



# PA House of Representatives Republican Policy Committee

414, Main Capitol Building  
Harrisburg, PA 17120  
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**Rep. Joshua D. Kail**  
Chairman

## PA House Republican Policy Committee Hearing

### “Big Elk Creek State Park”

**July 9, 2024, at 9:30 a.m.**

**Avon Grove High School  
Auditorium  
10 Waltman Way  
West Grove, PA 19390**

- |            |   |
|------------|---|
| 9:30 a.m.  | Welcome and Pledge of Allegiance  |
|            | <b><u>Department of Conservation &amp; Natural Resources Panel</u></b>                          |
| 9:40 a.m.  | John Hallas<br><i>State Parks Director, DCNR</i>  |
| 9:45 a.m.  | Questions for DCNR Panel  |
|            | <b><u>Community Officials Panel</u></b>   |
| 10:05 a.m. | Hon. Andrew Dinniman<br><i>Retired State Senator, 19th Senatorial District</i>                  |
| 10:10 a.m. | Hon. David Gerstenhaber<br><i>Chairman, Franklin Township Board of Supervisors</i>              |
| 10:15 a.m. | Hon. Estace Walters<br><i>Vice Chairman, Elk Township Board of Supervisors</i>                  |
| 10:20 a.m. | Hon. Eric Roe<br><i>Chester County Commissioner</i>   |
| 10:25 a.m. | Questions for Community Officials Panel   |
|            | <b><u>Community Leaders Panel</u></b>   |
| 10:50 a.m. | Anteia Consorto<br><i>Save Big Elk Creek</i>  |
| 10:55 a.m. | Gary Schroeder<br><i>Founder, Friends of White Clay Creek Preserve</i>                          |
| 11:00 a.m. | George Hundt Jr.<br><i>Executive Director, Safety, Agriculture, Villages, &amp; Environment</i> |
| 11:05 a.m. | Questions for Community Leaders Panel   |
| 11:25 a.m. | <b>Closing Comments</b>   |

PENNSYLVANIA HOUSE REPUBLICAN POLICY COMMITTEE HEARING

TESTIMONY BY ESTACE WALTERS  
VICE CHAIRMAN, ELK TOWNSHIP,  
CHESTER COUNTY, BOARD OF SUPERVISORS

July 9, 2024

Thank you, members of the Committee for the opportunity to speak today.

My Name is Estace Walters, I am the Vice-Chairman and Roadmaster for Elk Township, Chester County, Pennsylvania. The Big Elk Creek State Park is located, in part, in Elk Township. I speak to you today both as a lifetime resident of Elk Township and as a Supervisor responsible for the government of the Township.

My family moved to Elk Township in 1927 and purchased a farm that has remained in our family for three generations. As do all farm kids, one of the chores assigned to me was to pick rocks. For those of you not in the agricultural community, when a farm field is plowed in this area, rocks that were previously below the surface come to the top of the surface and need to be removed. Farm children and grown ups all across this area, therefore, spend a lot of time during plowing season bending over and throwing rocks into the beds of loaders or trucks to create a smooth planting surface. In Elk Township, however, it wasn't just rocks that we picked. Elk Township and the Big Elk Creek were areas where Native Americans both lived and hunted, thus, along with the rocks in the fields in Elk Township were many arrow heads. My experience was not unusual and I think that you will find that many farmers have memories of arrow heads plowed up on their farm fields. Farm fields are not the only location for artifacts from Native Americans, we once found a tomahawk in our front yard while installing a mailbox.

This pristine area, which has been farmed and preserved since the time that Native Americans walked and hunted here, should be kept in a pristine condition in honor of the Native American population who lived here before our time. I have been a Supervisor in Elk Township for over twenty years. My father was a Supervisor before me. He was a farmer with an eye to keeping the land open. When he was a Supervisor, he told me that development was coming our way and it was important for Elk Township to enact a Zoning Ordinance to regulate growth in a reasonable and safe way. Elk Township is a farming community with some reasonable

residential growth because of the careful zoning regulations that have been in place for decades. Because of that Elk Township remains rural with a very low population.

Early in this century, the voters of Elk Township decided by a referendum to increase the earned income tax on themselves in order to preserve open space. Our taxpayers, limited though they are in number, obligated themselves to pay more taxes so that we could preserve open space. That program, in combination with funds from the County, has been such a success that Elk Township now is 57% open space that is forever restricted against development. The Township has spent nearly 1.7 million taxpayer dollars to preserve those acres.

When I heard about the acquisition of the Strawbridge property, now captioned Big Elk Creek State Park I was excited. I thought that all of this land would continue to be in its natural state and added to the open space available in the Township. I am dismayed by the plan by DCNR to place cabins and areas for RVs on this beautifully preserved land that was the path of Native Americans and to turn it into a campground more appropriately located in a developed area. This action by DCNR is contrary to what the citizens of Elk Township and its board of Supervisors have done to keep our lands in their natural state.

Elk Township has 1,700 residents. Those few residents voted to tax themselves to keep land open. They did not vote upon this plan to turn this natural preserve into a high-volume, high-population campground that is much like commercial campgrounds run by non-state agencies. This plan is contrary to the wishes of the township residents. There are only 1,700 of us. We are a tight-knit farm community and we are used to and value peace and quiet.

Many of our farmers are now from the Amish community. If you are not familiar with the Amish community, those individuals use horses and buggies for transport on public roads and use horses and mules to pull farm implements. Their ways are based on hundreds of years of quiet farming. Those of us who live in the area know to look out for the Amish on our roads, we know how to wait for a safe place to pass them if we are in a hurry and we know to wait to allow them to take the actions they need to safely access and turn off of our roads. I would submit to you that the tourists and campers who come here from out of the area from more urban places are likely to become a serious risk to our Amish brethren. Our Township has a lot of hills, the roads have a lot of curves and turns and the additional traffic on our roads are going to put all of us at risk, but especially the Amish community.

I mention the 1,700 residents in Elk Township. That low population results in a very low budget. Our annual budget is around \$430,000.00 per year. 27% of those funds are used to pay for fire, ambulance and Medic 94 services. The calculation of our responsibility for our share of the local fire company and ambulance and Medic 94 services is based on the number of calls. We have only 1,700 residents and accordingly the calls that are received in Elk Township are few compared to other higher population districts. If this camp is placed there, with multiple tourists staying overnight in tents, cabins and RVs, there is no question that the number of calls in Elk Township will increase. Elk Township does not have the funds to pay for additional calls for people who are camping but are not Elk Township residents.

If DCNR looks carefully at any aerial view of the Big Elk Creek State Park they will note that it is very close to the border of Maryland and Delaware. The Big Elk Creek State Park is closer to the population centers in Delaware and Maryland than it is to population centers in Pennsylvania. Thus, while DCNR states that their purpose is to provide campgrounds for Pennsylvania residents, in fact, a campground at this location will provide campsites for Delaware Residents and Maryland residents in a greater number than Pennsylvania residents.

I am not a lawyer, just a Supervisor. However, I am familiar with our Zoning Ordinance. The Elk Township Zoning Ordinance classifies the area in which the Big Elk Creek State Park is located in the R-2 Agricultural Residential District. One of the stated purposes of Section 200 of the Ordinance for this District is to support the preservation of sensitive environmental features, such as streams, flood plains, wetlands and areas of steep slopes. The Ordinance identifies uses permitted in the District. One of those is a woodland preserve, game farm and preserve, wildlife sanctuary or other conservation purpose in accordance with the provisions of Section 1233. Section 1233 provides that no buildings shall be permitted anywhere on the premises with the exception of one maintenance shed with a maximum floor area of 400 square feet.

Clearly the plan proposed by DCNR to place tents, cabins, RVs and other camping facilities on this land violates the Elk Township's Zoning Ordinance because the use is not permitted. DCNR has stated publicly that that doesn't matter. That they do not have to follow our zoning. Thus, we have a state agency for the Commonwealth of Pennsylvania deciding that the legislative action of the Elk Township Board of Supervisors to carefully and methodically make a determination as to how land in this Township should be used is of no moment. DCNR is

saying, we are a state agency, we can do what we want in your Township without regard to the negative impact on the citizens who live there. I would submit to this Committee and to DCNR that that is wrong. That the local residents should have a say in what happens here. The Zoning Ordinance gives local residents a say in what use is permitted in what area. DCNR now comes into our Township without regard to the wellbeing of the residents who live here and the financial consequences to the residents who live there with their desire to turn this pristine preserve into a commercial campground. I would urge them to reconsider.

In conclusion, the Township appreciates that DCNR has planted trees on the property. Some off-road parking and a few trails are an appropriate use of the park. Elk Township has an easement for the Springlawn Trail which goes through the park. This has been in effect for over 15 years and is a wonderful place for folks to walk. It already is in existence and is a sufficient way for people to use the remaining lands without interfering with its natural state. The proposed commercial campground is not appropriate at Big Elk Creek State Park.

## **Prepared Testimony of Eric Roe**

Commissioner, County of Chester

Before the Pennsylvania House Republican Policy Committee

Hearing on Big Elk Creek State Park

Tuesday, July 9, 2024

Thank you, Vice Chairman Ecker, Representative Lawrence, distinguished committee members, and members of the Pennsylvania House of Representatives for the opportunity to submit my oral and written testimony today regarding Big Elk Creek State Park.

By way of background, I had the privilege of serving in the Pennsylvania General Assembly as the State Representative for the 158th legislative district from 2016 to 2018. My district at that time covered most of Landenberg, Pennsylvania, including London Britain Township and New Garden Township. It was during those two years that I fell in love with Southern Chester County's natural beauty and rural landscapes. While other areas of my district were falling victim to overdevelopment and urban sprawl, the southernmost parts of my territory remained mostly undeveloped, much of it placed under conservation easement.

In 2023, I was elected Chester County Commissioner, where I have the privilege of governing one of the three original counties formed by William Penn way back in 1682. In this new role, it is my responsibility to protect Chester County's natural resources and preserve them for the benefit of current and future generations. Chester County's quality of place depends on my taking that responsibility seriously, which I most certainly do. If you've ever traveled across the country, you may have noticed that most suburban counties look a lot alike. Large, cookie-cutter homes that are close together, near big box stores and run-of-the-mill brand-name shopping, with plenty of multi-lane highways and wide sidewalks to connect all the towns. If you've seen one, you've seen them all.

But Chester County is different.

Despite its proximity to Philadelphia and Wilmington, and despite its rapid growth over the past two decades, Chester County has maintained much of the rural charm that it has enjoyed for centuries. The main reason it has maintained its unique qualities is due to its preserved open spaces. When I say we take open space seriously in Chester County, I mean it. In fact, we have preserved so much of it that the sum of our open spaces exceed the land areas of Philadelphia and Pittsburgh combined. We like it that way. It has made our county very attractive for people looking to move here, as well as people looking for recreational opportunities here. It is no secret that Chester County is an attractive place live and visit, but with that high quality comes great responsibility to protect our greatest assets. That includes Big Elk Creek State Park.

Today, I will discuss our county government's relationship with Big Elk Creek State Park, what this state park means to thousands of Chester County residents, and how it fits into Chester County's plans. While I cannot speak on behalf of the other members of the Board of Commissioners, I am happy to speak on my own behalf and offer my insights.

### **Open Space Preservation Grants**

Chester County has invested millions of dollars through its Preservation Partnership Program to preserve Big Elk Creek State Park. The three most notable investments in these lands took place in 2007, 2016, and 2022.

Strawbridge South: Grant Year 2007

In 2007, Chester County invested \$3,005,250 into the preservation of 747.951 acres of land, known as "Strawbridge South." The County declaration for this grant was recorded on December 23, 2009. It covered the following parcels: 70-5-15, 70-5-15.3, 72-6-14.1, 72-7-11, 72-7-11.1A, 72-7-11.1B, 72-7-11.1C, 72-7-11.1D, 72-7-11.1E, 72-7-11.1F, and 72-7-13.

Strawbridge North: Grant Year 2016

In 2016, Chester County invested \$5,000,000 into the preservation of 978.051 acres of land, known as “Strawbridge North.” County declarations for this grant were recorded on November 3, 2017, October 26, 2018, and February 6, 2020. It covered the following parcels: 70-5-6, 70-5-7, 70-5-8, 71-4-32.3, 72-6-1, 72-6-1, 72-6-10.

#### **Martin Six Property: Grant Year 2022**

In 2022, Chester County invested \$324,771.88 into the preservation of 166.24 acres of land, known as the “Martin Six Property.” The County declaration for this grant was recorded on September 12, 2022, and it covered parcel #70-4-31.

In total, Chester County has spent \$8,330,021.88 to preserve the land in Big Elk Creek State Park as open space. With an investment of over \$8 million, Chester County government has a significant interest in how this park is used and maintained. When counties give out grants for open space preservation, a declaration is issued, which outlines what the land may be used for, what it may not be used for, and what must happen if improvements or changes are made to the property. Some examples pertinent to some or all of the three grants I have listed include:

- A requirement that the owner of the property (the Commonwealth of Pennsylvania) shall notify Chester County in writing no less than sixty (60) days prior to undertaking any activities that would reasonably be expected to materially alter the property. Such activities may include the construction of public access improvements or vegetation management activities that would affect a significant portion of the property. The notice shall describe the nature, scope, design, location, timetable, and any other aspect of proposed activity in sufficient detail to enable the County to make informed judgments as to its consistency with the open space purposes of each declaration.
- A requirement that the owner shall notify Chester County in writing at least thirty (30) days prior to the transfer of any interest in the property.
- A requirement that the land shall be restricted to “open space, agricultural, forestal, park, recreation, natural resource conservation, or public access purposes, including but not limited to such purposes and uses authorized for state park land pursuant to the Conservation and Natural Resources Act, 71 P.S. Section 1340.101-1103.

#### **Landscapes 3: Chester County’s Comprehensive Plan**

In 2018, the Chester County Commissioners adopted the County’s latest comprehensive plan, known as Landscapes 3. Landscapes 3 essentially answers this question: What do we want Chester County to look like 10 years from now? The plan outlines how we preserve land, protect land, appreciate land, live on and near certain lands, prosper from that land, and connect our lands via transportation options. Landscapes 3 is a thoughtful approach to county planning that serves as a guidepost as we map out the next 10 years of development.

Notably, Landscapes 3 distinguishes plans for our urban centers, suburban centers, rural centers, rural areas, and agricultural areas. The planning principles it uses for rural areas like Big Elk Creek State Park include:

- Low intensity institutional uses in land use patterns
- Protection of scenic viewsheds
- Preservation of natural areas, including stream corridors, woodlands, steep slopes, and wetlands
- Roads that are conducive for cyclists but not widened to urban or suburban standards
- Very limited public or community sewer and water services, so as to discourage growth

Landscapes 3 defines rural landscapes as consisting of open and wooded lands, with scattered villages, farms, and residential uses. Very limited development occurs there, preserving significant areas of open space and critical natural and cultural resources. Transportation infrastructure and amenities are context sensitive to the rural character.

Big Elk Creek State Park, in its current form, fits within the bounds of Landscapes 3 appropriately. Its infrastructure and amenities fit within the context of the rural area around it, and the character of the land is not compromised. To fundamentally change Big Elk Creek State Park by building a massive campground complex and visitor center would inappropriately fall outside the rural context of this land, and it would compromise the strategic vision of Landscapes 3 for this part of Chester County.

## **The Significance of Big Elk Creek State Park to Chester County**

Chester County is the fastest growing county in Pennsylvania. As development spreads from nearby cities into the suburbs and exurbs, local residents who have lived in Chester County for decades are rightfully concerned about its rapidly changing character. Roads that were rarely used are hosting traffic jams for the first time. Neighborhoods and villages that were once sleepy communities are now getting crowded out by high density housing. New schools are being built to accommodate the higher population density in many areas of Chester County. This seems to be the rule for much of Chester County, with a notable exception: the area surrounding Big Elk Creek State Park.

Big Elk Creek is a place where you can go to figuratively step back in time. It is one of the last remaining lands in Chester County that has not been corrupted by overdevelopment. The residents tend to prefer it that way. Here, they can enjoy a quiet, peaceful existence without the trouble of traffic congestion, excessive noise, and litter. My fear is that any attempt to build a campground complex or visitor center would turn Big Elk Creek State Park into a tourist attraction and compromise the quality of place that local residents have enjoyed here for centuries.

Members, please know that this is a truly special place. While I encourage people to visit Big Elk Creek State Park, I want it to be done intelligently and thoughtfully, with concern for local residents in mind. This park can be enjoyed without adding giant parking lots and campgrounds. I fear that there will be

greater wear and tear on our local roads. I worry that litter will accumulate in places that have never been polluted that way before. I am concerned that Southern Chester County will lose its charm and character if we are not careful about the infrastructure we place there. I have a duty to my constituents to protect our greatest assets. I have a duty to ensure that they have quiet enjoyment of their properties. I have a duty to preserve the character and integrity of our lands. I have a duty to protect Big Elk Creek State Park. I hope my testimony today has shown you that I take those duties seriously. Thank you for considering my testimony.

Eric M. Roe

Chester County Commissioner



# Republican House Policy Committee Hearing Testimony

## Anteia Consorto, Save Big Elk Creek

July 9, 2024

My name is Anteia Consorto and I've been a resident of Franklin Township for 37 years. My family home backs up to what is now Big Elk Creek State Park. This area is known for its bucolic nature and for the peace and quiet one can find, which is why so many of us stay here. Being able to quietly commune with nature, to be away from development and the noise of vehicles, is a rare thing these days. This truly unique piece of land has given us that chance for longer than I've been around as a responsibly farmed and maintained property, supporting 15 rare and endangered plant species.

Local residents and other supporters of open space and conservation were thrilled when the land was acquired as part of the White Clay Creek Preserve but now feel betrayed by DCNR. DCNR's actions have caused a lot of mistrust and deep concern for this beautiful, critical wildlife corridor we share with a wide variety of flora & fauna.

The Natural Heritage Program within DCNR has identified almost all of the property and surrounding area as core and supportive habitat. The report issued by this program states, and I quote, "Avoid building additional houses or infrastructure within the Natural Heritage Area in order to prevent fragmentation of the habitat and loss of species of concern." I'm not sure how we go from a report like that to building a visitors' center, comfort stations and a maintenance garage at the least, up to the potential for a campground that would have been over 100 acres of developed land, the size of 4 Citizen Bank parks (even though it's off the table "for now"). White Clay Creek Preserve is located 5.9 miles away from Big Elk Creek and already has comfort stations, an office, visitors' center and meeting house. DCNR has more than a billion-dollar backlog of work needed across the state, why are they intent on building more infrastructure when they cannot afford to take care of what they already have?

Through research, I found that this property is also being used as a mitigation for land in northern Pennsylvania that had been purchased with federal Land and Water Conservation funds and then leased out to natural gas companies. The Strawbridge property also gives them a "bank" to use for any future mitigation needs. DCNR's environmental assessment of the property, submitted in 2019 for mitigation purposes, states, "no development is proposed for the replacement property" and that they are exempt from conducting a noise analysis "given that it does not involve development of the replacement property or construction of any infrastructure," "LWCF conversions will not cause activities or development that will increase noise levels."

Since taking over the property, I have personally witnessed widespread, haphazard application of glyphosate, better known as Round-Up, and extensive spread of invasives such as poison hemlock due to a delayed mowing schedule, requiring more application of herbicides. The conversion of cropland to pollinator meadows with widespread herbicide use has caused local wildlife to seek new food sources, driving them into neighboring developments to find food. Creating a pollinator meadow and reforesting open fields is changing animal habitat without regard to the previously balanced ecosystem. The regular application of herbicides has been deemed necessary to protect the 74,000 trees recently planted to not only fix the riparian buffer but to forest a significant portion of our open meadowland and cropland. I'm not sure how applying glyphosate is helpful to our pollinators considering the damage it is proven to cause. What happened to the idea of controlled burns and a proper mowing schedule to keep invasives down and to promote better health of the land?

After an amazing turnout at the January townhall, where DCNR and government officials heard a huge public outcry to protect this land, DCNR agreed to engage with an advisory committee of local residents to work on plans for Big Elk Creek. This turned into DCNR taking control, ignoring many of the requests of the townships

and forming a task force to their specifications. While stakeholders were allowed to select their representatives, none of the other decisions were made with consideration to stakeholder requests. As a member of this task force, I must admit that the armed rangers at the door to the meetings came across as an intimidation tactic on the part of DCNR. The supporting staff DCNR brings to each meeting generally meets or exceeds the number of task force members. It has been a battle to get these meetings to actually facilitate helpful discussion and the feeling is that DCNR has preconceived decisions they pose as “giving us a choice.” The questions and discussion is more of “Here’s the visitors’ center, where do you think it should go?” Not asking if the task force feels it needs to exist at all. Additionally, during the course of these meetings, it’s been revealed that DCNR has already hired staff before having a plan for the property and now needs infrastructure to support the hiring decisions. These actions and others further demonstrate to the community that their current mode of operation is to put the proverbial cart before the horse.

DCNR has promoted a huge lack of trust in the community with the lack of transparency, predetermined outcomes, aggressive stances and no true desire to engage with the community or township officials. We are an agriculturally based community with deep ties and respect for the land around us. There are many highly educated and knowledgeable residents that DCNR has seemingly ignored in favor of advice that furthers their agenda. The lack of communication and their comprehensive cookie cutter planning by individuals who have never stepped foot on the property, let alone live anywhere nearby, has led us to where we are today: A large local community going into battle like David and Goliath to protect a unique and rare gem; fighting to preserve the critical natural resource that is Big Elk Creek.

Written Testimony Submitted by:

*Judy Jordan, representing Elk Township on DCNR's Big Elk Creek task force*

July 9, 2024

Chairman Kail, Representative Lawrence and members of the committee, thank you for inviting me to offer testimony about Big Elk Creek.

I'm representing Elk County on the task force that DCNR created to provide input on the master plan for Big Elk Creek park. My familiarity with that site started with a Watershed Conservation Plan that I wrote for Brandywine Conservancy back in 2001, ironically with grant funding from DCNR. The Big Elk Creeks were placed on DCNR's River Registry as a result of that Conservation Plan, and in it we identified the Strawbridge property that now comprises the Big Elk Creek park as a key element because of the tremendous conservation values it offered. Not only is it contiguous with the Fair Hill Natural Resources Management Area with which it shares the Mason Dixon line between the two states, but it also hosts a plethora of wildlife and plants, including listed species, woodlands, beautiful rolling hills, riparian areas along the Big Elk Creek, productive agricultural soils, trails, scenic vistas and a special place in the equestrian culture of Chester County. In short, this property isn't just any old collection of hay fields that would be better off transformed into and "managed" as a standard state park with visitors centers, campgrounds and bus parking lots.

Members of the Save Big Elk Creek group, organized by Antea Consorto, have contacted George Strawbridge, who sold the property with the understanding that it would be managed as a preserve, with minimal development. Unfortunately, the documents that transferred ownership included the word, "park," which has allowed it to be subsequently transferred to DCNR and perceived by them as an opportunity to add it to their fleet, to be treated like all the other parks, with lots of pavement, heavy equipment, buildings and other infrastructure. But you may be aware that the surrounding townships organized a meeting last winter where hundreds of local residents showed up. People were rowdy and boisterous because it took that big of a demonstration to get through to DCNR. The best concession we could get out of them, under all the pressure that could be mustered by the townships, all three Chester County Commissioners, Senator Comitta and Representative Lawrence, at that time was an agreement to form an advisory committee to provide input on DCNR's master plan for the site.

DCNR created a "task force" that is meeting on a regular basis. I specifically requested that DCNR hire a facilitator to ensure a healthy process for moving forward, but DCNR has sculpted the meetings and agendas themselves. Over time, DCNR seems to be listening to us a little bit more. They adjusted their proposed meeting schedule to accommodate task force members' schedules. At the July meeting they began insisting on finding a location deep in the property for a visitor's center, but then they admitted that the site's anticipated uses are mostly the trails. When Antea broached the idea, and it was vigorously supported by many other task force members, of minimizing site disturbance by using a location where there had previously been a farm house, Director Hallas seemed to signal some willingness to consider it. Similarly, there was strong support for the idea of designing these facilities to fit in with the local character of the area by using a farm house and barn style of architecture for the administrative office and equipment storage. DCNR seemed to be surprised by the consensus, but amenable. If things were continue along these lines, with DCNR being willing to listen and accept reasonable and widely supported ideas, I think we will be able to arrive at a good solution.

However, Elk and other townships have not found DCNR to be as cooperative a neighbor as they should be. For example, the townships own trail easements that run through the park, and have maintained these trails for the benefit of recreationalists for decades. But DCNR has accessed the trails and treated them as though they own them, failing to notify the townships of their intentions and failing to repair damage done by equipment. This cannot continue. We appreciate DCNR's willingness to engage on their master plan, and commend the Director on what seems to be recent progress. But the agency also needs to improve their relationship with the townships, become a respectful partner and propose mechanisms for ongoing communications. We need the legislature's support on this. Whatever additional traffic and human imprints will result from the park's development will affect the townships and their budgets, especially roads and emergency services. We need the legislature to help us ensure that the master plan for Big Elk Park, which hopefully is being modified by DCNR's willingness to give serious consideration to our input, to reflect a commitment to minimal development in both the short and long term. Thank you again for taking this matter seriously and listening to our concerns.

## **Written Testimony by Henrietta Bellman**

**July 8th 2024**

**Dear Chairman Kail, Representative Lawrence, and members of the congressional committee,**

Thank you for the opportunity to share comments regarding the Big Elk Creek State Park in Chester Co. Pennsylvania. My name is Henrietta Bellman and I am representing Chester County at the Big Elk Creek State Park Task Force meetings. As I am sure you're aware, this advisory board was established earlier in the year in response to significant local community concern and outcry regarding the land use plan (hereafter, "master plan") for the recently-acquired Strawbridge property which makes up the Big Elk Creek State Park.

I live in Landenberg and our small farm is a stone's throw from the edge of the Big Elk Creek State Park. My partner and I are keen naturalists and spend many hours walking or running the trails. On our walks, and even from our yard, we see woodpeckers, herons, butterflies and other pollinators, turkeys, nesting bluebirds, huge flocks of common grackles, a variety of fungi, wood thrushes and warblers, turtles, hawks, and bald eagles and ospreys. At night, we hear bats, owls, flying squirrels, hundreds of calling frogs and toads, and coyotes yipping. As you may be aware, some of these species are listed under the Pennsylvania Natural Heritage Program as either Threatened and Endangered species or cited in the Pennsylvania State Wildlife Action Plan as species of Greatest Conservation Need. Additionally, some receive protections under the federal Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Further, according to the Pennsylvania Conservation Planner, portions of the master plan fall geographically within the boundaries of the Natural Heritage Area Core Habitat. A designation that focuses on areas that are the best examples of ecological resources in a county.

I understand I was selected to represent our county by Chester County Commissioner, Joshua Maxwell, because of my experience in wildlife management and conservation. I have worked as a professional ecologist for almost 15 years in multiple European countries and throughout the eastern and central United States, including locally for Delaware's State Division of Fish & Wildlife. I am currently employed by the National Audubon Society where I am designing and implementing a coastal restoration plan for salt marshes on the lower eastern shore of Maryland. When I learned about the Pennsylvania Department of Conservation and Natural Resources' (DCNR) master plan for Big Elk Creek State Park, I was heartened to see that some considerations had been given to the ecological integrity and management opportunities at this beloved property, such as proposed tree plantings to serve as streamside buffers and revised mowing schedules to alleviate disturbance to grassland species. I was immediately interested in knowing what species' data had been collected and summarized to inform the master plan.

The only accessible information that I've found is a plant survey completed in 2018 which identified sensitive species on the property. Even as a Task Force member, intended to offer guidance on the direction of the State Park, I have not seen any species distribution maps, anticipated development impacts, proposed mitigation, or monitoring plans. I have struggled to find specific mammal, amphibian, insect, reptile, or bird surveys nor

consideration of ephemeral or seasonal visitors nor draft reports from a Pennsylvania Natural Diversity Inventory (PNDI) environmental review. This alarmed me given the proposed developments could reduce habitat availability and connectivity, increase light and noise pollution, and create potential collision risks. This lack of information left myself, and others on the task force, troubled. After we pushed for a representative from the Pennsylvania Natural Heritage Program to attend a task force meeting, we heard from the Chief of Conservation Science and Ecological Resources Division at our July meeting. They professionally described the PNDI process, noting that multiple applications had been received for the Big Elk Creek State Park, but when asked about which species were identified in these reports, it was unknown.

I have seen no proposed pre- and post-construction species monitoring; the cornerstone to any robust management. So, I started to seek potential partnership opportunities with local university professors and researchers to establish baseline species information and monitor population trends in response to actions at the Park. I have been encouraged by DCNR staff's willingness to discuss these opportunities and their future plans to produce a Natural Resource Management Plan. However, the responsibility to push for these partnerships and necessary species inventories or assessments of "enhancement actions" has fallen to myself and another task force member on our personal, volunteer time. I hope the discussions which we've started with DCNR continue to flourish as these partnerships could inform exciting, landscape-

level management to make lasting conservation and biodiversity benefits to this region. Restoration or management actions could include, for example, conserving land to contribute to a corridor of habitat for migratory species and minimizing fragmentation, or filling in woodland edges (a method which has been shown to minimize predation and parasitism to nesting birds), or encouraging patches of wet meadow for amphibians and insects, or addressing rampant invasive species or install nesting boxes. As a previous State biologist, I am empathetic to the fine balance of wildlife management and State democracy, but I strongly urge DCNR to take seriously their role and legal responsibility as stewards of Pennsylvania's wildlife, water quality, and habitats.

It is my understanding, this property was purchased with the intent for low impact, day recreation use. My greatest concern for this property is that the push to create and implement a successful Park will be put ahead of any potential (currently unknown) impacts to biodiversity. In my professional opinion, this property has the high likelihood or future potential to support state and federally protected species and rare habitats, and increase connectivity with surrounding public lands. I highlight my concern because during my career, I have witnessed State-protected species be sidelined due to the prioritization of profit margins or disgruntled visitors. I support public access for everyone to natural spaces knowing full well the benefits of being outside. But, in our haste to provide more access to the outdoors, I believe we may all lose something very precious without fully comprehending the impacts to the ecological web. If as citizens we are expected to adhere to habitat and species protections, we in turn expect our government to abide by them too. I urge legislators to hold DCNR to these laws. I urge legislators to insist DCNR prioritize species inventories, monitoring for potential impacts, and utilize local expertise to design necessary mitigation and management plans. Thank you again for the invitation to submit my testimony and for discussing this issue and the community concerns.