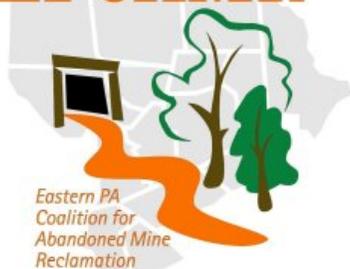


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November 16, 2007

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 Update Work Progress Report-PD060048

Problems in the Hicks Creek Watershed started long before some of the more recent flooding issues have occurred. In fact, on February 7, 2006 a moratorium resolution was passed on building along the Hicks Creek to suspend unapproved development along Hicks Creek and the Hicks Creek Watershed and to extend the moratorium on any major subdivisions or new developments in Exeter Borough which would effect/impact the watershed and the ongoing Hydrology & Hydrologic Study being completed by Borton-Lawson Engineering for the Luzerne County Flood Protection Authority.

The Hicks Creek Stormwater Management Study, which is being completed by Borton-Lawson Engineering, will also take into account the Abraham's Creek Watershed to identify the regional flooding problems that occur in both watersheds, and investigate a variety of potential solutions in order to make comprehensive watershed recommendations in selecting the preferred alternatives. EPCAMR's project is one of those solutions to some of the upstream damages to the Creek that occurred in June 2006 that will benefit the entire watershed and downstream residents that have been impacted by upstream flooding problems due to channel constrictions, sedimentation buildup, flow alterations to the stream channel, and abandoned mine land impacts.

Prior to the acknowledgement that EPCAMR was going to be awarded the PA DEP Grant for the Hicks Creek AMR Natural Stream Channel Restoration Project, in September of 2005, and June of 2006, the entire Wyoming Valley, Luzerne County was hit with record rainfalls over a very short period of time that caused millions of dollars in flooding damage and also wreaked havoc on local streams, such as Hicks Creek, and created some highly unstable stream banks, large sediment deposits within flood basins, and loss of property for adjacent landowners in the proposed project area. EPCAMR Staff has had long-term relationship with volunteers from the Hicks Creek Watershed Association over the last few years since their inception and has had ongoing communications with the local municipalities and other partners on ways to deal with the environmental devastation, flooding, and abandoned mine land issues that have plagued the watershed.

- EPCAMR had been maintaining contact with volunteer watershed members of the Hicks Creek Watershed Association and Wilkes University students who have been monitoring the flow of the Hicks Creek during the Summer 2006; Major changes to the stream geometry have occurred since the past flooding event in September 2005, especially in the section of our project area; Tom Bernard, HCWA member and volunteer water monitor mentioned that the repair work was being done above our project location at both Ide Properties have wreaked havoc on the stream channel; The upper catch basin along Schooley Avenue, which was just cleaned out, is now full of sediment, which Exeter Borough is responsible to maintain and clean out; The bridge where they were planning on having an upper flow monitoring station was damaged; EPCAMR will need to have some design changes on the anticipated FGM structures
- On November 29, 2006, EPCAMR provided Karen Szwast, HCWA's staunchest advocate of watershed restoration with a copy of a Mine Pool Map from the Operation Scar Lift Report and information from a USGS Report (1956) that shows a loss of approximately 448 gpm of fresh water into the Northwest Mine Pool Complex on the West Side of the Wyoming Valley from the area within our project limits; Exeter Borough is beginning to worry about what the additional flow to the stream will do for residents and the Creek itself

(Figure 1. Source: Operation ScarLift Mine Drainage Pollution Abatement Study for the Nanticoke, Warrior & Solomon Creeks (Project No. SL 181-3). Commissioned by the DER and produced by Geo-Technical Services in Harrisburg, PA in 1975.

- EPCAMR received our Grant Award letter from PA DEP Secretary McGinty on November 29, 2006 from the PA DEP informing us that we had been awarded a GG II grant for **\$450,000.00** and a Press Event was held in Exeter with Secretary McGinty, State Representative Phyllis Mundy, and State Senator Ray Musto; Following the Press Event, EPCAMR Staff toured the project area and took photographs
- On December 6, 2006, EPCAMR Program Staff, Luzerne Conservation District E & S Staff, and Gerald Longenecker-Skelly & Loy made a site visit to Hicks Creek to walk from the basin along Schooley Avenue upstream to where our anticipated project will begin; EPCAMR Staff walked the Hicks Creek about 400' above the basin to begin to take a look at the damage and then we drove up along Ide's Property and couldn't believe all of the damage; The stream walk allowed us to see firsthand, the changes that have occurred in the creek channel since the June 2006 flood before the paperwork comes in on the grant, in case we have to make any scope of work modifications prior to submitted the fully executed grant that is expected; EPCAMR invited Karen or someone from the Exeter Borough Road Department or Council to join us; Heather Graham, E & S Control Specialist for the Luzerne Conservation District is obligated to inspect areas that had applied for Emergency Permits from the PA DEP and since we were coming up that way, she took a look at the basin as well; The EPCAMR Staff witnessed the actual flow loss of Hicks Creek go right down into the fracture point in the stream channel where the entire flow is being lost; The water in the creek just disappears due to the proximity of the underground mine workings of the Stevens, Schooley, Sullivan Trail, and Exeter Mine Pool Complexes; **See attached photo of Robert pointing to where the massive sediment erosion has occurred on the stream bank and where flow just disappears (Photograph 1 & 2.)**

- EPCAMR Staff were making phone calls in December 2006 to other partners to find out which piece of the puzzle they would fit into as we moved forward with the project; Initial discussions were being held by project partners about getting an initial coordinating meeting together in March 2007;
- EPCAMR Staff held a site visit on January 19, 2007 with Gerald Longenecker-Skelly & Loy to review the site conditions since the 2006 flooding events which changed the channel morphology
- EPCAMR Watershed Outreach Coordinator attended the Exeter Borough Council Work Session on January 29, 2007 to explain some of the project details
- EPCAMR Watershed Outreach Coordinator spent time over at the Luzerne County Courthouse on February 12, 2007 identifying landowners along the Hicks Creek within the project area

During the month of February 2007, EPCAMR Staff spent time identifying adjacent landowners along the Hicks Creek in the project area to inform them of the project and the need for their permission through the completion of a landowner access agreement form in order for work to be completed on their property that had been impacted by previous flooding and due to the instability of the Hicks Creek stream channel; The Winter was very cold and snow was on the ground for a long period which delayed any further field work from being done; Time was taken to try and explain to them the benefits of the project individually; Base flow augmentation is typically an insignificant percentage of flood flow and that it really becomes negligible; As it relates to stream aquatic life and habitat, the low flow augmentation becomes more critical; Hicks Creek biologically, above Slocum Ave is in excellent condition; By having a constant low flow channel, our project will be establishing movement in Hicks Creek that will keep the low flow channel open, flowing, and should prevent an increase in sediment deposition throughout the creek; The majority of our work on the Creek is going to be to stabilize the banks that are being hard hit by existing base flow conditions that peak during storm events that transport the sediments downstream causing Exeter Borough the maintenance nightmares in the flood debris basins; These structures will also slow the water velocity down in order to dissipate and reduce the energy of the water flowing downstream, which usually can cause more harm than good.

The objective of the project would be to maintain more constant base flow throughout local stream reaches that currently dry up. In the current scenario, Hicks Creek is contributing clean water surface infiltration to the local mines. Depending on how far we can stretch the funding we have, will determine how far downstream we can restore the stream channel. That entire section is a loss point in the creek. If we start from the top, we are going to have to see how far down the stream we can actually get to given the amount of funding received for the design and construction of the natural channel design structures. Sealing of the stream channel as we go, can only be done until we run out of funds. So, possibly, the net result of our project when we consider the entire length of stream that we will be working on, might not see any increase in stream flow further downstream, unless we are able to go from the top of the project to Slocum Ave. Our overall goal would be to fully restore the stream flow to the surface to maintain a more consistent flow throughout the stream while preventing further erosion

problems along the banks of the creek that will reduce your maintenance requirements at the flood basins.

- Received a Letter from Jacqueline S. Lincoln, Director-PA DEP GG Grants Center about attending a mandatory training session on February 8, 2007 at the PA DEP NE Regional Office and 3 copies of the proposed grant agreement between the PA DEP and EPCAMR, along with a blank Scope of Work, Detailed Budget, and Simplified Budget; Details were to be negotiated between our PA DEP GG Project Officer Dennis Palladino-PA DEP BAMR and EPCAMR;
- On March 6, 2007, EPCAMR Regional Coordinator prepared a letter of invitation for the entire Exeter Borough Council to attend the coordinating meeting that would be held at the PA DEP BAMR Office in Wilkes-Barre on March 7, 2007; All sub-contractors were invited to the meeting as well, to participate either in person, or via conference call; These partners included Skelly & Loy, Hicks Creek Watershed Association, Wilkes University, Luzerne Conservation District, and Borton-Lawson Engineering; If Exeter Borough Council members were not able to attend, the EPCAMR Regional Coordinator offered to make a presentation at one their monthly work sessions; A conflict presented itself on the night of March 6, 2007, and EPCAMR couldn't make the Council Meeting
- It is anticipated as the fully executed grant application becomes available that more work and time would be spent on the project and additional partners would be brought to the table such as the Luzerne County Flood Protection Authority, PA DEP Flood Protection Bureau, and PA DEP BWM, and PA DEP BAMR
- On March 5, 2007, EPCAMR Regional Coordinator corresponded with Carl DeLucca, Keystone Stream Team Member to see if a peer review was warranted on the future Natural Stream Channel Designs for the project by Skelly & Loy;
- During the month of February and on March 7, 2007, the EPCAMR Program Staff developed the revised Scope of Work, Simplified, and Detailed Budget Summaries, based on our reduction in funding, and allocated the funds accordingly to our partners and coordinated a meeting at the PA DEP BAMR Office in Wilkes-Barre; Submitted the Final documents to our President for his signature and mailed all paperwork to Harrisburg's PA DEP GG Grant Center on March 8, 2007
- On March 9, 2007, EPCAMR submitted a 20% Working Capital Request for **\$90,000.00** to the PA DEP through our PA DEP GG Project Officer Dennis Palladino; Weather was a pending factor and the delay in getting the Coordinating Meeting together with our PA DEP Project Officer-Dennis Palladino to due conflicts in schedules with other partners
- Signed and returned a Certification Letter related to the final processing of our PA DEP GG II Grant to Jacqueline S. Lincoln, Director-PA DEP GG Grants Center on May 18, 2007 related to the State Ethics Commission's Opinion Re: McGinty 07-009, dated May 1, 2007

- On June 18 & 19, 2007 EPCAMR Watershed Outreach Coordinator, Mike Hewitt and Joe Looker-OSM Summer Watershed Intern conducted preliminary field investigations, photographed the stream channel, recorded data sheets, and performed a routine wetlands identification along the Hicks Creek stream channel within our project area
- On July 2, 2007, EPCAMR Regional Coordinator reviewed the EPCAMR Staff's work and made comments related to preparing the Routine Wetlands Identification and Determination Report as a part of the project
- On July 5, 2007, EPCAMR Regional Coordinator downloaded the Draft Report of the H & H Study for the Hicks Creek Watershed and performed a technical review of the document to study its relevancy to our project area
- On July 19, 2007, a meeting was held at Senator Musto's Office to review the status of the Draft H & H Report and to get some background on the issues related to the study; Karen Szwast provided EPCAMR Staff with a copy of the meeting minutes for review
- Received and reviewed a detailed letter from Tom Bernard, HCWA member, on August 22, 2007 related to the Draft H & H Study and constructive and technical criticisms of the report
- Received our Working Capital Advance on August 24, 2007; Being so far along into the later Summer, and just getting the initial working capital approved, EPCAMR was hesitant to enter into any contract agreements with our sub-contractors until some funds were in our account that would be opened in the coming weeks ahead; This certainly has pushed us out of one season and into the next;
- Received our fully executed grant award contract agreement from the PA DEP on August 28, 2007 with a period of performance that allows EPCAMR to go back to November 29, 2006 to be reimbursed for work on the project, along with other paperwork related to reimbursement procedures, status report and final report guidelines
- On September 6, 2007, EPCAMR Regional Coordinator completed a Compliance Review Form (STD-21B) and submitted it to Sherry Morrow, Contracts Compliance Officer-PA DEP Division of Contracts, Procurement and Bonding
- On September 10, 2007, EPCAMR Staff attended the first Public Meeting of the Draft H & H Study, held at Wyoming Area HS, West Wyoming; Much of the details of the meeting including a PowerPoint Presentation by Paul DeBarry-Borton-Lawson Engineering is available on the HCWA's website at www.hicks creek.org ; Comments were being accepted for 30 days beyond the meeting date through November 2, 2007
- On October 10, 2007, EPCAMR received a letter from the PA DEP Division of Contracts, Procurements, & Bonding related to our completion of the Contract Compliance Review Form for Grants and were informed that no utilization analysis of our work force has been conducted

- On November 15, 2007, EPCAMR Regional Coordinator communicated with Skelly & Loy and Borton-Lawson Engineering about setting up a time in the early Winter 2008 to discuss contract agreements and scope of work
- On November 16, 2007, EPCAMR Staff ordered some needed supplies and equipment and worked on completing the Work Progress Report and Application for Reimbursement for 2007

EPCAMR Staff are only at the point in which we need to begin to negotiate our contracts with both Borton-Lawson Engineering and Skelly & Loy for the design phase of the project, so our focus during the First Quarter of 2008, will be to get the contracts in place that will allow for the sub-contractors to begin their field work, survey work, and design work in early Spring 2008. During the Winter 2007, EPCAMR Staff will complete the Routine Wetlands Identification Report and go back to check our work in the early Spring 2008.

Respectfully Submitted,

Robert E. Hughes
EPCAMR Regional Coordinator
Luzerne Conservation District