

Marshalls,
McMichael,
Paradise,
Pocono &
Brodhead Creeks



THE BRODHEAD WATERSHED ASSOCIATION

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FEB 1 - 2010

INDEPENDENT REGULATORY
REVIEW COMMISSION

January 26, 2010

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JAN 28 2010

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Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

RE: Proposed Rulemaking – 25 Pa. Code Ch. 102
39 Pa.B. 5131, August 29, 2009

Dear Environmental Quality Board members:

The Brodhead Watershed Association offers the following comments on the proposed amendments to Chapter 102.

We are opposed to the Permit-by-Rule established by this rule-making. We believe the issues of long permit review times, that the Permit-by-Rule was developed to address, have been resolved. We believe the Permit-by-Rule will only increase problems with inadequate design and technical deficiencies in permits. In addition, we believe the use of Permit-by-Rule in High Quality watersheds will violate the intent of Special Protection Waters classification.

We support the requirement for riparian buffers on EV streams, but believe the requirement should be extended to High Quality streams as well. In addition, we believe the required buffer on EV and HQ streams should be 300 feet. A great deal of scientific evidence exists that shows that 300 foot buffers are needed to protect cold water fisheries. The Brodhead watershed is a healthy, functioning, cold water fishery ecosystem. We want to keep it that way. Several municipalities in the Brodhead watershed have adopted 300 foot buffer requirements in their stormwater ordinances and development continues. Planning that begins with protecting water resources results in development that is superior in many ways. Sustainably designed communities will result in dwellings that are clustered, reducing impervious surfaces and energy use while protecting natural resources.

The Brodhead watershed, in Monroe County, is almost entirely Special Protection waters. It supports reproducing brook and brown trout and is an extremely popular trout fishing destination. Tourism is the largest sector of the county's economy. Without our trout streams, much of our tourist-based economy would suffer. We urge you to provide the regulations we need to keep our streams healthy.

Sincerely yours,

Dr. Pat Kennedy
Dr. Pat Kennedy, President BWA

think globally, act locally