

RIVER RAPIDS

Special
Double Issue

Fall 2011

The newsletter of the DELAWARE RIVERKEEPER NETWORK

Printed on 100% recycled paper



Upcoming Events

For more details on these events and activities, see the calendar on our website or contact the staff person indicated.

October 29th, 9:30 am - 1:30 pm
Litter Clean-up

*Amico Island and Rancocas Creek
Delran, NJ
fred@delawariverkeeper.org*

October 31st, 5:00 pm
Deadline: Call for Presenters
2012 Watershed Congress
chari@delawariverkeeper.org

November 5th, 9:00 am - Noon
November 12th, 9:00 am - Noon
Citizen Stream Monitor Trainings
*To be determined
faith@delawariverkeeper.org*

November 19th & 20th
**Run for the River in the Philadelphia
Marathon, Half Marathon, or Rothman
Institute 8K**
*Philadelphia, PA
laurie@delawariverkeeper.org*

November 20th, 8:00 pm - 10:00 pm
Nonviolent Direct Action Training
See our calendar for more details

November 21st, 10:00 am - Noon
Don't Drill the Delaware Day!
*Trenton, NJ
See page 2 for more information*

Horseshoe crab population still at critical low

A letter from the Delaware Riverkeeper

The Delaware Bay has historically been host to the largest spawning population of horseshoe crabs in the world. But due to overharvesting, their populations have declined by over 75%.

No significant change in the population of adult horseshoe crabs has been seen in the past five years—a time period when the first real efforts to protect the crabs were underway. But no evidence of recovery has been observed either in the numbers of spawning females or in adult crab abundances. Recent research has found that harvest restrictions only stopped their population from declining further.

With the decline of the horseshoe crabs, populations of critical species dependent upon them have also declined. The number of horseshoe crab eggs has been insufficient to sustain the migratory shorebirds that feed on them during their Delaware Bay stopover. From 1998 to 2007, populations of red knots, ruddy turnstones, semi-palmated sandpipers, sanderlings, dunlins and short-billed dowitchers all declined dramatically. Peak counts of ruddy turnstone declined by a severe 82%. In 2010, ruddy turnstone numbers were among the lowest ever recorded: 18,231. Short-billed dowitchers declined by 74%, red knots by 70%, and sanderlings by 61%.

Incredibly, the Delaware Bay's horseshoe crabs continue to be under siege. Fishermen want to harvest more and more crabs for bait to catch eel and conch (species also in decline). The Atlantic States Marine Fisheries Commission which manages the horseshoe crab fishery is again being pressured to increase harvests.

Now, we are learning that the biomedical industry, which depends upon healthy populations of horseshoe crabs for an irreplaceable substance found only in their blood, may be taking a greater toll than once thought. The mortality rate for crabs that are bled may be as high as 30%. The biomedical industry, which is vitally important to our health and safety, is talking about adopting best management practices for handling crabs and reducing crab deaths, but there are no requirements to implement such practices.

The U.S. Army Corps is also in on the act—proposing spoil disposal projects associated with the Delaware Deepening that Delaware scientists have demonstrated will further harm horseshoe crab populations. It is our hope that our lawsuit against the deepening will provide the protection needed from this significant threat.

The science is showing that a moratorium on bait harvest is increasingly necessary for the best protection of horseshoe crabs and all the species (including people) they support. Within three to six months, there will be an opportunity for public comments and to speak out at public hearings. Please stay tuned to our website so you can help give voice to these ancient creatures and all that depends upon them.

Maya K. van Rossum
the Delaware Riverkeeper

From the Highlands to the Bay, we give voice to the Delaware River and all the communities that depend upon its watershed.

Don't Drill the Delaware Day

Stand with DRN on November 21st at DRBC Meeting

For over three years, we have all been working together to protect the Delaware River watershed from pollution from toxic gas drilling. Nearly 70,000 people filed comments on the Delaware River Basin Commission's (DRBC's) draft natural gas development regulations during the comment period, breaking all past records of public interest.

As a community, we have engaged technical experts to analyze and report on gas development issues, urged legislative actions, held educational forums and screenings of *Gasland*, advocated for public input, organized mass protests, and more. Gas drilling in New York and in our watershed has been held at bay, but Pennsylvania is drilling like there's no tomorrow.

The Delaware Riverkeeper Network has also filed several legal actions challenging DRBC and Pennsylvania Department of Environmental Protection. Most recently, Delaware Riverkeeper Network and our co-plaintiffs filed in federal court to stop the DRBC from moving ahead with their proposed inadequate gas regulations and to insist that they follow federal environmental law. And the New York Attorney General's office filed to force the Army Corps, which is the federal representative to the DRBC, and related federal agencies to do this as well.

Despite all of this, the DRBC has scheduled a special meeting from 10:00 am to Noon on Monday, November 21st, at the War Memorial in Trenton to "consider adoption of the regulations." Adoption of regulations would lift the current moratorium on gas drilling in the watershed and allow drilling and fracking to start.

Help us prevent natural gas development from commencing. We urgently need you to stand with us on November 21st at the Trenton War Memorial. For more information about getting involved, go online to: <http://www.delawareriverkeeper.org/act-now/urgent-details.aspx?Id=93>.

Share your photo for our River family photo album

Send us a photo of your family or loved ones to include in the *River Families Who Deserve Protection From Drilling* photo album. DRN will deliver this photo album the DRBC to urge them to keep drilling out of the Delaware River watershed by saying "no" to the weak proposed regulations being considered.

We want the Commissioners to see the real people that will be harmed by gas drilling if it is allowed to move forward, and to see the faces of all the present and future generations we seek to protect. Simply use the link below to upload a photo of your family and be included: <http://www.delawareriverkeeper.org/act-now/urgent-details.aspx?Id=86>.

Delaware Riverkeeper appointed to citizens shale commission

In August, a Citizens Marcellus Shale Commission was formed by civic and environmental organizations from across Pennsylvania in response to Governor Corbett's Marcellus Shale Advisory Commission. The unbalanced makeup of Corbett's commission, heavy with industry representatives, was clearly demonstrated in their July report which failed to accurately represent the science or the experiences of private citizens who know the ramifications of gas drilling first hand.

Delaware Riverkeeper Maya van Rossum was among the appointees to the Citizens Commission which held hearings across the state to gather citizen perspectives on Marcellus Shale and gas drilling in Pennsylvania. The Citizens Commission is expected to release its final report documenting the opinions and concerns of citizens in early October. Copies of the report will be delivered to Governor Corbett and the Pennsylvania General Assembly.



At a hearing of the Citizens Marcellus Shale Commission. L - R: Carole Rubley, co-chair and former State Representative; Maya van Rossum, the Delaware Riverkeeper; Lynda Farrell, Pipeline Safety Coalition. Photo: F. Foley

DRN videos tell story of drilling impacts

The Delaware Riverkeeper Network is producing a series of videos examining the impact of hydraulic gas drilling on the environment and our communities. The six videos will examine issues such as well water pollution linked to “fracking,” the effects of drilling activities on stream ecosystems, and the threat to farmers and other businesses that depend on clean water.

First, go to www.delawariverkeeper.org. Under *River Action*, click on *Advocacy*, then scroll down to *Ongoing Issues*, at the bottom of the page. Click on *Natural Gas Development* to see the first of these available now for viewing on our website.



“Flaring” or burning off methane gas at a natural gas well site in Dimock, PA.
Photo: E. Rodgers

Power line proposal now even worse

A significant change is now proposed for the Susquehanna Rose-land 500 kV Transmission Line Project. Instead of erecting one new 500 kV line on 200-foot tall towers running parallel to the existing 230 kV line that stands on 100-foot towers, the existing 230 kV line *will be replaced by a second 500 kV line*. The applicant asserts that no widening of the current right-of-way will be necessary.

This proposal will mean two rows of towers standing twice the height of the surrounding forested ridge and valleys. These lines will cross the Appalachian National Scenic Trail, the Delaware Water Gap National Recreation Area and the Middle Delaware National Scenic and Recreational River. But because it is proposed for the existing right-of-way, the National Park Service may opt to select that route over others.

NPS has completed its field studies in its preparation for the Draft Environmental Impact Study (DEIS) which will be available for review this winter. DRN has joined other organizations stating that the lines are not needed and that demand response, smart grid technology, conservation and green energy alternatives should be pursued instead.

Watch our website for news on opportunities to comment.

In Memory

It is with incredible sadness that we must say “goodbye” to our dear friend and long-time member, Gerald “Jerry” Sowa. Jerry and his wife Maria often volunteered their professional expertise and time to videotape Delaware Riverkeeper Network events, allowing us to share them with those who couldn’t attend in person and preserving them for our future use. Jerry was a dear friend to our organization and the Delaware River. Even with his passing, he supported the organization by asking those who wish to remember him to make a memorial contribution to Delaware Riverkeeper Network in his name.

Thank you, Jerry, for your unwavering support of the River and Delaware Riverkeeper Network. You will be missed.



Looking West from Warren Co., NJ, at the current 230kV line on 100’ tall towers. Photo: F. Stine

DRN lawsuit seeks to improve NJ stormwater management

In July, the Delaware Riverkeeper Network took legal action to compel the U.S. Environmental Protection Agency to bring New Jersey's Stormwater Program into compliance with the Clean Water Act. Stormwater runoff is a major source of water pollution in New Jersey and across the country. Recent flooding associated with Hurricane Irene bore out what DRN documented in a report released in 2010: that the State's failure to adequately regulate stormwater runoff and ensure compliance at the municipal level, has put New Jersey communities at risk of increased flooding, pollution, erosion and degrading community environments.

Under New Jersey's Municipal Stormwater General Permit Program, municipalities are required to follow specific stormwater management rules when approving a developer's post construction stormwater plan. However, municipalities have been approving stormwater plans with significant design defects and state reliance on municipality self-reporting to determine compliance has led to inadequate enforcement of stormwater rules. As a result, the true costs of development are being passed on to downstream residents, municipalities and the State of New Jersey.

DRN will continue to keep a watchful eye on new development proposals to ensure compliance with the stormwater rules and to stem future stormwater mismanagement. More information on our stormwater work can be found at <http://www.delawareriverkeeper.org/river-action/litigation.aspx>.



*House under construction, Hamilton, Township, NJ.
Photo: F. Stine*

DRN working to protect Access Woods

The Delaware Riverkeeper Network has a vibrant and active membership in Bucks County, PA. Recently, we received calls from members there concerned that a wooded buffer along a tributary to Neshaminy Creek was being cut down to make space for lawns and sheds.

Wooded buffers along streams help prevent pollution from entering streams; they also pull out pollution that may have entered the creek upstream. They provide important habitat and help cool the stream for the resident aquatic organisms that are the basis of a healthy food chain.

This particular woodland was supposed to be protected by a conservation easement as part of a deal struck between the developer-owner and Middletown Township in exchange for waivers from zoning laws. The easement was executed, but something went wrong. The Township hasn't enforced the easement; it even approved some development of the woodlands.

Now DRN is working to highlight the damage to the woodlands and stressing the role of a legally binding agreement. We are also advocating for the promised protection for the woods that remain and fighting for restoration to repair the illegal harm that has been done.

DRN acts against GenOn plant

Recently, the Delaware Riverkeeper Network joined with other environmental organizations in an effort to shut down the GenOn Portland Generation Station in Portland, PA. This plant is rated the 5th dirtiest coal-fired plant in the nation in terms of sulfur dioxide (SO²) emissions per megawatt of power generated.

The 50 year old plant has no pollution scrubbers and emits 30,000 tons of SO² each year. Air quality studies show emissions from this plant adversely impact most of Warren County and sections of Sussex, Morris and Hunterdon counties in New Jersey, as well as at least three counties in Pennsylvania.

Coal ash from the plant is trucked to a stone quarry in nearby Bangor, PA, for storage. The ash has contaminated both ground- and surface water and the storage facility has been cited for airborne drift into residential areas.

Science shows that coal ash can exceed toxicity thresholds for hazardous waste. There are more than 135 damage cases in 34 states where coal ash has compromised the health of communities and their environments, yet common household trash is more stringently regulated. The U.S. Environmental Protection Agency is considering requiring this GenOn plant to reduce emissions by 81%, but DRN contends that the technologies to reduce emissions will only result in greater quantities of coal ash with greater potency, ash that will eventually find its way into the Delaware River and impact public health and safety.

Local nurseries join with DRN to encourage fall plantings

This fall, the Delaware Riverkeeper Network is encouraging its members and all landowners in the region to plant native shrubs, trees and perennials to benefit the Delaware River. Three local native plant nurseries have joined with DRN to help with this effort. In addition, the nurseries are promoting membership in Delaware Riverkeeper Network and will also be making a donation from a portion of the plant sales attributed to our members. The participating nurseries are: **Redbud Native Plant Nursery** in Glen Mills, PA, **Edge of the Woods Nursery** in Orefield, PA, and **Toadshade Wildflower Farm** in Frenchtown, NJ.

This campaign to encourage planting natives will be ongoing through the end of the fall planting season. For more information, contact the participating nurseries directly. Their staff can provide extensive assistance in selecting and caring for native plants.

Redbud Native Plant Nursery

1214 North Middletown Road
Glen Mills, PA 19342
Phone: 610-358-4300
info@redbudnativeplantnursery.com
www.redbudnativeplantnursery.com

Edge of the Woods Nursery

2415 Route 100
Orefield, PA 18069
Phone: 610-395-2570
info@edgeofthewoodsnursery.com
www.edgeofthewoodsnursery.com

Toadshade Wildflower Farm

53 Everittstown Road
Frenchtown, NJ 08825
Phone: 908-996-7500
toadshad@toadshade.com
www.toadshade.com

Please Note: Toadshade is a mail order nursery, but they will have a stand at the Hunterdon Land Trust Farm Market at Dvoor Farm on Rt. 12 in Flemington, NJ, from 9:00 am to 1:00 pm, through mid-October.

Fall is ideal for planting

This is a great time of year to plant native plants, especially trees and shrubs which are particularly important to the watershed because they shield the ground from heavy rains and slow runoff from the land. Trees and shrubs also slowly release some of the water from the ground into the air through their root systems which helps cool the air in the hot summers and dry the ground after extended wet periods.

Plants native to the Delaware River watershed region are ideally suited to survive the varied weather conditions through the seasons to come; they provide resiliency and beauty for the landscape, hold in the soil and guard against erosion, while serving as habitat for native birds, butterflies and other wildlife. In most cases they are easy to grow and it is a joy to watch them thrive.



Fall planting is a good family activity.
Photo: M. van Rossum

DRN releases new native plant brochure

Looking to add native plants to your yard or garden this fall, but not sure what to plant? Consult DRN's new native plant brochure, *20 Ways to Protect Streams & Streamside Properties*. This new full color brochure profiles 36 native plants you may want to consider planting. The brochure also highlights simple actions individuals can take to help protect streams. A limited number of print copies of this brochures are available, but it can be downloaded from the free resources section of our website: <http://www.delawariverkeeper.org/resources/free-publications.asp>. Download yours today.

Protecting PA's cleanest streams is subject of new DRN report

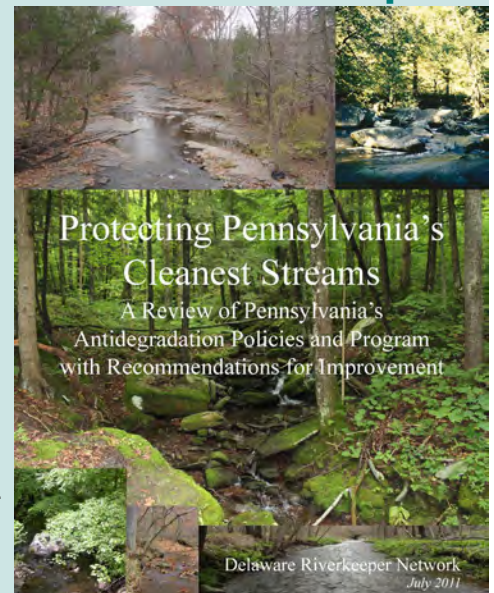
The Delaware Riverkeeper Network recently released a new report titled *Protecting Pennsylvania's Cleanest Streams: A Review of Pennsylvania's Antidegradation Policies and Program with Recommendations for Improvements*.

Federal regulations require every state to put forward policies and implement antidegradation programs to prevent our cleanest stream from becoming polluted. Although many states have been slow to establish antidegradation programs, Pennsylvania has had a program for decades.

In 2008, DRN began studying how well Pennsylvania's antidegradation program is protecting the Commonwealth's cleanest streams in practice. In the report, Delaware Riverkeeper Network summarizes three years of analysis of Pennsylvania's antidegradation program. *Protecting Pennsylvania's Cleanest Streams* provides background information on Pennsylvania's antidegradation policies and program, looks at the status of implementation, and provides suggestions for improvement.

This report is intended to begin a discussion and to inspire action that will strengthen the protections provided to Pennsylvania's cleanest streams. DRN identified areas where improvements could be made and identified action steps that can be implemented at the federal, state, and community level as well as action steps that can be taken by individuals.

Protecting Pennsylvania's Cleanest Streams is being made available as a pdf. Copies can be downloaded from our website. Click on the Resources tab and then on Reports to download your copy today.



PennDOT actions threaten EV stream

The Pennsylvania Department of Transportation (PennDOT) is pursuing two bridge projects over tributaries of Tincum Creek, a stream flowing through Tincum Township in Bucks County, PA. The Tincum is a beautiful stream that accents a beautiful community. Because of its high quality waters and healthy habitats, Tincum Creek is designated Exceptional Value (EV) and is supposed to receive a higher level of protection under Pennsylvania's antidegradation program.

The law requires that the water quality of the Tincum and its tributaries be maintained and protected, but the two proposed bridge projects being pursued by PennDOT will result in degradation of water quality and habitat of Tincum Creek's tributaries and therefore the Tincum itself.

Both projects will expand the sizes of the existing bridges, result-

ing in polluting land disturbance. The Cafferty Road site includes approximately 330 linear feet of retaining wall along the Tincum's Sundale Creek tributary. The proposed retaining walls will encroach into Sundale Creek's active channel, narrowing it and constricting its flow, and increasing instream velocity. The Bridge at Tettermer also includes damaging instream and streamside work.

As designed, the projects will degrade the health, beauty and quality of the Tincum and its tributaries. And, incredibly, both projects are proceeding without the permits that should have been required.

Projects that involve earth disturbance over one acre require special Clean Water Act NPDES permitting. When PennDOT submitted materials for these two bridge projects, it claimed neither project would result in more than an acre

of disturbance. And so waivers of the permitting requirement were granted. However, expert reviews conducted by the Delaware Riverkeeper Network prove that each of the projects disturbs more than one acre of land, mandating the use of the NPDES permits. Had PennDOT gone through the permitting process that should have been required, there would have been a real opportunity to protect the creek from the unnecessary damage they are experiencing or will experience.

The Department of Environmental Protection has consciously chosen not to act, not to enforce the law against PennDOT. Instead, DRN must do so. We are working with our local members and a team of lawyers to try to enforce the law against PennDOT because a state agency should not be above the law.

Thank You

Thanks to all who participated in the “Save Wild Rivers” campaign! Our joint effort with **Sierra Nevada Brewing Co.** resulted in thousands of impressions across the country and thousands of dollars raised for river and watershed awareness.

Our **thanks** go also to Chris Blackway at the **Eastern Mountain Sports** store located in the **Valley Square Shopping Center in Warrington, PA**, for hosting a promotion and donation event for DRN on September 30th and October 1st.

Thanks to all who went out for pizza on July 28th, 2011. We had participants in **Wayne, Ardmore, Exton, Rosemont and Springfield. Peace A Pizza** donated 20% of the profits from our sales purchases to DRN.

Our **thanks** to the following canoe liveries for supporting DRN by offering information and free memberships to selected customers: **Chamberlain Canoes**, Shawnee on Delaware, PA; **Soaring Eagle Campground**, Equinunk, PA; and **Two River Junction**, Lackawaxen, PA.

And **thanks** also to **REI in Marlton, NJ**, for offering free memberships to selected customers.

Run for the River team update

DRN's “Run for the River” team for the Philadelphia Marathon and Half Marathon is in full training and fundraising mode. So far, the team has raised over \$3,000 in their run for clean water. Members of the team include John Weyrens, New York, and Andrew McGrath and Gohkan Seeker, both from Pennsylvania.

We still have three slots available for runners interested in taking on the Philadelphia Marathon or the sold-out Half Marathon. If you would like to join the team, email laurie@delawariverkeeper.org or call Laurie at 215-369-1188, ext. 114.

If you're not a runner, you can still come out on the 20th to support our team. Or donate to the team on our website. Go to our donations page, <http://www.delawariverkeeper.org/join/donate.asp>, and on page two under “Add Note to Seller,” type in “Run for the River.”

Follow the team's progress on our Facebook page. For more information on the Marathon, go to www.philadelphiamarathon.com.

At Right: Delaware Riverkeeper Maya van Rossum with Harry Shearer (*Spinal Tap*, *The Simpsons*, NPR's *Le Show*) at the showing of *The Big Uneasy* in Wilmington, DE. *The Big Uneasy* is the real story about the flooding of New Orleans during Katrina and the role the Army Corps of Engineers played in causing it. van Rossum joined Shearer at the Wilmington showing to provide information on how the Army Corps' actions have affected our River and region.

Photo: F. Hartman



The Delaware RIVERKEEPER Network

925 Canal Street, Suite 3701
Bristol, PA 19007

Telephone: 215-369-1188

Fax: 215-369-1181

drn@delawariverkeeper.org
www.delawariverkeeper.org

Board of Directors

Debby Colgan, Chair
Christina Perrone, Secretary
Janine Bauer, Esq., Treasurer
Tracy Carluccio
The Honorable A. J. Cepparulo
Judy Sherry
Catherine Smith
Maya K. van Rossum

Staff

Maya K. van Rossum,
the Delaware Riverkeeper

Claire Biehl, *Chief Operations Officer*
Clifton Biehl, *Development Assistant*
Elizabeth Koniers Brown, *Strategic Initiatives & Of Counsel*
Tracy Carluccio, *Deputy Director*
Jane Davenport, *Senior Attorney*
Mary Ellen Noble, *Associate Director*
John Nystedt, *Restoration Specialist*
Nick Patton, *Staff Attorney*
Lisa Peretto, *Staff Attorney*
Ed Rodgers, *Video Production Consultant*
Laurie Rosenberg, *Development Associate*
Stephanie Smith, *Administrative Coordinator*
Aaron Stemplewicz, *Staff Attorney*
Fred Stine, *Citizen Action Coordinator*
Chari Towne, *Grants & Communication*
Tim White, *Technology Director*
Susan Young, *Executive Assistant*
Faith Zerbe, *Monitoring Director*



Canoeing the Delaware River
Photo: E. Azzolina



DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007

DRN opens call for presenters for 2012 Watershed Congress

The Delaware Riverkeeper Network recently announced the call for Presenters for the 2012 Watershed Congress along the Schuylkill. The 2012 Watershed Congress will be held Saturday, March 10th, at the Montgomery County Community College-West Campus in Pottstown, Pennsylvania.

The Watershed Congress, which marks its 15th anniversary in 2012, has become a highly anticipated event for watershed citizens interested in understanding, protecting and restoring their local streams. Every year, a growing and changing group of individuals attends the Congress to gain new knowledge, acquire tools, and practice techniques that will allow them to take active roles in the stewardship of their natural resources.

The Congress Organizing Committee, which is chaired by DRN, is now accepting session proposals. More information about the Call for Presenters, is available online: http://www.delawareriverkeeper.org/Pdf/2012_Call-for-Presenters.pdf. Submissions are due October 31st, 2011.

The 2012 Schuylkill Watershed Congress is made possible in part by a grant from the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation's Environmental Stewardship Fund, and Pennsylvania Sea Grant.

More information about the Watershed Congress is can be found at: <http://www.delawareriverkeeper.org/about/event.aspx?id=63>.

DRN seeking stream watchdogs

If you live in area of the Delaware River watershed where gas drilling is proposed and want to volunteer to be a stream watchdog on a regular basis, contact faith@delawareriverkeeper.org.

Learn more about protocols used by stream watchdogs to monitor total dissolved solids (TDS) and chloride at: http://www.delawareriverkeeper.org/Pdf/Gas_Drilling_Stream_Watchdog_Protocols.pdf.



Common merganser on Dyberry Creek, PA
Photo: F. Stine