

**COMMONWEALTH COURT OF PENNSYLVANIA**

<b>PENNSYLVANIA ENVIRONMENTAL</b>	<b>:</b>	
<b>DEFENSE FOUNDATION,</b>	<b>:</b>	
<b>Petitioner</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>No. 228 M.D. 1012</b>
<b>COMMONWEALTH OF PENNSYLVANIA,</b>	<b>:</b>	
<b>And</b>	<b>:</b>	
<b>GOVERNOR OF PENNSYLVANIA,</b>	<b>:</b>	
<b>THOMAS W. CORBETT, Jr., in his official</b>	<b>:</b>	
<b>capacity as GOVERNOR,</b>	<b>:</b>	
<b>Respondents</b>	<b>:</b>	

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**PETITIONER'S ADDENDUM TO THE SECOND AMENDED  
PETITION FOR REVIEW TO ADD ADDITION FACTUAL  
ALLEGATIONS WHICH OCCURRED AFTER FILING THE  
SECOND AMENDED PETITION FOR REVIEW**

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**P. Declare that the Governor Violated Article I § 27 of Pennsylvania's Constitution and His Duty Under Article I § 27, and Violated the Conservation and Natural Resources Act and the Oil and Gas Lease Fund Act, By Requiring DCNR to Lease State Forest Land for Gas Extraction to Acquire \$75 million dollars to be Transferred From the Oil and Gas Lease Fund to the General Fund for the fiscal year 2014-15.**

- (1). All prior paragraphs of the Second Amended Petition are hereby incorporated by reference.
- (2). The Governor's decision to require DCNR to lease additional State Forest land for gas extraction for the purpose of obtaining \$75 million

dollars for the General Fund violates the Conservation and Natural Resources Act, the Oil and Gas Lease Fund Act, and violates Article I§ 27 of Pennsylvania's Constitution, and the Governor's duties as trustee of thereunder .

(3). The Governor has directed, through his proposed budget for fiscal year 2014-15, that DCNR lease State forest land and State Park land for additional \$75 Million dollars to be transferred to the General Fund.

(4). The decision to lease violates the terms and conditions of the Oil and Gas Lease Fund Act, which requires that funds from leases and royalties be used for the exclusive purposes of conservation, recreation, dams, and flood control; and authorizes only the Secretary of Forest and Waters (now DCNR) to determine the need for and location of such projects and to acquire the necessary land.

(5). The decision to lease violates the Conservation and Natural Resources Act, which states that only DCNR can make the determination to lease State Forest land for gas extraction. 71 P.S. § 304(6).

(6). DCNR can only make the determination as to when and how much to lease and as to how to use the funds therefrom within the limits of Article I § 27, which are to act as fiduciary trustee to conserve and maintain the public natural resources, which are the property of the people of the

Commonwealth for their benefit; and to conserve and maintain those resources both for the people who are alive today and for all the generations of people to come; and to maintain those resources so that the people's rights to those resources, the right to clean air, pure water and the preservation of the natural, scenic, aesthetic and historic environment, are protected.

(7). The Governor's decision to lease State land for mineral extraction for the purpose of obtaining \$75 million dollars for the General Fund does not meet any of the purposes of Article I § 27.

(8). There is no statutory authority to lease State Park Land for the extraction of natural minerals. The decision to lease Park land for the extraction of minerals is without any authority, and violates Article I § 27 for the reasons set forth above.

(9). The Governor's determine to lease additional State Forest land for oil and gas extraction violates the Governor's Moratorium of 2010, Executive Order 2010-05 (Exhibit HH).

(10). The Governor has proposed to terminate Executive Order 2010-05, and issue a new executive order. Termination of the 2010 Moratorium would violate Article I § 27.

**Q. Find and Declare That The Governor Violated Article I § 27 and His And His Duties As Trustee Thereunder By Deciding To Commit \$117 Million Dollars From the Oil and Gas Lease Fund To DCNR For Operating DCNR For the Fiscal Year 2014-15.**

(11). The Governor proposed that DCNR use \$117 million dollars from the Oil and Gas Lease Fund for operating expenses in FY 2014-2015, further increasing DCNR's reliance on oil and gas funds for operating expenses violates Article I § 27.

(12). The use of the Oil and Gas Lease Fund to replace the General Fund money for DCNR's operations violates the constitutional protections established in the Conservation and Natural Resources Act to allow the continued leasing of State forest land under the limits of Article I §27.

(13). The Governor's decision to commit \$117 million dollars from the Oil and Gas Lease Fund without a thorough evaluation of the impacts from oil and gas extraction are and will be from the current leases for gas extraction in and around State Parks and Forests, and without knowing the full costs of those impacts, violates his duties as trustee of the public natural resources under Article I § 27.

(14). The Governor violates Article I § 27 and his duties as fiduciary thereunder by removing funds from the public trust to the general fund. Funds obtained from the conversion of natural resources, including the sale

of natural gas and oil, that are a part of the natural resources of the public trust under Article I § 27, and cannot be removed from the public trust and used for purposes other than those set forth in Article I § 27.

Respectfully Submitted,

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John E. Childe, Esq.  
PA Supreme Ct. ID No. 19221  
1847 Center Street  
Camp Hill, PA 17011  
Telephone: 717-761-6162  
Email: [childeje@aol.com](mailto:childeje@aol.com)

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