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UPPER GWYNEDD TOWNSHIP

JUN 25 2007

BOARD OF COMMISSIONERS

07-298

BOX 1, WEST POINT, MONTGOMERY COUNTY, PA 19486

ENVIRONMENTAL QUALITY BOARD

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June 20, 2007

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Certified Mail Number
7004135000381746621

Ms. Michele Tate
Regulatory Coordinator
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Re: **Comments of Upper Gwynedd Township in Response to
Rejection of Petition to Re-Designate Wissahickon Creek
Upstream of Route 73 to WWF Only**

INDEPENDENT REGULATORY
REVIEW COMMISSION

2007 JUN 2 AM 10:49

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Dear Ms. Tate:

Upper Gwynedd Township (UGT) is providing these comments in response to notice in the May 12, 2007 Pennsylvania Bulletin of the decision to reject UGT's re-designation petition, dated March 12, 2004. ("The Re-designation Petition"). The Re-designation Petition set forth a number of arguments in support of re-designating the Wissahickon Creek upstream of Rt. 73, from Trout Stocked Fishery (TSF) to Warm Water Fishes (WWF) and is incorporated by reference.

As described in detail in the Re-designation Petition, most of the Wissahickon Creek upstream of Route 73 is not hospitable to trout stocking and fishing. It does not have sufficient cover and natural refugia to support a put-and-take trout fishery, rendering it susceptible to effects from storm events and high temperatures. Habitat quality in many of these upstream areas is also "sub-optimal" or "marginal". Water temperatures recorded during the TSF critical use period (February 15-July 31) often exceeded the TSF temperature criteria at a number of locations in the petitioned segment.

Recreational use potential is also severely limited in much of the Creek upstream of Rt. 73, because of private land ownership and poor creek accessibility. These factors have contributed in the past to the decision of the Fish and Boat Commission to focus on the wider and deeper areas downstream of Rt. 73.

DEP's evaluation report in response to the Re-designation Petition does not refute the above observations regarding temperature, habitat, cover and refuge, and general lack of creek access. Its major argument for maintaining the TSF designation is that the FBC's list of approved trout waters includes the 0.7 mile stretch of creek upstream of Rt. 73 and that 2 Brown trout and 3 rainbow trout were documented one mile upstream of the formal FBC stocking border line, in the summer of 2005.



Based on this new information, it would make sense to conform the extent of the TSF designation to the observed presence of trout, drawing the line at Morris Road. There is no reasonable basis for designating areas upstream of that point as a trout stocking area.

The DEP report also mentions concerns raised by downstream stakeholders, including Whitemarsh Township and the Philadelphia Water Department (PWD). There is no basis for any concern that water quality standards associated with the WWF designation would harm downstream fish population or any other stream use. There is also no basis for PWD to link taste and odor issues to the stream re-designation issue. We would note in that regard, that according to the January 2007 Characterization Report by PWD, they have apparently traced such issues to the Philadelphia Cricket Club.

In light of the above, the majority of the stream segment in question is unsuitable for trout stocking and in fact is not stocked with trout. To the extent that the extreme downstream end of this segment is within a designated stocking area and/or actually hosts some trout, this area should be partitioned from the remainder of the upstream area of Wissahickon Creek.

Sincerely,



Leonard T. Perrone
Township Manager

cc: Mitchell Burack, Esquire
John V. Interrante, P.E.
Board of Commissioners
Robert J. Kerns, Esquire