

The Catharine Township Board of Supervisors has the Responsibility to protect the Township's Recreational Assets and Natural Heritage Areas

The Pennsylvania Municipalities Planning Code gives townships the authority to "promote the preservation of the Commonwealth's natural and historic resources" through setbacks. We ask that the Catharine Township Board of Supervisors enact an ordinance providing for a **1/4 mile setback from a surface mine to the Lower Trail and to the Heller Caves Blair County Natural Heritage Area.**

A proposed limestone quarry adjacent to the Lower Trail in the Covedale area of Catharine Township, Blair County will have a severe adverse impact on the trail and its users, local residents, the **Frankstown Branch of the Juniata River Important Bird Area (IBA)**, and the **Heller Caves Biological Diversity Area (BDA)**. Catharine Properties, which owns approximately 200 acres fronting the trail for one mile, is proposing to develop limestone quarry next to the trail, with its attendant blasting, bulldozing, heavy truck traffic, dust, noise, etc. The BDA and a portion of the IBA are part of the proposed mine.

The Heller Caves Biological Diversity Area is habitat for bat species of special concern in Pennsylvania. Heller Caves serve as hibernacula for 100+ eastern small-footed bats (*Myotis leibii*), a Threatened species in Pennsylvania and a "priority species" in the Commonwealth's *Wildlife Action Plan*:

According to the *Blair County Natural Heritage Inventory* done under the direction of the Blair County Planning Commission from 2001-2006, these hibernacula can be destroyed by adjacent blasting or other earth-moving activities that disrupt bedrock. In addition, the *Inventory* states that reduction of forest cover would reduce habitat area for roosting and feeding needed by these bats. According to the Pennsylvania Game Commission **"forested areas with caves, mines, rock outcrops or talus provide key summer habitat"** for small-footed bats.

The *Blair County Natural Heritage Inventory* goes on to state; **"Blasting and other activities that will affect the bedrock should be avoided within this area so as not to damage the cave being used as a hibernation site"** and **"maintaining and cultivating forest cover will increase the amount of available habitat for bats."**

Enjoyed by more than 100,000 people annually, the Lower Trail is one of Blair County's major recreation assets. In addition, the trail and its river valley and adjacent ridge have been designated as an Important Bird Area by the Ornithological Technical Committee of the Pennsylvania Biological Survey.

The Commonwealth Court in *Hoffman Mining Company v. Zoning Hearing Board of Adams* (958 A.2d 602) determined that the **Surface Mining Conservation and Reclamation Act, 52 P.S. 1396.1 does not preempt a township setback**

requirement. The question in this action was a township setback to residences which exceeded the 300' setback required by the Surface Mining Conservation and Reclamation Act. The Court found that this setback limitation was a proper land use control as provided for in the Pennsylvania Municipalities Planning Code, since this setback did not address mining activity such as berms, overburden storage, or details related to reclamation.

During August's Catharine Township Board of Supervisors meeting, Attorney Gibbony stated that a setback to mining activity would be appropriate under the township's Subdivision and Land Development Ordinance.

The Catharine Township Board of Supervisors has received about 1,000 postcards, letters, emails, phone calls, etc from citizens requesting a ¼ mile setback from the Heller Caves BDA and the Lower Trail to any mining activity. In addition, all the groups listed below are unconditionally opposed to any quarrying and blasting within ¼ mile of the Heller Caves BDA and the Lower Trail:

Mid State Trail Association (Ed Lawrence cathyed@nationi.net)

Juniata Valley Audubon (Dave Bonta bontasaurus@yahoo.com)

Pennsylvania Cave Conservancy (Karen Bange riverbat@awireless.net)

Audubon Pennsylvania (Kim van Fleet kvanfleet@audubon.org)

Save Our Allegheny Ridges (Laura Jackson mljackson2@embarqmail.com)

Mid Atlantic Region of the National Speleological Society (Karen Bange riverbat@awireless.net)

Center for Biological Diversity (Mollie Matteson mmatteson@biologicaldiversity.org)

Huntingdon County Cave Hunters (Derek Flaig derekcaver2000@yahoo.com)

Little Juniata River Association (Bill Anderson bjuniata@verizon.net)

Bedford Bird and Nature Club (Mike Jackson mljackson2@embarqmail.com)

Canoe Club of Centre County (Joyce Furfaro jfurfaro@gmail.com)

John Kennedy Chapter of Trout Unlimited (Jerry Green jgreen51@embarqmail.com)

Pennsylvania Native Plant Society (Debra Grim dgrim@diagnosticsplus.com)

State College Bird Club (Deb Grove dsq4@psu.edu)

Moshannon Group of the Sierra Club (Gary Thornbloom bearknob@verizon.net)