



May 6, 2019

Secretary Patrick McDonnell
Department of Environmental Protection
Secretary's Office
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101
Submitted via: RegComments@pa.gov

RE: IRRC – Regulation #7-548; PA Bulletin March 23, 2019 – Support for Class A Bundle Listing 42 Streams to High Quality

Dear Secretary McDonnell,

On behalf of our almost 20,000 members, the Delaware Riverkeeper Network (DRN) is writing in support for the designation of an additional 42 stream segments to High Quality designation published in the March 23, 2019 PA Bulletin and subsequent public comment periods for this package prior to that date. We are especially pleased to see streams of the Lehigh and Schuylkill watersheds as well as the SixPenny Creek in Berks County gaining stronger protections with this proposed rulemaking.

The Pennsylvania Fish and Boat Commission has been working diligently to survey streams for trout biomass across the Commonwealth. Communities across the state, Trout Unlimited chapters, the Pennsylvania Campaign for Clean Water Exceptional Value Work Group, Delaware Riverkeeper Network and many others have been in support of this important redesignation work that has spanned decades to work towards Pennsylvania's freshwater streams receiving the special protection status our finite freshwater resources deserve. DRN is eager to see the additional Fish and Boat Commission packages submitted receive the proper designated uses these streams deserve as indicated by Fish and Boat Commission biomass surveys and some of these comments may be helpful for those pending packages. We are grateful to the work underway. With the review of these specific regulatory listings, DRN submits the following comments for consideration.

In accordance with Chapter 105.17, there are multiple ways for a wetland to qualify as Exceptional Value wetlands, one of which is related to trout waters. 105.17(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

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

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). Wetlands are critical habitats that provide essential natural capital and ecosystem services. DRN recommends more effort be made at minimum, to list and better map these EV wetlands hydrologically connected to trout waters to assist with better protection of these EV wetlands in the permitting programs – perhaps similar to the existing use table that currently exists for streams. With the technological advancements of mapping capabilities, interactive maps showing potentially impacted wetlands or streams would be a method for the public to better access and review such information during project permit application reviews. DRN has repeatedly requested over the past few years from the Department with limited success, for example, GIS map layers for aquatic impacts for larger linear gas pipeline projects that impact hundreds of wetlands and streams. These maps and GIS data layers would help with thorough public review. For example, in April, the PADEP issued its most recent integrated list using an online mapping tool which is allowing the public to better access stream segments and information – this type of interactive mapping could also be implemented for permitting review especially for large linear projects like pipelines. There is a stakeholder effort underway as part of a settlement agreement by Clean Air Council and DRN, to review Chapter 105 guidance documents for alternatives analyses of waterbody impacts if developers and others aim propose to impact these aquatic resources. As more evidence and studies show the value of these natural systems, it is critical that the regulations adequately protect these resources that are part of the public trust. Wetlands classified as “Exceptional Value” fall within the antidegradation provisions of Pennsylvania’s water quality standards. See 25 Pa. Code § 96.3(b); 25 Pa. Code § 93.4a; 25 Pa. Code §§ 105.18a(a)-(1)

These Class A protections proposed here, will go a long way to supporting and sustaining natural capital and services that are essential for a sustainable economy and livable thriving healthy communities in the Commonwealth. There are many studies that show how property values, community health, and local businesses all thrive when clean streams, healthy riparian buffers and healthy watersheds flow through them. The proposed regulations cite many of these studies. To add to that information, especially in light of two of the streams in this bundle flowing into the Lehigh River in Carbon County, a 2014 Lehigh Valley Planning Commission report entitled, *Lehigh Valley Return on Environment*, has key findings that show the wide-ranging benefits to the community when clean water and natural areas are preserved – like that of High Quality and Exceptional value waterbodies (accessible here:

https://www.lvpc.org/pdf/2014/ReturnOnEnvironment_Dec_18_2014.pdf). For example, the Leigh report finds:

- The highest natural system services on a per acre basis is found in wetlands, riparian corridors and forests. Maintaining and restoring connected habitats and (stream and riparian) corridors will provide the full potential value of natural system services
- The current green infrastructure along streams in the Lehigh Valley reduces tax dollars by avoiding more than \$110.3 million annually in expenditures for water supply (\$45.0 million), disturbance (flood) mitigation (\$50.6 million) and water quality (\$14.7 million)
- Physically active people typically enjoy a variety of health benefits, including lower incidence of cardiovascular diseases, diabetes, depression, certain cancers and obesity. A growing body of evidence shows that contact with nature reduces stress, depression and blood pressure; increases concentration, creativity and learning; and connects people to their community. This helps reduce medical care costs and enhances productivity.
- Natural areas provide over \$22.4 million annually in pollination and \$2.5 million in biological control services to agriculture, backyards and the natural landscape.

Another report that provides data on the values of a healthy river is DRN’s 2010 *River Values, The Value of Clean and Healthy Delaware River* that provides statistics on reduced stormwater flooding costs related to

tree cover and protection of forests and riparian buffers and other statistics for the Delaware River watershed to help illustrate the importance of protecting freshwater streams and the natural habitats and riparian buffers that are part of those watersheds

http://www.delawariverkeeper.org/sites/default/files/River_Values_Report_0.pdf.

University of Delaware's 2016 analysis entitled, Economic Analysis of the Economic Value of Nature and Ecosystems in the Delaware River Basin (<http://www.wrc.udel.edu/research/economic-value-of-nature-and-ecosystems-in-the-delaware-river-basin/>) is another recent report to help flush out and value the community benefits a clean watershed provides.

Finally, since clean healthy trout streams benefit from healthy riparian buffers, this recent report by ECONorthwest commissioned by DRN and released in 2018 entitled, *The Economic Value of Riparian Buffers in the Delaware River Basin*, provides important data that show how very valuable natural habitats and high quality stream corridors are to communities that again go far beyond just protecting fish

<http://www.delawariverkeeper.org/sites/default/files/Riparian%20Benefits%20ECONW%200818.pdf>.

Other ecosystem service and community health reports exist for the state to further point to and have sound science that shows all the benefits that come when we designate and protect streams as High Quality or Exceptional Value and work hard to protect these standards. DRN believes these types of analyses and ecosystem services calculations must be fully integrated in the regulatory process to ensure the public trust is adequately protected and alternatives analyses calculated and considered provide the full and complete picture.

Clean drinking water is another critical component that impacts all Pennsylvanian's. The DEP identified eleven public water supply facilities with raw water intakes that are no further downstream than 30 stream miles of the candidate stream sections for HQ designation in this proposed rulemaking package. These eleven public water suppliers, which serve over 175,000 citizens, will benefit from this proposed rulemaking because their raw source water will be afforded a higher level of protection. As DEP shares, this is an economic benefit because the source water treatment costs for the drinking water may be less costly to customers if less treatment is needed due to the high quality of the water in the stream. By maintaining cleaner water, public water suppliers will incur the benefits of lower water treatment costs. In addition, cleaner intake water will reduce consumer costs for purchasing clean drinking water. In New Jersey, similar stream sources of drinking water are protected as C1 waterways which is similar to Exceptional Value designation in Pennsylvania and many watershed groups and community petitioners including the Delaware Riverkeeper Network have requested upgrades for similar water supplies like the Perkiomen Creek that flows into Green Lane reservoir in Pennsylvania but these redesignations to help protect drinking water supplies were not successful.

It appears that 42 stream segments totaling 204 stream miles are being considered for HQ status in this Class A stream bundle. We are unclear why some of the listings, like that of the Lehigh River and the Fireline Creek in Carbon County and located in the Delaware River Watershed, are not listed for their entire basins. There are a few other streams that also have this same segmentation noted. The table in the regulations notes they are "main stem" only. We are not sure if this an oversight especially noting that trout often move through a watershed depending on stream temperature ranges. For example, as temperatures rise in summer months, larger trout may move from larger areas of water downstream into cooler headwater tributaries and deep pools to stay cool. As DRN has provided in past comments, providing less segmentation or breaking up into various different use segments and providing more watershed wide/basin protections is appropriate and more protective of the system as a whole.

Regarding corrections to drainage lists, we understand that there is a potential conversion from River Miles (RM) to latitude and longitude. This addition will be a good one. We would recommend keeping both the RM and adding the lat and long and as indicated above, perhaps linking the geospatial coordinates to interactive maps. This could be another way to improve communication and public access as well as permitting accuracies as the Dept. continues to make efforts to increase public accessibility.

Finally, DRN did not cross reference the original FBC listings with this proposed listing of 42 streams but we would like to learn if there are any streams in this Class A bundle that were originally put forth by the FBC that were not included in this final package. We understand that DEP conducts its own analyses of these streams beyond trout biomass. We believe the regulations in Chapter 93 indicate that a stream can be listed for HQ just based on trout biomass alone – the stream does not need to have the macroinvertebrate scores in this instance. (ii) *Class A wild trout stream qualifier*. The surface water has been designated a Class A wild trout stream by the Fish and Boat Commission following public notice and comment. If insects do not score highly enough, that should not matter and DRN believes those stream should all be included as High Quality. Along these same lines, we would like to explore if the Dept. evaluates any of the softer qualifiers in Chapter 93 available during their review of these candidate streams to see if any streams qualify for additional Exceptional Value designation. Considering the amount of time it takes to see a stream through this process DRN believes it would be an essential piece to ensuring streams have the highest protection afforded to them.

Thank you for your time and consideration and for proposing to provide these 42 streams the High Quality protection they rightly deserve. Please feel free to reach out to my Director of Monitoring, Faith Zerbe at 215-360-1188 ext. 110 or faith@delawareriverkeeper.org if she can be of help.

Sincerely,



Maya K. van Rossum
the Delaware Riverkeeper