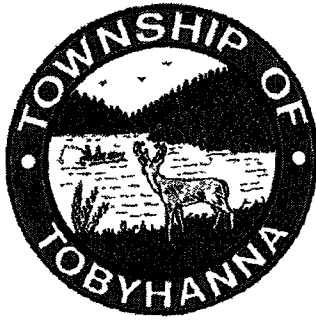


EMBARGOED MATERIAL



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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IRRC

2011 JUL 20 4:55 PM

570-646-1212

570-839-8332

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E-Mail: tobytp@epix.net

www.tobyhannatownship.org

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

* P. 01 *
* TRANSACTION REPORT *
* JUL-20-2011 WED 02:05 PM *
* FOR: *
* SEND *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* JUL-20 02:04 PM 54980 45" 2 FAX TX OK 340 *
* TOTAL : 45S PAGES: 2 *

Facsimile Cover Sheet



Phone: (717) 783-5417
Fax #: (717) 783-2664
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Website: www.irrc.state.pa.us

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Honorable Michael Krancer, Secretary
Agency: Department of Environmental Protection
Phone: 7-2814
Fax: 705-4980
Date: July 20, 2011
of Pages: 2

RE: Environmental Quality Board's Regulation #7-461 Stream Redesignations
(Fishing Creek, et al.) (IRRC #2872)

URGENT!

Section 5.1(j) of the Regulatory Review Act (71 P.S. § 745.5a(j)) requires us to forward to you any documents we receive during the 48-hour blackout preceding our public meeting upon receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**

TRANSACTION REPORT

P. 01

JUL-20-2011 WED 02:06 PM

FOR:

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-20	02:06 PM	76088	30"	2	FAX TX	OK	341	

TOTAL : 30S PAGES: 2

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INDEPENDENT REGULATORY REVIEW COMMISSION
 333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Honorable Mary Jo White, Chairman
 Agency: Senate Environmental Resources & Energy
 Committee
 Phone: 787-9684
 Fax: 787-6088
 Date: July 20, 2011
 # of Pages: 2

RE: Environmental Quality Board's Regulation #7-461 Stream Redesignations
 (Fishing Creek, et al.) (IRRC #2872)

URGENT!

Section 5.1(j) of the Regulatory Review Act (71 P.S. § 745.5a(j)) requires us to forward to you any documents we receive during the 48-hour blackout preceding our public meeting, upon receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**

TRANSACTION REPORT

P. 01

JUL-20-2011 WED 02:07 PM

FOR:

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DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-20	02:07 PM	34141	24"	2	FAX TX	OK	342	
TOTAL :						24S PAGES:	2	

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 Website: www.irrc.state.pa.us

INDEPENDENT REGULATORY REVIEW COMMISSION
 333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Honorable John Yudichak, Minority Chairman
 Agency: Senate Environmental Resources & Energy
 Committee
 Phone 787-7105
 Fax: 783-4141
 Date: July 20, 2011
 # of Pages: 2

RE: Environmental Quality Board's Regulation #7-461 Stream Redesignations
 (Fishing Creek, et al.) (IRRC #2872)

URGENT!

Section 5.1(j) of the Regulatory Review Act (71 P.S. § 745.5a(j)) requires us to forward to you any documents we receive during the 48-hour blackout preceding our public meeting, upon receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**

TRANSACTION REPORT

P. 01

JUL-20-2011 WED 02:09 PM

FOR:

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DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-20	02:07 PM	51945	1'29"	2	FAX TX	OK	343	
TOTAL :						1M 29S	PAGES:	2

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INDEPENDENT REGULATORY REVIEW COMMISSION
 333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Honorable Scott E. Hutchinson, Majority Chairman
 Agency: House Environmental Resources & Energy
 Committee
 Phone 783-8188
 Fax: 705-1945
 Date: July 20, 2011
 # of Pages: 2

RE: Environmental Quality Board's Regulation #7-461 Stream Redesignations
 (Fishing Creek, et al.) (IRRC #2872)

URGENT!

Section 5.1(j) of the Regulatory Review Act (71 P.S. § 745.5a(j)) requires us to forward to you any documents we receive during the 48-hour blackout preceding our public meeting, upon receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**

TRANSACTION REPORT

P. 01

JUL-20-2011 WED 02:10 PM

FOR:

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DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-20	02:09 PM	38236	43"	2	FAX TX	OK	344	

TOTAL : 43S PAGES: 2

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Phone: (717) 783-5417
 Fax #: (717) 783-2664
 E-mail: irrc@irrc.state.pa.us
 Website: www.irrc.state.pa.us

INDEPENDENT REGULATORY REVIEW COMMISSION
 333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Honorable Camille Bud George, Minority Chairman
 Agency: House Environmental Resources & Energy Committee
 Phone: 787-7316
 Fax: 783-8236
 Date: July 20, 2011
 # of Pages: 2

RE: Environmental Quality Board's Regulation #7-461 Stream Redesignations
 (Fishing Creek, et al.) (IRRC #2872)

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