

NPS Report to White Clay Creek Watershed Management Steering Committee

4-13-16

Financials

NPS funds tracking log indicate as of April 5, 2016 there was a total of **\$74,062** remaining in the White Clay Watershed Association's Cooperative Agreement consisting of 2013 (**\$8.76**); 2014 (**\$2927.50**) and 2015 (**64,377.40**) funds. The 2015 funds are being spent, **\$20,182.92** invoiced this quarter.

As of April 13, 2016, NLT has approximately **\$103,078** remaining in its Cooperative Agreement for White Clay Creek, consisting of 2012, 2013, and 2014 funds. NLT has not yet filed FY 2016 2nd Quarter Report.

Section 7 Reviews:

1) Agricultural Corrective Action Plan; 733 Glen Willow Rd; Avondale, PA; East Branch White Clay Creek - The National Park Service (NPS) was asked by the project sponsors to write to the Department of Environmental Protection in support of this Agricultural Corrective Action Plan (ACAP). This ACAP proposes one (1) stabilized livestock crossing and one (1) stabilized water access for livestock. The proposed access will replace, reduce, and stabilize the existing area where livestock accesses the stream for water. Currently the banks are denuded of vegetation with evidence of erosion at the banks. The area of current disturbance occupies a footprint 3x the size of the proposed stabilized access, which will be stabilized with stone and concrete hog slats.

NPS has reviewed this ACAP in relation to the "White Clay Creek and Its Tributaries, Watershed Management Plan, Amended Summer 2001." (This Plan guides Resource Management of the White Clay Creek National Wild and Scenic River.) NPS believes 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). In addition, 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 has concluded 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 supports this project and believes that it will reduce erosion and sedimentation and substantially improve water quality in the White Clay Creek.

2) City of Newark, DE; Windy Hills; Water Main Crossing; Mary Ella Drive to North Dillwyn Road; White Clay Creek; Newark, DE - NPS conducted a review of the proposed Windy Hills water main crossing and have determined that as proposed on the plans that were submitted dated September 29, 2015 this project should not significantly or negatively impact White Clay Creek or its resource values, and should not adversely affect the White Clay Creek National Wild and Scenic River. Necessary precautions have been taken to limit erosion and sedimentation and to restore the site post construction. There are no outstandingly remarkable resources associated with the White Clay Creek National Wild and Scenic at the project location. However, given the historical occurrence and migration in the greater vicinity of the project area of bog turtle, an outstandingly remarkable resource of the White Clay Creek

National Wild and Scenic River, we recommend that construction of this project be restricted till after June 15. A similar water main crossing was reviewed upstream from the Windy Hill crossing and was approved by NPS several years ago.

3) Metro Business Park, Minor Crossing and wetland impacts, Unnamed tributary, White Clay Creek, New Castle County, DE – NPS has reviewed this minor road crossing and associated wetland impacts from the proposed Metro Business Park. This project is located on an unnamed minor tributary approximately 1/2 mile upstream from a designated segment of the White Clay Creek National Wild and Scenic River (P.L. 106-357); Near Rt. 7 and I-95 interchange. Section 7 reviews of projects located upstream, downstream or on a tributary to a designated segment have a different standard of review from projects located on a designated segment.

Pursuant to Section 7 (a): "Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on a stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the national wild and scenic rivers system." The National Park Service (NPS) considers water resource projects to include dams, diversion projects, bridge and roadway projects involving construction in the bed or on the banks of the river, bank stabilization projects and activities that require a section 404 permit from the Army Corps of Engineers. This project is considered a water resources project and, therefore, reviewable under section 7 of the Wild & Scenic Rivers Act.

NPS believes that this project does not pose any significant impacts to the White Clay Creek National Wild and Scenic River. The project is located beyond a major 4 lane expressway, Route 7 and is connected to the White Clay Creek by a large existing culvert. There are no known outstandingly remarkable fish or wildlife resources associated with the White Clay Creek Wild and Scenic River within the project site. The plans for the site include protecting most of the existing wetlands, a majority of existing forest and riparian forest cover; and includes extensive underground and above ground stormwater management. The project will not encroach upon the designated section of White Clay Creek nor should it diminish any scenic or recreational values located in the wild and scenic designated segment. NPS, therefore, has concluded that this project will not invade or unreasonably diminish the scenic, recreational or fish and wildlife values of the downstream wild and scenic designated segment, or significantly or negatively impact the White Clay Creek National Wild and Scenic River.

4) E23-9999 Notification for SR 3044 Ewing Rd Bridge Rehabilitation; Middle Branch White Clay Creek; London Grove Township, Chester County, PA - NPS has determined that the above referenced project, will not significantly or negatively impact the river or its resource values, and should not adversely affect the White Clay Creek National Wild and Scenic River with the implementation of the following: Backfill of proposed rip rap areas for scour protection of structures: a. Backfill of rip rap areas – stockpiled soil and rock material that is excavated during preparation of the site during construction should later be used to fill the voids between rip rap above the ordinary high water mark. This will leave an exposed area of rip rap at the toe of all slopes for enhanced scour protection.

Upstream and downstream from the project site, in somewhat close proximity, are existing critical forested and wetland habitat areas. Following the prescription for filling the voids of the rip rap will prevent migrating reptiles and amphibians from the critical habitats from being trapped and killed within the rip rap areas of this project.

5) Penn Dot's P3 Rapid Bridge Replacement Project - S.R. 3044 (Ewing Road), Section 000 bridge over Middle Branch White Clay Creek in London Grove Township, Chester County, Pennsylvania. - NPS has conducted a review of the proposed bridge replacement and have determined that as proposed the replacement bridge will actually improve

and have a positive effect on the free flow of the Middle Branch by expanding the width between bridge abutments. The existing bridge abutments are right against the edge of the channel. The replacement bridge moves the bridge abutments approximately 8 feet back landward away from the channel, thereby expanding the area for flow of the Middle Branch. While a portion of the existing abutments will remain, most of the existing abutment will be removed. By moving the bridge abutments back from the channel the project achieves a goal of the White Clay Creek & Its Tributaries Watershed Management Plan of improving river or stream free flow.

In terms of other river impacts we do not believe this proposed bridge replacement project will significantly or negatively impact the Middle Branch or its resource values; a bog turtle survey indicated no potential bog turtle habitat within 300 feet of the site and the results were concurred by U.S Fish & Wildlife; bog turtles are an “outstandingly remarkable resource of the White Clay Creek Wild and Scenic River.

This project should not adversely affect the White Clay Creek National Wild and Scenic River or the Middle Branch with implementation of the following: Backfill of proposed rip rap areas for scour protection of structures: a. Backfill of rip rap areas – stockpiled soil and rock material that is excavated during preparation of the site for construction of the replacement bridge should later be used to fill the voids between rip rap used for scour protection of the bridge abutments. After filling the rip rap voids the scour protection areas should be topped with 4-6 inches of topsoil and seeded with a mix of perennial and annual grasses.

Following the prescription for filling the voids of the rip rap will prevent migrating reptiles and amphibians from critical habitats near the project site from being trapped and killed within the rip rap areas of this project.