



**Green Amendment Victories**  
**How Green Amendments Are**  
**Recognizing & Protecting**  
**Environmental Rights in PA & MT**



Pennsylvania and Montana are the only two states in the U.S. that currently promise, protect and respect constitutional environmental rights protected on par with other fundamental human, civil and political rights we hold as inviolate inherent, inalienable and indefeasible rights protected from government infringement and transgression. In this series we share the varied ways that constitutional recognition is providing meaningful and transformative protection in these two states, thereby making the case for constitutional Green Amendments in states across our nation and ultimately at the federal level.

## **Marple Twp Board of Commissioners Save Don Guanella Woods**

For decades the crowded communities of Delaware County, PA had enjoyed the forest and hiking trails that pass thru Don Guanella Woods in Marple Township, PA. The Don Guanella woods is a 178-acre forest that was identified by the county planning department as a prime preservation target; had for years provided many environmental, health and recreational benefits to county residents; and that the community sought to have protected as natural open space for the benefit of the community. The forest is a unique beech old growth forest located in the headwaters of Darby Creek and is host to the Whetstone tributary. The property is owned by the Archdiocese of Philadelphia. The Archdiocese has been planning to sell off the forest for Development.

Various community and watershed groups - known as the Whetstone Coalition - joined forces, hired experts and secured legal counsel to review and challenge the developer's plans to cut down the forest for development.

December 14, 2020, the Board of Commissioners of Marple Township, voted unanimously to reject the proposed residential development plan that would clear-cut 89 acres of the Don Guanella woods. Recognizing their constitutional duty to protect the environmental rights of their residents, and their trustee obligation over the natural resources of their community, the township Board of Commissioners quoted the constitution and cited their constitutional obligations when rendering their decision.

In presenting his argument to reject the proposal, [Board Member Michael Molinaro](#) said:

“I look at this as a fiduciary duty because as township officials, we're elected to do what's best for our township. And I've listened to people, and I've heard what they said, and I'm not going to say anything different because we have a duty under I believe under Article 1 Section 27 of PA constitution to protect and preserve the Commonwealth's natural resources. And I'm going to quote from that, so everybody has this in their head, and I'm sure everybody has read this by now:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

I personally believe this trumps everything else, any code you may have, any by right you say you may have, anything else. This is the role of us as municipal government is to protect our natural resources as best we can, especially when there's not that many left. I mean if you look at Delaware County, and you look at this area, this is it. This is the last little piece that we have, and we're not, and I'm not, going to let houses be built on it. So I believe this is our duty to protect these woodlands for not only us, not only Delaware County, PA, but also for future generations,

so they can look back and say, “You know, this board stood up to this builder, and they did what was right.”

Minutes 7:17 - 9:16; <https://www.youtube.com/watch?v=ol-UWbbM73U&feature=youtu.be>