



March 12, 2021

**Statement of Jennifer Orr-Greene, Eastern Policy Director, Trout Unlimited
Pennsylvania House Republican Policy Committee
March 18, 2021 Hearing on Francis E. Walter Dam**

Chairman Causer and Members of the Pennsylvania House Republican Policy Committee:

Thank you for the invitation to present testimony on behalf of Trout Unlimited (TU) and its over 300,000 members and supporters nationwide, including over 15,000 in Pennsylvania. TU's mission is to conserve, protect and restore North America's trout and salmon fisheries and the watersheds they depend on. Maintenance of adequate coldwater flows is a key component of healthy trout fisheries and associated aquatic communities. The Francis E. (F.E.) Walter Dam is a source of these sustaining flows for the wild trout fishery that occurs downstream on the Lehigh River and, as such, is of great concern to TU.

The Lehigh River has undergone an incredible transformation through the hard work of many partners over the years. Thanks to the cooperation between the U.S. Army Corps of Engineers (Corps), the Pennsylvania Fish and Boat Commission, local fisheries groups, and the whitewater rafting community, a once lifeless river is now home to a robust wild trout population, a true testament to improvements in water quality. We recognize the importance of the Lehigh River to the outdoor recreation economy in Pennsylvania, which provides more than \$29.1 billion in consumer spending and supports more than 250,000 jobs.

In 2019, the Corps entered into an agreement with both New York City and the Delaware River Basin Commission (DRBC) to conduct a study evaluating alternatives for uses of the F.E. Walter Dam in addition to the currently authorized purposes of flood mitigation and recreation. TU is encouraged by the consideration of these changes by the Corps, including possible structural

A mission to conserve, protect, & restore North America's coldwater fisheries and their watersheds.

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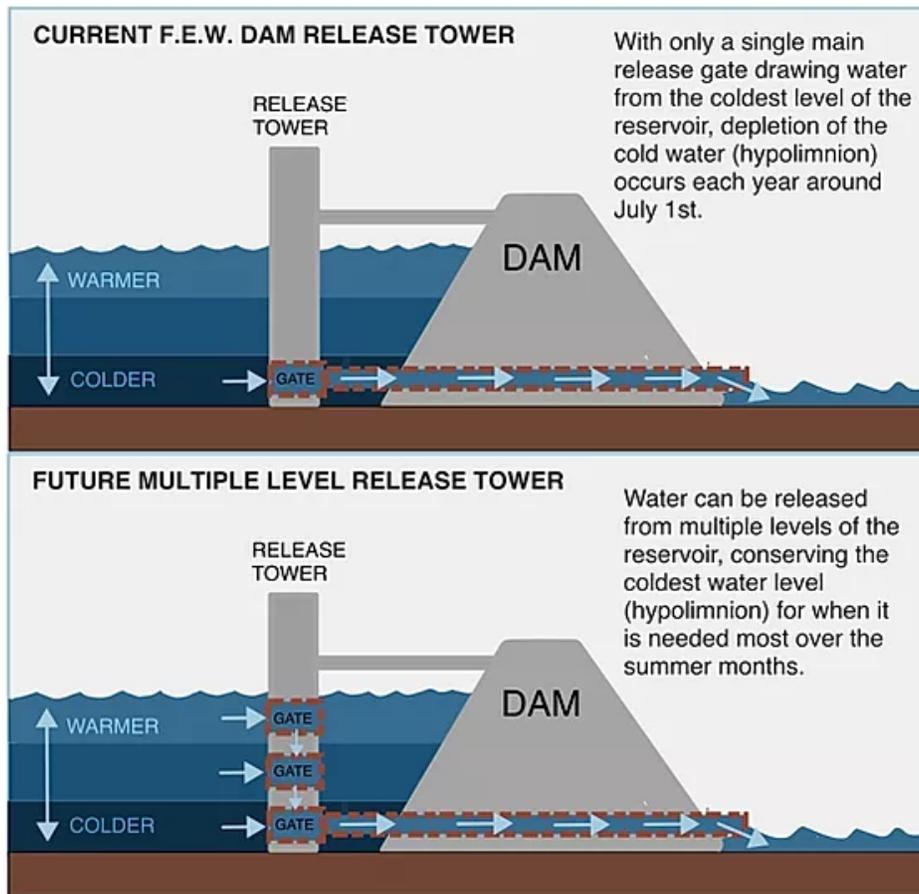
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modifications to the outlet tower structure to provide cold-water releases downstream. TU presented testimony at the public meeting held by the Corps on January 9, 2020, to discuss the study. The highlights of this testimony are as follows:

- 1) TU requests that any changes in authorized uses, potential alterations to the dam and changes to the operation plan result in no net loss of fisheries enhancement release days. These conservation-minded releases enable coldwater storage at least into the beginning of summer. We have seen the benefits of these releases result in an increased population of wild trout and over-summer survival rates of stocked trout for anglers to enjoy throughout the year.
- 2) The study should examine potential negative impacts that any alterations to F.E. Walter might have to other fisheries in the basin, particularly the Upper Delaware River. We appreciate New York City's commitment to detachment¹; however, we see a potential threat to flow management in the Upper Delaware that may result in negative effects to the \$400+ million outdoor recreation economy that is vital to this region.
- 3) The current release tower at the F.E. Walter Dam is insufficient to maintain a year-round coldwater release, and thus stunts the potential for additional economic growth in the outdoor recreation economy of the Lehigh River, specifically the fishing economy. The release tower only has the capacity to draw water through a single gate at the bottom of the reservoir. As water is released throughout the year, the hypolimnion, or coldwater pool on the bottom of the reservoir, becomes depleted in the spring and early summer (as seen in the graphic below).

¹ Detachment as it relates to New York City is discussed later in this testimony.



Graphic courtesy of Lehigh River Coldwater Fisheries Alliance

Authorizing the study to investigate the ecological and economic benefits of structural changes to the release tower, thus allowing it to access and conserve cold water year-round, will increase the recreational fishing opportunities and provide better water quality for fish and other aquatic life. Additionally, we request that the Corps build upon its 1985 study², which shows no adverse effects to flood control and improvements to habitat for fish through structural changes and authorizing increases in maximum storage capacity.

- 4) In 2009 and 2013, respectively, the Corps undertook water quality studies³ to measure the ecological impacts of alterations to F.E. Walter. TU requests that these studies be

² This study is available at [Philadelphia District Civil Works – Francis E. Walter Dam \(army.mil\)](#).

³ These studies are available at [Philadelphia District Civil Works – Francis E. Walter Dam \(army.mil\)](#).



taken into consideration as this study moves forward, recognizing the benefits to the coldwater ecosystem that these studies found possible.

TU recognizes that one of the objectives of the Corps study is related to flow management and drought in the Delaware River Basin as a whole, including watershed areas in New York, New Jersey, and Delaware, in addition to Pennsylvania. As such, it is imperative that stakeholders and citizens understand the larger, basinwide context against which the study is occurring.

F.E. Walter has long been looked to as a source of storage of water for downstream flow augmentation during times of drought. During the severe droughts of the 1960s, high levels of salinity from the Delaware Estuary crept up the Delaware River to the Ben Franklin Bridge in Philadelphia, significantly threatening the drinking water intakes for the City. DRBC, as the agency tasked with management of basinwide droughts, developed a system of utilization of basin reservoirs to release water for downstream needs. F.E. Walter provides another source of water in the basin for this low flow augmentation.

Likewise, New York City has looked to F.E. Walter to provide flow augmentation downstream. The City has drinking water reservoirs in the headwaters of the Delaware River that divert water out of the basin via a system of tunnels and aqueducts. To understand the interest from the City in F.E. Walter, we must look to an interstate agreement dating to the 1950s and updated in 2017, currently referred to as the Flexible Flow Management Plan (FFMP). Under this agreement, the City must release water from its reservoirs in the Upper Delaware River to provide water that works to repel salt from the Delaware Estuary from impacting drinking water intakes for the City of Philadelphia, as occurred during the drought of the 1960s. The FFMP allows New York City to detach from (or discontinue) its obligation to maintain downstream flows during times of drought if there are no significant impacts from it doing so. Studies are currently being conducted around this issue. These minimum flow requirements remove flexibility from the City in the use of its reservoirs during these periods of time. However, during times of drought, the FFMP is structured in such a way as to put more stress on reservoirs located in Pennsylvania. The days for which releases need to be made for drought management from Commonwealth



reservoirs are a very small percentage of the total days of record; however, these days are when flow conditions are lowest instream and therefore these flows the most critical. In addition, during times of drought when releases are called for from Pennsylvania reservoirs, the amount of water available in general, including in these reservoirs, is likely also at its lowest.

According to the study timeline contained in a Corps presentation, the Corps is planning to have a tentatively selected alternative meeting by May 24, 2021. Although the Corps website lists the study as currently behind schedule, they are planning on holding a stakeholder meeting in the Spring of 2021. Relatively little communication has come from the Corps during the past year. It is concerning that the next step in the process is presentation of a selected alternative without additional opportunities for public comment. If indeed this is the case and the next step in the Corps timeline is to present the selected alternative as a recommendation for action to higher commands and eventually congress, it is imperative that the selected alternative does not impact existing aquatic resources throughout the Delaware River Basin. To do so sacrifices the fisheries resources of both the Lehigh and the Upper Delaware Rivers and their associated economic benefits to the citizens of Pennsylvania for the benefit of other interests.

TU appreciates the attention given by this Committee to this issue, and I thank you again for the opportunity to submit testimony.

Sincerely,

Jennifer Orr-Greene

Jennifer Orr-Greene
Eastern Policy Director
Trout Unlimited