

**REPORT TO THE ENVIRONMENTAL QUALITY BOARD
RESPONSE TO COMMENTS
PROPOSED STREAM REDESIGNATIONS**

Fishing Creek, et al.

The Environmental Quality Board approved the proposed rulemaking for the Fishing Creek, et al. package at its July 13, 2010 meeting. The proposed rulemaking was published in the *Pennsylvania Bulletin* on September 18, 2010 (40 Pa.B. 5337) with provision for a 45-day public comment period that closed on November 2, 2010. Comments were received from 163 commentators.

On August 31, 2010, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment in accordance with Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)). IRRC did not raise any comments, recommendations, or objections to any portion of the proposed rulemaking, and no changes were made from the proposed rulemaking to this final-form regulation; therefore under Section 5(g) of Regulatory Review Act, the final rulemaking will be deemed approved by IRRC.

Entire Package - Supportive Comment

Comment: U.S. EPA Region 3 has no comments on the proposed redesignations, but does offer its commendation to DEP in its continuing effort to upgrade streams into its highest level of the Special Protection Waters Program. EPA notes that, if finalized, this package will redesignate 251.35 stream miles in the Commonwealth to exceptional value status. (163)

Response: The Department appreciates this supportive comment on the proposed redesignations.

French Creek & Beaver Run – Supportive Comments

Comment: The Department has received 162 comments indicating strong support for the redesignation of portions of French Creek and its tributary Beaver Run to exceptional value. (1-162)

- ***Natural Beauty:*** We recognize the importance of the beauty of this natural resource. Redesignation to EV will help to maintain this natural beauty (1-13, 15, 20-161)
- ***Recreational Opportunities:*** This redesignation will protect the many important recreational opportunities in French Creek and Beaver Run. (13, 15, 16, 20-132, 134-162)

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- ***Aquatic Life and Wildlife:*** This watershed is important to the propagation of many aquatic life species and other wildlife species and we believe that this redesignation will provide additional protection for aquatic life and other wildlife. (13, 16, 18, 162)
- ***Spiritual and Emotional Well-Being:*** French Creek and Beaver Run should be redesignated as this will ensure that the wondrous qualities of this watershed that we find to be so restorative to our spiritual and emotional well-being shall be preserved. (13, 14, 133)
- ***Flood Protection and Clean Water for People:*** French Creek and Beaver Run should be redesignated to maintain the inherent hydrological ability of this watershed to mitigate the downstream impacts of flood events. Additionally these waters ought to be protected as a source of clean water for people. (16)
- ***Future Generations:*** This redesignation will help to protect French Creek and Beaver Run for future generations. (20-132, 134-161)
- ***Multiple Uses:*** French Creek and Beaver Run are precious natural resources that serve our community in many ways and deserve the protection afforded by EV status. (1-12, 17)
- ***Environmentally Pro-Active Stewardship:*** The protection of French Creek and Beaver Run watershed is important to the entire larger watershed. As riparian property owners, we are committed to be pro-active in safeguarding the waters and we have implemented best management practices on our properties. This stewardship is important at the municipal and county levels. West Vincent Township and the Federation of Northern Chester County Communities serve as examples of this pro-active attitude. During the last six years since this petition was filed, the Department has conducted a thorough analysis of French Creek and Beaver Run and we support the Department's determination that portions of the French Creek basin should be designated as exceptional value waters. (18)
- ***Community Health:*** My community's health absolutely depends on the clarity and flowing beauty of the waters here. (162)

Response: The Department appreciates these supportive comments on the proposed redesignations. The Department is encouraged by this tremendous local support and likewise, the Department would like to further encourage this local support, stewardship, sense of ownership and responsibility expressed in these comments. These environmentally supportive attitudes coupled with local efforts in the watershed are more efficacious in protecting and promoting the stream quality and habitat than redesignating the stream with a more restrictive use.

Comment Response Document

Following is a list of corporations, organizations and interested individuals from whom the Environmental Quality Board has received comments regarding the above referenced regulation.

ID	Name/Address	Submitted one page Summary for distribution to EQB	Provided Testimony	Requested Final Rulemaking following EQB Action
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4	Ms. Martha Meadows 151 Barton Drive Spring City, PA 19475 Marty.Meadows@xlgroup.com	NO	N/A	NO
5	Ms. Lisa Tull 146 Jeffords Court Phoenixville, PA 19460 tull.lisa12@gmail.com	NO	N/A	NO
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