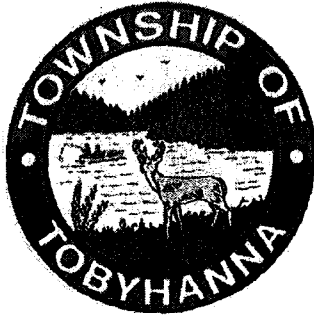


EMBARGOED MATERIAL



BOARD OF SUPERVISORS

John E. Kerrick – Chair
Heidi A. Pickard – Vice Chair
Jamie B. Keener – Member
Donald J. Moyer – Member
Anne Lamberton – Member

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105 GOVERNMENT CENTER WAY, POCONO PINES, PA 18350-7741

July 20, 2011

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Email: irrc@irrc.state.pa.us

Re: Upper Lehigh River - Basin Source to Tobyhanna Creek
Petition to Re-designate from HQ-CWF to EV
Monroe, Luzerne, Lackawanna and Carbon Counties

Dear Commission Members:

At the July 6, 2009 Board of Supervisor's meeting, the Board decided not to support the above referenced petition. Since 2009, the Township of Tobyhanna has addressed correspondence to the Pennsylvania Department of Environmental Protection expressing our concerns regarding the redesignation of the Upper Lehigh River.

Please note that the position of the Township of Tobyhanna Board of Supervisors has not changed. At a business meeting held on April 12, 2010, the Board members again confirmed that they do not support the petition for upgrading the designated use of the Lehigh River from High Quality – Cold Water Fishes (HQ-CWF) to Exceptional Value (EV). The HQ-CWF designation alone sets forth sufficient water quality standards.

The Monroe County Conservation District provided correspondence (Dated: July 7, 2009) addressed to the Environmental Quality Board which indicates that the petition marginally meets the PaDEP criteria for exceptional value waters. The correspondence states that "*Staff did not analyze the chemistry or biology given the sheer volume of data presented.*" Please note that the petition provides water chemistry data which indicates that the existing waters do not meet the PaDEP chemistry criteria for exceptional value waters. It is also our understanding that members of the Monroe County Conservation District's Board allegedly abstained from voting on this matter due to a lack of adequate information to support the proposed change.

It is our Board's position that the existing stream designation of High Quality – Cold Water Fishes (HQ-CWF) has been appropriate to serve the communities within the watershed for many years and therefore should remain as such.

Respectfully Submitted,

John E. Kerrick, Chairman
Township of Tobyhanna Board of Supervisors

Cc: Township of Tobyhanna Board of Supervisors (c/o Heidi A. Pickard, Township Secretary)
Patrick M. Armstrong, Esq. (Township Solicitor)
File

IRRC-Lehigh River-EV Petition-072011.docx

EMBARGOED MATERIAL



BOARD OF SUPERVISORS

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2872

2010 *
April 22, 2009

Pennsylvania Department of Environmental Protection
Division of Water Quality Standards
Bureau of Water Standards and Facility Regulation
11th Floor, Rachel Carson State Office Building
P.O. Box 8467
Harrisburg, PA 17105-8467

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IRRC
2011 JUL 20 P 4: 47

Attention: Mr. Mark Brickner

Re: Upper Lehigh River - Basin Source to Tobyhanna Creek
Petition to Re-designate from HQ-CWF to EV
Monroe, Luzerne, Lackawanna and Carbon Counties

Dear Mr. Brickner:

At the July 6, 2009 Board of Supervisor's meeting, the Board decided not to support the above referenced petition. Attached for your reference is a copy of my correspondence (Dated: July 7, 2009) to Secretary John Hanger. Please note that the position of the Tobyhanna Township Board of Supervisors has not changed. At a recent business meeting held on April 12, 2010, the Board members again confirmed that they do not support the petition for upgrading the designated use of the Lehigh River from High Quality – Cold Water Fishes (HQ-CWF) to Exceptional Value (EV). As previously expressed, the HQ-CWF designation alone sets forth sufficient water quality standards.

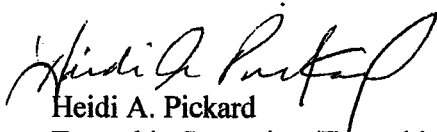
The Monroe County Conservation District provided correspondence (Dated: July 7, 2009) addressed to the Environmental Quality Board which indicates that the petition marginally meets the PaDEP criteria for exceptional value waters. The correspondence states that "*Staff did not analyze the chemistry or biology given the sheer volume of data presented.*" One would anticipate that in order to make a recommendation on a matter of this magnitude, the MCCD would have taken the time to analyze all of the data. Please note that the petition provides water chemistry data which indicates that the existing waters do not meet the PaDEP chemistry criteria for exceptional value waters. It is also our understanding that members of the Monroe County

Conservation Districts Board allegedly abstained from voting on this matter due to a lack of adequate information to support the proposed change.

In a related matter and according to the PaDEP website, an Act 167 Stormwater Management Plan has not been prepared and adopted for this section of the Lehigh River basin as required by said Act. We believe that an Act 167 Stormwater Plan with a model ordinance should be adopted and implemented by the affected local municipalities to protect the water quality of the Lehigh River. The lack of such ordinance allows land owners and developers to potentially affect the water quality of the Lehigh River regardless of its designation.

It is our Board's position that the existing stream designation of High Quality – Cold Water Fishes (HQ-CWF) has been appropriate to serve the communities within the watershed for many years and therefore should remain as such.

Respectfully Submitted,



Heidi A. Pickard
Township Supervisor/Township Secretary

Cc: w/ enclosures
Township of Tobyhanna Board of Supervisors
Patrick M. Armstrong, Esq. (Township Solicitor)
File



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www.tobyhannatownship.org

July 7, 2009

Pennsylvania Department of Environmental Protection
Secretary John Hanger
16th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg PA 17101-2301

Dear Secretary Hanger:

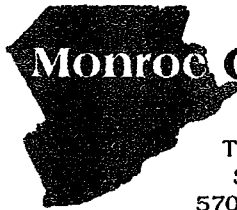
The Township of Tobyhanna Board of Supervisors does not support the petition for upgrading the "designated use" of the Lehigh River from high quality to exceptional value (EV). The High Quality (HQ) designation alone sets adequate standards.

Thank you for your consideration in this matter.

Sincerely,

Heidi A. Pickard
Township Secretary

/ma



Monroe County Conservation District

8050 RUNNING VALLEY ROAD, STROUDSBURG, PA 18360

Technical
Section
570-629-3060

website: mcconservation.org
email: monroecd@ptd.net
fax: 570-629-3063

Environmental
Education
570-629-3061

July 7, 2009

Environmental Quality Board
16th Floor, Rachel Carson State Office Building
P.O. Box 8477
Harrisburg, PA 17105-8477

RE: MCCD Letter of Support
Petition to Redesignate Portion of the Little Lehigh
Basin Source to Tobyhanna Creek from HQ-CWF to EV
Monroe, Luzerne, Lackawanna and Carbon Counties

Dear Environmental Quality Board:

At the June 18, 2009 regularly scheduled meeting of the Monroe County Conservation District Board of Directors, a motion was made and approved to support the above petition submitted by North Pocono CARE.

The Conservation District technical staff analyzed the petition and supporting documents with respect to the criteria for Exceptional Value Waters found in PA Code Title 25, Section 93.4B. These criteria require that at least one of the two high quality water criteria (chemistry and biology) **and** at least one of six Exceptional Value criteria are met or the water is a surface water of exceptional ecological significance.

Staff did not analyze the chemistry or biology given the sheer volume of data presented. Because of time constraints, this office converted a sample of the existing data to the new Department methodology and found that it exceeded the EV standard of 80%. While we did not analyze the petition for compliance with the chemistry and biology criteria specifically, we believe the data supports, and is reflective of, a surface water of exceptional ecological significance.

This reach of the Lehigh River and its tributaries contain Exceptional Value Wetlands under Chapter 105, sites identified in all four counties natural areas inventories, and has been designated by The Nature Conservancy one of the worlds "Last Great Places" in need of protection.

The main stem as recognized by the PA Fish & Boat Commission as containing reproducing populations of Brown Trout. Ash Creek in Lackawanna County is designated a "Class A Wild Trout Water" for Brook Trout and other tributaries have documented populations of Brook Trout as well.

Both public and private sector efforts have focused on the watershed tributary to this section of the Lehigh because of its exceptional habitats and abundance of State Game Lands.

The Monroe County Conservation District encourages the Environmental Quality Board to approve this petition for redesignation. Sustainable economic growth within any community is directly related to the quality of the area's natural resources. One of the reasons that Monroe County has experienced such intense growth over the last ten to twenty years has been the quality and abundance of our water resources.

Recycled Paper, Soybean Ink

We feel that sustainable economic growth and requirements for future discharges that afford a level of treatment needed to maintain existing exceptional water quality are compatible and necessary. Technologies and treatment methods exist, and are in use, that would meet or exceed the resulting discharge requirements. The proposed upgrade will contribute to a continued quality of life now and for future generations while helping to maintain a watershed of global significance.

For the Board of Directors,



Craig Todd
District Manager

CT/dm

cc: Mark Sincavage, MCCD Chairperson
Monroe County Commissioners (via email)
John Woodling, Monroe County Planning Commission Director (via email)
Coolbaugh Township Supervisors and Planning Commission (via email)
Tobyhanna Township Supervisors and Planning Commission (via email)
Tobyhanna Open Space Advisory Committee
c/o Bud Cook
Coolbaugh Environmental Advisory Council
c/o Wayne Horne
North Pocono CARE
c/o Barbara Smith, President
HC 2 Box 179A
Thornhurst, PA 18424
File (4)

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 Street, Apt. No. or PO Box No. P.O. Box 8467
 City, State, ZIP+4 HARRISBURG, PA 17105

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received By: <i>[Signature]</i> C. Date of Delivery: APR 27 2011</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Pennsylvania Department of Environm Division of Water Quality Standards Bureau of Water Standards and Facilit 11th Floor, Rachel Carson State Office P.O. Box 8467 Harrisburg, PA 17105-8467</p>	<p>Upper Lehigh River - re designation</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7007 0220 0004 2140 7116</p>
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

Cooper, Kathy

From: Margie Argot [margot@epix.net]
Sent: Wednesday, July 20, 2011 4:35 PM
To: IRRC
Cc: 'Heidi Pickard'; jkerrick@epix.net; 'Bob McHale'
Subject: Tobyhanna Township does not support Upper Lehigh River-re designation petition
Attachments: DOC072011.pdf

Importance: High

Michaele Totino,

Attached is the certified mail receipt/delivery confirmation and correspondence from our office April 22, 2010 regarding the Upper Lehigh River re-designation as discussed with Heidi Pickard, Township Secretary by phone this afternoon.

Margie Argot, Administrative Secretary
Township of Tobyhanna
570-646-1212 ext. 222
570-646-9025 fax
www.tobyhannatownship.org
margot@epix.net