



March 28, 2019

Randy Moyer, Chair, Benner Township Supervisors
Nate Campbell, Chair, Benner Township Planning Commission
1224 Buffalo Run Road
Bellefonte, PA 16823

RE: Benner Township Zoning Ordinance Review

Dear Mr. Moyer & Mr. Campbell:

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 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 PA 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 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



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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 DCNR 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 as Ordinance No. 108 and can be found here: <http://www.bennertownship.org/ordinances/Ordinance%20108.pdf>.
- The Spring Creek Overlay Zone and Spring Creek Master Plan work hand in hand with the Act 55 of 2010, to establish land use restrictions under the perpetual Easement PSU lands:

"the perpetual conservation easement 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."

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 the 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.

All the best,



Andrew Warner, Board President
ClearWater Conservancy

References:

- **Spring Creek Canyon Conservation Overlay Zoning Ordinance No. 108, 2010.**
<http://www.bennertownship.org/ordinances/Ordinance%20108.pdf>
- **Spring Creek Canyon Conservation Strategy, Spring 2009.**
<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.
<https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2010&sessInd=0&smthLwInd=0&act=55>