

Cheers for “The Supremes” of Penn’s Woods
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21 December 2013

Citizens who care about preserving our environment – both historic and natural – now have a new way to make a positive difference in their community. We all should loudly cheer the Pennsylvania Supreme Court.

The high court’s decision December 19 strikes down key sections of the state’s oil and gas law that were designed to supersede, or “pre-empt” local zoning authority in favor of the short-term goals of these industries. This law would have given special land use privileges to private gas drilling companies to install industrial-scale equipment, waste pits for fracking water and transmission lines in all zoning districts in the Commonwealth, even in urban neighborhoods. This was the design of this special interest law. It was a slap in the face to the planning and land use preferences of thousands of citizens and their elected local government representatives who volunteer their time serving their neighbors all across the Commonwealth.

This decision is a stunning and positive sea change in the history of the movement to protect and preserve the historic and natural resources of Penn’s Woods.

But now that the court has decided against this threat to citizens and local governments, and in favor of protecting the environment, we face a major fork in the road as we seek a more sustainable future.

Municipalities whose zoning and land use interests are now protected by this court decision must now step up and ensure that their zoning ordinances actually protect the right of every citizen, as stated in the Pennsylvania constitution, to “clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.” These are the words that inspired this wise court decision, forming the core of the constitution’s Environmental Rights Amendment, approved by a 4-1 vote majority more than a generation ago (1971).

Unfortunately, a majority of the 2500-plus municipalities in Pennsylvania do not honor this environmental protection mandate in their land use laws. The long-standing acceptance of the notion that God’s creation exists for our use, regardless of the consequences, drew a harsh rebuke from the court. Writing for the plurality, Chief Justice Castille noted that Pennsylvania “has a notable history of what appears retrospectively to have been a shortsighted exploitation of its bounteous environment.”

The state Supreme Court has elevated the Pennsylvania constitution’s Environmental Rights Amendment to new relevance in business dealings and conservation initiatives across the state. Now, all of its citizens are called to play a more visible and direct role in these important public affairs. But that “seat” may not come with a welcome mat at your township building or city hall, where needed actions and decisions really make a difference. Unfortunately, too many local elected officials are burdened with the day-to-day responsibility of keeping the lights on and plowing streets. Others question the very notion that local governments have any mandate to protect the environment through zoning. These narrowly focused and ill-informed public servants should be offered a chance to change their minds. This change must begin at the grass roots with citizens taking the next necessary steps toward a healthier and sustainable future. You must ask your local elected and appointed government representatives to uphold your environmental rights since they took an oath of office to uphold the Pennsylvania Constitution. You must ask them how the environment in your community – both natural and historic – will be protected through the local policies and ordinances they must enact and administer.

The writer is a native of the Monongahela Valley in Western Pennsylvania, where he worked as journalist, federal agency staff member and historic preservation consultant. The former executive director of the not-for-profit Historic Preservation Trust of Lancaster County (1995-2002), Harris was instrumental in securing the designation for all of Lancaster County as one of the *World’s 100 Most Endangered Places* (1997) by World Monuments Watch, a program of World Monuments Fund, supported by American Express, Inc. The threat acknowledged by the international program was (and is) the routine and unwarranted acceptance of land use decisions that favor automobile-dependent suburban sprawl, combined with the concurrent neglect of our historic traditional communities, where public and private investment in education, housing, commercial redevelopment and other employment opportunities are needed and often overdue.