



December 2, 2019

Mark Brickner
PADEP Division of Water Quality
Bureau of Clean Water
P.O. Box 8774
Harrisburg, PA 17105-8774

**Re: Stream Evaluation of Unnamed Tributary 03181 “Bog Run” to Tohickon Creek
(Bucks County)**

Dear Mr. Brickner,

This comment is submitted by Delaware Riverkeeper Network on behalf of our approximately 23,000 members throughout the Delaware River Watershed including residents of Bucks County and Haycock, East Rockhill, West Rockhill and Richland Townships where Bog Run flows.

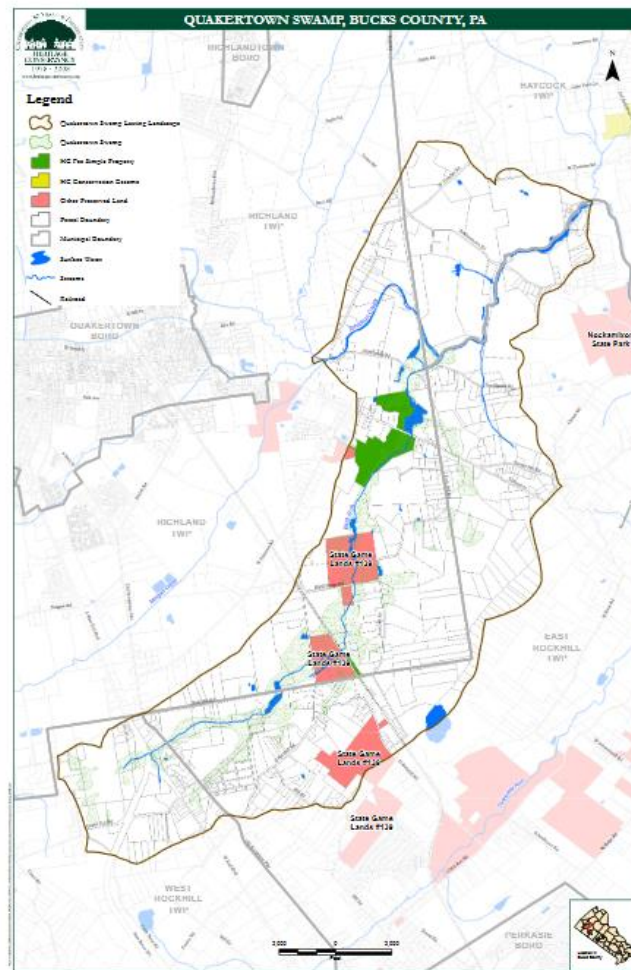
In response to the November 2, 2019 Pennsylvania Bulletin notice [49 Pa.B. 6626], the Delaware Riverkeeper Network (DRN) is writing to strongly support a proposed redesignation of 4.76 miles of an Unnamed Tributary 03181 to Tohickon Creek in Bucks County (also known as Bog Run) from Trout Stocked Fishery, Migratory Fishery (TSF, MF) to Exceptional Value, Migratory Fishery (EV, MF). Bog Run was evaluated by the Pennsylvania Dept. of Environmental Protection (DEP) on May 24, 2019 and has a proposed existing use of EV, MF based on Exceptional Ecological Significance – an important criterion or “softer qualifier” that we believe can be used by DEP more regularly to better protect deserving streams of their proper designations under requirements in Chapter 93. DRN provides these comments to help support this action by DEP and to support Bog Run gaining EV protections due to its excellent ecological attributes.

DRN is delighted to see DEP use this criterion of “Exceptional Ecological Significance” on the existing use table (Updated 10/31/19 version) to provide important interim protection that Bog Run deserves and warrants. It is our understanding this may be one of the few times that such a protective effort pertaining to this criterion of exceptional ecological significance has been listed on the EU list. We hope this may be a start to take this action more often in the future for other deserving streams to grant them deserving protections in an ever-changing landscape. DRN agrees that the designated use should be upgraded to EV, MF in order to match and protect the existing use that is currently being attained and we look forward to reading the draft DEP report for this tributary in the coming weeks.

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The Bog Run sub-watershed is 3,125 acres and forest cover approaches or exceeds 80% in this area. Bog Run flows through multiple parcels of land privately preserved by the Heritage Conservancy through protective conservation easements as well as State Game Lands 139. Heritage Conservancy owns and preserves 70 acres of land within the 518-acre unique Quakertown Swamp Lasting Landscape.

Bog Run flows through the 518-acre Quakertown Swamp, which is the largest intact freshwater wetland remaining in Bucks County and is home to unique, diverse, and sensitive wetland communities. Quakertown Swamp is one of 70 Important Bird Areas in Pennsylvania as designated by the Audubon Society (see map below available here: https://heritageconservancy.org/wp-content/uploads/2012/02/Quakertown_Swamp1.pdf) for its rich bird habitats and the species that thrive there. This freshwater wetland is home to the largest great blue heron rookery in eastern Pennsylvania and provides habitat for 91 bird species, including the rare marsh wren and Virginia rail. This area contains various wetland habitats, ranging from open water wetlands to tussock sedge marsh, scrub shrub wetland, and forested swamp. Quakertown swamp is categorized by the U.S. Fish and Wildlife Service as an all-important wetland area.



Heritage Conservancy map of Bog Run and Quakertown Swamp and preserved lands held in private trust.

The swamp stores floodwaters and helps to maintain the water quality of Bog Run because the dense plant growth absorbs and filters pollutants. These natural processes create unique and valuable characteristics for the area and result in the healthy water quality of Bog Run. Quakertown Swamp is recognized as significant

by the Pennsylvania Natural Diversity Inventory because it is a haven for a variety of wildlife species, including beaver, waterfowl, reptiles and amphibians. The area has been listed as a first priority site in the Bucks County Natural Areas Inventory (NAI) and is categorized by the U.S. Fish and Wildlife Service as an all-important wetland area. The recently launched US Fish and Wildlife Service National Wetland Inventory (NWI) Wetland Mapping Tool further documents the various types of wetlands and wetland complexes all along the Bog Run including, for example, Palustrine forested wetlands (PFO), Palustrine emergent wetlands (PEM) and Palustrine Scrub Shrub (PSS) wetland types all of which indicate the diverse areas that deserve EV designation (see attached maps from NWI Mapper). By virtue of the Chapter 105.17 definition, and with the Tohickon and Lake Nockamixon as public water supply potential as well as nearby private groundwater sources to Bog Run and its adjacent wetlands, DRN believes these complex wetland systems should also receive EV protection as EV wetlands as well as Bog Run. DRN suggests DEP include this component in the existing Bog Run draft report currently underway to streamline these needed upgrades. Specifically, DRN believes the wetlands are "exceptional value" by virtue of the Chapter 105.17 definitions for the following Chapter 105.17 sections at a minimum:

(iv) Wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.

(v) Wetlands located in areas designated by the Department as "natural" or "wild" areas within State forest or park lands, wetlands located in areas designated as Federal wilderness areas under the Wilderness Act (16 U.S.C.A. §§ 1131 - 1136) or the Federal Eastern Wilderness Act of 1975 (16 U.S.C.A. § 1132) or wetlands located in areas designated as National natural landmarks by the Secretary of the Interior under the Historic Sites Act of 1935 (16 U.S.C.A. §§ 461 - 467).

(iii) Wetlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto, or wetlands within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. §§ 1271 - 1287) or designated as wild or scenic under the Pennsylvania Scenic Rivers Act (32 P. S. §§ 820.21-820.29).

It is important that Bog Run be formally upgraded to EV because of the nearby East Rockhill Quarry. On December 5, 2018, PADEP was notified of a positive asbestos test result from a sample of rock collected at the Quarry. PADEP immediately ordered the cessation of all mining, rock crushing, sizing, and other related activities and the cessation order remains in place. However, if mining operations are permitted to continue, asbestos fibers and particles could wash into Bog Run, degrading the water quality and posing a serious threat to its existing uses for humans and wildlife.

The Tohickon Creek Watershed, of which Bog Run is a part, has a long history of protection and advocacy efforts from local communities and varied environmental and conservation groups. On September 19, 1995, the Environmental Quality Board (EQB) accepted the petition of Tinicum Conservancy submitted by Marion and Neil Kyde to upgrade the 11.2-mile main stem Tohickon Creek, from the Lake Nockamixon Dam to its mouth at the Delaware River as an Exceptional Value (EV) stream. For almost twenty-five years, the Delaware River community has been working and waiting to see the realization of Tinicum Conservancy's stream upgrade petition. Various supplements, data, and reports have been provided during this timeframe up to the present day by Tinicum Conservancy, Delaware Riverkeeper Network, Heritage Conservancy, and others from the conservation community. Although Bog Run is located above the Lake

Nockamixon Dam and outside of the petition area, upstream water quality affects downstream water quality so the proposed Bog Run upgrade is welcomed by the greater Tohickon Creek community. EV protections for Bog Run will be beneficial to the health of the entire Tohickon Creek Watershed and advance other sustained conservation measures underway for this treasured Bucks County stream (see historic and current documents on record at DEP related to the Tinicum Conservancy petition and upgrade for the Tohickon main stem below Lake Nockamixon to the dam of the Delaware River).

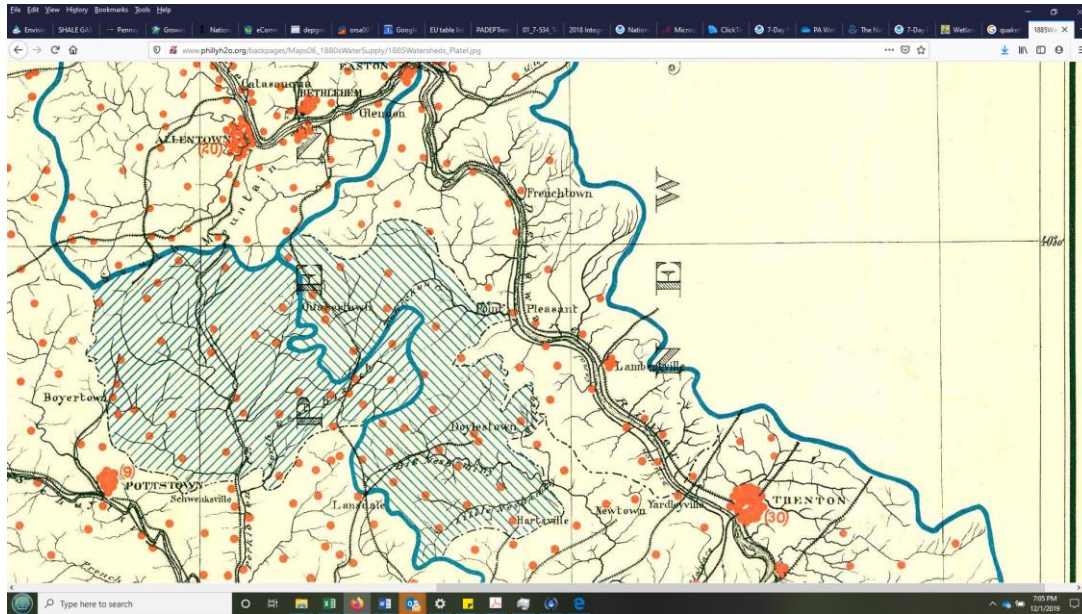
One of the goals of the 2005 Upper Tohickon Conservation Plan is to encourage municipalities to develop regulations to limit adverse impacts to the Quakertown Swamp and the entire Bog Run Watershed. State regulations, complemented by a designation of EV, MF, and EV wetlands would assist with limiting these adverse impacts in conjunction with municipal regulations and the land that is already preserved. DRN believes both these municipal protections paired with private land trust efforts further help support a designation to EV for Bog Run.

The Tohickon watershed historically was planned and currently serves as an important flow for public water supply (see 1885 Philadelphia Water Department map below and link provided here):

http://www.phillyh2o.org/backpages/Maps06_1880sWaterSupply/1885Watersheds_PlateI.jpg. The Point Pleasant pump station, located on the Delaware River just downstream of the confluence with the Tohickon Creek, removes water from the Delaware River near Point Pleasant in Bucks County, Pennsylvania.

According to a 2004 analysis of major upstream diversions in the Basin for water supply and other uses (1913-2002), the Point Pleasant Pump has supplied water to the Philadelphia Electric Company, the North Wales Water Authority, and the North Penn Water Authority since 1989. The water is returned to the Delaware River via the Schuylkill River, after some consumptive loss, below the streamflow gage at Trenton¹. Neighboring watershed states of New Jersey provide Category 1 (C1) or EV designations for water supplies to protect drinking water whereas DEP has historically left it to the water treatment at the intake treatment plants to ensure healthy water supplies. The health of Pennsylvania residents and freshwater and drinking water protection, as well as decreased treatment costs would benefit from a similar conservation step where the stream and wetland sources are actually given EV Protection outright.

¹ Hoffman, J.L., 2004, Summary of Flows in the Delaware River at Trenton and Montague with Major Upstream Diversions, 1913-2002: Excel workbook, N.J. Geological Survey Digital Geodata Series DGS04-8, Trenton.



Excerpt of 1885 Philadelphia Water Department Map indicating Tohickon and future water supply needs

Bog Run is an essential tributary to the greater Tohickon Creek. The Tohickon is the largest watershed in Bucks County. The Tohickon flows through iconic places like Ralph Stover State Park and the Appalachian Highlands. The Tohickon Creek is recognized as an integral tributary of the Lower Delaware Wild and Scenic River system since it was proposed in the mid 90's and subsequently designated in 2000. Over 3,000 acres of lands have been protected, through both public and private investment, by communities that take pride in preserving this well-loved and significant Bucks County stream with exceptional recreational significance. Tohickon Creek has been recognized by the United States Congress as possessing "outstandingly remarkable" natural, cultural, historic, scenic and recreational resource values which should qualify the Tohickon as an Exceptional Value Water. The Delaware Canal crosses the Tohickon Creek on an aqueduct, rebuilt circa 2002, as part of the interpretation of the National Landmark Delaware Canal offering important historic, landscape, and engineering associations. The Delaware Riverkeeper Network submitted a petition originally in 2016 and resubmitted again in 2019 requesting the proposed Tohickon Creek Historic District be nominated to the National Register of Historic Places.

For these reasons, it is vital for Bog Run and its associated wetland complexes to be redesignated to EV, MF and EV Wetlands as soon as possible in order to receive maximum protection. In light of the quarry issue, this listing on the EU immediately is well warranted and we look forward to reviewing the draft report. DRN would also like to express that expanding the use of these "softer" but vital qualifiers for stronger stream protections – like the exceptional ecological significance qualifier, is more in keeping with the spirit of the clean water laws and the Pennsylvania Environmental Rights Amendment. The exceptional ecological significance of Bog Run 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 would like to discuss this matter further please do not hesitate to reach out to DRN's Director of Monitoring at 215-369-1188 ext. 110 or at faith@delawariverkeeper.org. Thank you for your consideration of our comments.

Sincerely,

Handwritten signature of Maya K. van Rossum in blue ink.

Maya K. van Rossum
the Delaware Riverkeeper

Handwritten signature of Faith Zerbe in black ink.

Faith Zerbe
Director of Monitoring
Delaware Riverkeeper Network