



October 15, 2018

PA Department of Environmental Protection
Policy Office
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Addendum to DRN August 9, 2018 Comment Regarding Whetstone Tributary Redesignation

To whom it may concern:

On December 8, 2017, the Delaware Riverkeeper Network (DRN) submitted a letter supporting the redesignation of the UNT to Whetstone Run in Delaware County from Warm Water Fishery (WWF)/Migratory Fishery (MF) to High Quality (HQ)/Migratory Fishery (MF). This was in response to a petition submitted by the Darby Creek Valley Association (DCVA) on August 5, 2016 that provided compelling evidence that a redesignation to HQ-WWF status was justified. DRN has reviewed the Pennsylvania Department of Environmental Protection's (PADEP) *Draft Water Quality Standards Review Stream Evaluation Report (2018) for UNT to Whetstone Run* and respectfully disagrees with the Department's recommendation that the UNT Whetstone Run maintain its current designated use in Chapter 93 as Warm Water Fishery, Migratory Fishery (WWF, MF). On August 9, 2018, during the original public comment period, DRN requested additional time. We requested that the Department consider working with the community and petitioners to at a minimum, re-sample the tributary to Whetstone in the spring of 2019 macroinvertebrate season and reconsider Hotland Run as an appropriate reference stream. This type of partnership with the community has been demonstrated in the past on other petitions and we believe there is no reason to not grant the same request to the petitioners and the community at this time.

DRN believes additional DEP analysis, review of the petitioners multi years of data submitted, and more thorough investigation over the next year or more is warranted, especially in light of the submissions in the past few months provided by the Archdiocese of Philadelphia and their potential consultants/developers. It is clear from these pro-development submissions that the Archdiocese and their potential buyers are falsely associating the re-designation petition with their own short sighted goals to develop this diverse tributary, mature forest riparian buffer, and surrounding forest of the Whetstone Run. DRN brings this up only because it is clear from the redesignation dockets there is increasing pro-development interests weighing in at this time for the Whetstone and other streams in the Upper Delaware river basin.

DRN believes it is critical and required under the Environmental Rights amendment Article 1 Section 27 of the Pennsylvania Constitution, that DEP recognize the long term stakeholders, watershed groups, and the petitioner that have demonstrated and worked for decades in the watershed with volunteer stream monitoring programs and community outreach and technical programs to educate on watershed issues rather than expediting a redesignation decision because of potential developers' timelines and the Archdiocese who have only exploitive reasoning to participate in the re-designation process as they have been the past few months. These long lived community watershed groups are working to protect the air and water for generations to come which are protected rights in Pennsylvania's Constitution. In this case of the Whetstone tributary, the potential developers and the Archdiocese site on record lost revenue from being able to maximize their profits (presumably by building on steep slopes, within riparian mature forested buffers, near forested wetlands) that

clearly show they have no regard for the Darby Creek community and downstream flooded victims and townships that now benefit by the existing rare and forested 200 plus acre parcel that remains at the Don Guanella woods and that the community has recreated and enjoyed for decades. It must be noted that these rare and mature hardwood forests and headwater streams are essential natural capital and amenities especially to a built up watershed region of the Darby Creek. See reports (Kauffman, and ECONorthwest) indicating some of this research for the Delaware River Watershed. As such DRN believes the Whetstone tributary should be deserving of even stronger protection than HQ-WWF warrants - because of its unique and exceptional importance to the region and larger watershed.

At this time, DRN urges DEP to provide additional time to the petitioners if HQ-WWF is not granted as requested. We also request that more may be needed on DEP's end to establish appropriate reference streams for HQ-WWF systems so that these streams do not continue to be ignored because of missing appropriate metrics – this point was raised with the Tohickon Watershed for example in Bucks County. This additional time to gather all the information has been done on other languishing petitions over the years and we believe the Whetstone tributary deserves that attention now. DRN believes that DEP need also consider stronger EV protection especially in light to upcoming MS4 requirements, flooding issues facing the state and municipalities in the Darby Watershed, coordinated water quality protective measures pursued in this region and the Darby Creek, and the impacts of exacerbated weather due to climate change. These are exceptional times, they deserve exceptional protection. DRN believes that the tributary does qualify for HQ, especially if the appropriate nearby EV Hotland Run is used for analysis as outlined in our earlier comment. We further would advocate that stronger protections may be in order and at DEP's discretion in this case to holistically help protect the Darby Creek Watershed and this unique forested headwater tributary that still remains within it. Qualifiers we believe need further examination for the Whetstone which is part of the Darby Creek which flows into the John Heinz National Wildlife refuge in the coming months include: a) The water is an outstanding National, State, regional or local resource water and b) the water is a surface water of exceptional ecological significance.

It is important that DEP is aware of Marple Township and Delaware County Planning Commission scrutiny and public concern to this proposed expansion of new development (http://www.marpletwp.com/Preliminary_Plan_Review_-_Residence_at_Marple_Preserve_8-8-2018_.pdf) and consider collaboration with these local and regional stakeholders to ensure protection of the remaining habitat through acquisition programs to protect the riparian buffer and existing woods and forested wetlands – there are already avenues being investigated by the community that could use partly public dollars for potential acquisition. There are many coordinated efforts in play with goals of watershed protection in the Darby Creek.

The numbers cited in way of expense the developers would endure if special protection was granted as submitted to the docket for the DEP draft report to the Whetstone tributary does not have any calculations. The Marple township supervisors questioned similar numbers provided to them pertaining to this development scenario at an open meeting held on Sept 26, 2018 when the developer proposed the township purchase the woods for an extremely large price tag. DEP should be aware that efforts by the community have been in the works the last few months to investigate open space options but with such a high price tag by the Sproul development and presumably the Archdiocese in their purchase price, saving the woods is essentially a very heavy lift at the township level alone in short order and with such pressure tactics being exhibited by pro-development interests and the Archdiocese. DRN believes this is one major reason why development interests and the Archdiocese are so interested in the redesignation process at this time.

Please review DRN's August 9, 2018 comments (attached) for more rationale of why more time is warranted in this redesignation consideration if HQ-WWF is not provided at this time. Thank you for your time.

Sincerely,



Maya K. van Rossum
the Delaware Riverkeeper