

2020 KARL MASON RECIPIENT
JOHN E. CHILDE
(edited from nomination narrative)



John E. Childe exemplifies the professional and personal qualities of Karl Mason with his numerous unique and important contributions to the field of environmental management using his legal and regulatory skills in Pennsylvania and other states for more than 50 years.

Since his graduation from Duquesne University in 1974, John has represented citizen groups, individuals, and state and local governments to stop the degradation of streams and other public natural resources in Pennsylvania, as well as Florida, and to obtain funding for projects to restore these resources. His efforts have helped restore some of Pennsylvania's streams devastated by pollution to thriving fisheries and he is currently working to ensure our State Forests remain places where current and future generations of Pennsylvanians can enjoy the beauty of Penn's Woods. His work has also advanced efforts in Florida to protect the Everglades and is giving new meaning to Pennsylvania's environmental amendment to its Constitution.

John graduated from Franklin & Marshall College with a degree in English literature in 1965. After being drafted, he joined the Army, trained as an officer and served in combat in Vietnam as a forward observer in an artillery battalion, first with the 173rd Airborne Division and then with the 4th Infantry Division. Upon returning from Vietnam, he was accepted to the law school at Duquesne University and graduated in 1974. At that time, he worked for the Pennsylvania Office of Attorney General, first as chief counsel for the Department of Agriculture and then as an attorney at the Department of Environmental Resources (DER).

In 1983, Childe left public service to begin a private practice with a DER colleague, Eugene Dice. A year later, he set out on his own and began representing clients using the citizen suit provisions of state and federal environmental statutes. Initially, Childe represented Ray Profitt and his colleague, Joe Turner, in some of their efforts to stop the discharge of pollutants into the Delaware River. That experience led John to work with his friend, Ron Evans, who was the head of the Doc Fritchey Chapter of Trout Unlimited in southcentral Pennsylvania, to form the non-profit Pennsylvania Environmental Defense Foundation (PEDF). Both Childe and Evans were charter members of the PEDF board, along with another friend, Averill Shepps.

Childe has represented PEDF, as well as other environmental groups, municipalities and individuals, to successfully prevent or halt pollution discharges into some of Pennsylvania's most pristine streams and to obtain funding for projects to restore them. Early projects in Dauphin County included the treatment of acid mine drainage into Stoney Creek and an agreement guaranteeing adequate discharge from the DeHart Dam into Clarks Creek during low stream flow to support the trout fisheries on these high-quality streams. While Childe represented clients across Pennsylvania, his work with PEDF shifted to northcentral Pennsylvania when Robert McCullough, an active fisherman and environmental leader in Lycoming County, became the president of the PEDF board. He represented PEDF in various efforts to address pollution from acid mine drainage, including a project to treat such pollution in Babbs Creek, a headwater stream to Pine Creek. Water quality in Babbs Creek has significantly improved due in part to this project and now supports a trout fishery.

As a result of Childe's success in Pennsylvania, he was contacted by an environmental group working to restore water quality in the Everglades in Florida. For almost 20 years, Childe's practice focused primarily on representing Fisherman Against the Destruction of the Environment, and Friends of the Everglades, a group started by Marjorie Stoneman Douglass, on cases in Florida to regulate the discharge of pollutants into the Everglades. Surface water flow in south Florida is controlled by large

canals and pumping systems constructed south of Lake Okeechobee, which also drain lands in the agricultural districts and developed areas between Lake Okeechobee and the Everglades. Childe filed actions to require permits to regulate the discharges from these canals/pumps and establish water quality standards to regulate pollutants (primarily nitrates from the sugar cane industry) flowing into the Everglades. His efforts advanced Florida's regulation of these discharges, although resistance to such regulation continues.

The focus of Childe's law practice shifted back to Pennsylvania in 2009 when Ron Evans, the president of PEDF, asked him to look into the impacts of the extensive drilling for natural gas that was occurring in the Marcellus shale formation, particularly drilling on Pennsylvania State Forest lands. Childe realized that Pennsylvania's leasing of State Forest tracts to capitalize on the shale gas boom and raise money for budget shortfalls due to the recession was not consistent with its duties under the environmental amendment to the Pennsylvania Constitution adopted in 1971. While this amendment was adopted during Childe's first year of law school and one of his professors, Robert Broughton, was instrumental in its passage, the amendment had not been part of his practice largely because early court cases had constrained its use. Childe saw the actions being taken by the Commonwealth and its governor on the State Forest as an opportunity to give meaning to the amendment.

In 2012, Childe filed an action on behalf of PEDF, as well as the numerous environmental groups and individuals that are PEDF members, under the public trust provisions of Article I, Section 27 of the Pennsylvania Constitution. He asserted that the Commonwealth and its governor violated their duties as trustee of the State Forest public natural resources by selling these trust assets and using the money to fund general government operations, rather than carrying out the purpose of the trust, which is to conserve and maintain these public natural resources. In 2017, the Pennsylvania Supreme Court agreed with Childe and articulated important principles that will guide the protection of our State Forest and State Park lands, as well as other important public natural resources in Pennsylvania. Childe continues to work diligently with PEDF and its members in this case and other litigation involving the management of our State Forest to ensure the Commonwealth and the Pennsylvania Department of Conservation manage these important public natural resources consistent with their fiduciary duties as trustees.

John currently resides in Dauphin, Pennsylvania, with his wife, Kimberly, and they both enjoy spending as much time as possible experiencing the nature and beauty of the State Forests of northcentral Pennsylvania, as well as national parks, forests and other public lands across the country. Childe had been an avid outdoorsman and fisherman his entire life. He also enjoys spending time with his daughter, Courtney, his son-in-law, Grover, and his granddaughter, Emerson, in Colorado; his son, Warren, and daughter-in-law, Meah, in Alaska; his stepchildren, John and Emily, in Pennsylvania; as well as his extended family and many friends.