

**Committee on Resources**  
**Subcommittee on National Parks & Public Lands**

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**Witness Statement**

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**Testimony of the Honorable Joseph R. Pitts**  
**Before**  
**The House of Representatives Subcommittee on**  
**National Parks and Public Lands**  
**Committee on Resources**  
**The Honorable James V. Hansen, Chairman**  
**On**  
**H.R. 3520**  
**White Clay Creek Wild and Scenic Rivers System Act**  
**June 8, 2000**

Mr. Chairman, thank you for convening this hearing to discuss H.R. 3520, the White Clay Creek Wild and Scenic Rivers System Act, which I have introduced. I also want to thank my colleague Mr. Castle, Jan Bowers from the Chester County Water Resources Authority, and Bob Cheyne from London Britain Township for joining me this morning in support of this important bill.

The White Clay Creek watershed is a valuable natural, ecological and historic resource. The watershed is a system of more than 400 miles of streams and tributaries that flows from southeastern Pennsylvania into Delaware and the Christiana River. It is also an important water resource for millions of families in the surrounding region. My personal desire to see this watershed preserved goes back almost thirty years. In fact, my son and I used to fish for trout there when he was a boy. Visibly, the creek looks much the same today as it did when William Penn first founded Chester County in 1682.

The White Clay Creek, however, is being threatened by rapid development in the region. To preserve the Creek, protect its water quality, and conserve the wildlife in the watershed, it is important that we designate the Creek as a Wild and Scenic River.

My bill, H.R. 3520, would accomplish this by protecting 190.8 miles of streams in the watershed. It is important to note that this bill is the culmination of more than eight years of hard work by the local community. From the first meeting on the wild and scenic river study in 1992, farmers, landowners, and concerned citizens in the region have worked closely with state and local officials and the National Park Service to craft a sensible and responsible management plan to preserve the White Clay Creek. It has truly been a grassroots, bi-state effort from the beginning.

Further, in January of this year, prior to introducing my bill, I convened a town meeting to discuss the White Clay Creek wild and scenic river study and designation. Nearly 150 people attended this town meeting, and support for designation was unanimous and enthusiastic.

It has been encouraging to me to see all interested parties work together toward the common goal of preserving this watershed. Mr. Chairman, this effort provides us with an excellent model of how to succeed in protecting our environment and natural resources.

The designation will bring the resources that the federal government has to offer, without ceding local control. Townships and boroughs, which historically have controlled development, will retain the power they have always had. This designation will simply give us another tool to make sure that this important natural resource is not lost to future generations.

I want to focus briefly on the valuable resources of the White Clay Creek Watershed. The Creek is one of the few remaining waterways between Philadelphia and Newark that remains relatively intact and ecologically functioning. The unique geological development and cultural history of this river system provides valuable resources for the people that live within and around the White Clay Creek watershed. Drinking water, native plant and animal species, recreational activities and important historical sites are only the beginning of reasons to include this waterway in our Nation's systems of Wild and Scenic Rivers.

The Delaware Indians were the first inhabitants attracted to the Banks of White Clay Creek. In the 17<sup>th</sup> Century, the first settlers arrived in this area. In fact, the National Registry of Historic Places has identified many sites in the Watershed, in both Pennsylvania and Delaware, as historic landmarks.

Further, the White Clay Creek Watershed has several valuable geological attributes, including the presence of Cockeysville Marble. This marble, which is very permeable and therefore has the ability to hold high levels of water, is primarily responsible for the free flowing levels of the Creek and the wealth of quality drinking water that the Creek provides to the residents in the region. However, the permeability of this marble also makes the Creek more susceptible to the spread of contaminants. At this time there is not a serious problem with contamination, but with rapid development in the region, protection of this Creek is very important.

Plant and animal species are also abundant in the White Clay Creek watershed. There are over 60 species of native trees and shrubs, 250 species of plants and wildflowers, and 30 different species of ferns. These species are spread throughout a variety of forest and wetland ecosystems. Each of these ecosystems provides different ecological services. The presence of diverse ecosystems is an important aspect of the value of White Clay Creek.

Some of the plant and animal species in the watershed have been listed under various protected categories by the Commonwealth of Pennsylvania. There are three endangered, one threatened, and two rare plant species. There are also 100 plant species found in the watershed that are listed as species of special concern on the Delaware Natural Heritage Inventory.

Fish and birds are the most abundant wildlife in the White Clay Creek watershed. As I alluded to earlier, the Creek provides a healthy habitat for trout. In addition, many species of birds nest in the watershed and find the rich habitat an inviting resting place. In fact, although sightings are unusual, Bald Eagles are also found in the watershed.

The White Clay Creek is also valuable because of the recreational and educational opportunities provided in the watershed. People enjoy the area for outdoor activities, including fishing, hiking and jogging along the banks for the White Clay Creek. Further, stream research and water quality monitoring performed in the region have benefited environment and resource study across the United States.

As you can see, Mr. Chairman, the White Clay Creek is a precious resource that we need to protect. My bill, H.R. 3520, accomplishes this goal. Specifically, H.R. 3520 immediately designates segments White Clay Creek as a component of the National Wild and Scenic Rivers System. This designation aims to use local land use designations and zoning as the protective measures for preservation of the White Clay Creek watershed. There will be no Federal land acquisition, but rather local involvement, cooperation, consensus, and communication will implement private, state, and local conservation goals according to an established management plan. This bill aims to maintain existing land use patterns and authorizes the Secretary of the Interior to provide technical assistance, staff support, or funding (at a cost equal to or less than \$150,000 to the Federal Government) to assist in implementation of the management plan.

As I mentioned previously, the bill designates a total of 190.8 miles of the Creek - 166.8 miles as recreational and 24 miles as scenic. Recreational segments are relatively accessible by roads and have some shoreline development. They may have had some impoundment or diversion in the past. A scenic river segment is free from impoundments or diversions and is located in generally undeveloped areas, although it may be accessible by road in spots.

Essential to the preservation of the White Clay Creek is the watershed management plan. This plan was developed alongside the eight-year wild and scenic study of the White Clay Creek. The plan was developed by a cooperative team of individuals including landowners, citizens, private organizations, local, county, state, and federal governments, and business owners. Their goals were to assess the resources of the White Clay Creek watershed and identify the major challenges to those resources now and in the near future. The plan also identifies protective measures that can be taken to prevent deterioration or improve the quality of the creek.

The watershed management plan follows a two-tiered management model. This model recognizes the importance and preference for local leadership and the additional benefit of federal designation. The first management tier is focused on municipal and county governments. They will implement the watershed management strategies found in the watershed management plan. The second tier involves the federal government through the National System of Wild and Scenic Rivers.

The goals of the watershed management plan include improving and conserving water quality and quantity, protecting the natural surrounding ecosystems, preserving native plant and animal species, and maintaining the cultural, historical and archeological value of the watershed. Outdoor recreation and environmental education/awareness are also important to the management plan. I want to stress the following management principles that were developed to guide the process of creating a plan to accommodate these goals.

- No Federal Land Acquisition
- Local Management
- Use of Existing Statutes, Ordinances and Programs
- Protection of Land Owner Rights

- Consistency with Local Plans
- Recognition of Existing/Future Public Water Facilities
- Adoption of Recommended Land-Use Management Protection Guidelines
- Comprehensive Strategy for Resource Protection and Conservation
- Advisory Board or Commission to Coordinate Long-Term Implementation

The management plan, following the above principles, will foster cooperation between all interested parties in the White Clay Creek watershed. This cooperation is key to managing and preserving the Creek. It does not increase the role of the Federal government. It does not usurp local control. Rather, this plan empowers local communities to preserve that watershed. As noted in the final principle, an advisory board or commission that represents all watershed interests will coordinate implementation of the management plan. The board will assist or guide local governments and individual landowners with implementation of the plan. It is important to remember, however, that this commission will have no oversight authority, nor will the National Park Service. The commission will simply guide and assist the local community and governments.

Mr. Chairman, it has been brought to my attention that there are minor concerns about H.R. 3520 as it is written. It is my understanding that some of these concerns will be addressed in subsequent testimony by the National Park Service and Mr. Castle. I, however, want to address two specific concerns at this time. First, on page six, line 12, the bill states that "the boundaries of the segments shall be the greater of (I) the 500-year floodplain; or (II) 250 feet as measured from the ordinary high water mark on both sides of the segments." I understand and share the concern that the 500-year floodplain, being a mere theoretical model, does not provide a definitive, reliable, or predicable boundary for the designated segments - especially in future years. Thus, I recommend that the Subcommittee adopt an amendment striking the 500-year floodplain as a boundary indicator, providing only the 250 feet measurement provision to determine boundaries.

Second, the Borough of West Grove and London Grove Township in Chester County, Pennsylvania, have expressed concern about the designation of a segment of the Creek in the vicinity of a sewage treatment facility. While the facility belongs to the Borough of West Grove, it is located in London Grove Township. The Borough requests, and the Township supports, that an area of 500 feet to the north and to the south not be included in the wild and scenic designation. For the record, attached is a letter from Judith A. Shuler, London Grove Township Manager, regarding this issue. Thus, I also request that the Subcommittee adopt an amendment correcting this designation. I look forward to working with the Subcommittee and the National Park Service to draft and include these amendments to H.R. 3520.

Mr. Chairman, in closing, I want to highlight two points. First, S. 1849, the Senate version of this bill, passed the Senate on April 13 by unanimous consent. This reinforces the fact that this legislation is noncontroversial. Mr. Chairman, we are very close to completing eight years of diligent and cooperative work to preserve the Creek.

Second, designation of the White Clay Creek, presents one of the few times where a wild and scenic river study and a management plan have been completed prior to designation. This is important. The community

knows what is going to happen with designation. There is predictability and reliability in the designation and management plan. The local community has helped with the study and the management plan, and they have agreed to work together to preserve this valuable resource for future generations. In addition, the townships and boroughs have each passed resolutions endorsing this designation; the Commonwealth of Pennsylvania and the State of Delaware support this designation; and the National Park Service supports this designation. Now it's our turn to voice our support for this effort by moving H.R. 3520 and designating the White Clay Creek as a wild and scenic river.

To validate local support for White Clay Creek wild and scenic designation, I request unanimous consent to submit a written statement from Edward O'Donnell, Vice-President of the White Clay Watershed Association. Mr. O'Donnell has been instrumental in building local support for this effort. I also request unanimous consent to submit a written statement from Kristen McDonald, Wild and Scenic Rivers Program Associate of the American Rivers, Inc. American Rivers, Inc., has been active in coordinating grassroots partnerships to protect rivers under the Wild and Scenic Rivers Act.

Again, I thank you for your leadership in preserving our nation's valuable natural resources. I look forward to working with you on this legislation. I will now answer any questions you or other Members of the Subcommittee may have.

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