



January 9, 2020

Mr. Gregory A. Wacik, Environmental Resources Branch
Department of Army
Philadelphia District, Corp of Engineers
100 Penn Square East - 7th Floor, Wanamaker Building
Philadelphia, PA 19107-3390

Subject: NEPA Pre-Scoping comments for Francis E. Walter Re-evaluation Study

Mr. Wacik:

The Delaware and Lehigh National Heritage Corridor, Inc. is the non-profit organization (D&L) responsible for implementing the national and state goals for the "Delaware and Lehigh National Heritage Area." Our mission and goals are described below and on our website at www.delawareandlehigh.org

Mission: To preserve the historic pathway that carried coal and iron from Wilkes-Barre to Philadelphia. Today, the D&L Trail connects people to our industrial heritage, health & wellness, economic development and nature & the environment; and to enrich the communities within the Delaware & Lehigh National Heritage Corridor through actions and partnerships that preserve resources, preserve the history and enhance the quality of life for residents of the Corridor.

Goals: We accomplish this two-part mission by fostering connections and stewardship, creating a Robust Regional Network of Trails, education and interpretation, advancing economic vitality, encouraging partners and building long-term sustainability.

We appreciate the opportunity to participate in the Re-evaluation Study and we look forward to participating further in the study process. We are submitting the following pre-scoping comments and concerns regarding the USACE letter from the Environmental Resources Branch to the Director of National Park Service, dated 11 December 2019.

These comments have, in part, been based upon help from and coordination with: Stephen R. Chuckra, LRSA President, Bill Dunstan, 5-Mile-High Stocking Club, Kenneth Powley, White Water Challengers. However D&L is responsible for the comments in this letter and they represent the independent comments of the D&L.

No Net Loss of Existing Flood Control or Recreation Benefits

The Francis E. Walter Dam (the project) is congressionally authorized to manage the waters of the Lehigh River for flood control and recreation purposes. In authorizing the Re-evaluation Study, the March 13, 2019 minutes of the Delaware River Basin Commission and the Resolution for the Minutes¹ state that the Re-evaluation Study scope shall be specific only to alternatives that will not "... impair the flood control or recreational purposes of the reservoir."²

If the Re-evaluation Study includes alternatives that could lead to any loss of flood control or recreational benefits that the project currently provides, the study would contradict the authorizing language approved unanimously by the Delaware River Basin Commission. The undersigned organization opposes the study of any alternatives that would lead to a net loss of these existing public benefits.

Specifically, the D&L is concerned that if the release of flows from the F.E. Walter Dam is based on the water supply or water flow needs of a watershed outside the Lehigh River Watershed then releases may be limited at a time the water users in the Lehigh Watershed need flows. The canals in the Lehigh River Watershed depend on flow from the Lehigh River. Much of the Lehigh Canal and all of the Delaware Canal contain water that is used for recreation, fishing, the support of aquatic life and wildlife habitat. Lehigh Canal water (at various locations) and a good portion of the Delaware Canal water (at Easton), is drawn from the Lehigh River. Any reduction of Lehigh River flows could limit the ability of municipalities and the PA Department of Conservation and Natural Resources to maintain flows in various sections of the canal. This reduction would result in a loss of Recreation Benefits.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) is a United States environmental law that promotes the enhancement of the environment, enacted on January 1, 1970. NEPA requires that federal actions follow the procedural requirements of NEPA and that related studies take a comprehensive view at how specific actions will impact the environment and other public resources. Agency actions identified in the Re-evaluation Study have the potential to significantly affect the quality of the human and natural environment: accordingly, they justify the preparation of an Environmental Impact Statement.

To date, a Notice of Intent to initiate an Environmental Impact Statement providing basic information of the proposed action in preparation of the scoping process has not been filed in the Federal Register. A Notice of Intent filed in the Federal Register initiates a scoping process.³

These D&L comments are provided as pre-scoping comments. The D&L intends to file more detailed comments in response to a scoping document under a properly noticed scoping period.

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¹ https://www.nj.gov/drbc/library/documents/ResForMinutes031319_FEWalterReevalStudy.pdf

² Minutes of the Delaware River Basin Commission of March 13, 2019. Page 9-10.
https://www.state.nj.us/drbc/library/documents/3-13-19_minutes.pdf

³ CEQ NEPA Regulations, 40 C.F.R. § 1501.7

various sections of the canal. This would result in a loss of the canal water that is needed to support aquatic life and wildlife. Even with reasonably stable Lehigh River flows, some portions of the Lehigh Canal have received inadequate flows, especially in drought conditions. We have ample experience with this condition and we know how quickly dry conditions result in loss of aquatic life and encroachment of invasive nonnative vegetation.

Fully Consider Delaware and Lehigh River Basin Environmental Impacts

The Re-evaluation Study is sponsored in part by New York City, an entity that currently withdraws drinking water from reservoirs that service the Delaware River Basin. The Re-evaluation Study expressly seeks to evaluate water supply and water quality opportunities at the project. New York City may seek to understand the opportunities that Francis E. Walter Dam could provide to the Delaware River Basin regarding flow augmentations that could mitigate salt front intrusion, provide flows for threatened and endangered species, and support drinking water supply needs of the lower basin. For example, these needs are currently met in part when New York City releases water from reservoirs in the upper Delaware basin, especially in times of drought. Should Francis E. Walter be re-tasked to support lower basin requirements, New York City may seek future changes to the Delaware River Flexible Flow Management Plan and other agreements that may have adverse impacts on the Delaware and Lehigh River Basins.

As such, the Re-evaluation Study should thoroughly evaluate all alternatives for direct, indirect and potential implications as they relate to the entire Delaware and Lehigh River Basins, including how federal action at Francis E. Walter may or may not incentivize New York City to propose changing their obligations under the Flexible Flow Management Plan and other agreements.

Fully Consider Economic Impacts

The current operations at Francis E. Walter provide for significant public benefits, from protecting property threatened by flooding to supporting a thriving outdoor recreation and tourism industry in Luzerne, Carbon, Lehigh, and Northampton counties. Whitewater rafting, kayaking, canoeing and fishing are central to the economy in these areas. The Re-evaluation Study should include analysis and discussion of the project's direct, indirect, and potential economic consequences as compared to its current authorizations and operations, and should include a thorough analysis of how alternatives may impact the economic interests of local and regional stakeholders. (For example, if water storage were to be increased at Francis E. Walter to meet Delaware River flow needs downstream of Easton, Pennsylvania, such that New York City might periodically seek future changes to the minimum flow requirements in the upper Delaware and Lehigh River Basins; then the Re-evaluation Study should include a thorough analysis that monetarily quantifies the loss of productive upper Delaware and Lehigh River fisheries.)

In addition, the property values of homes and businesses along the Lehigh and Delaware Canals is greatly enhanced by their location near the watered sections of the canal. Volunteer organizations such as the "DC21" and "Friends of the Delaware" have spent significant resources in their time and money in preserving and protecting the canal, the tow path and the water in the canal. All their work has been in coordination with the PA Department of Conservation and Natural Resources and specifically with the State Parks Department, (owner of the Delaware Canal State Park) The Municipalities along the canal and towpath have also spent significant time and financial resources preserving the canal, the towpath and water in the canal. Their support demonstrates their belief that the watered canal is a substantial community asset that should be maintained. Many municipalities market their towns as "Canal Towns." A loss or reduction in water flow in the canal would cause a significant loss of property values and a community asset.

In 2019, a private corporation, New England Hydroelectric Corp., (NEHC) expressed an interest in the construction of three small hydroelectric facilities along the Lehigh and Delaware Canals. They are proposing to use water from the

canal and as it flows back into the river, to create electricity. The appropriate state and local governments are interested in this proposal (as the land owners) and NEHC has filed a preliminary application with the Federal Energy Regulatory Commission (FERC) for rights to pursue a full application. The studies needed for this full application are currently underway. Historically there were hydroelectric plants that used the canal water. If the flow of water in the section of canal that feeds a hydroelectric plant is reduced the energy generated will be reduced. The economics of the projects depend on adequacy of the water flow in the canal. A loss or reduction in water flow in the canal will cause a financial loss if these plants are built.

Impacts on Historic Resources

The Delaware and Lehigh Canals from Jim Thorpe to Bristol, PA and their railroad links from Wilkes-Barre to Jim Thorpe form the backbone of the Delaware and Lehigh National Heritage Corridor. In the early 1800s these canal and rail improvements allowed the transportation of coal from northeast Pennsylvania to the urban markets of Philadelphia and Newark. They also allowed the corridor to become the first industrial region of the nation. Iron, cement, silk, steel and other industries settled along the corridor as a direct result of this coal transportation network. Many of the canal facilities, (locks, lock tender homes, mule barns) still exist. The watered section of the Lehigh Canal in Easton holds only mule drawn canal boat in the northeast area as an educational and recreational attraction. Adjacent to the canal boat and mule barn area a museum has been built to hold and display the artifacts of the canal era. (The National Canal Museum at the Emrick Technology Center). The D&L is a Smithsonian Affiliate. The D&L owns and operates these facilities and provides educational materials, field trip experiences for children and an outreach to local schools to help children and adults understand and appreciate the history of the area. The focus of all these programs is the canal's use and benefits and the watered section of the canal is the main attraction. Any loss of our ability to provide water for this section of the canal will eliminate one of the primary reasons that our program is so successful. The reduction of any water in any of the watered sections of the canal along the Delaware and Lehigh Canal corridor would have a significant negative impact on our ability to inform and educate the public about these historic features and canal life in the 1800's.

Mailing List Requests

Please add elissa@delawareandlehigh.org and jimhanover1@aol.com to your distribution list.

Thank you for the opportunity to submit comments in advance of the public meeting on January 9, 2020. We look forward to working with the U.S. Army Corps of Engineers and study sponsors throughout the re-evaluation process.

Sincerely,



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