

Protecting, preserving and restoring the Indian Creek and greater Youghiogheny River watersheds



Highlights:

- We'd like to give a big shoutout to our summer intern Devon Chalfant! Devon has spent this summer water sampling and providing sample analysis for our Swimmable Waters program. If you see him in the field be sure to thank him for making sure our water is safe to swim!

Learn Where You Can Safely Swim with Our Swimmable Waters Program!

Summer is in full swing and throughout the watershed happy people are flocking to the river to swim, splash or paddle. We can help you make an informed decision about where you can safely do this. We are testing popular swimming, wading and paddling spots around the watershed for *E. coli* weekly between May 1 and September 30. Data are available by Thursday of each week— just in time for the weekend! We sample sites on the river from the mouth of the Yough at McKeesport upstream to Confluence and at several locations on tributaries. We rate sites as high (red), medium (yellow), and low (green) so it's very easy to determine where it's safe to swim. Remember— green means go!

There are several ways for you to access our data. Visit our website to see a handy chart listing all of the sites and their corresponding rating. You can also

continued on page 4...

INSIDE THIS ISSUE:

New Staff & Upcoming Events	2
Rustic Ridge Update & Trail Expansion	3
Elizabeth Township Denies Gas Plant Variances	4
Mariner East Pipeline Update	5
Curry Mine Victory & Building Purchase	6
Our Laurel Landscape	7

Stony Run Now Protected as Exceptional Value Stream

We're pleased to announce that Stony Run, a tributary of Indian Creek in Springfield Township, Fayette County, has been placed on the Pennsylvania Department of Environmental Protection's Existing Use list as an Exceptional Value stream, a designation reserved for the Commonwealth's cleanest streams, as a result of a petition we submitted in 2013.

Stony Run is a small freestone stream flowing off of Chestnut Ridge in Springfield Township, Fayette County (near Normalville). It reaches Indian Creek just downstream of White's Bridge on Route 653. Our water sampling data show the stream to be in excellent health with a population of native brook trout. The new Exceptional Value (EV) status applies to the entire Stony Run basin, a total of 4.42 stream miles.

We long suspected Stony Run was exceeding its designated use of cold water fishes. Macroinvertebrate sampling conducted in February 2013 confirmed this suspicion. Because the law requires the protection and maintenance of existing water quality, MWA petitioned the Pennsylvania Department of Environmental Protection (PADEP) to recognize the existing Exceptional Value status of the watershed. PADEP confirmed this status through their own analysis

continued on page 5...



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Indian Creek Watershed Celebration

Mountain Watershed Association is hosting its annual Indian Creek Watershed Celebration featuring a free children's fishing day, a Duck Race fundraiser, and hands-on activities Saturday, September 24, 2016 at C.W. Resh Park in Indian Head, PA.

The fun starts at 10:00 a.m. when the fishing starts. Kids ages 12 and under can participate with adult supervision. This event is free of charge. There will be a break in the fishing action for lunch, which is provided also free of charge, around 11:30 and door prize winners will be announced. Participants must bring their own rod, and tackle. All participants will

be entered into a door prize drawing. Pre-registration is not required, but would be appreciated.

Along with the fishing MWA will host its annual Rubber Ducky Race at 1:30 p.m. when 1,000 rubber duckies will be released and will race down Indian Creek. For a donation of \$5, you can have two chances to win. Prizes include: 1st Prize-\$500, 2nd Prize-\$250, 3rd Prize-\$150, 4th Prize-\$100, and Last Duck-\$50. Ticket holders need not be present to win and proceeds will benefit the watershed celebration.

For more information, or to pre-register for fishing please contact Carla.



Meet our Newest Staff Members!

We recently welcomed two new staff members! Jordan Hoover previously served a one-year term as our AmeriCorps Volunteer and in February 2016 began working at MWA full-time as a Community Organizer. He is a graduate of Pennsylvania State University with a B.A. in Political Science and a Minor in History. Born and raised in the Indian Creek Valley, Jordan takes great pride in doing all he can to protect the natural resources that are so abundant in our area. Working extensively on shale gas issues in southwestern Pennsylvania, Jordan looks forward to continuing the effort to safeguard our communities from unsafe, extractive industries.

Melissa Marshall joins

MWA from Queens, NY after graduating from the City University of New York (CUNY) School of Law in 2015. At CUNY, she studied public interest and advocacy-oriented strategies for legal representation. During law school, she worked as a legal intern at Food & Water Watch and at the New York State Department of Environmental Conservation. Prior to that, she worked on corporate accountability issues at the media outlet CorpWatch and at a plaintiff-side personal injury law firm that brought class action suits against toxic pesticide manufacturers. She is very excited to be working at MWA and be returning to her family roots as a Pennsylvanian.

Proposed Rustic Ridge Deep Mine Update

During a time when numerous large coal companies are declaring bankruptcy, coal-fired power plants are shutting down, global climate change is becoming an alarming concern, and millions of tons of coal ash produced yearly from power plants create a nightmare for disposal, why would a new underground coal mine be considered for the Laurel Highlands?

We find ourselves wondering why the Department of Environmental Protection would even review another underground mine application in an area where we struggle with miles of degraded streams from other deep mine discharges—Sagamore spews aluminum into Indian Creek; Kalp requires constant oversight and monitoring; and Melcroft concerns us with its changing discharges.

Millions of dollars have been spent to restore Indian Creek by treating the millions of gallons of contaminated water coming from these underground mines. Yet, here we are again in a struggle to prevent additional underground mining in our community.

Studies of the proposed coal mine (Rustic Ridge #1) permit application by other than the coal company itself reveal major deficiencies and concerns. The water handling plan is inadequate and ignores the impact 1,500 gallons per minute of mine water will have on Champion Creek which normally has a flow of around 400 gallons per minute. The noise study provided to DEP by the company is fraught with insufficient data and inadequate findings. Our consultant agrees with the PADEP hydrogeologists

who denied a similar permit in 1994 that the barriers around the mine are not adequate and there exists a high probability of new discharges. Look at the history of this industry and the future projections of continued pollution and threats to our health. We do NOT need another coal mine in this community. We certainly do not WANT further damage to our streams and fisheries or our quality of life.

After 22 years working to restore the watershed MWA will appeal any permit issued that threatens the progress we have made. According to past analysis by PADEP hydrogeologists and our NEW CONSULTANTS, this proposed deep mine is one such threat. We expect PADEP's decision on this permit application any day now. Stay tuned.

Trail Expansion into the Indian Creek Gorge

In 2016 and 2017 we will be focusing on upgrading the portion of the Indian Creek Valley Trail that extends through the Indian Creek gorge from the Mill Run area to the Youghiogheny River. It is truly an area of amazing natural diversity and the site of the Mountain Watershed Association spring wildflower walk. The length of this segment of the Indian Creek Valley Trail is 4.3 miles.

We began working on this segment of trail more than two years ago. First we had to determine how much it would cost to upgrade the existing trail bed and repair and restore areas that

were seriously eroded. We need 28 pipes to replace old box culverts and we will install new drainage where required. We had to engage an engineering firm to develop the designs and determine which permits we would need. The permitting process will require at least five months. This was fine because we are still gathering funds for the project which has a total cost of approximately \$340,000.

This week the Department of Community and Economic Development awarded MWA \$100,000 to put toward the project. Along with a \$50,000 Local Share grant through the Fayette County

Redevelopment Authority, we now have enough to match a National Road Heritage grant of \$10,000 and \$150,000 Department of Conservation and Natural Resources grant that we applied for but that has not yet been awarded. Chances of obtaining this grant are improved by having our 50% match in hand.

If you would like to support trail expansion please consider a donation to our trail fund. Visit our website for more information. If you are interested in becoming more involved in trail maintenance and expansion consider joining our Trail Council. Contact Beverly for details.

Swimmable Waters Project *(continued from page 1)*

visit the Waterkeeper Alliance Swim Guide at theswimguide.org to view the sites and ratings on a map. You can download the Swim Guide app for either iOS or Android to see these locations and ratings on your smartphone. Finally, you can sign up for text alerts to be notified when new data are made available. Text “YoughSwimmableWaters” (no spaces) to 84483 to subscribe (data and messaging rates may apply)!

Do you swim or paddle in the Yough? We need your high-resolution photos! We’re looking

for content to update our Swimmable Waters postcard series on a regular basis. Contact Krissy for more information. We’ll let you know if we decide to feature your image! Thanks!

E. coli, and in particular one strain called O157:H7, is an emerging cause of foodborne and waterborne illness. Beaches and other designated swimming locations are tested regularly, but areas not designated for swimming (swimming holes, locations along the river) are often

not. Most streams in the region will have some measurable level of *E. coli*, however, by limiting your contact recreation to areas with lower levels you can greatly reduce your risk of water-borne illness.

Please remember that swimming in rivers has inherent dangers which can be minimized but not eliminated through the use of caution and good sense. We assume no responsibility for illness, injury or death resulting from any information contained herein. Swim at your own risk.

Elizabeth Township Denies Variance Request for Gas Plant

In front of a packed house on June 14th, the Elizabeth Township Zoning Hearing Board voted 4-1 to deny Allegheny Energy Center, LLC’s request for use, noise, and height variances to construct a 550 MW natural gas-fired power plant in the township along the banks of the Youghiogheny River in Elizabeth Township, Allegheny County. Allegheny Energy Center, a subsidiary of Invenenergy Thermal Development LLC, applied for the use variance to allow for the power plant—an industrial use—to be built in an area zoned for residential use.

We partnered with Protect Elizabeth Township (Protect ET), a newly formed citizens group, to formally object to Allegheny Energy Center’s variance request. We were represented by Fair Shake Environmental Legal Services.

The decision by the Elizabeth Township Zoning

Hearing Board protects the Youghiogheny River and residents and visitors who rely on it as a source of drinking water, recreation and economic development. So much has been done over the past several decades to improve water quality and quality of life in the river corridor, and we are grateful the Board has recognized their role in protecting that progress.



Above: Elizabeth Township Zoning Hearing Board meeting.
Photo: Joshua Pribanic

During the hearing process, our legal team presented a land use expert to demonstrate that the project would have a significant impact on the neighborhood by altering the characteristics of a residential district. From an environmental perspective, there is concern about the proposed location of this power plant because it is a brownfield with a long history of contamination from illegal dumping. You can find more information on our blog (mtwatershed.com/blog).

While Invenenergy has appealed the decision, this is a huge first-round win for Elizabeth Township residents, the Youghiogheny River, and our region! Many thanks to our members and supporters who attended meetings and the hearing, prepared comments, provided financial support or otherwise contributed to this effort—this wouldn’t have been possible without you!

Proposed Mariner East Pipeline Expansion

The expansion of the Pennsylvania Pipeline Project (Mariner East 2 & 3) continues to move through the permitting process. Sunoco Logistics, L.P. applied for a Chapter 105 Water Obstruction and Encroachment Permit, which is now under technical review by the Department of Environmental Protection for permission to cross 17 counties, and 69 wetlands and 152 streams in Westmoreland County alone.

The proposed pipelines, which cross the Yough in Sutersville, will have a profound impact across the state with the

potential to disturb over 2,000 acres of land. The impacts do not end there. This expansive project will increase fracking in areas already impoverished from a history of extraction, like Washington and Greene counties. Sunoco is preying on the rights of Pennsylvanians through the use of eminent domain when landowners refuse to sign an easement. Just this month, the Pennsylvania Commonwealth Court ruled in Sunoco's favor in one of the landowner appeals of eminent domain condemnations.

Please consider attending the public hearing on August 18th

from 6:30-9:30 at Founder's Hall Amphitheatre, Westmoreland County Community College, 145 Pavilion Lane, Youngwood, PA 15697. To sign up to speak, contact John Poister at 412-442-4203 or jpoister@pa.gov. All public comments must be submitted by August 24th and should be sent to PA DEP at SW Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by emailing ra-epww-swro@pa.gov. Stay tuned to our website for talking points or contact us directly for help drafting a comment.

Stony Run *(continued from page 1...)*

of the watershed.

So what is stream designation? Hang on, this is going to get a little wonky. Pennsylvania's Chapter 93 Water Quality Standards are regulations rooted in the federal Clean Water Act and PA's Clean Streams Law. These regulations allow PADEP to protect and restore water quality in rivers and streams across the Commonwealth. Our highest quality streams are eligible for the "special protection" designations of High Quality or Exceptional Value. Until the formal rulemaking process is completed so that Chapter 93 itself is amended to reflect this change, Stony Run will continue to appear in Chapter 93 without a special protection designation; in the meantime, however, its having been placed on DEP's Existing Use list means that

it will be protected as an Exceptional Value stream.

So what does this mean? Streams that have been designated as special protection—those with either "High Quality" or "Exceptional Value" status, are subject to additional scrutiny if activities that could degrade water quality are proposed in the



Above: A sculpin found during sampling on Stony Run.

watershed. In the case of Stony Run, permit requests involving proposed discharges that may affect the watershed will have to demonstrate the proposed discharges will never degrade the existing Exceptional Value level of water quality.

We're celebrating this recent victory as it will result in more protections for Stony Run which is among the cleanest streams in the Indian Creek watershed and in the larger Yough. These streams are among our most special—they have largely intact forest cover, minimal development, and often harbor populations of naturally reproducing native brook trout. Their protection is of the highest importance to us and we're very pleased to have secured this status for Stony Run.

Curry Mine Zoning Exception Declared Void

On April 19, 2016 the Fayette County Court of Common Pleas granted our land use appeal and declared the special exception for the proposed Curry Mine to be void!

At this point, Amerikohl has neither a DEP permit nor a zoning special exception to mine the proposed Curry site—meaning it would have to reapply to both the Department of Environmental Protection and the Fayette County Zoning Hearing Board in order to pursue a mining project on the property.

“We are absolutely thrilled that after a nearly ten year battle we have succeeded in protecting this area of the Yough River gorge from strip mining,” stated Krissy Kasserman, Youghiogheny Riverkeeper. “This strip mine, nearly 600 acres as originally proposed, posed an immediate threat to water quality, drinking water supplies, recreation and the wild and remote nature of the gorge.”

On November 25, 2015 MWA filed with the Fayette

County Court of Common Pleas a motion to dismiss the special exception currently in place for Amerikohl’s proposed Curry mine. We were represented by Fair Shake Environmental Legal Services. The special exception originally granted to Amerikohl expired per the Fayette County Zoning Ordinance which generally provides that the holder of a special exception must act upon the special exception within a year of obtaining it, and must complete the special exception use within a year of acting upon it.

“Even if the company had acted on its special exception within a year of obtaining it, the proposed mine was never completed within a year of that, which is what the rule clearly requires.” stated Oday Salim of Fair Shake Environmental Legal Services, who represented MWA in the land use appeal.

This project was ill-conceived from the beginning—located less than a thousand feet from the Youghiogheny River and Great Allegheny Passage,

surrounded on all sides by public lands and high quality waters, and in a section of the Yough River gorge used heavily for recreation. Protection of this area from mining represents a huge victory for our community and for the river.

The Mountain Watershed Association has also filed a friend of the court brief in Amerikohl’s appeal before the federal Interior Board of Land Appeals and which relates to alleged unauthorized logging that took place on the Curry site in 2009 and again in 2012. MWA sided with the federal Office of Surface Mining, which has argued that timbering that took place at the site should have been conducted under a mining activity permit but wasn’t. If decided in favor of OSM, this decision could impact the way logging on permitted mine sites is regulated statewide. A decision in this matter is still pending.

For more information or additional history of this nearly ten year battle please visit mtwatershed.com/blog.

Building Purchase

Want a good cause to support? Make a contribution to our Building Fund. In May we took a leap forward by purchasing the building in which our office is located. The structure has many positive qualities—solid construction, extra insulation, thermal pane windows, and location, location, location. Being right in the middle of the Indian Creek watershed and within a few

miles of most of our mine drainage treatment systems is a big plus for the oversight and maintenance work that must be done on a continual basis.

Our next steps are to turn the building into a green model of conservation. That means changing the plumbing system to the best fixtures to save water; changing our lighting from the old incandescent lights to LEDs to

save electricity (and our eyeballs) and replacing the existing heating system to conserve electricity and improve comfort in the office.

Not only does a green building save money, it is easier on the environment and on the people who work in them. Studies show that green buildings enhance the health of our surroundings—offices— and by doing so improve our own health.

Our Laurel Landscape: Paddling the Youghiogeny River

Imagine you're cascading down the Lower Yough on a hot summer day. You begin to hear the distant sound of rumbling rapids. Before you know it, your raft is rushing over the waves as the water splashes over the boat. The cold, crisp water is refreshing in the hot summer sun. You're paddling hard, focused, holding on tight to make it through. Where can you find such a tremendous adrenaline rush you ask? Just visit Wilderness Voyageurs in Ohiopyle!

Wilderness Voyageurs, the oldest rafting company east of the Mississippi, is a top destination in the Youghiogeny River watershed. They offer a great variety of adventures to fulfill any adrenaline junkie's needs-- as well as more relaxing choices. After speaking with the Operations Manager, Ben Scoville, it's clear to see why nearly 14,000 people annually, take advantage of the activities WV provides. While Wilderness Voyageurs was built on white water rafting, this company has grown to provide kayaking, stand up paddle boarding, mountain biking, fly fishing and rock climbing. Visitors are clearly drawn to the natural beauty of the landscape around Ohiopyle and what makes that even better is the fact that they can experience it in various ways. There is a way for

everyone to enjoy the beauty of the Laurel Highlands!

If you choose to explore this wonder landscape by raft, you have a few options. For the trained paddler there is the Upper Yough. This section is sure to challenge any veteran with tough Class IV -V rapids. If you're not quite at that level, there are two other options for you. The Middle Yough is a Class I-II section which makes it great for site seeing. It's the mildest section where you can float and take in the scenery with only the occasional white water to navigate. Lastly is the Lower Yough which is a Class III-IV. This section can be a lot of fun for those with no experience or those with lots of experience. There are both rapids and pools to enjoy along the way.

Wilderness Voyageurs employs 130 individuals because their services are in such high demand. Nearly 12 restaurants, 12 campgrounds, 13 hotel/bed and breakfasts, 11 shops and 4 other

recreational outfitters in Ohiopyle and surrounding area are also supported by the visitors that are drawn to this part of our region. The Laurel Highlands is thriving because the economy is supported by the draw of clean water and beautiful landscapes.

Wilderness Voyageurs plays a big part in helping to protect their clean water and the river. They advocate for the river, recycle extensively and wherever possible, and also host Mountain Watershed Association's annual Yough Defense Party-- the biggest fundraiser for our work in the Youghiogeny River watershed. Ben says WV tries to put their money where their mouth is in order to make an impact on their community, and this is certainly true in the great partnership we've forged with the company. For more information on Wilderness Voyageurs or to participate in an adventure of your own visit wilderness-voyageurs.com.



Youghiogeny River Water Trail Mapping Effort

We're currently in the process of revising and reprinting the maps for the Yough River Water Trail— both the northern and southern sections. The maps

are incredibly valuable to folks planning single or multi-day paddle trips on the river, but the cost of this effort is substantial. We have raised \$8,000 but need an

additional \$4,000 to complete this project. You can help— make a donation to support revising and reprinting the maps at mtwatershed.com. Thanks!



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Upcoming Events

August 18

Mariner East Pipeline Hearing

September 24

Indian Creek Watershed
Celebration

November 11

General Membership Meeting
& Potluck Dinner

November 2016, Date TBA

Yough Defense Party

Visit www.mtwatershed.com
for more upcoming events.

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I would like to receive MWA's quarterly newsletter via email!

Please make checks payable to: Mountain Watershed Association
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The official registration and financial information of the Mountain Watershed Association, Inc.
may be obtained from the Pennsylvania Department of State by calling toll free,
within Pennsylvania, 1 (800) 732-0999.