evans, President
Pennsylvania Environmental Defense Foundation