

NPS River Manager Report to White Clay Creek Watershed Management Committee

10-14-15

Financials

NPS funds tracking log indicate as of July 1, 2015 there was a total of **\$121,795.29** remaining in the White Clay Watershed Association's Cooperative Agreement consisting of 2013, 2014 and 2015 funds. The 2015 funds are as yet unspent. As of September 1st, NLT had **\$106,542.58** remaining in its Cooperative Agreement, consisting of 2012, 2013, and 2014 funds. The organization is looking at options to use these funds by June of 2016.

New Financial Assistance Rules

A meeting of Lower Delaware Wild & Scenic partners took place late July at Hunterdon Land Trust's office to review changes to Cooperative Agreements and financial assistance requirements under 2 CFR 200. Dave Hawk attended part of the NPS presentation, and participants had numerous questions. NPS would like to meet with White Clay representatives and subrecipients separately. There are questions arising from the WCWA contract with the MPC and also the WCWA contract with University of Delaware, which WCWA is currently working on with the assistance of NPS. Subawards must comply with the requirements of 2 CFR 200.

Education & Outreach

PSWR 20th Anniversary Newsletter

WCWA submitted its top program accomplishments to NPS for the Partnership Wild & Scenic Rivers newsletter back in June. The newsletter celebrates the past 20 years of the Partnership Wild & Scenic Rivers, 50th anniversary of the Wild & Scenic Rivers Act, and 100th anniversary of NPS. NPS staff are in the process of compiling and editing all of the stories and are near to completion on an unformatted draft. The draft will be distributed to all of the river partners by the end of this year for comments, and high-res photos will be requested.

NPS Wild & Scenic Rivers Website

Wild & Scenic Rivers now has its own NPS website! Partnership W&S Rivers has its very own button! This is where we will upload the Partnership W&S Rivers newsletter when it is finalized. The web site is under construction and is not ready to be unveiled to the public.

Creek Fest and School Programs Update: Don't forget that the NPS Centennial is 2016 – Could use as a theme for Creek Fest? Special programming?

Research & Restoration

Cool Run Riparian Buffer

NPS met with MPC and University of Delaware management (Scott Hopkins, Jenny McDermott) on site to explore potential restoration projects that Wild & Scenic and/or DeIDOT could help fund. UD is receptive to installing a riparian buffer if DeIDOT is willing to help fund. In August, NPS responded to DeIDOT's request to review revised temporary and permanent fix options for the Rt 72 culvert. NPS noted that UD would be willing to work with DeIDOT on the project. We have not yet had a response. We requested a permanent fix that would involve replacing the

existing culvert to accommodate the natural stream channel and fish passage, and in the interim we requested a temporary fix that would spray line the existing pipe with a 2" layer of concrete. The original fix would have installed a 4-6" layer of concrete in the existing pipe, thereby blocking flow and fish passage.

Section 7 Reviews:

1) Newark Regional Transportation Center Project (Newark, DE)- This is a new project for NPS review and we are just starting the review process. This is a major project with a US DOT TIGER grant to improve ADA accessibility and passenger safety and convenience at the Amtrak/Septa station. This joint project of DTC, DelDOT, and WILMAPCO proposes to:

- A) Construct a high platform under and east of South College Avenue to eliminate the ADA deficiencies associated with the existing low platform. Track A in the station area will be relocated approximately 45 feet south to accommodate the new platform before transitioning back onto the Northeast Corridor right-of-way approximately 1,500 feet to the north in the vicinity of a tributary to Cool Run.
- B) Construct a grade-separated pedestrian connection between the platform and the station building and parking area. This connection will allow passengers to access the platform without having to cross the relocated Track A. The platform will also have a direct stair connection to the existing pedestrian bridge over the railroad tracks, similar to today.
- C) Construct a station building (within the existing station footprint) with SEPTA and DART First State ticket window and ticket vending machines, along with improvements in parking and access in the area of the existing parking lot.

The project will involve extending the existing culvert further south over a tributary to Cool Run. To the north are parklands and to the south are the University of Delaware's ag lands – If Track A and the maintenance road are re-located to the south, they would impact the UD. NPS anticipates requesting additional information and meeting with the applicant on site to better understand the potential project impacts to the stream and its riparian buffer and ag lands to the south. We believe the stream in question is not a tributary to Cool Run, but Cool Run itself. Coordination with the DE SHPO will be required because of the age (constructed in 1910) of the stone arch surrounding the culvert.

- 2) Moorhead Farm (West Marlborough Township, PA) – Brandywine Conservancy is working with Stroud and a private landowner on a proposal for a riparian buffer installation and Corrective Action Plan for three stream crossings for horses and cattle. NPS will likely review under Section 7, due to the use of Wild & Scenic funds and we assume state-assumed federal permitting through PA DEP.
- 3) Metro Business Park proposal (Newark, DE)– Per NPS & DNREC Natural Heritage request, a survey of potential rare plant habitat was conducted. While no plant "ORVs" (Outstandingly Remarkable Values) or other rarities were identified, Bill McAvoy (DNREC botanist) did discover a significant area of mature woodlands that the project applicant had not reported. These woodlands could harbor herp species and must be identified and mapped, per New Castle County ordinance. NPS is waiting for response from project consultant regarding the woodlands.
- 4) Jenny's Run stream restoration (Newark, DE) – NPS just completed the review for this project, which will remove invasive Japanese knotweed, eliminate sediment from inside the culvert and an area downstream, cut away a chunk of concrete sticking out into the stream and impeding flow, and stabilize upstream and downstream sections of Jenny's Run through Pinebrook Apartments. Knotweed has already been cut and herbicide applied over two growing seasons. Streambank stabilization measures along a 150-ft length

include log vanes and live willow stakes in combination with boulders at toe of slope, and re-establishment of a floodplain with riparian vegetation.

- 5) Inniscrone culverts (London Grove Township, PA) – US Army Corps, NPS and the permittee finally resolved permit violation issues. Permittee agreed to: 1) remove invasive plant species prior to planting native species along stream; 2) direct flow towards the center of the channel; 3) install a fiber log forebay at the storm sewer discharge, along with native river rock as riprap in the forebay, to reduce potential for scouring and settle out stormwater pollutants; and 4) stain the concrete culverts with a soy-based stain that is suitable for aquatic environments. The latter will hopefully address some of the residents' complaints about the culvert's aesthetics.
- 6) Former Avon site (Ogletown Rd, Newark, DE) –NPS had requested a rare plant survey to check if any Outstandingly Remarkable Values are present. Foresite Associates surveyed the site in May and did not identify any of the 6 species of concern; however, they did find a rare sedge in a mature tulip forest. NPS is still waiting for DNREC's Brownfield Investigation Report. Project review is currently on hold.
- 7) BR 1-254, Old Newark Road over Cool Run (Newark, DE)—NPS had issued a determination back in April, but because this is the project that would not die, we had to revisit the determination following a change in DelDOT's plans. DelDOT found they could not place the temporary pedestrian bridge where they originally anticipated. The new location further upstream required tree removal in the riparian buffer along Cool Run. NPS, USACE, DNREC and DelDOT came to a consensus during a site visit in July to add 2 more Silky Dogwood to the north side of Cool Run, and 3 Sweetgum and 8 Chokeberry plantings to the south side of Cool Run, and to remove the Japanese hops and greenbriar that were choking the existing shrubs and trees. Fortunately, several of the existing trees are invasives such as Norway maple – Their stumps will be flush cut and herbicide applied to keep them from re-sprouting at the base.
- 8) Delaware Park Streambank Stabilization (Newark, DE)—Five sites within the golf course were identified as needing stabilization because of threats to the fairways from bank erosion. NPS just completed a Section 7 determination after resolving differing technical opinions of the applicant, US Army Corps of Engineers, State of Delaware, NPS, and consultants. A mix of different types of stabilization techniques will be used in different sections of the White Clay mainstem, including rock vanes to direct flow, soil anchors, and geobags with live willow stakes in between. NPS requested the stream channel be maintained in as natural a condition as possible, given the stream's location (and previous history of manmade alterations). Sand bar excavation was scaled back, and seasonal restrictions will be applied to construction, due to DNREC's concerns regarding sedimentation of and elimination of potential spawning habitat and migratory corridors for certain fish species (river herring, federal species of concern; and two state-listed rare species).
- 9) BR 248 and 289 (Chester County, PA)—NPS was recently contacted about two upcoming bridge replacement projects and whether the NPS had jurisdiction to review the projects. BR 248 is located just west of West Grove over the Middle Branch of the White Clay Creek. The applicant is Chester County, with funding and oversight from PennDOT. NPS had reviewed the proposal back in 2000 and determined no effect; however, the permit expired without construction occurring, so NPS was asked to re-issue the determination, which we did in October of 2014. BR 289 is a new project (at least new for NPS review) located on State Road just west of Avondale. NPS is awaiting further information about this project. Both project sites are located within 500 feet of wastewater treatment plants, in non-designated "gap" areas; however, NPS has jurisdiction to review federally assisted water resources projects in areas between designated sections of a Wild & Scenic River.

Section 10/Other Reviews:

- 1) Eastern Shore Natural Gas pipeline project (Franklin Township, PA)– No word on this project since May.
- 2) Artesian’s Broad Run Well proposal (New Garden Township, PA) – DRBC postponed docket until Sept 30 due to extensive public comments. NPS submitted two rounds of comments, coordinating through our federal representative on the Commission. We recommended that the docket be renewed under the condition that the proposed monitoring plan for Broad Run be amended with the following: 1) The proposed duration of monitoring be extended to 5 years and be initiated 1 year prior to production well startup. This will provide one full water year of pre-pump data and 4 years of production data. 2) That the permittee and their consultants establish and maintain the gauging station, well, and piezometer monitoring sites following USGS protocols or other DRBC approved method, for flow measurements, rating curve development/updates, water quality data collection, sample handling, and analysis. The revised docket from 9-10-15 did not specifically include these revisions, whereupon our next fallback request was that DRBC provide the NPS a copy of the annual report prepared by a hydrogeologist. The report includes an assessment of the effects of well withdrawals on hydrologic conditions in the area as referenced in the docket.
- 3) DelDOT maintenance & repair projects – DelDOT sends us proposed projects to review that include repairs to bridge decks and basic maintenance such as repainting (BR 1-229A Muddy Run, BR 1-251 North Harmony Road). NPS confirmed with DelDOT that for projects not impacting the streambed or banks and not including federal assistance, we do not review under Section 7 of the Wild and Scenic Rivers Act. NPS does, however, have the option to review and comment on other projects within the 250-ft. designated boundary if we think there could be an impact to White Clay Creek or its designated tributaries. There have been two recent road failures – Upper Pike Creek Road and Creek Road – and we did comment on these due to the proximity of the road to the creek. In the case of Creek Road, there’s apparently a rare plant near the project site and the potential for bog turtle migration along the creek corridor. We support the state’s request for seasonal restrictions and other measures to minimize the potential for impacts to the creek’s natural resources (or request our own).