



Home Builders Association
of Chester & Delaware Counties
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August 15, 2008

SENT VIA FACSIMILE

To: Hon. Edwin Erickson
Hon. Dominic Pileggi
Hon. John Rafferty, Jr.
Hon. Andrew Dinnimann
Hon. Stephen Barrar
Hon. Duane Milne
Hon. Arthur Hershey
Hon. Tom Killion
Hon. Chris Ross
Hon. Carole Rubley
Hon. Curt Schroder
Hon. Barbara McIlvaine Smith

RE: PETITION TO UPGRADE PICKERING CREEK WATERSHED

Dear Chester County State Legislative Delegation,

Enclosed, please find an Executive Summary of a stream assessment study conducted for the Pickering Creek Watershed, Chester County, PA.

In December 2004, the Pennsylvania Environmental Quality Board was petitioned to make a regulatory change upgrading the status of the Pickering Creek Watershed from High Quality (HQ) to Exceptional Value (EV). And, a recommendation on the petition is expected from the Department of Environmental Protection in the very near future.

The Pennsylvania Department of Environmental Protection has developed well-established testing protocols to utilize when determining whether or not the subject stream merits an upgrade.

Our commissioned stream assessment utilized two biological assessment methods (both developed by the Department of Environmental Protection): the Department's current 2007 method using Index of Biotic Integrity; and, the former 2003 method that uses percent similarity to a reference station.

As the Executive Summary clearly indicates, the Pickering Creek Watershed does not rise to the Department's standards set for EV status. And as such, the Home Builders Association has requested the Department not recommend an upgrade; and, that the stream continue to enjoy its current, highly protective HQ status.

MORE...



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PAGE 2

Upgrading the stream to a status clearly not supported by DEP-endorsed field testing would unnecessarily and unreasonably restrict landowners' property rights throughout the entire watershed.

Should you desire to contact the Environmental Quality Board and request they maintain the Pickering Creek at its current, scientifically-supported designation, you can send your correspondence to: Honorable Joseph Powers, Acting Secretary; Environmental Quality Board; Department of Environmental Protection; Rachel Carson Building; 400 Market Street; 15th Floor, P.O. Box 8477; Harrisburg, PA 17105-8477.

Additionally, if you have any questions or would like more information, please feel free to contact me at the Home Builders Association office; or, Mark Mitman at mark@mitman-group.com or (610) 419-1684.

Thank you for your consideration of this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McGee". The signature is written in a cursive style with a large, prominent "M" and "G".

Michael J. McGee, CAE
Executive Vice President

Enclosure.

EXECUTIVE SUMMARY

On behalf of The Homebuilders Association of Chester and Delaware Counties, Conestoga-Rovers & Associates (CRA) conducted a stream assessment of the Pickering Creek watershed located in northeastern Chester County, Pennsylvania. The purpose of the assessment was to determine if Pickering Creek meets the biological criteria of an Exceptional Value (EV) watershed. The assessment was conducted on May 6 and 7, 2008 and included sampling benthic macroinvertebrates, measuring water quality field parameters and assessing habitat at eight locations (stations). Four of the stations were established on the main branch of Pickering Creek from upstream of the Pickering Creek Reservoir to the headwaters at Route 401. Four stations were located on major tributaries, Pigeon Creek, North Branch, Pine Creek and Middle Branch. In addition, one station was located on Rock Run (an EV reference station, tributary to French Creek).

Pennsylvania Department of Environmental Protection (PADEP) regulations Chapter 93 sets forth six criteria of which one or more must be achieved to classify a stream as EV. Based on CRA's desktop review of agency information, the Pickering Creek does not meet five of the six criteria. The sixth criterion requires an assessment of the benthic macroinvertebrate community of the stream. This assessment was the focus of CRA's investigation. CRA conducted its assessment of the stream by using PADEP's sampling and data analysis protocols.

CRA conducted its data analyses with both PADEP's current 2007 method and their former 2003 method. The 2007 method defines reference conditions based on data from a number of streams across the state that was used to calculate an Index of Biotic Integrity (IBI). PADEP's 2003 former method compared data directly from the Candidate streams to data collected from a local EV reference stream.

Based on the data collected by CRA and using the 2007 methodology based on IBI scores, Pickering Creek's and its tributaries' IBI scores range from 25 to 68. To qualify as an EV stream the IBI score needs to be greater than or equal to 80. Therefore, Pickering Creek does not meet the 2007 biological criteria for EV.

Based on the 2003 method, a Candidate stream must be 92% similar to the EV Reference stream. Percent similarity to the reference for seven of the eight Pickering Creek main branch and tributary stations ranged from 8% to 70%. One Pickering Creek station, located in Charlestown, scored 93%. However, an upstream station that scored 48% and a downstream station that scored 60% bracketed this station. The average score for four main branch Pickering Creek stations was 69% and the four tributary stations was 44%.

The average percent similarity for the watershed (main branch and tributaries) is 56.5%, well below the required 92% similarity.

Based on the results of this survey, it can be concluded that the Pickering Creek watershed does not qualify as an EV watershed.