



c/o Delaware River Greenway Partnership
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July 9, 2019

Mr. Mark Brickner
Division of Water Quality
PADEP
PO Box 2063
Harrisburg, PA 17105

Dear Mr. Brickner,

RE: Public Comment Submission: Draft Stream Evaluation Report, Tohickon Creek, Bucks County

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542;16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Lower Delaware Wild & Scenic River Management Council, a part of the National Wild and Scenic Rivers System, and governed by our Management Plan, focuses on the area of the Delaware River south of the Delaware Water Gap and north of Trenton. For your information, the Tohickon Creek has been recognized as an integral tributary of the Lower Delaware Wild and Scenic Partnership River since it was proposed in the mid 1990's, and subsequently designated in 2000.

Requiring the evaluation of projects that may impact the region including matters relating to the protection of water quality, our Management Plan provides us guidance (<https://lowerdelawarewildandscenic.org/index.php/resources/documents/lower-delaware-wild-and-scenic-management-plan>). Specifically, the Plan suggests maintaining "...existing water quality in the Delaware River and its tributaries from measurably degrading and improve it where practical." The document goes on to recommend achieving the highest water quality designations for the river and its tributaries. Therefore, we strongly disagree with the recommendation in the 2019 Water Quality Standards Review Stream Evaluation Report to downgrade the Tohickon Creek classification since the action is in direct conflict with the intent of our Management Plan and the National Wild and Scenic Rivers Act. Instead, we request the Tohickon be upgraded as an Exceptional Value stream.

With the National Park Service (NPS) providing oversight for the Wild and Scenic Rivers System, we endorse and echo the NPS comments submitted on June 28th. The NPS letter written by Jamie Fosburgh Acting Chief, Partnership Wild and Scenic Rivers states that the our Management Plan "...identifies Tohickon Creek as an "Exceptional Value Water" as defined by the PA Department of Environmental Protection." He further explains that the Wild and Scenic Rivers Act, as well as the Management Plan are supported "...by the "Memorandum of Understanding Implementing the Designation of the Lower Delaware River and Selected Tributaries as a Component of the National Wild and Scenic Rivers System" to which the Commonwealth of Pennsylvania is a party and signatory." Mr. Fosburgh goes on to say that the Evaluation Report, "... cites Section 93.4b(b)(iii) under the discussion of additional EV criteria, but fails to cite 93.4b(b)(ii) which states: "The water is located in a designated State park natural area or State forest natural area, National natural landmark, Federal or state wild river, Federal wilderness area or National recreation area."

Notwithstanding the important environmental protections an upgraded classification will afford our region, the upgrade will support the abundant recreational activities on and near the Tohickon. A cleaner Tohickon will benefit local as well as visiting paddlers and fisherman who travel on and along the waterway. Protecting recreational resources will further support the National Wild and Scenic Rivers System and the Lower Delaware corridor.

We also endorse the NPS comments and submissions of fellow environmental nonprofits who identified long-term failures of Nockamixon Dam management and equipment over the years. Implementing improved dam operations along with maintaining functional equipment will positively impact water quality and support the Exceptional Value designation.

Finally, our Council hopes to reengage a partnership with the PADEP as we build upon the membership of our Steering Committee and Management Council. Council Bylaws along with our Management Plan call for representation from the PADEP in addition to other agencies and organizations on both sides of the Delaware River. We hope your staff will become involved again with the activities of the Lower Delaware Wild and Scenic River Management Council.

Sincerely,

Richard Dodds

Chairman