

For Immediate Release:

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**PA Department of Environmental Protection Agrees to Additional
Evaluation of Tohickon Creek After Overwhelming Response from the Pennsylvania Community
Not To Downgrade the Stream**

Harrisburg, PA – In a letter dated August 13, 2019 to local legislators, the Pennsylvania Department of Environmental Protection (DEP) indicated a change of course regarding its proposal to downgrade legal protections for Tohickon Creek. In a clear response to a wealth of public comments outraged by the proposed downgrade, DEP said that it would agree to additional evaluations before any action is taken.

In 1995, Tincum Conservancy submitted a petition to DEP, asking that they upgrade the status of Tohickon Creek from Cold Water Fishes to Exceptional Value (EV), the highest designation in Pennsylvania. An EV designation would afford the stream additional protections to preserve the stream's quality and reflect the preservation values of the community members who live in the Tohickon watershed. The Tincum Conservancy, the community, and dozens of allies including Delaware Riverkeeper Network, Appalachian Mountain Club, Delaware River Greenway Partnership, Clean Air Council, National Park Service, PennFuture & Penn Environment, Tincum Township, Representatives Wendy Ullman, Mark Longietti, Greg Vitali and Todd Polinchock, and Senator Steve Santarsiero, have been seeking this EV status since the petition was submitted.

However, the DEP issued a draft report that proposed to downgrade the stream's status, stripping it of its current protections and relaxing standards that could make it easier for pollution to occur in the stream, saying that studies have shown the water temperature of the creek is too warm to support a Cold Water Fishery designation. Critical information was missing from this assessment, such as the evaluation of releases from the upstream Nockamixon Dam that could lower the surface temperature of the creek and evaluation of compliance of more than 100 permitted dischargers to the Tohickon Creek. Additionally, the report failed to address that required flows from the Nockamixon Dam have not been adhered to.

After extensive public comment (900 comments were received) and letters from environmental organizations, the community, and elected officials, the DEP said in a letter that they, along with Pennsylvania Department of Conservation and Natural Resources (DCNR), would undertake additional evaluations of the creek and update the draft report. The letter reads, "Further evaluation of the Lake Nockamixon Dam and publication of an updated draft stream evaluation report will occur prior to DEP submitting any recommendation regarding the designated aquatic life use of the lower mainstem of Tohickon Creek to the Environmental Quality Board."

"We are pleased that the DEP has said they will undertake additional evaluations. But the community should not have had to work so hard over so many years to convince our state DEP to fully and fairly protect the Tohickon Creek. This stream is an ecologically important natural resource to our region that should be protected at the highest level. There is much that our government can and should do to protect

this regional treasure. We are glad that DEP is taking a step back to reconsider its next steps, we hope they will do right by the Tohickon and our community,” said **Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.**

“The importance of the Tohickon Creek to our local communities cannot be underestimated. Thankfully our conservation partners and large number of community members agree that protecting the water quality and natural environment surrounding the creek is an absolute necessity to our way of life,” said **Jim Engel, Executive Director of the Tincum Conservancy.**

“The refusal of the DEP to allow the Tohickon Creek an upgrade is ludicrous. It is the entirely the fault of the state that the creek is not as cold as they (and we) would like it to be. Had the water from the dam been properly allowed into the creek, it could have passed with flying colors many many years ago when we first petitioned. We proved years ago with professional studies that it was not far from their criteria, but they kept moving the goalposts. Tincum Township has placed many protections on the creek, including preserving adjacent land and making it part of the National Wild and Scenic Rivers system. One has to ask: who benefits from *not* protecting this stream? Certainly not the people who live along it, who fish in it, who canoe and kayak along it. Water is becoming more precious every day. The failure of the DEP to protect the quality of this stream is a disgrace,” said **Marion M Kyde, Ph.D., Petitioner for the Tohickon.**

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