



Brunswick, ME Mark Brickner, DEP Division of Water Quality
Greenville, ME Department of Environmental Protection, Water Quality Standards
Northampton, MA Rachel Carson State Office Building
Alexandria, NH 400 Market Street
Harrisburg, PA 17105-8774

Bretton Woods, NH RE: Exceptional Value status for the Lower Tohickon Creek

Gorham, NH
Dear Mr. Brickner,

Blairstown, NJ

Haverstraw, NY The Appalachian Mountain Club (AMC) is a private, non-profit organization whose
New York, NY mission is to “promote the protection, enjoyment, and understanding of the mountains, forests,
Bethlehem, PA waters, and trails of the Appalachian region”. We encourage respect for the natural
environment, provide research and leadership in its protection, offer recreational and
educational programs and facilities for the enjoyment of the outdoors, and conduct hands-on
trail and campsite stewardship throughout the Northeast. Our 100,000 members, supporters,
and advocates reside largely in the Northeast, including 5,000 members in our Delaware Valley
Chapter. The AMC Delaware Valley Chapter leads trips for both members and many non-
members who visit the Delaware Valley region and its public lands and waters, including hosting
hiking, wildlife watching, and whitewater paddling activities on and along the Tohickon Creek in
Pennsylvania. We write today in response to the April 13, 2019 notice of public comment on the
Draft Tohickon Creek Stream Evaluation Report.

The Pennsylvania Department of Environmental Protection (PA DEP) seeks to downgrade
Tohickon Creek from a Cold Water Fishery, Migratory Fishery status to a Trout Stock, Migratory
Fishery status. However, for over two decades many groups, such as Delaware Riverkeeper, have
been supporting Tincum Conservancy’s petition for the Tohickon Creek to be upgraded to an
Exceptional Value (EV) stream. AMC agrees with the Tincum Conservancy, Delaware Riverkeeper
and other commenters in suggesting that the Tohickon Creek is a nationally significant and
irreplaceable recreational resource that merits continued protection and an upgrade to
Exceptional Value status. AMC also suggests that changes to the operational management of
Nockamixon Dam could further benefit the water quality and recreational uses of Tohickon Creek
and should be explored.

Tohickon Creek lies within the Federal Highlands Conservation Act boundary, an area in
the Mid-Atlantic that spans across Pennsylvania, New Jersey, New York, and Connecticut. This
area is federally recognized under the Highlands Conservation Act and is viewed as an area
worthy of federal funding and protection. In addition, in 2000 the Delaware River was classified
as a Wild and Scenic River. This designation is part of the Wild and Scenic Rivers Act of 1968,
which seeks to protect the free-flowing nature of rivers and streams. When the Lower Delaware
River received its Wild & Scenic designation, the Tohickon Creek was included in the designation
boundary as a significant tributary of the Delaware. Therefore, the Tohickon Creek is afforded
the same benefits as all other waters in the Lower Delaware Wild & Scenic designated boundary,
including additional funding for protection and restoration and a formal plan for the
management of the river. As mentioned by Jamie Fosburgh in the National Park Service letter to



the Pennsylvania Department of Environmental Protection, “protection of water quality is one of the most important goals of the National Wild and Scenic Rivers System.” This is further supported by the wording of the Act, which states that “certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.” These details indicate that the Tohickon Creek is seen as an extremely valuable part of the Delaware River system.

In addition to these designations, Tohickon Creek is a nationally significant recreational resource. The Creek runs through Nockamixon State Park, Ralph Stover State Park, and Tohickon Valley Park. These areas are hotbeds of activities that utilize the creek, including fishing, swimming, and boating. Whitewater boating is the most significant of these activities, as Tohickon Creek is an extremely valuable regional, state, and local recreational asset. The entire creek is utilized for whitewater routes that range from Class I to Class III+, meaning that it is an accessible route that provides opportunities for paddlers with a wide range of experience. The Tohickon Creek is noteworthy and unique in having intermediate, challenging class III rapids. In addition to natural spillage flows that occur for whitewater paddlers regularly, dam releases from Lake Nockamixon occur biannually, which creates a predictable paddling opportunity for more experienced paddlers. The predictable whitewater releases and frequency of non-scheduled spillage events utilized by whitewater paddlers in such proximity to major population centers is not replicated in any of the other whitewater rivers and streams of this difficulty and character in the Mid-Atlantic region.

There are few other whitewater recreation opportunities that provide both scheduled water releases for paddlers and frequent natural spillage flows that have intermediate rapids of class II-III+ difficulty. The Lehigh and Mongaup Rivers in Pennsylvania and New York are subject to dam releases, but these locations are considerably farther from major population centers such as New York City, Washington, D.C. and Philadelphia and the rapids are more consistently class II in nature. Tohickon Creek’s relatively central location makes it an extremely popular whitewater paddling destination. This is evidenced by the fact that many out-of-state whitewater club websites list Tohickon Creek as an excellent regional paddling resource. In addition, as previously mentioned, Tohickon Creek provides more seasoned paddlers a chance to navigate more challenging rapids than the Lehigh or Mongaup rivers. Tohickon has also been historically utilized as a location for competitive whitewater kayaking and paddling events. One such event is the Tohickon Sprint & Classic - part of the Mid Atlantic Downriver Series, which occurred as recently as 2009 and took place around both scheduled dam releases that year. These slalom and downriver competitive events have been featured by the USA Canoe & Kayak team as national team trial events, helping to select paddlers to then represent Team USA at international level events. Competitors and teams from Canada and other countries have also participated in races on the Tohickon Creek.

AMC requests that PA DEP and Pennsylvania Department of Conservation and Natural Resources take a hard look at the current operational management of the Nockamixon Dam. In



addition to Nockamixon Dam's role as a run of river dam that primarily provides for in-lake recreation at Lake Nockamixon, it is also possible that the dam could be utilized for more downstream benefits. For instance, an inspection report from the Department of the Army in 1978 states that the dam's lake "is presently utilized for recreation, but is designed and constructed for possible future water supply use." Given this acknowledgment of the dam's capability for additional uses, it is reasonable to think that different utilization could be implemented to benefit water quality and recreational uses of Tohickon Creek downstream from Lake Nockamixon. Per the National Park Service comments: "...a different operation of Nockamixon Dam [...] has the potential to alleviate water temperature issues via bottom releases of cold water, as was the original intent when the dam was constructed." This alternative and other potential alternatives to the dam's operations has the potential to drastically benefit the water quality and recreation uses along the Tohickon Creek and benefit the flora and fauna of the stream. A feasibility study to examine the potential of utilizing the dam in this fashion and detailing the dam's construction as it pertains to its established uses would be a useful first step. AMC suggests utilizing the Instream Flow Incremental Methodology (IFIM), an industry standard approach for simulating the effect of regulated streamflow on fish habitat. This could relate to a fisheries development plan for downstream, as well as consideration of the dam's currently existing gate structure and an assessment of its capabilities. Operational changes should be explored to ensure that all possibilities for preserving the Tohickon Creek's existing water quality and recreational uses are exhausted.

Tohickon Creek is an invaluable resource. Its designation as a Wild and Scenic stream combined with its nationally significant recreational usage demonstrates that Tohickon must be considered for an upgrade to Exceptional Value status. In addition, alternate strategies for the operation of Nockamixon Dam may allow for the health and recreational uses of the Tohickon Creek to be bolstered by regulated water releases. These new points of context combined with the efforts and arguments of Tinicum Conservancy, Delaware Riverkeeper Network and many other local and regional actors warrant reconsideration of PA DEP's proposal and point toward an upgrade to EV status as the most appropriate course of action.

Sincerely,

Kimberly Witt

Mid Atlantic Policy Manager

610.868.6903 (o) 484.893.0713 (c)