

PENNSYLVANIA CAMPAIGN FOR CLEAN WATER

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Department of Environmental Protection

Policy Office

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Submitted via: ecomment@pa.gov and uploaded on the Ecomment web portal

Re: DEP Draft Reports Bundle: Aquashicola Creek Re-designation (Carbon and Monroe Counties), Jones Creek Re-designation (Susquehanna Co.), and Hosensack Creek Re-designation (Lehigh and Monroe Co.) (25 Pa Code Chapters 93.9d)

To whom it may concern:

We are writing to express our overall support for DEP's August stream upgrade bundle of draft redesignation reports out for 30-day public comment until Sept 11, 2023. Please see specifics on each of the three draft reports below. We appreciate in advance, your consideration of our CCWEV comments.

The Campaign for Clean Water EV team (CCWEV) is part of a coalition of over 180 environmental groups from across the state of Pennsylvania. We have been organized largely out of our belief that protecting water quality in Pennsylvania's streams is one of the best ways to restore the environment and protect the long-term economic viability of our state. The recent report by Our Pocono Waters, another five-county area coalition of conservation groups, further demonstrates all the benefits EV will provide for generations to come. CCWEV believe that upgrading designations for our PA streams is in keeping with protections afforded under Article 1 Section 27 of Pennsylvania's Environmental Rights Amendment of the Pennsylvania Constitution, articulated, "*the people of Pennsylvania 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 now and in the future.*" The public and DEP can access and use information and data provided in the recently published report by Our Pocono Waters that shows in summary over \$3 billion in economic benefits for local businesses, property owners, and communities are captured through the protected EV streams of the Poconos. One can access the story map and links to the full economic report here: <https://storymaps.arcgis.com/stories/c7a9f52d3bba453eaa9642551eeb7144>.

Comments on DEP's Aquashicola Draft Report

CCWEV are writing to express our support for DEP's Draft report to redesignate Aquashicola Creek from a High Quality Cold Water Fishery (HQ-CWF) to Exceptional Value (EV). This upgrade would add 24.7 EV stream miles. The segment for redesignation is from the source to confluence with the Buckwha Creek. The petition was submitted by the Aquashicola/Pohopoco Watershed Conservancy (APWC) back in September, 2010 and has had many co-petitioners, conservation group and supporters over the years - this upgrade is long overdue. APWC President, Jim Vogt has served on the CCWEV team for over a decade to help assist with stream upgrades and protections of our cleanest streams including the Aquashicola which flows through his family's backyard.

We note the following observations from the DEP draft report as clear signs that the Aquashicola qualifies for Exceptional Value designation:

- 1) Samplings of macroinvertebrates demonstrate a exceptional aquatic community;
- 2) The presence of bog turtles in the watershed, determined by USFWS and PAFBC. Bog turtles are listed as endangered by Pennsylvania and threatened by the federal Endangered Species Act;
- 3) The watershed is listed as a Naturally Reproducing Trout Stream and has a two mile segment listed as a Class A Wild Trout Stream;
- 4) The southern boundary is the Kittatinny Ridge, also known as Blue Mountain and is largely forested. This ridge is a major migratory corridor for birds, the Atlantic Flyway;
- 5) PA State Gamelands 168 has a segment that is on both sides of the stream and the Cherry Valley NWR encompasses 2.8 miles of Ross Creek which flows into Aquashicola Creek.

One major point CCWEV would like DEP to further consider relates to its interpretation of the Aquashicola not meeting the Outstanding Resource Waters qualifier. We believe that the DEP has the obligation and ability to ensure this ORW criteria is met by the Aquashicola Creek. Instead, the draft DEP's report concludes that the relevant State Game Lands (SGL168) "are not situated along watershed corridors in a manner that provides protection to substantial reaches of the corridor within the Aquashicola Creek basin". We believe this narrow view jeopardizes future designations so we request DEP re-examine the rationale fully. CCWEV team believes that with SGL 168 encompassing almost a quarter (21%) of the studied Aquashicola Creek basin in addition to the conservation plans the Game Commission has in place to protect riparian buffers and other water quality goals do provide protection - even if the SGL it is not within 150 feet of the creek. We urge DEP to take a scientific and watershed-wide view of the benefits that protected forested and other lands like State Game Lands provide to our waterways, even outside of the 150-foot buffer area. This is essential as the FBC, the DCNR and the PGC continue, after years of grass roots advocacy and outreach, to update their plans and practices to incorporate much needed watershed conservation goals and priorities and protective measures which was a long requirement the Department would use to exclude streams. Now with better sister agency water protective measures in place through updated sister agency plans, it's critical there is not yet one more hurdle by DEP to obstruct the cleanest streams from the designations they deserve. The PA Constitution also holds with it strong protections that local grass roots are inspiring in this decade - its important the state steps up fully to meet the conservation ethic and essential services underway that need protecting.

Designation of the Aquashicola Creek to Exceptional Value and protection of the essential and sensitive glaciated Pocono plateau with over 68% forested area would help insure that this valuable watershed remain free from degradation and be preserved for future generations. We would urge that this stream be given the highest level of protection as DEP is recommending in its Draft Report.

Comments on DEP's Jones Creek Draft Report

CCWEV is in support of DEP's monitoring study and recommendation to upgrade the entire basin of Jones Creek from CWF to EV, MF which would add 4.5 miles of EV streams to Chapter 93. Jones Creek flows through Liberty Township, Susquehanna County and is a tributary to Snake Creek - the second order tributary originates at Tripp Lake and DEP's benthic data indicated exceptional diversity and water quality and the Glacial Lakes Conservation Association also has expressed past support for this redesignation during an earlier public comment period.

Comments on DEP's Hosensack Creek Draft Report

CCWEV understands the Hosensack petition submitted by Delaware Riverkeeper Network (DRN) in 2015 came out of past community organizing and upgrade work pertaining to a much larger December 2006 Upper Perkiomen regional petition submitted by DRN, Perkiomen Valley TU, Lehigh County Conservation District, Perkiomen Watershed Conservancy, and Montgomery County Conservation District and over 84 original co-petitioners. The Hosensack Creek is a tributary to the Perkiomen Creek and is located in Lehigh County and parts of Monroe County. While we note DEP in its draft report is recommending 12.2 stream miles of the existing Hosensack Creek (currently designated CWF) to be upgraded to HQ which is a positive deserving long overdue step, we would urge again as with the Aquashicola, for the DEP to further expand its view and use of the "softer qualifiers" that were identified and raised by the petitioner in its Hosensack petition to provide EV designation for the Hosensack Creek – notably the petitioners evidence submitted that the Hosensack has hydrologic connections to EV wetlands as well as sensitive and threatened species including bog turtle that are deserving of stronger protections. We would raise that Lower Milford township and the Lower Milford Residents Association has also gone to great lengths and invested a tremendous amount of township and community resources to protect its residents and the creek from threats including a proposed quarry (notably due to over a decade of local protection efforts at the township level and DEP mining deficiency letters, the mine applicant withdrew its mining application in July 2020). The local community is now exploring ways to attempt to ensure this sensitive and unique land and stream is protected into perpetuity. That type of local investment would be amplified and supported by DEP action if DEP fully designates the Hosensack as EV.

We also would reiterate as in past comments, that using the fish/trout biomass Class A qualifier be an automatic upgrade deserving and solely based on the FBC data and information submitted versus having to use additional DEP limited resources and research to assess this HQ qualifier. DEP's analysis for EV is an important step, but we worry that Class A streams can languish in the process with this added scrutiny and sister agency data should be enough to speed up these HQ listings.

In Summary

Only approximately 4% of Pennsylvania's streams receive the highest protection of Exceptional Value. Streams with full and healthy ecosystems deliver major environmental services to their neighbors and to communities downstream. They control and manage floodwaters, recharge

groundwater, clean drinking water and trap pollutants. When industry and development is allowed to degrade streams, these lost environmental services are then provided through artificial means, usually paid for by taxpayers.

As an over two decade partnership focused on the cleanest streams, we continue to urge focus on qualifiers other than those that are chemical or biological and a widening of softer qualifiers to fully embrace the spirit of anti-degradation. Our water quality standards clearly recognize the importance of these additional types of ways to qualify for EV status and we urge DEP to continue to prioritize inclusion of these qualifiers in their analyses in the most generous way possible – our future water quality and quantity depend on it.

We thank the DEP for its work and efforts to redesignate streams to Exceptional Value and urge the DEP to consider our comments and expeditiously move these stream upgrades along through the lengthy upgrade process. Thank you for your time and attention to our comments and your work to better protect our very cleanest streams in the Commonwealth.

Sincerely,



Faith Zerbe
CCW EV Team Co-Chair
Delaware Riverkeeper Network



Eric Harder
CCW EV Team Co-Chair
Youghiogheny Riverkeeper