

WILD & SCENIC PROGRAM POLICIES AND PROCEDURES

Date of Final Adoption:
03/07/2013 (Amended 11/09/2023)

PURPOSE (MISSION)

The White Clay Creek Wild and Scenic Program (WCWSP) promotes and supports the preservation, protection, restoration, and enhancement of natural and cultural resources, in addition to encouraging a balance of recreational enjoyment of the White Clay Creek watershed in Pennsylvania and Delaware. The Program and its members are responsible for implementing the *White Clay Creek and Its Tributaries Watershed Management Plan* dated May 1998 (hereafter referred to as “the Plan”).

AUTHORITY

The Program will be strictly advisory in nature and will have no regulatory or land acquisition authority. The Program may provide advice to agencies and institutions with management or regulatory authority, but it will not have the power to necessitate or enjoin the actions or decisions of any of those entities.

FISCAL RESPONSIBILITY

The White Clay Watershed Association (WCWA) is the umbrella organization that is responsible for the Program’s financial accounting. The WCWA is a 501(C)(3) organization incorporated in the state of Pennsylvania (EIN 23-7116453). The Program Director or other WCWA appointed designee will track expenditures, file the appropriate tax forms with the IRS and state, file for reimbursement from the National Park Service, and holds checking accounts for the Program in WCWA’s name.

PROGRAM DIRECTOR

The White Clay Watershed Association (WCWA) will provide a contracted Program Director to assist the White Clay Wild and Scenic Steering Committee (WCWSSC) in administrating all activities related to the Wild & Scenic designation and coordinating the implementation of the Plan. The Program Director serves as the principal support to the Committee for implementing and assisting in administrating all activities related to the Plan and serves as a key partner to the National Park Service in administering the designation, providing local information, and administering the cooperative agreement.

INDEMNIFICATION

WCWA holds a general insurance policy in the organization’s name. This insurance policy

is to protect the non-profit's liability and does not cover individual WCWSP members.

RESPONSIBILITIES

The WCWSP is responsible for the following:

Promote Implementation of the Plan

The members will assist appropriate agencies, organizations, and the public in understanding the purpose, intent, and implications of the Plan within the context of the National Wild and Scenic River designation and in understanding the actions and activities needed to implement the Plan. The Program will promote the Plan and efforts within the watershed that are consistent with the Plan and will foster the implementation of this Plan. The Program will assist with coordination and communication among the entities responsible (NGOs, local and state governments) for implementing the Plan.

Monitor and Address Watershed Related Issues

The Program will monitor watershed activities and proposals that might affect the watershed's overall quality or potentially impact important resources and will comment to appropriate authorities. Such project review could be initiated by a request from the public; by a local, county, state, or federal official; or at the Program's own discretion. The Program will establish a public forum for issue discussions, help raise awareness of important issues, and stimulate action by appropriate authorities. Proposals and projects that might be reviewed include, but are not limited to: zoning changes; development projects adjacent to the White Clay Creek or its tributaries; applications for state permits, such as point source discharges or water withdrawals; changes to state programs or policies; applications for federal permits such as US Army Corps of Engineers Section 404 permits; and other federal projects such as pipeline or road crossings, electrical transmission lines, etc.

Conduct and Support Watershed Restoration and Enhancement Initiatives

The Program and its strategic committees will utilize funding sources to initiate or support watershed enhancement projects. The Program and the strategic committees will coordinate its members' volunteer participation in restoration and enhancement projects and efforts whenever necessary and appropriate.

Support Land Preservation

Land preservation and conservation in the watershed through easement, purchase of development rights, and other methods will be supported by the Program. Criteria for land preservation selection will be based on factors including but not limited to the connectivity with existing municipally owned or other open space; the potential for containing species of concern (threatened or endangered); land directly abutting or adjacent to watercourses within the White Clay Creek watershed; and the possibility for public access. The preservation partners that the Program will assist include but are not limited to Natural Lands Trust, Brandywine Conservancy, and other land trusts in the watershed.

Collaborate for Watershed Outreach and Education

The Program will collaborate with and support the efforts of other agencies and entities in conducting watershed stewardship education and outreach. The Program may initiate its own educational or outreach programs as resources permit.

Plan Strategically

The Program will be responsible for strategically planning the implementation of the Plan. The Program will conduct periodic reviews, including success in implementing goals set for the previous year; success of past projects; funding, new project and committee initiatives; and Program structure. Review and planning will include recommendations for revisions or additions to projects, committees, and governing documents.

Provide an Annual Update

An annual Update will be prepared for distribution in March of every year detailing the highlighted projects and initiatives undertaken in the previous calendar year. The Program Director and/or other appointed designee(s) will prepare the report.

STEERING COMMITTEE

The Program's Steering Committee (Committee) will be comprised of two Co-Chairs, one from Delaware and one from Pennsylvania; (in the event that one co-chair is out of town for extended periods of time, an elected alternate Co-chair will be permitted); the

Program Director (supported through WCWA as federal or other funding will permit); and a minimum goal of 17 additional Steering Committee positions. The Program should make every effort to secure participation from the original signatories including State of Delaware Department of Natural Resources and Environmental Control (1); State of Pennsylvania Department of Conservation and Natural Resources (1); Chester County (1); New Castle County (1); City of Newark (1); London Grove (1), Franklin (1), London Britain (1), and New Garden Townships (1); and the Boroughs of Avondale and West Grove (1). In addition, the Delaware River Basin Commission (DRBC) and the townships with smaller watershed land areas will be encouraged to participate either as a Steering Committee member or within the general membership. These include West Marlborough, New London, Penn, Kennett, and Londonderry townships. Representatives from the townships can include but are not limited to Environmental Advisory Councils (EACs), Open Space Committees, and/or Planning Commission members of the townships.

Committee positions, other than Chairs and Agency appointed (i.e., municipal, DNREC, DCNR, county), should be filled by interested individuals who participate in other committees and offer technical, cultural, or special interest or knowledge of the watershed to support the mission in a non-partisan manner. When possible, if a member cannot actively participate over a 6-month period or for any other reason, they should assign a proxy in their place, relinquish their membership and voting privileges, or remain on the committee with non-voting status. Notice should be given to the Program Director.

PROGRAM PROCEDURES

Co-chairs

The Steering Committee will elect two Co-Chairs, one from the Commonwealth of Pennsylvania and one from the State of Delaware. Alternate Co-Chairs will be elected if it is determined there is a need (see Steering Committee section). The Co-Chairs shall be without conflict of interest to serve as chair of the Committee (see Conflict of Interest section). The term of each co-chair shall be three (3) years. Additional terms may be approved at the Committee's discretion. The terms shall alternate to ensure that one Co-Chair is not up for replacement or re-election during the same year. Co-Chairs can be selected by nomination of the Committee or Program members. Co-Chairs should serve

on the Committee for up to one term (three years) upon completion of tenure as Co-Chair. Additionally, all efforts will be made to select Co-Chairs who shall have served on the Steering Committee before being nominated to Co-Chairs. Approval of the Co-Chairs will be through a majority vote following nomination. Co-Chair terms may be amended in the interest of the Committee. (See Appendix X: Co-Chair Responsibilities)

Steering Committee

When an opening within the Steering Committee exists, any Committee or Program member may make nominations to fill that opening. The Committee shall have a majority vote to identify which nominee(s) is to fill the Committee opening. The Committee terms will be (3) three years with a maximum of (3) three consecutive terms (9) nine years. After the ninth consecutive year, the Committee member, if interested, may remain on the Committee at the Committee's discretion. Former Co-Chairs and previous paid support are automatically added to the Committee unless they decline the position.

Duties

The Steering Committee members are trustees of the Program and watershed. Committee members are encouraged to be active in the Program through quality participation. Quality participation includes responsibility for fiscal and legal compliance, active interest in project initiation and completion, competence and willingness to participate, and commitment to high-quality and timely decision-making.

The duties and expectations of Co-Chairs and Committee nominees will be reviewed with the nominee before appointment to the Committee, including a review of the *Program Operating Manual*. Committee members must attend at least 2 of the 4 Program meetings annually. If a committee member cannot attend a meeting, the Program Director should be notified via phone or email.

Resignation

Resignation from the Steering Committee should be given verbally or via e-mail and received by the Program Director and Co-Chairs. The resigning committee member should try to find a suitable nominee for replacement.

WCWSP COMMITTEES

STANDING COMMITTEES

Steering Committee

STRATEGIC COMMITTEES

The Steering Committee will determine appropriate strategic (or ad hoc) committees to support the Plan and current initiatives. Individuals representing technical expertise in fields that align with the needs set forth for these strategic committees will be encouraged to participate.

CONFLICT OF INTEREST

WCWSP, as part of a nonprofit, tax-exempt organization WCWA, depends on the public trust and thus is subject to scrutiny by and accountability to both governmental authorities and members of the public. Consequently, there exists between WCWSP and its Steering Committee fiduciary duty that carries with it a broad and unbending duty of loyalty and fidelity. Any nominee or member of the Committee that has, or may have, a conflict of interest with the WCWSP should not seek to be placed on the Steering Committee without full prior disclosure to the Co-Chairs and the program's designated NPS Representative. Upon consideration, a decision will be made as to whether the conflict of interest is significant enough to preclude membership on the Steering Committee.

Steering Committee members must exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions with WCWSP or knowledge gained therefrom for their personal benefit. Steering Committee members must recuse themselves from voting on any issue that raises a potential conflict of interest personally or with the organization or agency they represent. WCWA, the fiduciary agent, must also avoid these potential conflicts. The organization's interests must take priority in all decisions and actions.

COMMITTEE MEETINGS

Program Meetings

The Committee will meet quarterly after each fiscal quarter, convening for updates on activities and/or plans that affect the watershed and to receive fiscal reporting from the

Program Director. Co-Chairs alternate, presiding over the meeting with support from the Program Director. The Program Director will request meeting materials from the Co-Chairs and Steering Committee one month in advance. The Program Director will furnish the meeting materials to the Steering Committee one week before the meeting. All Program meetings are open to the public and will be publicized on the website (whiteclay.org). Special meetings to discuss specific issues may be convened at the request of the Program Director, Co-Chairs or Steering Committee members.

Annual Meeting

The January meeting of each year will feature the year in review.

QUORUM

A meeting quorum should consist of seven (7) Steering Committee members. If a quorum cannot attend, additional meeting dates should be evaluated until a quorum can attend.

WCWSP DECISION PROCESS

Decisions will be made through a majority vote of the Steering Committee. For each decision, Steering Committee members are encouraged to share diverse views with other Steering Committee members. The views of the Steering Committee, the Co-Chairs, and the others in attendance shall become part of the minutes. Votes can be received through meeting attendance or through e-mail to the Program Director and Co-Chairs. In cases where a majority vote cannot be reached, the Co-Chairs will make the final decision. If the Co-Chairs cannot reach an agreement, the decision will fall to the Co-Chair whose state is most affected by the decision.

If project opposition is brought to the attention of any persons on the Steering Committee (from WCWSP members or entities within the watershed), care will be taken to fully inform the full Steering Committee prior to the project approval vote. In the event a vote has been taken and 1) opposition is voiced from an entity within the watershed or 2) new information regarding the project comes to the attention of the Steering Committee, the Steering Committee may hold additional meetings or discussions to determine if the vote is affected by any additional information.

MINUTES

It is the responsibility of the Program Director or another appointed designee to compile and record minutes of all meetings. The Program Director should compile and issue by

email, or mail, the draft minutes within three weeks of the meeting for review by the Steering Committee. Steering Committee members have one week to respond before it becomes a final document for posting on the website (whiteclay.org). Corrections can be made at the next meeting.

WCWSP PROCEDURES REVISION

The Program will review these Program Procedures every five years at the end of each NPS 5-year Contract Agreement and amend or enact new rules and procedures as needed (See “Amendments of Program Procedures” below).

CONTRACTED SUPPORT

Paid support will assist the Program as funding allows. Support currently includes a part-time Program Director funded through the WCWA. The Program Director works in accordance with the yearly work plan as approved by the WCWSP. Decisions to contract out additional support to fill programming needs will fall to the Program Director in coordination with the Committee.

FUNDING

The National Park Service funding is the primary support for projects and initiatives. In addition to this funding, grant funds from other public agencies and private foundations may be applied for with the WCWSP Co-Chairs and the White Clay Watershed Association president’s approval. Through its partnership with the WCWA, the Committee should solicit funding from members, foundations, and other sources supporting the Wild and Scenic project and program operations.

NATIONAL PARK SERVICE ROLE

The National Park Service (NPS) is the key federal representative in implementing the Plan and the federal wild and scenic rivers designation. The agency's principal role is to represent the Secretary of the Interior in reviewing federal water resources projects as required by Section 7(a) of the Wild and Scenic Rivers Act and to serve as coordinator and liaison to members of the WCWSP and federal, state, and local agency staff and officials as described in the Watershed Management Plan. The NPS liaison will be a non-voting member of the WCWSP; however, overall authority for the Wild and Scenic Program budget resides with the NPS acting for the Secretary of the Interior. NPS is responsible for the overall concurrence and consistency of Program activities and projects reviewable under Section 7(a) or 10(a) with the Watershed Management Plan goals and Wild and Scenic Rivers Act.

STATE, COUNTY, AND LOCAL GOVERNMENT'S ROLE

State, county, and local governments, land conservancies, and other interested organizations may contribute staff time or other types of assistance to Wild and Scenic projects and the WCWSP if they choose; however, no such involvement will be required of any state, county, or local government, land conservancy or any other organization.

AMENDMENT OF PROGRAM PROCEDURES

These Program Procedures can be revised anytime by a majority Committee vote. Prior to a vote for adoption of any amendments, the final proposed amendments must be distributed at a regular meeting of the Program and will be announced in advance of that meeting. The final vote to adopt changes will be made at the next regular meeting and announced before that meeting.

ADOPTION

These Program Procedures supersede the Rules and Procedures from the 24th day of September 2001. These Program Procedures are hereby accepted and adopted by a majority of the Program on the 7th day of March 2013 (amended November 9, 2023).