September 11, 2023

Department of Environmental Protection
Policy Office
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
Submitted via: ecomment@pa.gov and the Ecomment portal

Re: Comments on Hosensack Creek Tributary Draft DEP Redesignation Report

To whom it may concern:

This comment is submitted by Delaware Riverkeeper Network (DRN) on behalf of more than 26,000 members throughout the Delaware River Watershed including residents of Lehigh County and Montgomery County through which the Hosensack flows. Delaware Riverkeeper Network was the petitioner with Lower Milford Township and the Perkiomen Valley Chapter of the Trout Unlimited for the Hosensack Creek submitted in 2015. In addition to these enclosed comments, DRN and petitioners will be submitting a supplement to the Department in the coming weeks to help support and inform the Pennsylvania Dept. of Environmental Protection's (DEP) draft report for the Hosensack. For now, we hope these comments, concerns, and additional data are helpful and we appreciate the Department's continued work on the Hosensack draft report and consideration of our comments.

History of Local and Regional Entities Seeking Stream Upgrades to EV

The Hosensack petition of 2015 was borne out of a much larger unsuccessful Upper Perkiomen regional upgrade petition submitted to the Department by Delaware Riverkeeper Network, Perkiomen Valley Trout Unlimited, Lehigh County Conservation District, Perkiomen Watershed Conservancy, and Montgomery County Conservation District and over 84 original co-petitioners including but not limited to 38 landowners and seven farms in December 2006. That initial regional petition was subsequently supplemented with additional data, new co-petitioners, elected official support, and supporting documents over the years. On Sept 18, 2013, PADEP provided notice that its draft antidegradation assessment report for the Upper Perkiomen Creek watershed was posted for a 30-day public comment. In this draft report, PADEP recommended all streams covered by the petition remain at their current designated uses – granting none of the proposed upgrade areas being sought by the coalition of co-petitioners. At the request of DRN and the

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215)369-1181
drn@delawareriverkeeper.org
www.delawareriverkeeper.org

co-petitioners, the comment period was extended for an additional 30 days. The co-petitioners subsequently submitted additional data and information requesting PADEP reconsider.

On February 11, 2014, DRN and co-petitioners were notified that PADEP had finalized its report to the Environmental Quality Board (EQB). Consideration of the Upper Perkiomen Creek watershed was initially scheduled for the EQB's February 18th meeting, but the agenda item was postponed until the EQB's March 18th, 2014 meeting at the request of DRN and co-petitioners. At its March meeting, during back and forth discussion the EQB accepted PADEP's recommendation of no change in current designated uses, but also waived the requirement for a two year wait period before any or all streams covered under the Upper Perkiomen Creek watershed petition could be reconsidered for a change in designated use. DRN submitted this Hosensack redesignation petition under the waiver granted by the EQB at its March 18, 2014 meeting and in an effort to strive for stronger protections in this very unique and sensitive subwatershed.

General Hosensack Creek Features

The Hosensack Creek including tributaries known locally as Indian Creek and Walters Creek and all unnamed tributaries flow mainly through Lower Milford township and parts of Upper Milford Township, Lehigh County with a small portion flowing into Upper Hanover Township, Montgomery County where it joins the Perkiomen Creek near Palm, PA. The Hosensack is a freestone tributary and drains approximately 18 sq. miles with 31.3 stream miles. Despite its proximity to larger population centers, it still remains, according to the DEP draft report, 53.5% forested and 30.2% agriculture (see Model My Watershed maps for more detail to supplement DEP data). Much of the agricultural land within the watershed is owned by Lower Milford residents and farmers that have a very high conservation ethic and of which many were supporters and co-petitioners to this request and who have preserved their land (additional supplement on updates is being worked on to provide to DEP). The Hosensack Creek flows through a rich area of forested and preserved country farms with rolling hills and historical features throughout that make it a unique natural region for Lehigh and Montgomery County residents and visitors alike.

In response to the August 12th, 2023 Pennsylvania Bulletin notice, the Delaware Riverkeeper Network (DRN) is writing as commenter and the petitioner to urge a redesignation of Hosensack Creek Tributary from CWF, MF to EV, MF instead of HQ, MF. Hosensack Creek was evaluated by PADEP and the draft report is proposed to be partly redesignated as HQ, MF. However, DRN believes the Hosensack Creek has an existing use of EV, MF based on exceptional ecological significance because of its hydrologic connections to EV wetlands that provide habitat for threatened and endangered species and reproducing trout. DRN believes that the designated use should be upgraded to EV, MF rather than HQ, MF in order to match and protect the existing use that is currently being attained. This comment lays out support for EV designation to be incorporated into revisions of the draft DEP report and petitioners are working to provide additional supplement data in the coming weeks for DEP's consideration as it revises the current draft plan.

Per Pennsylvania law, a surface water of exceptional ecological significance should be designated as an EV stream. 25 Pa. Code § 92.4b(b)(2). A surface water of exceptional ecological significance is a "surface water which is important, unique, or sensitive ecologically, but whose water quality as measured by traditional parameters ... may not be particularly high, or whose character cannot be adequately described by these parameters." 25 Pa. Code § 93.1. This definition also includes "[w]etlands which are exceptional value wetlands under § 105.17(1)." Wetlands are exceptional value wetlands when the wetlands "serve as habitat for fauna or flora listed as 'threatened' or 'endangered[,]'" or "[w]etlands that are hydrologically connected to or located within 1/2-mile" of wetlands that serve as habitat for threatened or endangered species and

maintain that habitat, or "[w]etlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value ... and the floodplain of streams tributary thereto." 25 Pa. Code § 105.17(1)(i)-(iii). Based on these regulations, there are multiple reasons why the Hosensack should be redesignated to EV rather than HQ.

The DEP draft report concludes that the Hosensack is not a surface water of exceptional ecological significance because there were "no surface waters with statewide or local ecological significance or areas that tie the petitioned surface waters to rare or endemic ecological communities." However, the presence of rare or endemic ecological communities is not the only pathway to qualify as an EV stream. The DEP's own guidance, Water Quality Antidegradation Implementation Guidance, explains that "aquatic systems may be considered 'important' if they occupy a position or perform a function critical to an ecosystem, 'unique' if they represent the only example or one of a very few examples of a particular type of aquatic system in the state, and 'sensitive' because they may be intolerant of chemical, physical, or hydraulic changes imposed by man." Therefore, the Hosensack does not need to provide habitat for rare or endemic species to qualify as an EV stream. (Please note that DRN also believes the Hosensack does provide habitat for rare or endemic species but we work through this example above to show the multiple paths for how stronger EV protections are deserved.) The DEP can use its discretion and best professional judgement and a wider lens to better align in the spirit of the goals anti-degradation is seeking and that we believe is required in the regulations.

Generally, the regulations allow an EV designation for wetlands that are hydrologically connected to other wetlands that provide habitat endangered or threatened species and other streams or wetlands that are already designated EV. Similarly, the Hosensack's hydrologic connection to EV wetlands should qualify the Hosensack as EV, as would be true for the wetlands if the Hosensack was qualified as EV first. Further, those wetlands also provide habitat for the bog turtle and redbelly turtle. The bog turtle is listed as endangered in Pennsylvania and threatened at the federal level. The redbelly turtle is listed as threatened in Pennsylvania. Both turtles rely on wetlands and streams to thrive. Bog turtle habitat is becoming more and more diminished with warehouses and other threats changing the landscapes. Bog turtle habitat is known to occur only within fifteen (15) Pennsylvania counties including: Adams, Berks, Bucks, Carbon (Aquashicola Creek Watershed only), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only), and York. Bog turtles only occur in unique wet meadows and bogs where tussock sedge and grasses dominate wetland soils. They require open meadow-type wetland habitats, with deep mucky soils that are *fed by underground springs*. The hydrology required for bog turtle is in itself exceptionally unique. According to NRCS[1], bog turtles evolved by inhabiting abandoned deforested beaver meadows. Beavers built dams to impound water in forested areas which flooded and killed the trees. When the beavers moved on, grassy wet meadows were left behind and these wet meadows became bog turtle habitat. Over time, as the beaver meadows were displaced by agriculture, the bog turtle was able to continue to inhabit grazed wetland areas.

Although alone threatened and endangered species may not be enough on its own to qualify the Hosensack as EV, considering its hydrologic connection to EV wetlands, both together show that the Hosensack is important and sensitive and deserving of EV. DRN also points out that DEP notes that T&E species are protected by permitting regulations but for real world threats, such as the now withdrawn quarry application that would have essentially eliminated headwater areas of the Hosensack even though bog turtle and

[1] USDA Bog Turtle Fact Sheet.www.pa.nrcs.usda.gov. Accessed Sept 11, 2023.

redbelly were present, it is clear how EV would certainly provide better protections than what would be allowed under a mine permit where these sensitive species are still just barely holding on.

Furthermore, the presence of trout in the stream further illustrates the Hosensack's importance and sensitivity. In a communication to PADEP on 4 June 2014, the Pennsylvania Fish and Boat Commission (PFBC) notes that the Hosensack is on the Wild Trout List due to the presence of naturally reproducing brown trout. As such, all wetlands in an along the floodplains of the Hosensack Creek and its tributaries would be classified as EV, which underscores the need for EV designation for the Hosensack Creek basin. As indicated in the original petition but not included or mentioned in the draft report, co-petitioners commissioned Princeton Hydro, LLC (PH) to survey fish populations in the Hosensack in May 2014 and revealed that four of the five stations surveyed cleared the first biological criteria hurdle to be identified as wild trout stream:

(i) Young of the year trout less than 150 mm occur at some time in the stream section.

(ii) Two or more ages of wild trout occur at some time within the stream section.[2]

PH reported that:

[t]he results of the fishery survey are powerful and several simple facts ably demonstrate this:

- Wild Brown Trout were identified in all five of the surveyed reaches located within the Hosensack watershed
- Brown Trout recruitment is high and parr less than 55 mm were identified in four of the five Hosensack reaches
- Brook Trout are present in the system
- Water and habitat quality is sufficiently high to support a robust coldwater fishery dominated by trout biomass[3]

PH's results confirm the anecdotal reports from the Perkiomen Valley Chapter of Trout Unlimited which has long asserted that the Hosensack "has a wild brown trout population from the headwaters to the mouth at Route 29."[4]

Subsequently, PFBC undertook its own survey of the Hosensack and DEP does include that information in the draft report.

DEP has recognized that hydrologic connections can support a redesignation to EV. The Sobers Run evaluation report explains that where there were "wetlands hydrologically connected to riverine surface waters ... are water quality dependent. The presence of endemic plant communities dependent on water quality or hydrology and their rarity in Pennsylvania satisfies the exceptional ecological significance criterion."[5] Like Sobers Run, the stream redesignation for Buck Hill Creek explained that "[b]ecause of the uniqueness of the resource, and the absence of an appropriate reference for Glaciated Pocono Plateau stream emanating from wetlands, the Board found the segment ... to be worthy of EV protection."[6] Therefore,

---

[2] 57 Pa. Code § 57.11(b)(3).

[3] Princeton Hydro, LLC. 2014. Lower Milford Township Fishery Survey.

[4] Perkiomen Valley Chapter of Trout Unlimited, n.d. The Upper Perkiomen Creek Watershed retrieved from http://www.pvtu.net/Watershed.html.

[5] DEP'T. OF ENV'T PROT., SOBERS RUN NORTH HAMPTON COUNTY WATER QUALITY STANDARDS REVIEW STREAM REDESIGNATION EVALUATION REPORT 7 (2016).

[6] 30 Pa. Bull. 3037 (Apr. 18, 2000).

DEP's past practice is to designate a stream as EV because of its hydrologic connection to other surface waters.

Local & Regional Community Support & Water Quality Protective Measures

With DEP's 30 day comment announcement, petitioners have been in touch with regional planning commission, sister agencies and the local townships to provide an update to DEP on other points DEP can consider related to softer qualifiers. In the draft report, DEP does not address the petitioner's original claim directly related to paired conservation measures. We are resubmitting those details from the original petition here for DEP consideration and response in the report and we also highlight some of the updates we have been receiving from other entities to bolster the EV petition request with the 30 day announcement.

Original Petition Qualifiers for ORW - In Upper Milford Township (Lehigh County), the landscape of the Hosensack Creek watershed, including its Indian Creek tributary, is zoned R-A – Rural Agricultural.[7] Upper Milford Township has passed ordinances that serve as legally binding sound land use water quality protective measures including a stormwater management district to implement the provisions of the Perkiomen Creek Headwaters Watershed Stormwater Management Plan.[8] In addition, Upper Milford has acquired land along the Hosensack, 4191 Dillingersville Road, Zionsville, PA 18092.[9]

In Lower Milford Township (Lehigh County), zoning in the Hosensack Creek watershed is largely split between RC – Resource Conservation and AC – Agricultural Conservation with a small area zoned RR – Rural Residential.[10] Lower Milford Township has passed ordinances that serve as legally binding sound land use water quality protective measures including a stormwater management district to implement the provisions of the Perkiomen Creek Headwaters Watershed Stormwater Management Plan.[11] In addition, Lower Milford Township owns 18 acres of preserved land a portion of which is drained by the Hosensack Creek watershed (Koplin, personal communication).

In Upper Hanover Township (Montgomery County), the landscape of the Hosensack Creek watershed has been zoned R1 – Agricultural/Low Density Residential.[12] Upper Hanover Township has passed ordinances that serve as legally binding sound land use water quality protective measures including a riparian corridor conservation district overlay and a stormwater management district to implement the provisions of the Perkiomen Creek Headwaters Watershed Stormwater Management Plan.[13]

In addition, Upper Hanover Township has preserved the Mill Hill Preservation Area:

---

[7] Upper Milford Township. 2010. Official Zoning Map. Retrieved from http://www.uppermilford.net/wp-content/uploads/2014/02/ZONING-Adopted-Map.pdf.

[8] Upper Milford Township. 2010 Ordinance No. 129: An Ordinance of the Board of Supervisors of Upper Milford, Lehigh County, Pennsylvania, Adopting and Approving the Perkiomen Creek Headwaters Act 167 Stormwater Management Ordinance. Retrieved from http://www.uppermilford.net/wp-content/uploads/2014/02/Stormwater2.pdf.

[9] Upper Milford Township. Upper Milford Township Park, Recreation, Open Space, and Environmental Plan. Retrieved from http://www.uppermilford.net/wp-content/uploads/2014/02/FINAL_REPORT_20040205_COMBINED.pdf.

[10] Lower Milford Township. 2009. Official Zoning Map. Retrieved from http://www.lowermilford.net/wp-content/uploads/2013/04/zoning_map.pdf.

[11] Lower Milford Township. 2010 Perkiomen Creek Headwaters Act 167 Stormwater Management Ordinance No. 119. Retrieved from http://www.lowermilford.net/wp-content/uploads/2013/04/Ord_119.pdf.

[12] Upper Hanover Township. 2011. Official Zoning Map. Retrieved from http://www.upperhanovertownship.org/zoningmap.pdf.

[13] eCode360. 2014. Township of Upper Hanover, Montgomery County. Retrieved from http://ecode360.com/UP2804.

> The 237 acre Mill Hill Preservation Area contains the highest point in Montgomery County and is located along the pristine Hosensack Creek corridor near Mill Hill Road and Zeigler Road. The area consists of heavily wooded, rugged terrain with significant elevation changes. Hunting is allowed during normal state-regulated hunting seasons. Parking lots are located along Mill Hill Road and Zeigler Road.[14] (*At a minimum this area of Mill Hill is absolutely deserving of EV and DEP should reconsider*).

Lehigh County has also made a significant effort to preserve farmland through the purchase of agricultural conservation easements which has resulted in the protection of land from development. Over 21,000 acres have been preserved in the County.[15] The County's program has benefitted Hosensack Creek watershed with over 350 acres preserved in Upper Milford[16] and approximately 3,000 acres preserved in Lower Milford.[17] In addition, Lehigh County holds 61 acres—the Lehigh County Conservation Demonstration Park—in the headwaters of the Hosensack Creek watershed. Petitioners are working to obtain preserved landuse maps for the Hosensack and provide a preliminary analysis from Model My Watershed below and its important to also raise that over 600 acres of the Hosensack is no longer vulnerable to a proposed mine application that was withdrawn by the applicant in July 2020 (see map in Figures and DEP Permitting letter dated July 31, 2020).

The Delaware River Basin Commission has also passed stringent regulations for ground water withdrawals in the Southeastern Pennsylvania Ground Water Protected Area which includes Lower Milford (Lehigh) and Upper Hanover (Montgomery County).[18]

It should also be noted that restoration efforts are being undertaken to improve water quality and habitat. Recent restoration work along the Hosensack Creek included installing fish habitat structures, removing dams, and seeding stream banks.[19] Volunteers supplied over $11,000 in labor for the project.[20]

New Information To Support EV Designation

FutureLV Regional Plan by the Lehigh Valley Planning Commission: The Regional Plan establishes a single comprehensive plan for the community. This plan is innovative because it merges the land use, community, economic, natural resources, agricultural, historic preservation, housing, utilities and community facilities planning of the Lehigh Valley Planning Commission with the transportation planning and investment of the Lehigh Valley Transportation Study. The combined effort creates a balanced and

---

[14] Upper Hanover Township. 2012. Parks and Recreation: Mill Hill. Retrieved from http://www.upperhanovertownship.org/millhill.htm.

[15] LEHIGH COUNTY CONSERVATION District. 2014. "Farmland Preservation News" in Fall 2014 Newsletter. Retrieved from http://www.uppermilford.net/wp-content/uploads/2014/11/FALL-2014-NEWSLETTER-LC-Conservation.pdf.

[16] Upper Milford Township. Upper Milford Township Park, Recreation, Open Space, and Environmental Plan. Retrieved from http://www.uppermilford.net/wp-content/uploads/2014/02/FINAL_REPORT_20040205_COMBINED.pdf.

[17] Lower Milford. n.d. Agriculture Security. Retrieved from http://www.lowermilford.net/agriculture-security/

[18] Delaware River Basin Commission. 2011. Southeastern Pennsylvania Ground Water Protected Area (GWPA). Retrieved from http://www.state.nj.us/drbc/programs/project/southeast/

[19] 69 News. 1 July 2014. New project will enhance water quality at Hosensack Creek. Retrieved from http://www.wfmz.com/news/news-regional-lehighvalley/Local/new-project-will-enhance-water-quality-at-hosensack-creek/26744606.

[20] Petty, P. "Volunteers help complete $30K stream restoration project in Lower Milford Township" in the Express-Times. Retrieved from http://www.lehighvalleylive.com/lehigh-county/index.ssf/2014/09/volutneers_help_complete_30k_s.html

forward-thinking series of strategies that will lead the Lehigh Valley into the future, while addressing the needs of today.

The Future LV report outlines over 5,982 total acres of Lower Milford Township consists of Natural Resource Conservation Priority Areas with 3,882 total acres of woodlands still present in the township and 825 acres of riparian buffers; 798 acres of floodplains; 168 acres of wetlands and 1,428 acres of hydric soils; and 83 acres of hydrography – with Hosensack Creek being the major stream that flows thru this township. The Plan notes that preserving forests is a fundamental goal of the plan. Natural Resources Inventory Mapping tools are available here for more exploration: https://lvpc.maps.arcgis.com/apps/dashboards/1df91595b46147619a2b6919e58046c3.

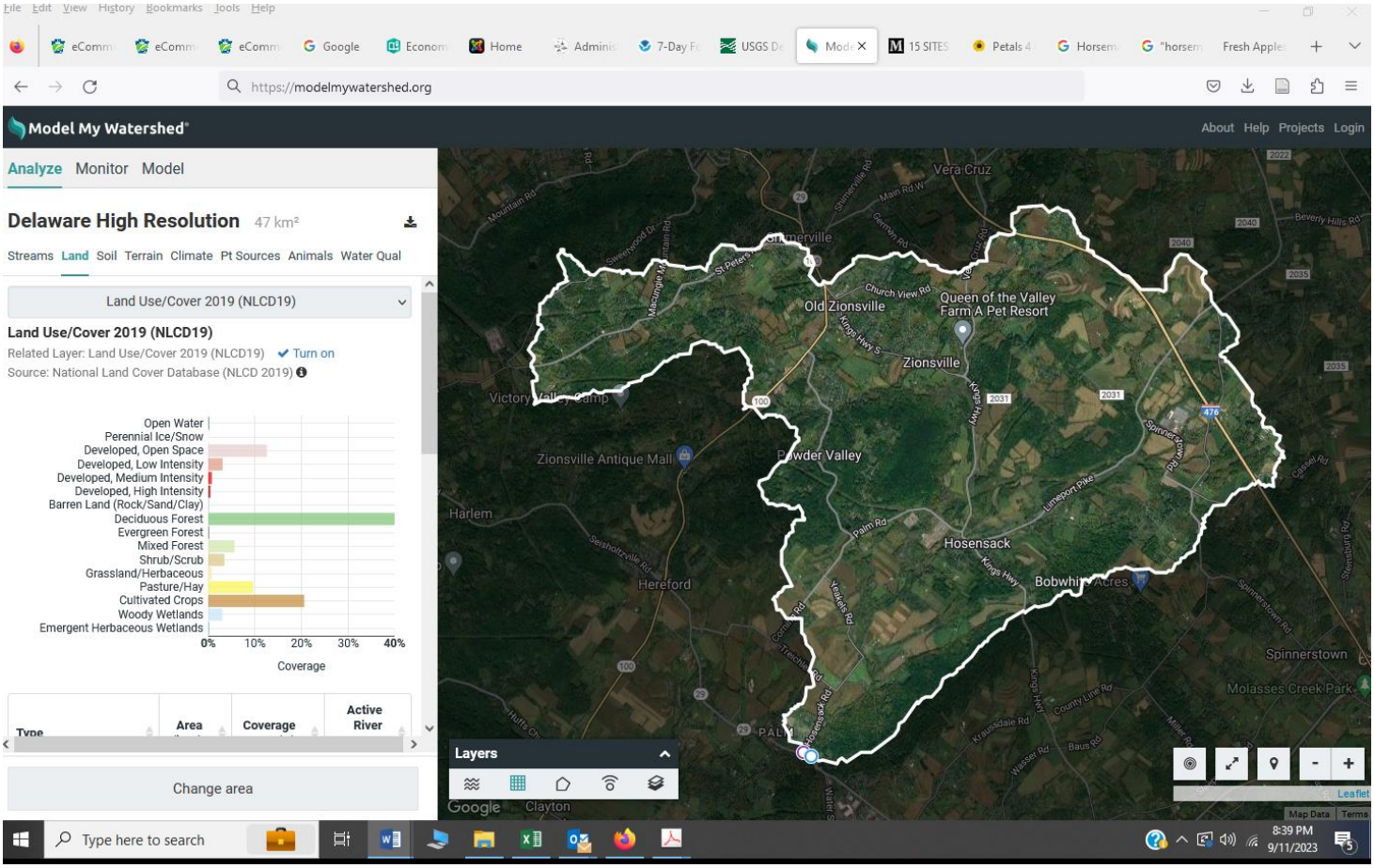
Implementation and action of the Future LV plan is a critical step for the LVPC and LVTS implementation programs and includes the following updates of which many include local and regional watershed protection measures (italics added where we see a nexus with water protection actions):

- *Integrated Water Resources Management Plan*
- *Comprehensive Lehigh Valley Act 167 Stormwater Plan*
- *Lehigh Valleywide Municipal Separate Storm Sewer (MS4) Action Plan*
- Infrastructure Capital Improvements Assessment
- *Water Supply and Sewage Facilities Plan*
- *Flood Insurance/Community Rating System Community Support*
- Lehigh Valley Arts and Culture Plan Update
- *Scenic/Viewshed Inventory and Plan*
- *Trail-Oriented Design Guide*
- Regional Housing Plan Update
- *Rural Design Guide*
- *Recreational Economy Plan*
- Regional Density Increase Analysis
- *Regional Climate Action Plan*
- Micromobility Assessment
- *Routes 22, 33 and I-78 Interscape/Naturalization Plan*
- MacArthur Road Multimodal Corridor Redesign
- Area Plans for Mixed-Use Centers and Mixed-Transportation Corridors
- Electric Vehicle Plan
- Regional Complete Streets Guide
- Autonomous Vehicle Planning
- Regional Bicycle and Pedestrian Wayfinding Plan
- Small Cell Technology Design Guide
- Expanded Equity and Opportunity Analysis
- Expanded Lehigh Valley Government Academy
- *Greyfields and Retail Conversion Redevelopment Guide*
- Regional Adaptive Transportation Signal and Corridor Plan
- Drop-off and Loading Zone Guide
- Freight Facilities and Impacts Guide
- *Smart Regions Planning and Integration*

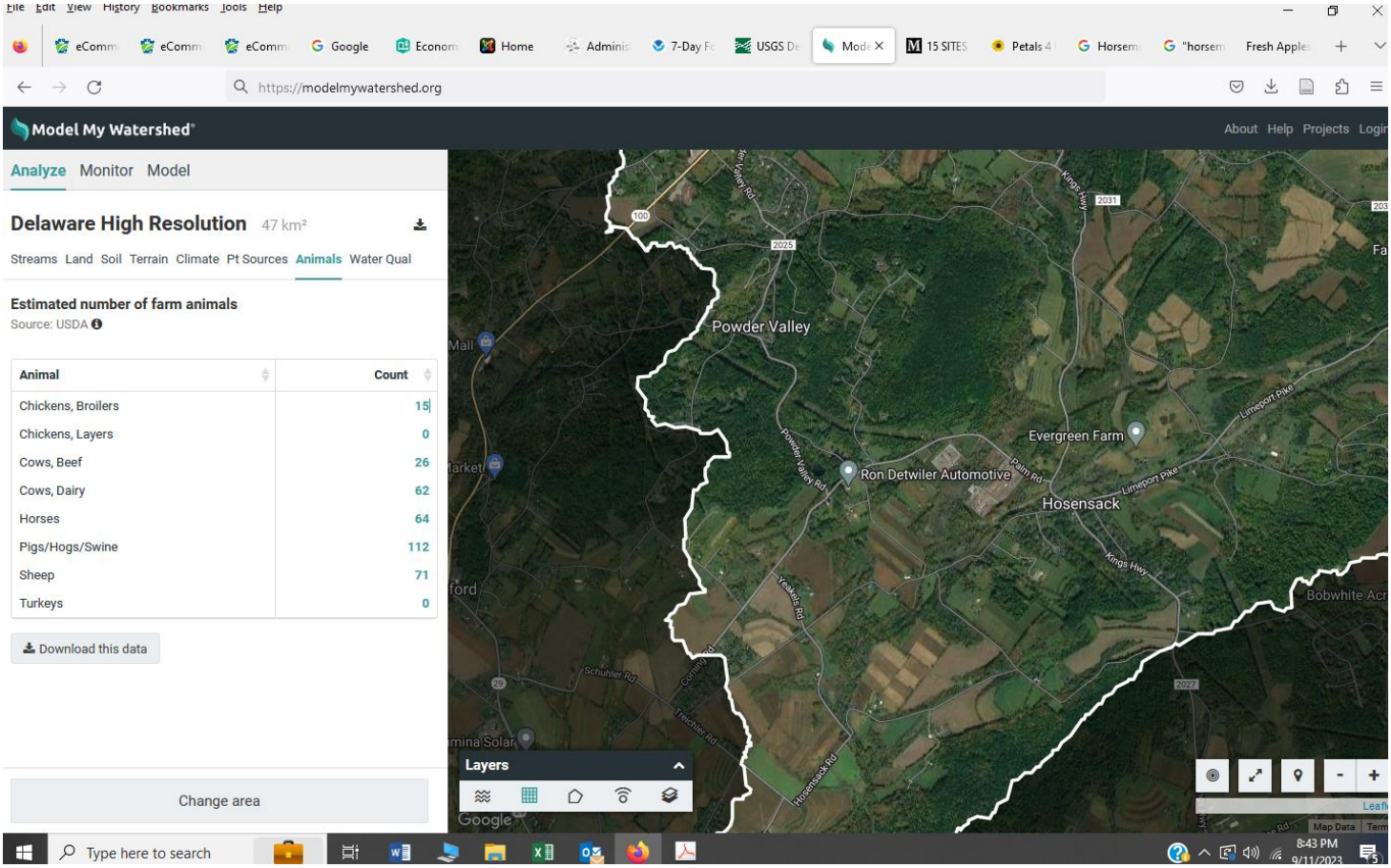
DRN began mining information on landuses using Stroud's Model My Watershed and will provide additional analyses in the supplement. Our point with the data below generated using Delaware High Resolution mapping is it helps illustrate our point made on the draft report that not all agriculture is

intensive or the same. Also note the color graph showing open space and grassland versus pasture/hay versus cultivated crops. The Hosensack watershed is a unique area deserving of EV designation.

Type	NLCD Code	Area (km²)	Coverage (%)	Active River Area (km²)
Open Water	11	0.02	0.05	0.02
Perennial Ice/Snow	12	0	0	0
Developed, Open Space	21	5.88	12.58	1.38
Developed, Low Intensity	22	1.44	3.07	0.29
Developed, Medium Intensity	23	0.36	0.76	0.08
Developed, High Intensity	24	0.22	0.46	0.07
Barren Land (Rock/Sand/Clay)	31	0	0	0
Deciduous Forest	41	18.66	39.9	4.18
Evergreen Forest	42	0.04	0.08	0
Mixed Forest	43	2.63	5.62	0.77
Shrub/Scrub	52	1.61	3.45	0.29
Grassland/Herbaceous	71	0.36	0.78	0.1
Pasture/Hay	81	4.5	9.62	0.97
Cultivated Crops	82	9.61	20.56	1.58
Woody Wetlands	90	1.4	3	1.31
Emergent Herbaceous Wetlands	95	0.03	0.07	0.03
Total		46.75	100	11.08



Note the break out of different types of Ag land as well as intact forest, mixed forest and forested wetlands as well as open water and small percentage of emergent herbaceous wetlands/i.e. bog turtle habitat.



Animal break out indicates low numbers of animal farms and no presence of CAFOs or other intensive operations. Model My Watershed accessed Sept 11, 2023.

Macroinvertebrate Data

The DEP draft report does not address, include or cite external benthic data that was submitted in the 2015 petition conducted by Normandeau Associates and the draft report also does not provide information or details on DEP's own benthic data collected in 1992 for two stations (following a spill). We support DEP for using its own data for analysis but including some of this detail and past data would help frame possible trends and strengthen the report. Will the DEP consider including this information for consideration as they finalize the report? A point that is concerning reviewing DEP's draft report benthic data and Normandeau's data from 2006 is that all of Normandeau's sites (studied for the Geryville mine application) appeared to score higher than DEP's more recent data that is part of the draft redesignation report. Furthermore, Normandeau notes that samples were more diverse in 1992 DEP samples than its 2006 NA data. The petitioner worries that with lagging upgrades being realized, degradation may be happening slowly while the stream waits in line. The good news is that at least for now, with the withdrawal of the Geryville mine application in July 2020, there is at least a reprieve from what would have been a very large threat and impact to this sensitive stream – unless the mine applicant decides to resubmit from scratch in the future - which would be another important reason from both angles, and now for DEP to provide the stream the EV designation it deserves as there is no open application being considered.

The practice of DEP only using reference streams that score only in the top 25% of reference sites for the entire state, as indicated in past comment over the years by DRN and others, is we believe, unnecessarily excluding streams that otherwise are deserving of EV designation. We would recommend again that DEP considers using the top 75% of EV streams for reference (perhaps not using the bottom 25% of lower

quality EV scores but that too could be argued is too restrictive) as to perhaps avoid "dilution" as DEP has noted; but by using only the top 25%, DEP's metrics raise the bar artificially high for any new proposed streams and we do not believe this in the spirit of antidegradation and the goals laid out.

The DEP draft report cites agriculture at 30.2% and the Figures included show some of the overall ag layers at a glance. Its important DEP consider that many of these ag areas do not consist of intensive ag and include such areas as the Lehigh County Demonstration Project that highlights conservation farming practices and a 57 acre seed farm parcel that also includes forests and wetlands and a large pond that is a favorite fishing spot for visitors and associated with the Hosensack Creek. Hillside Orchard in Zionsville has apples and other orchard crops and Hausman's Fruit Farm and bakery in Coopersburg is a family owned farm established in 1916 with pick your own blueberries, strawberries, peaches, and apples and seasonal festivals to bring people closer to their food sources (https://hausmanfruitfarm.com). Evergreen Farm in Zionsville is a Christmas tree farm open the Friday after Thanksgiving for local Christmas trees. Ogg Performance Horses in Zionsville is a small horse farm specializing in riding lessons, horse training and boarding. Queen of the Valley Farm and Pet Resort established in 1995 in Zionsville offers doggy daycare, overnights, and spa and bathing packages on its 32 acres of grass, fields, and woods including walking trails, a creek, and a pond (https://queenofthevalleyfarm.com/services). Petals 4 Hope in Coopersburg is a family owned nonprofit organization and farm that focuses on mental well-being and mind health and has a 9-acre sunflower maze as part of its offerings. The Dan Schantz Wholesale farm sells cut flowers, and potted vegetables and herbs at its Zionsville farm off Spinnerstown Road with a retail location in Allentown PA for its products and offering plant fundraisers for children's school fundraisers Pappy's Orchard and Lisa's Kitchen in Coopersburg is a 3rd generation family owned farm with an orchard of apples, peaches, and plums and an onsite bakery and cider production (http://pappysorchard.com). Horseman's Hollow Equestrian Center in Zionsville offers boarding and riding lessons on a beautiful farm with typical grasslands and pastures. We are in communication with the Lehigh Conservation District to provide additional details to DEP for consideration as it finalizes the Hosensack report. . We cite these examples of agriculture and landuse within the Hosensack to illustrate that not all farming is the same nor is the majority of the farmland in the Hosensack traditional commodity crops of intensive GMO corn and soy and other highly intensive crops or CAFOs.

Line by Line Comments

Cover page – The Hosensack flows through Lehigh and Montgomery Counties – Berks should be removed.

DRN conducted a Stream Stat review on 9/11/23 using the USGS Delaware River Dashboard portal and confirmed there is no data included in Stream Stats for the Hosensack watershed.

The steep slopes and forested nature of parts of the Hosensack Creek should be considered sensitive habitats worth protecting – EV designation would provide much stronger protections and also not allow SEJ for future potential threats.

Page 7 – DRN believes, as do many of our conservation partners, that PAFBC Class A wild trout classification to HQ could be an automatic qualifier not requiring additional review or analysis by the strapped and overworked DEP staff in standards. We appreciate DEP's thoroughness but also believe that by requiring this second agency step for HQ for Class A listings, protections are delayed and staff could be focusing more on EV upgrades and at risk watersheds. DRN does appreciate that DEP is recommending a partial HQ designation for Class A waters but we do not believe the protections go far enough.

Appendix Table A1 – DRN appreciates DEP evaluating a snapshot of water chemistry data for the report which appears to only include March 29, 2018 readings – discrete sampling as DEP puts it. Can DEP

elaborate in the report where higher strontium readings may be originating from for the Hosensack Creek? Orthophosphorus readings for the Hosensack are at healthy low ranges and nitrate nitrogen while elevated compared to the reference on Sixpenney creek, ranges are still at healthy levels – especially for Station 31C which had a reading of 1,38 mg/l. Dissolved oxygen levels were also in very healthy ranges for all three stations and actually exceeded oxygen levels slightly as compared to the reference stream. Aluminum levels were also lower than levels tested in the reference stream. There are likely other points to provide in the narrative on Pages 5 & 6 for water chemistry to consider and point out the positive discreet readings for the Hosensack. We also note that we do not see temperature readings included but assume field parameters were taken on temperature and adding those readings in the report would be helpful especially in light of the trout biomass if available. Overall though we have seen DEP require very strict and expensive WQ sampling and what is included in this report is not present so even with some elevated readings in this snapshot it should not be considered a strike against the Hosensack creek.

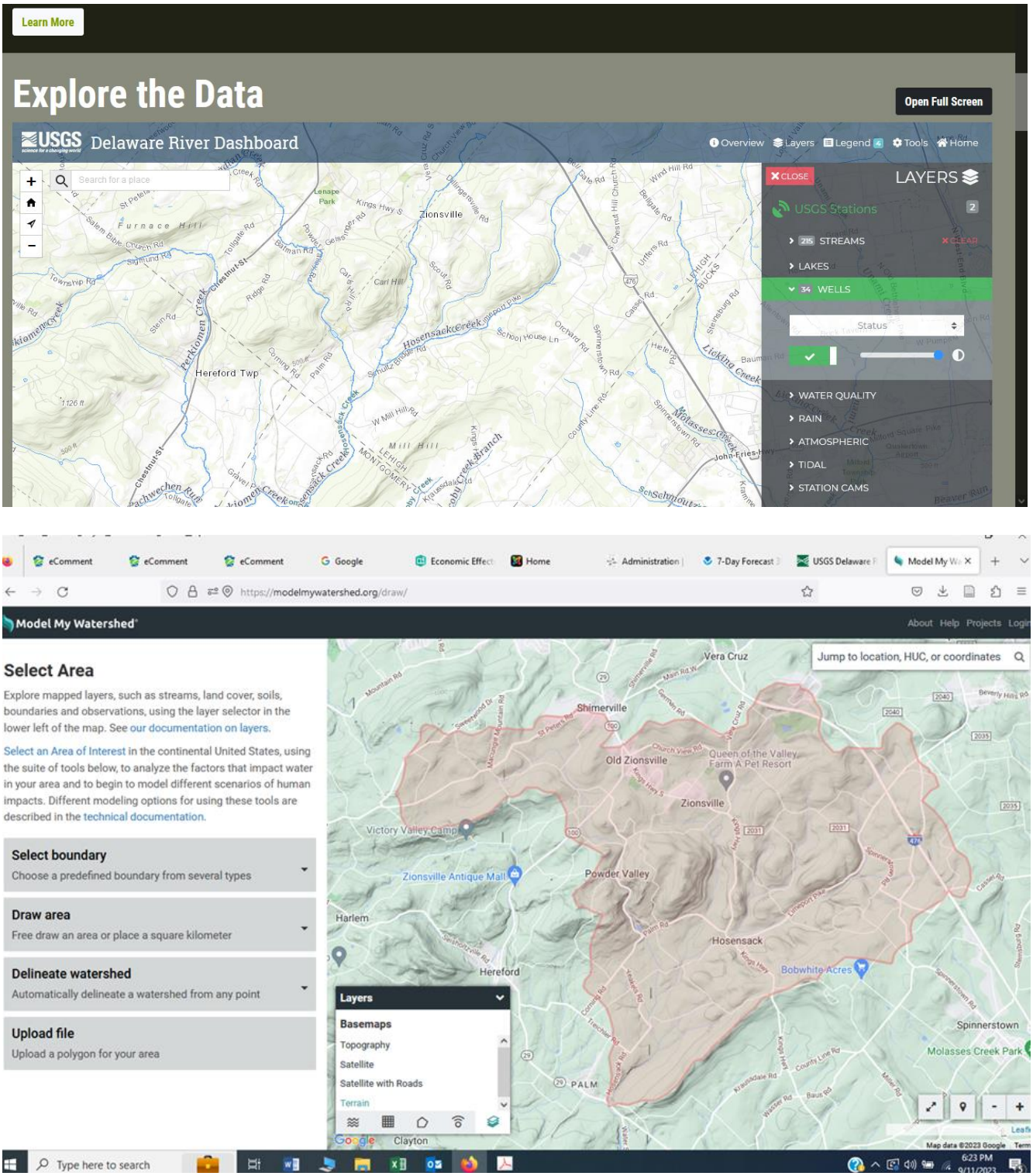
In closing, the exceptional ecological significance of Hosensack Creek qualifies it for EV status and it is important for the stream to receive that designation in order to maintain its ecological integrity and prevent future degradation. If you have any questions or would like to talk further about the redesignation and our upcoming supplement being developed, please do not hesitate to reach out to DRN's Director of Monitoring, Faith Zerbe at 215-369-11888 ext. 110 or faith@delawareriverkeeper.org.

Thank you for your time and consideration of these comments and again as mentioned above we will be sending along additional petitioner supplements from recent outreach to continue to assist DEP in its in the redesignation process for the Hosensack Creek which we believe is deserving of EV status. We will plan to submit that supplement to Justin Lorson and Josh Lookenbill and we would also welcome a call with DEP staff to discuss next steps.

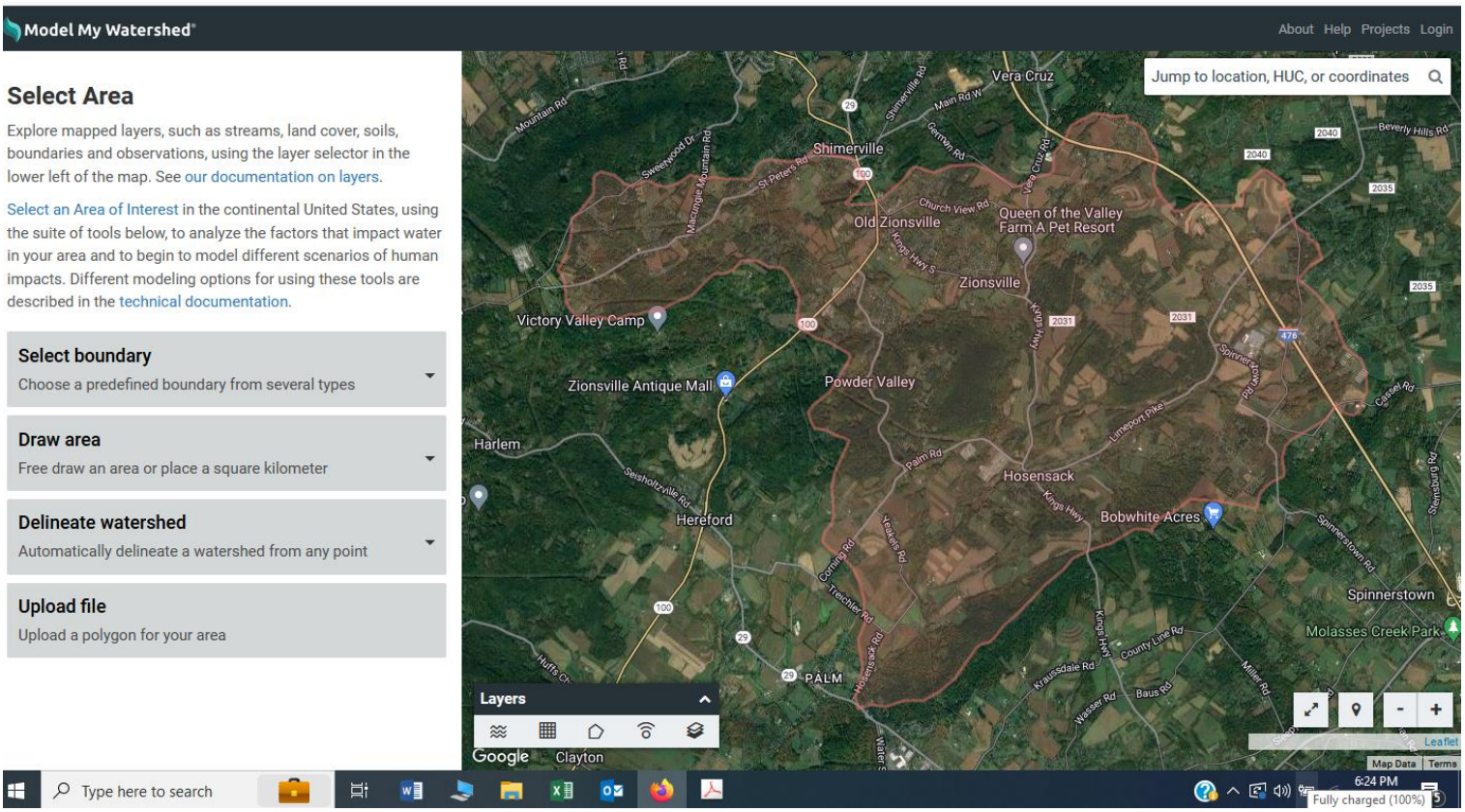
Sincerely,

Maya K. van Rossum
the Delaware Riverkeeper

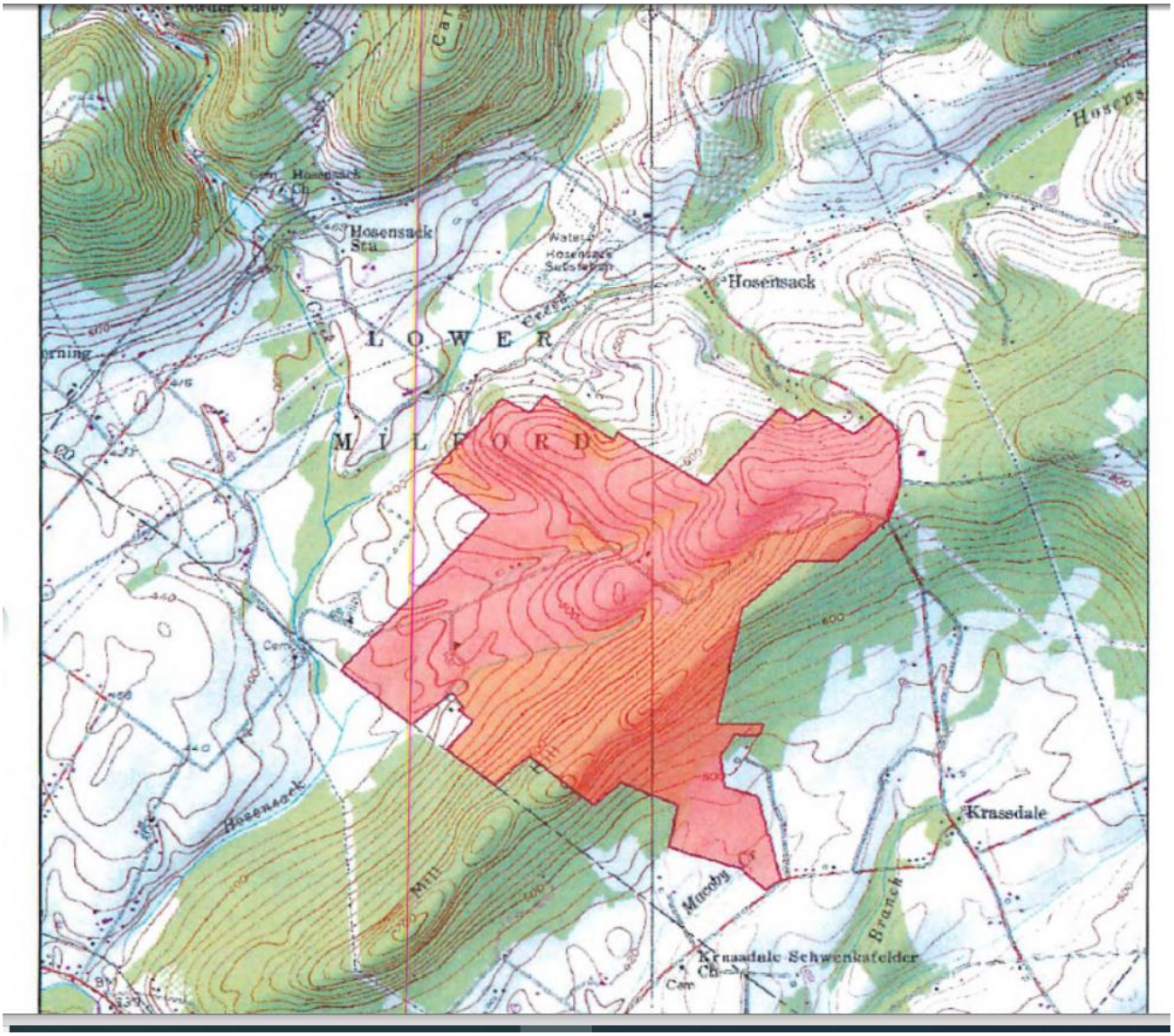
PRELIMINARY FIGURES



Screen shot from Stream Stats and Model My Watershed help illustrate the steep relief along multiple segments of the Hosensack Creek – these forested steep slopes deserve EV designation (9/11/23) https://webapps.usgs.gov/odrm/ and https://modelmywatershed.org -More analysis coming in supplement.



Delineation of the Hosensack Watershed – more analysis is being conducted to illustrate break out of ag and other land uses for the supplement. Accessed 9/11/23.



Excerpt from submitted bog turtle Phase 1 & 2 Reports for Geryville Mine whose application was withdrawn by the quarry applicant as of July 2020 after over a decade of the local community defending its ordinances and working to protect this beloved area and watershed. DEP backing up the community now with EV designation would be aligned with the local protective measures and resources the local community has invested in protecting the region.