**Katy Dunlap**
*Eastern Water Project Director*

**Ken Undercoffer**
*President, Pennsylvania Council*

May 23, 2012

Hon. Scott E. Hutchinson
Majority Chair, House Environmental Resources & Energy Committee
Pennsylvania House of Representatives
152 Main Capitol Building
PO Box 202064
Harrisburg, PA 17120-2064

Hon. Camille Bud George
Minority Chair, House Environmental Resources & Energy Committee
Pennsylvania House of Representatives
38B East Wing
PO Box 202074
Harrisburg, PA 17120-2074

**RE: House Bill 2359 (P.N. 3507)**

Dear Representatives:

Trout Unlimited (TU) has recently learned that the House Environmental Resources & Energy Committee intends to consider House Bill 2359, introduced by Rep. Martin Causer, at the Committee meeting scheduled for today, Wednesday, May 23. We write today to express our concern that the broad language in this bill could lead to further flooding problems in the future and ultimately have greater economic consequences. TU recognizes the need to address re-occurring flooding situations and to protect public safety and property and we would like to work with decision-makers to determine appropriate ways to address the problems related to flooding. However, TU is concerned that this bill proposes to use a band-aid to fix a problem that requires a much more comprehensive, long-term solution.

In 2011, Hurricane Irene and Tropical Storm Lee brought a significant amount of precipitation to Pennsylvania and other northeastern states, leading to stream bank and bed erosion and resulting in considerable damage to roads and bridges and private and public property. By far,

the streams that caused the greatest extent of damage were those that had been previously altered by channelization, straightening, dredging, removal of vegetation or by cutting off the stream from the adjoining floodplain.

House Bill 2359 promotes *increased* stream disturbance, by allowing municipalities or landowners adjacent to a stream to remove "flood-related hazards" or to conduct "stream clearing activities" in the name of flood prevention, without a permit from the Department of Environmental Protection (DEP). Further, the bill's open-ended definition of "flood-related hazard" gives non-professionals overly broad discretion to determine what an obstruction may be, thereby opening the door for potential abuses of the intent of this bill.

HB 2359 proposes a short-term fix to a long-term complex problem. The proposed "cleaning streams" approach merely attacks flooding symptoms, but fails to address the causes of flooding, and therefore may need to be repeated over and over again without lasting effect—leading to additional economic implications. Gravel bars do not cause flooding; they are created by floods, and in many cases made worse by previous man-made stream alterations. Any work done in streams should be limited to those which allow streams to more effectively convey sediment load (i.e. rocks) and dissipate their energy in ways that do not make problems worse downstream and do not require repeated maintenance.

TU recognizes the importance of protecting public safety and private property, and we believe that properly restoring streams by reducing alteration will achieve that goal while also ensuring protection of the valuable coldwater streams that support Pennsylvania's robust $1.5 billion dollar a year sport fishing economy. Healthy intact streams with good connections to their floodplains are highly resistant to flood damage, are self maintaining, have the highest biologic, recreational and aesthetic values, and efficiently dampen flood energy.

The answers to flooding problems are not quick and easy. Fortunately, there are federal and state agencies, academics and river restoration conservation professionals in Pennsylvania with fluvial geomorphology expertise and experience that can offer insight into the most effective and appropriate methods to reduce flooding. Before a decision is made on this bill, and other similar bills, TU respectfully requests that a joint legislative committee hearing be held to learn from scientific and professional experts in the field, as well as affected individuals, what the most appropriate approach to rebuilding streams and alleviating flood damage may be. Thank you for your consideration of TU's concerns.

Sincerely,

Katy Dunlap

*Ken Undercoffer*

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