



June 6, 2022

*Sent via email*

Board of Commissioners  
Pocono Township  
112 Township Drive  
Tannersville, PA 18372

**Re: Opposition to Resolution No. 2022-24  
Granting Conditional Approval of the Swiftwater Solar Preliminary/Final  
Land Development Plan**

Dear Pocono Township Commissioners:

In accordance with Pocono Township's SALDO § 390-14.E., § 390-16.I., and §390-19L. and on behalf of our members and supporters, Citizens for Pennsylvania's Future (PennFuture) hereby requests that the Board of Commissioners refrain from voting on Resolution No. 2022-24 during tonight's meeting and hold a public hearing on the proposed Swiftwater Solar project preliminary/final land development plan before making any final determination on the project.<sup>1</sup>

PennFuture is a statewide, member-supported, environmental public interest organization with an office in Monroe County, PA. PennFuture and our members are concerned with the protection of Pennsylvania's aquatic and wildlife resources and the conservation of its surface waters for future generations, especially the special protection headwaters of the Delaware River Watershed.

The proposed Swiftwater Solar project will result in the massive destruction of the ecological functioning of the property within an Exceptional Value watershed. The project will destroy 470 acres of woodlands – over 73% of the property – at the top of Bear Mountain, forever changing the landscape and the ability of the property to protect the health of Swiftwater Creek. The property contains steep slopes and disturbing this much of the property will result in impacts to the Exception Value Swiftwater Creek, neighboring property owners, and others. You must hear from the public and interested and impacted parties as to the impact that this proposed

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<sup>1</sup> To the extent that this public hearing requires an extension of the timeframe in which the Board must issue its decision, we encourage you and the developer to agree to such an extension such that there can be meaningful public input on this massive project. *See* Pocono Twp. SALDO § 390-16.J.

project will have on the health, safety, and welfare of Pocono Township's residents and environment.

As others such as Brodhead Watershed Association and Our Pocono Waters have written, there are serious water quality and ecological concerns that we believe remain outstanding in violation of the SALDO and Pocono Township Ordinance requirements. Concerns include but are not limited increased stormwater runoff and thermal impacts that would have a large impact on Swiftwater Creek, which is an Exceptional Value stream and must be protected from all degradation. The Board should hold a public hearing such that these groups and other interested parties can present evidence for the Board's consideration as to the public and environmental health and safety impacts of the proposed Swiftwater Solar project.

The granting of the waivers as listed in Resolution No. 2022-24 are contrary to the public interest and the purpose and intent of the SALDO. *See* MPC § 512.1(a). Given the steep slopes, layout, proposed clearcutting and land disturbance, and the fact that this project drains into special protection watersheds, including an Exceptional Value stream, the Board should **not** grant any waivers of the requirements of Section 390-50 of the SALDO. These waivers undercut the purpose of this section to "minimize the generation of stormwater runoff" and "minimize the adverse effects of stormwater discharges on water resources." Pocono Twp. SALDO § 390-50.A.(2). Similarly, the Board must **not** grant any waivers from its Stormwater Management Ordinance. *See* Pocono Twp. SMO Chapter 265.

Nor do we believe that Pocono Township should agree to a "fee in lieu of dedicating open space" for this property. Despite any statements made by the applicant to the contrary, this project will result in the permanent loss of the woodlands atop the mountain and will forever scar the landscape of the Poconos region. It is PennFuture's understanding that you have received many letters in opposition to this project from local residents and concerned community members. We ask that you slow down and provide opportunity for those interested and impacted parties to provide you with information before you approve the preliminary/final land development plan.

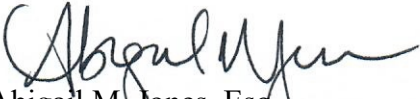
We have a constitutional right to ". . . pure water and the preservation of the natural, scenic, historic and esthetic values of the environment." Pa. Const. Art. 1, Sec. 27. Pocono Township has a fiduciary duty under the Pennsylvania Constitution to "conserve and maintain" these public natural resources. *Robinson Township v. Commonwealth*, 83 A.3d 901, 931 n.23 (Pa. 2013) (explaining that "all agencies and entities of the Commonwealth government, both statewide and local" are trustees). As trustee, the Board has a duty to consider impacts on public natural resources *before* making a decision and must "refrain from permitting or encouraging the degradation, diminution, or depletion of public natural resources". *See Pennsylvania Environmental Defense Foundation v. Commonwealth*, 161 A.3d 911, 931-32 (Pa. 2017);

*Robinson Twp.*, 83 A.3d at 956-57. Given the impacts that this project will have on the Exceptional Value Swiftwater Creek and other special protection waters and the natural, scenic, and esthetic values of the environment, and considering your duties as trustee of those natural resources, you should not move forward and vote to approve Resolution No. 2022-24 – especially without holding a public hearing on the project. Approving the Resolution would be contrary to public interest, the purpose and intent of the Township’s Ordinances, and your fiduciary duty under the Environmental Rights Amendment.

We ask that you refrain from voting tonight on Resolution No. 2022-24. We ask that you provide for meaningful opportunity to receive information from and to take into consideration the concerns of the public. We ask that you act in accordance with your trustee duties under the Environmental Rights Amendment. **We ask that you hold a public hearing on the Swiftwater Solar preliminary/final land development plan in accordance with the Township’s SALDO.**

We thank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions.

Respectfully submitted,



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cc: Pocono Township Planning Commission  
Pocono Township Manager