

# BAILIWICK NEWS

February 6, 2019 – Volume 3, Issue 4

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## **Spring Creek Canyon Conservation: updates and public comments to Benner Township by Trout Unlimited and ClearWater Conservancy**

*Updates March 3, 2019 and March 8, 2019 Bailiwick News reporting.*

### March 29, 2019 Summary of What's Happening

By David Roberts

Nittany Valley's Spring Creek is under threat once again.

Benner Township Supervisors are rapidly proceeding to remove the existing Benner Township Spring Creek Canyon Conservation Overlay Ordinance (Section 250) by rewriting the local zoning regulations.

Most people know that Spring Creek is an aquatic gem within our valley – an Exceptional Class A native trout stream full of fresh water springs and cool, shady basins.

Spring Creek has been running through our valley for over a million years. Yet Spring Creek is surprisingly fragile and could be lost as a world-class cold water stream.

In the past, Spring Creek endured sewage, overdevelopment, pollution, thermal degradation, and several major chemical spills including contamination with kepone – an insecticide similar to DDT.

However the people of Nittany Valley recognized the importance of our beautiful stream and rallied together to protect and conserve Spring Creek. Many studies were conducted to help in the development of plans using a scientific basis for conservation strategies.

In 2008, the Spring Creek Canyon Master Plan was developed for Benner Township by a broad group of people, organizations, and stakeholders to determine scientifically how to best protect and conserve Spring Creek Canyon.

The existing zoning ordinance for Benner, adopted in 2010, is actually quite good.

Current provisions of the Spring Creek Canyon Conservation Overlay Ordinance ensure:

1. Identification of natural features
2. Phase I Cultural Resource Assessments
3. Disturbance analysis
4. Suitable uses for primary zone
5. Stormwater control strategies

6. Higher design standards for construction – LEED (Leadership in Energy & Environmental Design), an internationally-recognized green building certification program
7. Restoration formulation
8. Forestry canopy plan.

What will the proposed revisions do?

The current proposed amendments being put forward by Benner Township supervisors would eliminate or drastically reduce many protections for the Spring Creek watershed, including:

- Remove controls on activities and potential pollution runoff from the University Park Airport
- Reduce or remove riparian buffer requirements
- Remove Spring Creek Canyon Conservation Overlay zones
- Remove clear and detailed standards that control the spread of impervious surfaces
- Remove requirement for safety barriers around swimming pools for the prevention of child drowning
- Remove certain recognized building performance standards
- Remove outdoor light pollution standards
- Eliminate the entire Environmental Protection section (Article 5)

### Sept. 25, 2018 Spring Creek Chapter Trout Unlimited Letter to Benner Township

By Lynn Mitchell, President

The Spring Creek Chapter of Trout Unlimited is an organization of approximately 600 local area sportsmen. We were made aware of Benner Township's effort to revise its zoning ordinance, and have reviewed the proposed ordinance (dated 8/15/18) posted to the Township website.

Upon reviewing the proposed ordinance, we have several concerns:

1. It appears that all Environmental Protection Standards that were previously contained in the 'Roth Plan,' have now been removed.
2. Limitations to magnitude/quantity of lot subdivision within the Forested Conservation Zone have now been removed. The 'Roth Plan' (Section 200.4) contains a schedule to limit the

amount of possible subdivision. Without such a schedule in the proposed ordinance, it will be possible to substantially develop the Forested Conservation Zone.

3. Limitations to magnitude/quantity of lot subdivision within the Agricultural Zone have now been removed. The 'Roth Plan' (Section 201.4) contains a schedule to limit the amount of possible subdivision. Without such a schedule in the proposed ordinance, it will be possible to substantially develop the Agricultural Zone.

Spring Creek Trout Unlimited is concerned about the removal of all environmental protections. Additionally, we are concerned about removing subdivision limitations in the Forested Conservation and Agricultural zones.

A total of three different Class A Wild Trout streams flow through Forested Conservation and Agricultural zones in Benner Township.

- Spring Creek (also designated a High Quality Cold Water Fishery by Pennsylvania Department of Environmental Protection)
- Buffalo Run
- Logan Branch

These three streams represent a significant recreational and economic asset to the community.

Unabated high-density housing development with 15,000 ft<sup>2</sup> lots could pose a significant threat to the streams via erosion/sedimentation and loss of riparian buffer.

As currently drafted, Spring Creek Chapter of Trout Unlimited is opposed to the newly proposed zoning ordinance. We urge you to reconsider the removal of limitations on subdivision and environmental protections.

March 28, 2019 ClearWater Conservancy Letter to Benner Township

By Andrew Warner, Board Chair

ClearWater Conservancy appreciates the opportunity to provide its perspective on the proposed changes to Benner Township Zoning Ordinances and the Spring Creek Canyon Overlay Zone.

We want to recognize the leadership Benner Township has historically provided in conserving our natural resources for those in our community, and all those who live downstream.

In 2009, the Benner Township Supervisors chose to adopt the Spring Creek Canyon Conservation Overlay Zone to help protect the sensitive and ecologically diverse natural, cultural and economic resources and values of the Spring Creek Canyon from negative impacts of human activity and/or development.

ClearWater Conservancy supported the Conservation Overlay Zone in 2009 and, once again, we want to show our support for keeping this ordinance in place as Benner Township considers zoning changes.

## Background

Contemporaneous with the opening of I-99 through the center of Nittany Valley, the Commonwealth of Pennsylvania, during Governor Rendell's administration, made the decision that the 1800+ acres then-owned by Rockview Correctional Institution (but now disconnected by the 4-lane interstate highway) would be considered "surplus" property.

This decision began a lengthy community discussion about the fate of the Spring Creek Canyon and surrounding lands.

Ultimately, this discussion led to Act 55 of 2010 [adopted by the Pennsylvania Legislature July 9, 2010] from which the property would be owned by Benner Township, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and Penn State University.

For the community, this decision was huge. The Spring Creek Canyon had, with few notable angling exceptions, been off-limits to the public for over a century with the land being owned by the state penitentiary system.

The Canyon and the land that surrounds it would be available for public use and ultimately protected by appropriate resource agencies for its important and unique conservation and recreation values, while significantly adding to the growing recreation economy of our region.

To help guide the way forward, Benner Township initiated a master planning process to develop the "Spring Creek Canyon Conservation Strategy."

Organized around a [Pa. Department of Conservation and Natural Resources] grant, the Spring Creek Master Plan (as it came to be known) attempted to:

- Develop a master planning process;
- Conduct data collection and resource analysis;
- Articulate Conservation Values;
- Develop Goals, Objectives and Principles of Restoration, Education, Appreciation; and
- Consider Operations/Management Plan for the Canyon.

The Spring Creek Master Plan was developed and included the recommendation for a Spring Creek Overlay Zone, which was adopted [by Benner Township supervisors on Feb. 7, 2010] as Ordinance No. 108.

The Spring Creek Overlay Zone and Spring Creek Master Plan work hand-in-hand with the [state legislature's] Act 55 of 2010, to establish land use

restrictions under the perpetual Easement [governing] PSU [and Benner Township] lands:

“...the perpetual conservation easement [held jointly by ClearWater Conservancy and DCNR] shall be in furtherance of the following conservation goals: to preserve the property's unique natural resources, including the biological resources, native species and their supporting habitats which include native species that are uncommon in this Commonwealth; and to preserve the integrity of Spring Creek, currently designated as a high-quality cold water fishery which requires the protection of the property's groundwater recharge value and its springs, wetlands and floodplains, consistent with and guided by the Master Site Development Plan and Environmental Assessment, accepted by the Department of Conservation and Natural Resources and adopted by Benner Township...” [Act 55 of 2010, Section 1(d)(2) et seq.]

ClearWater Conservancy requests the following:

- The Spring Creek Canyon Overlay Ordinance should be kept in place as adopted in 2010 and as referenced in Act 55 of 2010.
- Primary and secondary conservation requirements should be kept in place and in accordance with the areas defined by the Spring Creek Canyon Conservation Strategy Master Plan, adopted by Benner Township and referenced in Legislative Act 55 of 2010.
- Public input, as well as review, comment and approval by the Technical Advisory Group for the Spring Creek Canyon should be included in any discussions to rewrite or re-delineate the Spring Creek Canyon Overlay Ordinance and the associated primary and secondary zones.

Given the importance of the Spring Creek Canyon - its natural cultural and economic value – and the significant community effort that went into establishing the Spring Creek Master Plan, Spring Creek Conservation Overlay Ordinance and Legislative Act 55 of 2010, ClearWater Conservancy encourages Benner Township to continue its support through retention of the Spring Creek Conservation Overlay Ordinance.

Additionally, as newly proposed zoning ordinances are developed, we encourage that any modifications work *with* the intended goals of the Spring Creek Canyon Master plan to honor this uniquely precious natural resources and strong economic driver to our region.

By carefully considering zoning changes that further enhance and protect the water we drink, the

places we fish, hunt and recreate within the Spring Creek Watershed, Benner Township will do justice to our wonderful community.

Thank you for the opportunity to provide comment. We look forward to working with you on future discussions that help protect the Spring Creek Watershed and the uniqueness of the Spring Creek Canyon.

#### References:

- Spring Creek Canyon Conservation Overlay Zoning Ordinance No. 108, 2010: [www.bennertownship.org/ordinances/Ordinance%20108.pdf](http://www.bennertownship.org/ordinances/Ordinance%20108.pdf)
- Spring Creek Canyon Conservation Strategy, Spring 2009: [www.bennertownship.org/wp-content/uploads/2013/11/Spring-Creek-Canyon-Conservation-Strategy.pdf](http://www.bennertownship.org/wp-content/uploads/2013/11/Spring-Creek-Canyon-Conservation-Strategy.pdf)
- Act 55 of 2010: Conveyance – Commonwealth Property in Benner Township, Center County to the Pennsylvania State University, Pennsylvania Fish and Boat Commission and Pennsylvania Game Commission, July 9, 2010: [www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2010&sessInd=0&smt hLwInd=0&act=55](http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2010&sessInd=0&smt hLwInd=0&act=55)

#### Editor's Note

For more information about the proposed zoning ordinance revision process as it continues to play out in Benner Township in coming weeks, please see Benner Township Residents Facebook page: [www.facebook.com/groups/241614286519996/](http://www.facebook.com/groups/241614286519996/)

For links to state and local laws governing Spring Creek Canyon conservation, news reports, regional planning documents, public comment letters, maps and other records, please see Nittany Valley Environmental Coalition's Spring Creek Canyon Zoning page: [nittanyvalley-eco.org/index.php/spring-creek-canyon-zoning/](http://nittanyvalley-eco.org/index.php/spring-creek-canyon-zoning/)

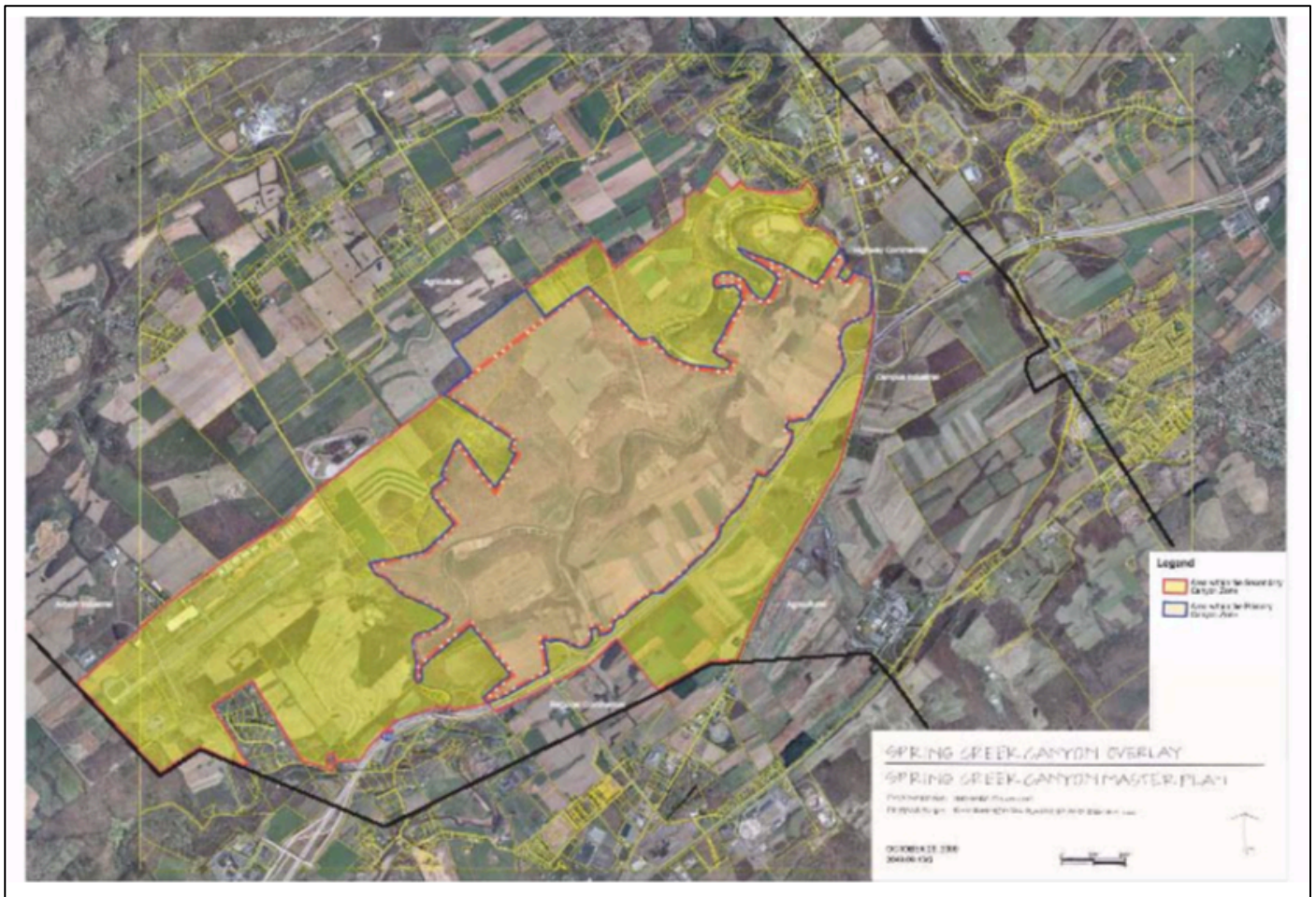
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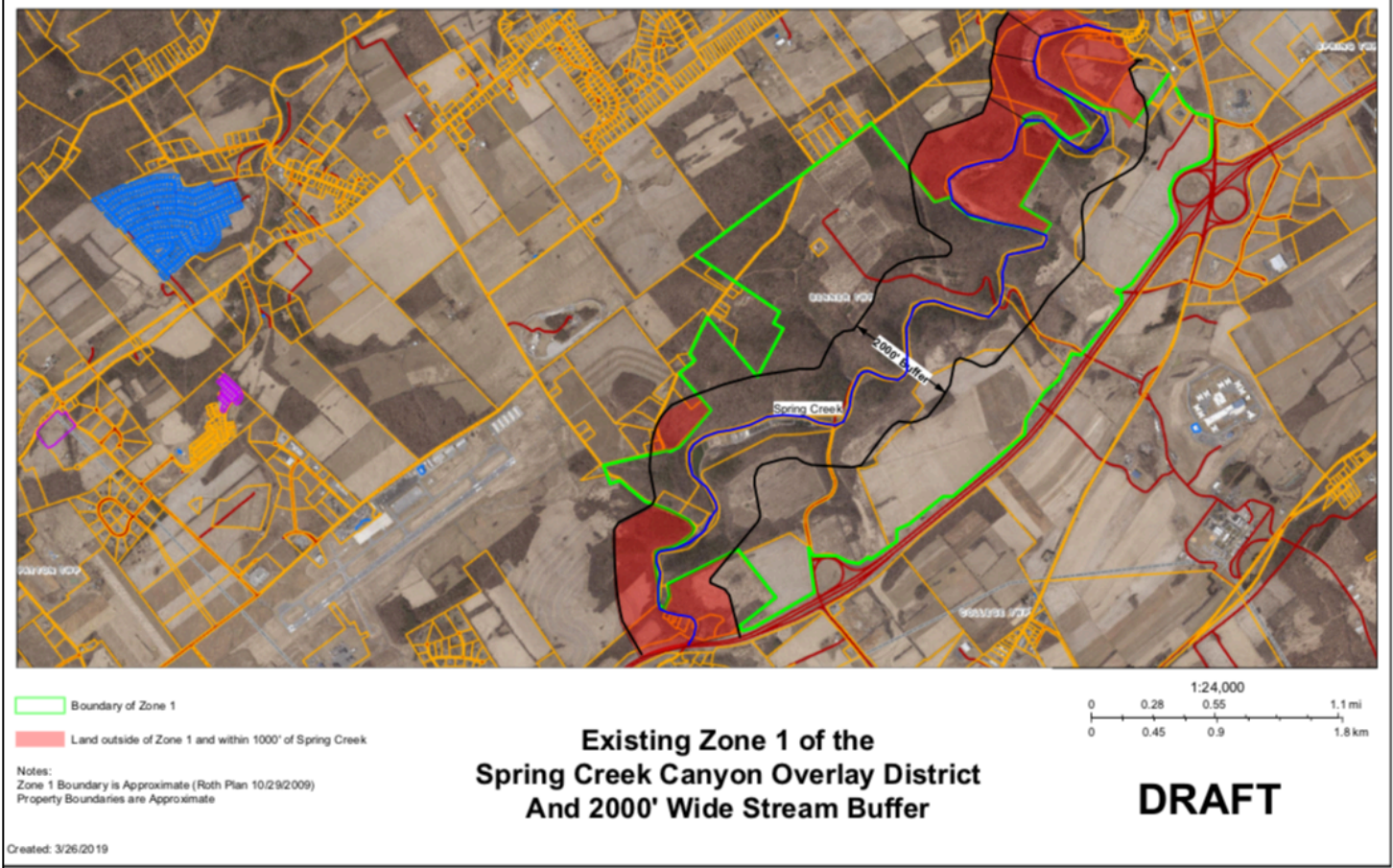


APRIL 15, 2009 SPRING CREEK CANYON CONSERVATION MASTER PLAN



OCTOBER 29, 2009 SPRING CREEK CANYON CONSERVATION OVERLAY ZONING MAP





MARCH 26, 2019 PROPOSED ZONING CHANGES