

EPCAMR



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March 5, 2012

Re: Work Progress Report on the Hicks Creek AMR Natural Stream Channel Restoration Grant

Eastern PA Coalition for Abandoned Mine Reclamation- Hicks Creek AMR Natural Stream Channel Restoration Grant

Updated Work Progress Report-PD060048 (January 1, 2010 thru March 5, 2012)

- On January 5th, 2010 EPCAMR had e-mailed another letter requesting an official extension through June 30, 2010 and explained our situation to Jacqueline Lincoln at the Grants Center
- On January 5, 2010, EPCAMR finally had received word from the Grants Center that our first extension was granted and approved; There was a miscommunication and we never got word that our grant was officially approved for our waiver; Our Project Officer never received word on the approved granting of the waiver; EPCAMR submitted the necessary letter officially requesting the extension; However, the Grants Center has only given us until June 30, 2010 to complete the project; This put in a position where we were going to have to hope that the permit review process is quick and EPCAMR can get the final design completed by Spring 2010 so that we can go out to bid by late April at the latest with a 2 month window for construction; EPCAMR felt that we may be pushing the envelope and were not sure if we can get another extension due to the time limitations on the permit review and the time necessary to go to bid
- On January 7, 2010 Dennis Palladino, our Project Officer was going to look into the status of our Environmental Assessment (EA) submission that PA DEP BAMR's Gary Greenfield received and was reviewing
- On February 1st, 2010 EPCAMR prepared a letter to request that a transfer of **\$191.38** from Construction to Salary to cover the most recent past invoice and requested an additional **\$1000.00** be transferred from Construction to Salary for the next quarter at this time. The reason for the change is that EPCAMR Staff has had to put in additional time that was unanticipated to conduct the baseline biological assessment. EPCAMR had also initially projected that the Environmental Assessment would be more cost-effective to be completed by Skelly & Loy, one of our sub-contractors, however, it was decided that EPCAMR would complete the majority of the application.
- During the week of February 5th, 2010, EPCAMR scheduled a Joint Permit Application Review meeting for February 18, 2010 with the PA DEP Permit Review Division's Gary Greenfield, PA DEP BAMR's Todd Wood, Luzerne Conservation District's Heather Berlew E & S Program,

Skelly & Loy's Mike Lower, Hicks Creek Watershed Association's Karen Szwast, and our PA DEP BAMR Project Officer-Dennis Palladino; EPCAMR asked the Conservation District to come to discuss with us any potential Ch. 102 related issues for the project. Heather Berlew had been to the site with EPCAMR once before; EPCAMR is to the point where our design is nearly complete and we will be submitting it for the JP along with our E&S Submission to move the project forward. We have the Environmental Assessment Completed already and the PNDI and a few other things already done without any big red flags. EPCAMR understands that we will need review time worked into the project for both the 102 and 105 permitting process. The project stalled by nearly 6 months with the State budget snafu in 2009 that created a huge setback for the project and chewed up our timeline clock to complete the project under the current deadline, so essentially we are a little behind on completing the final design; EPCAMR will be looking for an extension past the June 30, 2010 deadline that the Grant Center has given us for now, since we had such a huge lag time before we could even begin to work without no State budget approval to work beyond June 30, 2009.

Outcomes of the JP Review Meeting on 2-18-2010

- No Ch. 105 Permit yet (possibly a \$300 fee for a change in the channel configuration)
 - Ch. 102 E & S Permit Application still needs to be submitted to the Luzerne Conservation District (\$100 application fee, unless they have a waiver for State Growing Greener Projects)
 - Average slope of the Natural Stream Channel Design is 7.5% in the step-pool channels
 - Bankfull width is 18'; Max depth is 1.7'; Step structures are 1.3' to 1.4' width apart
 - Step spacings are 15'-35' apart and there are 60 steps
 - Rock size are 3'x3'x2' (minimum) and 7'x7'x4' (maximum)
 - Suggested by PA DEP BAMR that EPCAMR submit another letter to the Grants Center seeking another extension beyond the June 30, 2010 through June 30, 2011 due to the extenuating circumstances with the project and the delays
 - Suggested that EPCAMR update the PNDI Search
 - There will be more filling than cutting in the construction phase of the project
 - Submit the H & H Study completed by Borton-Lawson with the JP
 - Skelly & Loy will put in for the PHMC Application for review
 - Skelly & Loy will put out the Act 14 Letters of Notification to the Exeter Borough Council and the Luzerne County Council when the timing is right
 - There is no Act 167 Stormwater Management Plan for Exeter Borough currently
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- On February 19th, 2010, EPCAMR completed another PNDI Search for the Project Area and submitted the receipt to all of our partners and our consultant, Skelly & Loy, that will be included with our Permit Application
 - On February 19th, 2010 EPCAMR Staff downloaded the Luzerne Conservation District E & S Application and forwarded it to Skelly & Loy for completion and then have it sent back to EPCAMR to send along the \$100 Administrative Review Fee for completeness; The restoration length is approximately 1,400 LF, and the channel template is 38 feet wide. So, the very minimum Limit of Disturbance is around 1.2 acres; There will be additional disturbances due to placement of excess fill, stockpiles, and entrance/access paths; Mike Lowery was going to begin working on the E & S Application and getting the numbers together for the form

All at the meeting, all parties agreed that EPCAMR should request a formal extension for an additional year to June 30, 2011 to complete the full design of the project, permit review process and approvals, bid package completion, and eventual construction of the project, which will make it one of the largest natural stream channel design and construction projects in Luzerne County, PA. Otherwise, we may have a project that may still be in the permit review process before our current extension through June 30, 2010. Therefore, EPCAMR respectfully requested a formal letter of extension for the project through June 30, 2011. Based on our timeline discussed, and agreement by all parties and partners that this is still a viable project with great potential for overall stream improvements for the Hicks Creek Watershed, construction of the project **could** happen in the early Fall 2010, once the completed permit review process is complete. It is anticipated that much of the construction of this project will happen "in the dry" due to the limited flows that completely make its way down the entire channel length of the stream before it is lost to the fractured, permeable, losing reaches of the stream bottom within the defined Abandoned Mine Land Problem Area.

- On February 23, 2010, EPCAMR received word that PA DEP's NE Regional Office's Permitting Director- Gary Greenfield and our PA DEP BAMR Project Officer, Dennis Palladino, spoke to the Grant Center concerning the extension of the grant. They said that they are going to follow **normal protocol** that is the Center will email the advisors in March that the time is winding down. Then they will submit our extension letter to them and wait for a ruling just like last year. Again, they stated that in the past all the grants were extended, but after June 30, 2011, there is a risk to be taken if the grant isn't extended. Dennis didn't see a problem with that. He suggested staying in touch with Skelly & Loy to submit the 105 Permit to PA DEP so that we have it in hand when the extension is approved, and also to finalize the design so that it can go out for bidding.
- On March 1, 2010, EPCAMR received information from Tom Bernard, a member of the Hicks Creek Watershed Association regarding the recent updating of the FEMA FIRM Maps for Luzerne County; Preliminary copies of the Digital Flood Insurance Rate Map (DFIRM) and the Flood Insurance Study (FIS) were sent to Exeter Borough on October 30, 2009;

The panels covering Exeter Borough are:

229 and **233** after following the link <http://www.rampp-team.com/pa.htm> under Luzerne County; **229** and **233** shows no adjustments from the previous FEMA Firm maps above Slocum Avenue where our project is located and is not considered in the Floodplain Areas; Asked Mike Hewitt-EPCAMR Program Manager to send them along to Skelly & Loy and Borton-Lawson to see if they would have any impact on the project;

There are three areas of responsibility Exeter Borough has for the preliminary FIRMs:

1. Review the preliminary FIRMs & make corrections, comments & appeals when appropriate.
 2. Conduct outreach to those citizens affected by the changes on the FIRMs.
 3. Must adopt a new floodplain ordinance that meets the National Flood Insurance Program (NFIP) requirements or be suspended from the NFIP.
- On March 1st & 3rd, 2010, Mike Lower from Skelly & Loy, worked with EPCAMR to review the JP Review application and to assign tasks to partners for completing certain sections required to be submitted; Mike also sent along the Trial Slope Grading attachment and the Cross Section (XS5A) for the Project Area
 - On March 5, 2010, the draft design set for the project were at 90% and sent to EPCAMR so that we can inform the landowners and Exeter Borough of the scale of the project before moving

forward with the final JP and EA Applications; [http://www.skellyloy-gis.com/downloads/Hicks Creek \(2010-03-05\).pdf](http://www.skellyloy-gis.com/downloads/Hicks_Creek_(2010-03-05).pdf)

- On March 11, 2010 Mike Hewitt, EPCAMR Program Manager sent along the Hicks Creek Level 2 Macro Sampling data, the EA Form, the EA Enclosure C & D, and the revised PNDI receipt; EPCAMR also received a hard copy of the draft site design on March 10, 2010 and now we will begin scheduling meeting with the landowners
- On April 10, 2010 Tom Bernard, Hicks Creek Watershed Association sent out documents to update residents and partners on the Luzerne County led study to develop permanent solutions to flooding problems in the Hicks Creek Watershed. It is proceeding under the direction of the Luzerne County Flood Protection Authority. The US Corps of Engineers, Baltimore District and the Pennsylvania Department of Environmental Protection fund the project. Karen Szwast and I serve on Technical Advisory Committee representing the Hicks Creek Watershed Association. Eileen Cipriani is also a member representing the Abrahams Creek Watershed Association and the Borough of West Wyoming and EPCAMR has been to several meetings and has been included on the e-mails about the study; A major task in the study is the development of a numerical model that simulates rainfall, runoff, flow in the two creeks and flooding within the watersheds. When this model is calibrated, it will be used to assess the performance of the alternatives that are being considered. It is imperative that model be as accurate as possible. The June 2006 Flood event is being used to calibrate the model. The project is using the rainfall records from the airport in Avoca, discharge records from the Susquehanna River gauge in Wilkes-Barre and the levee gate operating records for Hicks and Abrahams Creeks. Unfortunately, there are no flow measurements in either creek.

Michael Baker, Jr. Inc. Engineering has produced a draft map with their estimates of the June 2006 Flood Event. They have asked for review and comments. At my request, they have generated a draft map that displays the flood limits on a background that residents can easily view. The maps use the color background many of the streets are labeled. The draft maps are posted on the Hicks Creek web at:

http://www.hickscreek.org/Flood_Maps/Baker_June_2006_Flood_Map.pdf (41.3 MB)
http://www.hickscreek.org/Flood_Maps/Baker_June_2006_Flood_Map_reduced.pdf (2.95 MB)

- On April 20th, 2010, EPCAMR, once again submitted the request for an extension of the project through June 30, 2011;
- On April 20th, 2010, EPCAMR sent off a copy of the set of designs to one of the major land owners, Seniors Management-North, Inc., Lenard Brown, CFO, 1114 Wynwood Avenue, Cherry Hill, NJ 08002 for his approval and he was satisfied
- On April 23, 2010, EPCAMR spoke with Amber Wallace-Borton Lawson Engineering about the need for narrative reports for Invoices #15, 16 and 17; EPCAMR has talked with Steve Boone about Inv. 17 and the need to either submit another invoice with an updated Invoice Total that reflects the Contract Amount of \$12,135.00, as opposed to the \$12,185.46 that was submitted. It looks as if the H & H amount is over by \$50.46. EPCAMR held off on paying the Inv. 17 until we heard from Steve or receive the final Photo Survey Report. Steve tells EPCAMR the only thing that needs to be completed is the Photo Survey Report; EPCAMR received the H & H Study Analysis and the Photo Survey on April 23, 2010 and now Skelly & Loy can move forward with their design

- On April 27, 2010, Tom Bernard sent EPCAMR additional information on the **Luzerne County Stormwater Management Plan**; In compliance with PA Act 167, Exeter Borough will be required to adopt a stormwater plan consistent the that of Luzerne County. The draft county plan is here: <http://www.luzernecounty.org/content/File/Luzerne-Final-Executive%20Summary-All.pdf>
- On June 16, 2010 EPCAMR led a streamside cleanup along Hicks Creek in the project area to remove any and all debris that we could from the side slopes, streambank, and within the channel location of our project and along Schooley St; Informed Karen Szwast from Hicks Creek Watershed Association that EPCAMR needs to sit down with the Capitano's and or Exeter Borough for site access and to place stock piles of rock during construction. The final designs really only impact these 2 properties, we believe.
- On August 13th, 2010, EPCAMR received final approval letter for our extension from the PA DEP Growing Greener Grants Center through June 30, 2011; EPCAMR had to delay much of our work and work of the consultant until the final approval, otherwise we would have run the risk of jeopardizing our organization's budget and the project; Informed our consultant of the extension; Continued to work on getting landowner's on board with the design and then Skelly & Loy will be sending the E & S Application up to us completed for EPCAMR to send to the Luzerne Conservation District with the appropriate fee
- On April 12, 2011, EPCAMR had to resubmit yet another request for an extension to June 30, 2012 for the project; It wasn't until April 18, 2011 that we received word that we needed a strong justification to request the additional waiver from the PA DEP Growing Greener Grants Center; EPCAMR prepared that letter on April 26, 2011 and provided the justification necessary to obtain the waiver and approval; The Office of Budget had questions that EPCAMR was able to answer and the expected delays in the project were within reason as acknowledged by our own PA DEP BAMR Project Officer who had agreed to sign off on the waiver as well
- On September 11, 2011 and for the next few months, the Wyoming Valley was hit with a Flooding Event that exceeded the damages of the June Agnes Flood of 1972; Flooding problems in the Hicks Creek Watershed continued
- From April 26, 2011 through November 23, 2011, work on the project was delayed until we received final approval from the PA DEP Grants Center to continue to work on the project through June 30, 2012; Another 5 months went by because, we had no official confirmation that the project would be approved by the Commonwealth
- The week of March 1, 2012, EPCAMR is scheduling two meetings once again, with the Capitano Family and Exeter Borough Council for them to look at the final draft design plans for the project so that we can move it forward through the permit review process as quickly as possible; EPCAMR prepared a reimbursement and Progress Report that was long overdue and submitted it to the PA DEP Growing Greener Grants Center and our Project Officer

Respectfully Submitted,

Robert E. Hughes

Robert E. Hughes
EPCAMR Executive Director