



Wild & Scenic White Clay Creek

Ours to *enjoy*. Ours to *protect*.

Steering Committee Meeting Minutes

December 10, 2013, 1:00 p.m. - 3:00 p.m.

New Garden Township Building, 299 Starr Road, Landenberg PA 19350

Attendees:

Rick Mickowski	John Jackson	Doug Janeic	Jeff Buler
Don Peters	Kristen Travers	Jenny Egan	John Goodall
Ed O'Donnell	Martha Narvaez	Martin Wells	Kyle Sonnenberg
Dave Conners	Jerry Kauffman	Dorothy Miller	Shane Morgan
Linda Stapleford	Teddi Silver	Erin Lee	Phil Geoghegan
Chris Robinson	Andy Urquhart		

Approval of September 2013 Minutes.

Next meeting will be scheduled for March.

Fourth Quarter 2013 Statement of Financials was reviewed. According to NPS we have \$36,370.89 left to spend down by end of September 2014. Shane told the Committee that the CFACE Restoration project scheduled for last spring would not be occurring due to some reorganization within the group. Shane will send out a letter to CFACE to let them know that we will no longer be reserving funds for this project. The \$2766.50 will be put back into the Restoration Budget Line.

Shane provided a handout on two projects that the Chester County Conservation District (CCCD) is working on in White Clay. There is a potential funding opportunity to help CCCD implement these projects that were underfunded by the DCED grant that they were awarded. CCCD requested \$3,333 for the one project involving grassed waterway, a diversion, and a level spreader in a crop field to fix existing erosion problems on crop land in New London Township, and \$2,895 to fix an existing erosion gully on a mushroom farm in New Garden Township, for a total of \$6,228. Shane noted that these projects were also contingent upon the CCCD being awarded additional funding from a NFWF grant. That notification will not occur until April 2014. The Committee decided to table this item until the Restoration Subcommittee had more time to review it and more information about the sites could be learned. It was suggested that we request to see the conservation plans for each property and to invite Adam Mowery (CCCD) to present his proposal at the next Restoration Subcommittee meeting in January. Shane will contact Adam to try and set up a convenient time for all.

2014 Budget Discussion.

Shane noted that we saw a 17% funding cut in FY 2013 and that this is expected to go down even more in 2014. She asked the committee to start thinking about budget requests for 2014 and hopefully we will know more by the March meeting.

Announcements

1st Annual Winter in the Watershed Happy Hour, Thursday, December 19, 2013 6-9pm at Kildare's Irish Pub on Newark's Main Street sponsored by UD WRA, DEAWRA and Students Section of DEAWRA. Complimentary Hors D'oeuvres and Cash Bar.

DNLA awarded Stormwater Basin Retrofits at Hunt at Louviers - commercial category winner. Award ceremony at the Delaware Horticulture Industry Expo on January 23 & 24 in Dover. Winning entries will be posted on the DNLA website. (Brochure on table)

Presentations

Jake Michael (Chester County Planning Commission) provided an overview of the Chester County Natural Heritage Inventory for Chester and Berks County. He noted DCNR was instrumental in providing the funding for the updated plans. Several sites in the White Clay Creek were surveyed. The goal was to not just focus on small islands of habitat, but to take into account the supporting landscape (buffers around the core habitat). Updated maps will be available on the web that contain more information and better GIS mapping to be tied in with the State Natural Heritage Inventory Map. The short-term goal is to create CD's with the document to be given out to all municipalities for their use. The long-term goal is to take an inventory of all the natural resource ordinances in the Chester County municipalities, rate these ordinances to pinpoint areas of weakness, and provide the municipalities with model ordinances that can be used to improve their existing ordinances. This inventory will help to identify gaps in municipal ordinances. John Jackson asked if details of threatened and endangered species would be available in the newer files. Jake stated that this would be highly unlikely and that this level of detail would be available on a need to know basis from the Western Conservancy. If you search the DCNR maps and receive a hit, you would then take it to the Conservancy for more specific information. Jenny Egan and Linda Stapleford mentioned that this type of municipal ordinance inventory was done years ago by Brandywine Conservancy for the White Clay Creek. Jake stated that they would be starting from scratch and only looking at what is currently on the books.

Administrative Business

Shane handed out a one-page review of what is expected of each Steering Committee member. This was an effort to highlight what is laid out in the Policies and Procedures and that she would like to provide this sheet to those who express interest in joining the Committee. She asked the Committee to look it over and provide feedback via email. Shane mentioned how Jessie Benjamin's resignation from the Committee caused her to review the current membership and reach out to everyone on it in an effort to make sure those listed were still able to make the commitment. Shane noted that Sally Cheyne, a former member

of the Committee, originally from London Britain Township, decided to also resign from the Committee, but would still like to be in the program membership. Rick Mickowski (New Castle County Conservation District) will be filling in for Kevin Donnelly. In the process, Shane also asked for potential nominees whom she could reach out to fill potential vacancies (via an email back in November to the standing Committee). Prior to the December meeting, Shane contacted these nominees. Many of the nominees are involved already with our committee to a lesser degree, but felt that this would be too much of a commitment at this point. April Schmitt (London Britain Township), already an active member of the group, was happy to accept the nomination. Shane also noted that Jeff Buler, a professor of Entomology and Wildlife Ecology at UD, had started to attend our meetings on behalf of London Grove Township. He is also a member of the London Grove EAC, and is interested in representing London Grove as a Committee Member in the future, but would like to attend some more meetings before committing. Shane made a motion that that April be elected to the Steering Committee. The Committee was in unanimous agreement.

Subcommittee Reports

Education/Outreach

- Martha informed the group that the Education Committee is working on establishing a Christina Education Clean Water Committee in a collaborative effort to speak with one voice. This idea has been presented at both the Christina Basin Task Force and the Delaware Watersheds Roundtable and has received positive feedback. The goal is to coordinate efforts with other groups within the watershed to develop a stronger message, reach a larger audience with a measurable outcome of behavior change. This effort should benefit water quality and help municipalities meet their TMDLs. There are currently no specific details to share about particular messaging as we are only in the preliminary stage of peaking interest. Our first planning meeting will take place early winter.
- Shane mentioned that the committee is starting preliminary planning for the second White Clay Creek Watershed Symposium for Fall 2014. Anyone interested in presenting should contact us.
- The Committee is looking to provide funding to more schools in the watershed for field trips to Stroud and Delaware Nature Society. Shane mentioned that bussing could be paid for if it is prohibitive to an interested school.
- Greg Gagliano has stepped down as the habitat coordinator for DNS, and Lori Athey will be the new coordinator. She will be working on certifying the City of Newark as a Community Habitat. Currently 97 residential homes are needed to complete the certification. Linda S. suggested we contact the New Castle County Master Gardeners as they may be able to help with this.

Research and Restoration

- Doug J. mentioned that PDE conducted a quick (non-scientific) screening of the sites where the fresh water mussel populations were transplanted. The mussel populations were still intact and appeared to be in good shape. It was also noted that because of the seed money that we provided to get this project started that PDE has now gained interest and funding from other funding sources. Once the scientific survey has been completed, a report will be provided to the Committee. This report should provide us with information on where and in what conditions these mussels can tolerate, and shed light on how they respond to 'non-ideal' conditions in post developed streams.
- Jenny E. noted that we are still waiting for guidance from DEP central office on how we should proceed this coming year with the bacteria sampling and how we can be a part of the bacteria TMDL process. Jenny E. also reported back about the illicit discharge discovered on a tributary to Egypt Run in the East Branch by our summer intern. The incident was reported to DEP and well documented through both water samples and photos. Unfortunately, DEP was unable to get to the creek the day that it was reported and the incident had cleared by the time they arrived on site. Shane followed up with David Burke at DEP SE region and he provided her with a name and number to contact during such incidents and noted that while they did not find anything, that this site was now on their radar. It was suggested by several members that we contact the Fish and Boat Commission immediately (in addition to DEP) as they have more manpower and can get to the site quicker to assess the situation. Teddi Silver mentioned a member of the White Clay Fly Fishers, Ed Guthrie, who would be a good first contact. Jerry suggested we form a phone tree for these incidents so that downstream users could receive earlier notification. It was further discussed how we can improve conditions and affect greater compliance from the mushroom industry. It was determined that a stronger course of action is needed and a strategic plan needs to be worked out on what the best options are to affect change. Martin Wells suggested reaching out to Gary Schroeder.
- Jerry K. reported on the status of the White Clay Creek shad restoration and dam removal. They are currently waiting for the final MOU to be distributed and signed by all interested parties. They have the subaqueous land permit from the State of Delaware, but are still awaiting USACE approval and NPS Section 7 review. They are hoping to have all the necessary documentation back in time for a February dam deconstruction. They plan on having a public day at the dam as opportunity for the public to come out and view the removal process. No dynamite will be used, only small machinery. Jerry will be presenting to the Newark Rotary club and his presentation will be posted to the Wild and Scenic White Clay website as soon as it is available.
- John Jackson reported on the William Penn Foundation grant. Stroud plans on planting 70,000 trees altogether, the majority of which will be planted along the west fork of the upper east branch north of Route 1. The long-term goal of this project is the reestablishment of wild trout in this section of the East Branch. Along with the proposed 100' riparian buffers, Stroud intends to work with landowners on handling with livestock, using cover crops, and installing other needed agricultural BMPs to improve water quality. William Penn wants to see this EV stream off the impaired list with in ten years.

Stroud is hoping to see positive results by year three. Jerry noted that the entire Brandywine Christina cluster is expecting to receive 14 million dollars annually for a period of three years.

Open Space (Land Preservation and Recreation)

- Don P. noted that they regraded the parking area for the new trailhead at the Hendrickson property and that they received approval from the New Garden BOS to demolish the existing house.
- John G. noted that the Armstrong Easement is moving along, but may be slowed down a bit due to the fact that there is a mortgage on the property. He noted that when there is a mortgage out on a property, it must be subordinated to the easement, which can take time.
- Erin Lee noted that the Parker-Graham easement settled on December 11. The Wild and Scenic Committee contributed \$5000 towards the purchase of this easement.
- John G. reported that the Weymouth property was planted in October, and 750 trees were planted with the help of 45 volunteers over a two-day period. Volunteers were from Dansko, Stroud, Brandywine Conservancy (BC), and neighbors from Cheshire Hunt. He mentioned that BC is trying out new tree tubes at this site. They are called Acorn tubes and they have a rougher interior so that any birds that get trapped should be able to climb out. This will eliminate the need to use bird nets a top each tube. BC is also experimenting with different weed mats. Aileen P. asked about a beaver problem they are having in London Britain Township at one of their CREP sites. John G. stated that the best way to protect the trees is with tree tubes or to surround them with wire cages. He noted the most cost efficient way to deal with them is to trap them and send them away. Marten stated that it might be too late to cage the saplings. John G. suggested that the beaver population be monitored to see if it becomes a larger problem or if they move on to another less vulnerable site.
- Jake M. mentioned that a resident in the White Clay had contacted him about getting an updated trail map for the area. Jake showed us the outdated map from 1998 as well as an updated map from another area. Linda S. motioned that we request an updated map. John G seconded the motion. Aileen P., London Britain Township Supervisor went on record adding that she supported the motion and that this was long overdue.

Management Plan Coordinator Report

- The September lecture and tour at Margot Taylor's residence was attended by a group of 15-20 individuals interested in learning more about the Sustainable SITES Initiative and seeing first hand what can be done on a residential scale to deal with storm water.
- This year's Creek fest will be held on Saturday, May 3. New this year is a Creek Life Hike. The friends of the PA Preserve will lead a 'pre-fest' hike down to the Wedgewood Bridge where Christina Medved (Stroud) will lead a stream life study. White Clay State Park will provide a shuttle back to the Carpenter Center for those who don't wish to hike back to the festival. The Creek Fest Committee is actively seeking sponsors for this year's Creek Fest. Please notify Shane if you know of any businesses that the committee should reach out to.

- No update on the Expansion Bill, but Shane took Senator Casey's Regional Representative, Kurt Imhoff, on a watershed tour in late September. This was initiated by the Senator's renewed interest in learning more about the White Clay due to the third attempt to reintroduce and pass the Expansion Act.
- We did not receive funding from DCED for the New Garden Park Project, but we can reapply quarterly. Growing Greener awards should be announced this winter. If we don't receive funding we can reapply in April.
- All Chester County municipalities must adopt the new ACT 167 stormwater ordinance on Jan 2, 2014.
- The Somerset Lake Report, a study conducted by FX Browne, was presented to New Garden Township in October. During the presentation, Browne stated that Somerset Lake is in the top 90% of eutrophic lakes in the country. His study has a list of suggestions on how to improve the situation. Number one being the formation of a storm water utility. There were also several suggestions on how to better manage the stormwater generated by this small watershed and Shane suggested that it may be a good partnering opportunity for our group. Shane also learned that DNREC has some money left in their Rain Gardens for the Bay Program. They need to spend this money by September 2014 and they are willing to spend the money on projects in PA. They can do this since the funds being allocated are EPA funds. There may be an opportunity to use these funds at Goddard Park in London Grove Township. The park has two large rain gardens in need of vegetation. Shane met with Claudia West, and Steve Brown on site and discussed the potential project. Shane suggested a hands-on workshop with volunteers, and has asked that Steve clear it with his maintenance staff since they would be obligated to maintain it. There may also be an opportunity to fund a community rain garden in Somerset Lake if there is community interest.
- Our summer 2013 intern, Ed Trommelen, was provided with a \$400 award for service as well as a packet of recommendation letters from members of the Committee. The Education Committee decided to continue the summer intern program this year and new information, including an updated job description, is available on our website.
- White Clay Wild and Scenic Rivers exhibited at Newark Community Day in September. The City of Newark estimated >8000 visitors that day. Shane acknowledged Jenny E. and Tom Z. for helping out at the event.
- Del Tech students took a BMP field trip visiting various stormwater BMPs in New Castle County including Swift Park Vegetated Swales to learn about different stormwater BMPs.
- World Fish Migration Day is Saturday, May 24, 2014. NPS requested that the White Clay commemorate this event. It was suggested that hikes up and down the creek would be a great opportunity to reach out to the public about dams and fish migration. Shane mentioned that Jerry had suggested a tour of Dam No. 1, as well as Dams 2-5 if desired. Other ideas were suggested such as a fishing event hosted by the Fly Fishers, or a talk about dependence on historic fish runs by Lenape & others. It was suggested that we could commemorate it with activities throughout the week if hosting them all on Saturday was not a possibility. Julie would like us add a placeholder for events on the official website at <http://www.worldfishmigrationday.com>

- Shane requested new photos of White Clay Creek to use for the Annual Update 2014, website, and other publications. She indicated that it would be excellent if the photos also had people in them and that the photographer would receive credit for the photos. It was suggested that Shane check with the Fly Fishers for potential photos, as well as the local Friends Groups, and the State Park as they often have some good photos to share. Shane will send an email blast out to the general membership requesting photos.

River Manager Report

Director's Order 46 on Wild & Scenic Rivers

Copies of revised DO-46 (revised as of 11-22-13) were distributed prior to the meeting and areas of interest were highlighted on (pp. 3, 4, 5-6, 8-12). There will be an additional formal review that will be advertised in the Federal Register and NPS will let us know when the notice goes out.

Shane explained the purpose of DO-46, to provide policy guidance in implementing the Wild and Scenic Rivers Act by NPS, and asked for feedback. She noted that it is unclear how some of the wording will be interpreted. In particular, in Section 4.7 where it states 'Every wild and scenic river will be eligible for operation funds, special program funds, and the complete array of professional services from NPS divisions and programs, unless otherwise restricted.' It is unclear as to whether other regions and WSRs can tap the North East Region funding and is concerned that what is published in this document could possibly negatively effect Partnership Rivers Funding in the future. She noted that in an earlier version it stated that all rivers will be able 'to compete' for these funds. NPS North East Region is also not clear on this matter. Shane noted that there is also no mention of how effective the partnership wild and scenic rivers are at leveraging their funding, and that she is currently putting together 'leveraging reports' to document how effective the partnership river model is in the White Clay. Shane also pointed out that the amount of federal funding appropriated to Local River Managers has decreased on average by 18% over the past five years. Doug J. noted that the highlighted section in 4.1.1 was also not clearly defined and that NPS would have a hard time with enforcement. In particular, he pointed out the vagueness of the wording 'unreasonably diminish'.

Section 7 reviews (note Julie was absent at this meeting but sent the following report which was forwarded to the Committee prior to the meeting):

- Henderson Hill Road stormwater catch basins – Blowout of 4 catch basins and damage to culvert and roadway at Henderson Hill Road (off of Polly Drummond north of Newark) occurred after a severe storm back in October. Overtopping of an unnamed tributary to Pike Creek flooded two homes. DeIDOT apparently did not know of the culvert before the storm. The culvert inlet was buried under 3 feet of sediment that dropped into an area that is serving essentially as an in-line stormwater basin north of the roadway. The culvert inlet had been blocked with debris, thus causing a backup of the stream and the flooding of the homes, at the same time that

the stormwater was pouring over the road embankments, since this section of the road represents a low spot. At a field visit back in October, USACE, DelDOT, DNREC and NPS agreed to Phase I of the project, which was to excavate the sediments at the culvert inlet and allow for free flow of the stream back into the culvert. Phase II was to be excavation of a 15 X 15 foot area excavate the sediment to a depth of about 2 feet upstream of the culvert and temporarily stabilization of the slopes with sandbags as a test. This would help determine any issues relating to sediment accumulation and flow (volume, rate, direction) and would help inform the alternatives analysis. Phase III was to be a long-term solution to the issues relating to stormwater management and debris blocking the culvert inlet. Phase I was accomplished, but instead of going to Phase II, DelDOT decided to just repair the roadway and the stormwater catch basins without addressing any of the problems that led to the blowout in the first place. NPS can't require them to do this because DelDOT decided to do all of the repair work from the roadway so that they don't need a federal permit, and they are using state funds. NPS sent a letter to DelDOT noting the previous verbal agreement and asking whether or not any of the agencies' recommendations would be implemented as part of this or a future project – We have not heard back.

- Metro Business Park Development (Fusco property – Newark) – NPS has received a request from the applicant (JP Morgan) to identify whether we have jurisdiction and will review this project, which is the development of an office/business park in an area west of Route 7 and north of Churchman's Road in Newark. The project proposes to impact over 5,000 sq. ft. of wetland temporarily and about 4,000 sq. ft. permanently. The property is currently undeveloped, but did once consist of farmlands, looking at historical aerials from the 1930s-1990s. Once the farmlands began to be abandoned in the 1990s, wetlands developed or expanded. NPS got a heads up on this project last year, but we decided not to review. At the time the information we were provided indicated there was no hydrological connection to White Clay Creek. Meanwhile the NWP 18 permit expired before the project could get started, so the applicant has to come back to the Corps with a new permit application. Now the applicant is stating that there is an unnamed tributary (more of a drainage ditch) to WCC on the property. So we are trying to get additional information to determine whether or not the project proposal is actually a "water resources project" as defined in the Wild & Scenic Rivers Act. Reviewing the aerials, it looks like there may be two drainages to White Clay Creek in the SE corner of the site – and the other question is do either of these connect to the in-stream stormwater management basin on the other side of Rte. 7 (JP Morgan facility). One drainage appears to be part of a sanitary sewer easement, the other is surrounded by wetlands that would be impacted by the proposal but seems to also be subject to a county requirement that the area's floodplain and wetlands be restored. We're also concerned about the wetlands impacts, since across the road is a State Natural Area (rare species) and rare, threatened, and endangered (RTE) species are often associated with wetlands.
- JP Morgan Blade building project – Across from the Fusco property, we have another project that we may potentially review. Right now there is a heads up from the

consultant and not much information. It involves expansion of the existing office complex to the north, towards White Clay mainstem – not clear if there would be a federal permit involved. There appears to be a drainage channel towards the White Clay Creek and it is a wooded area, not far from the State Natural Area.

Note: prior to the meeting Doug J. mentioned that he is familiar with the sites of both the Metro Business Park and the JP Morgan Blade building project and may be able to provide more insight to NPS.

- Bracebridge crossing – This is where the new pedestrian bridge for the Pomeroy Branch Rail-Trail crosses from Creek Road over into state parkland. Just south of this crossing, below a sharp bend in the White Clay Creek mainstem, is an area on the east bank owned by Bracebridge Corporation that is being subjected to scouring and erosion. It is about a 60-foot section of creek bank just upstream of a section that had been stabilized several years ago, and NPS reviewed and commented on that project, which has successfully held the bank and re-vegetated. The idea is to carry that same stabilization approach upstream as far as the bridge abutment. This would be two courses of large 3-4 ton boulders at toe of slope, with smaller boulders on top and anchored into the bank, terraced with brush layers at the top of bank. This would protect a sewage outfall line located on the east bank of White Clay Creek. We investigated the idea of installing natural tree root wads anchored back into the bank but the 20-30-ft trunks required would potentially interfere with the sewer line, which is only about 10 ft. back from the top of bank.