

NPS Report to White Clay Creek Watershed Management Steering Committee

1-27-16

Financials

NPS funds tracking log indicate as of January 6, 2015 there was a total of **\$107,093** remaining in the White Clay Watershed Association's Cooperative Agreement consisting of 2013 (**\$9642**); 2014 (**\$5079**) and 2015 (**92,374**) funds. The 2015 funds are beginning to be spent, **\$2626.52** invoiced this quarter.

As of November 1, 2015, NLT had approximately **\$105,014** 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. NLT is working on conservation projects on two properties and is trying to close on these real estate transactions by the June 2016 deadline. **If these funds are not expended by the June 2016 deadline they will be deobligated by National Park Service and returned to the US Treasury.**

Financial Reporting

NPS continues to work with Shane Morgan and David Hawk to streamline financial reporting to NPS so that we get the most useful and user friendly information to the NPS and the White Clay Watershed Management Steering Committee.

Section 7 Reviews:

1) Newark Regional Transportation Center Project (Newark, DE) - The project is essentially the replacement of an existing culvert and is well beyond the designated area of Cool Run, approximately one mile. The area is highly developed and is located at the top of the Cool Run watershed. NPS has determined that the project will not encroach or invade the designated area of Cool Run or unreasonably diminish the fish or wildlife values present in the designated area of Cool Run. The project should not significantly impact Cool Run.

2) Moorhead Farm (West Marlborough Township, PA) – Brandywine Conservancy, Stroud Water Research Center, & Chester County Conservation District– Agricultural Corrective Action Plan (ACAP). An Agricultural Corrective Action Plan was submitted to the PA Department of Environmental Protection for approval by the projects sponsors, Brandywine, Stroud and the Chester County Conservation District. This ACAP proposes repair and maintenance of 3 existing livestock stream crossings; reforestation of 9.8 acres of riparian buffer; installation of 4260 feet of fencing to prevent livestock access to the riparian area; as well as providing fencing to channel livestock through the livestock stream crossings.

NPS was asked to review the project under Section 7 of the Wild and Scenic Rivers Act (WSRA) and if possible to lend the agency's support for the project. NPS concluded under Section 7 that this ACAP

will not significantly or negatively impact the White Clay Creek or its resource values, and should not adversely affect the White Clay Creek National Wild and Scenic River. NPS determined that this ACAP adheres to the goals and objectives of water quality protection and enhancement as envisioned by the White Clay Watershed Management Plan (see Management Challenge page 60 attached from the White Clay Watershed Management Plan). NPS also determined that the existing livestock crossings are allowed to be maintained and repaired on designated National Wild and Scenic Rivers as long as there is not substantial additional construction in the bed and banks. NPS does not believe this proposal substantially alters the existing livestock crossings and is therefore permitted. NPS was able to lend support for this project and believes that it will reduce erosion and sedimentation and substantially improve water quality in the White Clay Creek.

Section 10/Other Reviews:

1) Eastern Shore Natural Gas pipeline project (Franklin Township, PA) – Eastern Shore Natural Gas pipeline is moving ahead with this project. In August 2015 the Federal Energy Regulatory Commission (FERC) requested comments for a Supplemental Public Notice that was evaluating impacts between two alternatives for this project.

The Proposed Route, favored by Eastern Shore would have constructed a new 4 mile line, to circumvent Kemblesville, following Walker Road east from the existing pipeline then crossing Rt. 896 south of the Appleton & Rt. 896 intersection and then moving east and north through the Franklin Township Park and Preserve and ultimately joining the existing pipeline Right of Way near Oxford and State Roads.

Alternative 2 would place the new pipeline within the existing pipeline Right of Way, which is approximately half a mile west of Rt. 896 and the village of Kemblesville. The existing pipeline goes through several existing subdivisions. The construction of the new pipeline in this location would impact 39 existing homes.

The FERC Supplemental Notice solicited comments on impacts to existing forest; streams from pipeline crossings and potential spread of noxious weed or invasive plants. NPS submitted the following comments:

1) Crossings of the White Clay Creek National Wild and Scenic River – Both the Proposed Route and Alternative 2 each contain two minor crossings of designated tributaries of the White Clay Creek National Wild and Scenic River. Based on preliminary information supplied from Eastern Shore Natural Gas the Proposed Route should be able to use Horizontal Directional Drilling to achieve the crossing on at least one of the tributary crossings for the Proposed Route; and will rely on trench cuts for the other tributary crossing on the Proposed Route and the two crossings for Alternative 2. All of these crossings will require Army Corps of Engineer 404 permits, which will trigger review of the permits by NPS under

Section 7 of the Wild and Scenic Rivers Act (WSRA). Under Section 7 NPS will determine if these crossings will have a “direct and adverse” impact on free flow and water quality for any of the involved tributaries; as well as any direct and adverse impacts to any “outstandingly remarkable” resources that led to the Wild and Scenic Designation of White Clay Creek & its tributaries. Our preliminary review of these crossings at this time indicates that there should be no “direct or adverse” impacts of any kind from any of these crossings. All of the streams involved are very small and not more than a few feet across. The use of Horizontal Directional Drilling under one of the streams for the Proposed Route eliminates any potential impacts from that crossing. The other 3 stream crossings are very narrow and in existing disturbed locations; the use of trench cuts (including flumes and/or dam and pump); along with proper best management practices should insure very little impact, if at all for these crossings. None of the stream crossings are located in the vicinity of any outstandingly remarkable resources.

2) *Old Growth Forested Areas Along the Pipeline Routes – The White Clay Creek & Its Tributaries Watershed Management Plan, Amended 2001* was prepared as part of the Wild and Scenic Designation and is the guide for NPS river management for White Clay Creek. The Watershed Management Plan has as a goal and an objective the preservation and maintenance of mature forest to support natural ecosystems and to enhance the quality of life for residents of the watershed. The Watershed Management Plan notes that forests provide some key functions including protection of water quality; protection of public water supplies by recharging the groundwater aquifers; control of erosion and sedimentation of streams given high forest infiltration rates for stormwater; maintenance of rare fish and wildlife populations and provision of areas for active outdoor recreation. Based on estimates provided by Eastern Shore Natural Gas the Proposed Route would eliminate almost 12 acres of mature forest, while Alternative 2 would eliminate approximately 6 acres of mature forest. Alternative 2 best meets the goals concerning the preservation of mature forest as outlined in the White Clay Creek & Its Tributaries Watershed Management Plan.

3) *Noxious Weeds* – Gas pipelines through their need to maintain rights of ways free from mature forest cover are inherent pathways for the spread of noxious weeds and other invasive type vines and plants. As the rights of way pass through forest they create openings for direct sunlight to penetrate into the forested environment, noxious weeds and vines thrive in direct sunlight. Many forested areas of the White Clay Creek watershed have already been decimated by the spread of these weeds and vines. The vines are especially problematic since they can cover whole trees and can over time kill them. When the vine covered trees die they are susceptible to being blown over and opening up even greater areas in the interior forest for the spread of more noxious weeds and more vines. Both the Proposed Route and Alternative 2 pass through forested areas, however, the Proposed Route will open up a greater amount of forest to the potential spread of noxious weeds and vines.

Eastern Shore Natural Gas has since filed for permits through the Delaware River Basin Commission (DRBC) for permission to co-locate the new 16 inch pipeline within the existing Right of Way, Alternative 2. Eastern Shore has proposed to use Horizontal Directional Drilling for the two stream crossings associated with Alternative 2. NPS has indicated to DRBC that it supports the Eastern Shore proposal.