

Spring/Summer 2010

RIVER RAPIDS

The newsletter of the DELAWARE RIVERKEEPER NETWORK

Printed on 100% recycled paper



Upcoming Events

For more details on these events and activities, contact the Delaware Riverkeeper Network staff person indicated.

June 21st, 7 pm
Bacteria Monitoring Refresher Call-In Training
faith@delawariverkeeper.org

June 26th
Horseshoe Crab Census
Kimble Beach, NJ
faith@delawariverkeeper.org

June 26th
Invasive Plant Removal Workday
Bristol Marsh
Bristol, PA
emma@delawariverkeeper.org

July 8th, 9 am to Noon
Invasive Plant Removal Workday
Bartram Park
Darby, PA
faith@delawariverkeeper.org

July 12th
Teachers In-Service Training
Lewes, DE
faith@delawariverkeeper.org

June or July dates TBD
Oil Spill Response Training
faith@delawariverkeeper.org

Another River fill project to watchdog

A letter from the Delaware Riverkeeper

Pennsylvania is pushing yet another project that would be damaging for the Delaware River, the Southport project. The Delaware Riverkeeper Network is very concerned about the proposed project, called the Southport Marine Terminal, and what appears to be an evolving abuse of both process and politics by Governor Rendell, Pennsylvania, and the U.S. Army Corps of Engineers.

Southport would consist of a new container facility, the construction of which requires filling seven acres of wetlands and 33 acres of open waters in the Delaware River, as well as floodplain filling and the destruction of the few remaining sections of natural riverbank. The Commonwealth of Pennsylvania appears to be using friendly contacts at the Army Corps to press for a special review of the project that would make it easier to move forward.

This reach of the River is used by a wide variety of fish species including: spot, striped mullet, bay anchovy, hogchoker, channel catfish, largemouth bass, spottail shiner, American shad, blueback herring and striped bass. And there is increasing interest about its use by Atlantic and shortnose sturgeon, two species already in extreme population decline and of grave concern for our River and region.

According to biological studies, "the area of the Delaware River downstream . . . is a significant spawning area for striped bass. In addition to the aquatic habitat values of this area, the shoreline . . . although disturbed by concrete rip-rap, also supports shrubs and other vegetation that attract a variety of warblers and other songbirds."

Southport is being postured as a method for disposing of spoils from the Army Corps' Delaware deepening proposal. And that explains why the push by Pennsylvania and the apparent interest of the Army Corps to skew the review and public process to ease the approval for the project.

The Delaware Riverkeeper Network is getting on record challenging proposed modifications to the environmental review process including the granting of pre-approvals based on minimal project information. We will soon be turning to our members for action. Sign up to E-activist to receive breaking news (<http://www.delawariverkeeper.org/join/eactivist.aspx>) or watch our website for the latest information.

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.

Streamside property management and the Upper Crum Creek

The Upper Crum Creek watershed, located in Chester and Delaware Counties, provides drinking water for more than 200,000 people and is home to naturally reproducing trout populations. The beauty and health of the upper Crum Creek are protected through Exceptional Value and High Quality Cold Water Fishery designations from the State of Pennsylvania. However, this ecologically important stream is suffering, but if you live in the Crum Creek watershed you can help.

In 2009, the Delaware Riverkeeper Network, working with the Chester-Ridley-Crum Watersheds Association, published the West Branch Crum Creek Coldwater Conservation Plan documenting watershed issues and providing restoration recommendations. Key recommendations included designating a no-mow zone along stream banks, installing a native wooded riparian buffer, properly disposing of leaves and trash, planting pond edges, managing horse pastures, and managing rain runoff. This summer, DRN will meet one-on-one with Crum Creek homeowners and work with them to make small changes on their property to ensure the health of Crum Creek and its trout. Remember, a lot of little changes throughout a watershed can have a big impact.

The Upper Crum Creek project is funded by the Coldwater Heritage Partnership and the National Fish and Wildlife Foundation. For more information on this project or streamside management practices, email emma@delawareriverkeeper.org.



Mowing to the top of a stream bank encourages bank erosion and decreases the habitat value of the stream for fish and other aquatic life. Photo. E. Gutzler.

Gasland in the Delaware River Watershed?

On May 5, 2010, the Delaware River Basin Commission declared a moratorium on all production gas wells until the natural gas-specific regulations now in development are adopted, a process that will likely take 6 to 12 months. Many have called for DRBC to take this action for over a year and now DRBC has responded. Unfortunately, DRBC excluded “exploratory” and non-shale wells from this moratorium despite the fact that there is no adopted definition of “exploratory” wells in Pennsylvania or DRBC regulations or statutes. As a result of this loophole, more than a dozen wells in the Delaware River watershed are in the process of being approved for drilling and operation by the Pennsylvania Department of Environmental Protection without DRBC oversight. Moreover, DRBC did not extend its moratorium to water withdrawal applications, such as the West Branch Lackawaxen withdrawal proposed by Stone Energy for fracking shale gas wells.

Letters to DRBC opposing the artificial “exploratory” loophole and the Stone Energy water withdrawal are needed urgently, **before their July 14 meeting**. Go to www.delawareriverkeeper.org for a sample letter. Join DRN and others in fighting for protective regulations to be put in place prior to drilling.

“Gasland” documentary to be presented locally

DRN is partnering with Damascus Citizens for Sustainability to present *Gasland* (Special Jury Prize for Documentary at 2010 Sundance Film Festival), on June 2nd, in Doylestown, Pennsylvania, and on June 3rd, in Bordentown, New Jersey. See our calendar at www.delawareriverkeeper.org for more information.

A Wonderful Gift from Dancers of the Dawn

All of us work so hard to protect the River and the life that depends on our Watershed. Once in a while a “thank you” comes through that makes it all worthwhile. That came to the Delaware Riverkeeper Network in the form of a thoughtful letter from the Dancers of the Dawn Troupe and a collection of checks totaling \$550 in April. The “*Harmony of Nature*” recital at Grace Episcopal Parish Hall in Wayne County raised this donation to assist our gas drilling fight. The image of dozens of children dancing to benefit DRN while the community faces the impending rumbles of bulldozers and drilling rigs in their now quiet and beautiful corner of the world is moving and inspiring.

Thank YOU to all who gave and we pledge to continue the struggle, hopefully with as much grace and determination as these generous dancers.

DRN and partner organizations continue battle against illegal River Deepening

The Delaware Riverkeeper Network continues to work full-throttle to defend the Delaware River and its communities from the U.S. Army Corps of Engineers' proposal to deepen the River's shipping channel from 40 to 45 feet. This bad proposal puts at risk drinking water, introduces toxins, degrades habitats, harms species including some on the brink of extinction, threatens river-dependent jobs, damages wetlands needed ecologically and for storm protection, and dumps more than 80% of the toxic laden spoils on six New Jersey communities. Economic justifications for the project are flawed and have been thrice challenged by the U.S. Government Accountability Office (GAO), most recently in April.

Informed and committed advocacy had long held the project at bay, but political forces pressed hard in 2009. In response to the Army Corps' intent to illegally begin the project, DRN and four other organizations sued in federal court in New Jersey and Delaware. The states of New Jersey and Delaware also took legal action. These federal cases have

the potential to set important Clean Water Act, Clean Air Act and National Environmental Policy Act precedents, and will also determine the rights of states to review federal projects for compliance with state and federal law before they can move forward.

In March, the Army Corps began to deepen the River in Reach C which runs from south of Wilmington to just south of the Chesapeake & Delaware Canal. The Army Corps moved unsuccessfully to transfer the New Jersey cases to Delaware, filed motions to weaken our case and distract our resources, entered into negotiations with the State of Delaware. Now, the Army Corps is pushing a deceptive administrative record on the Court.

The deepening of the main channel will have severe impacts on the River, and the Army Corps' declaration of "federal supremacy" could set an alarming precedent for other projects nationwide. DRN will work through 2010 to ensure a competent, neutral decision-maker renders a decision on the merits before the project proceeds further.

To learn more about the GAO report, read our press release at http://www.delawariverkeeper.org/resources/PressReleases/Delaware_Deepening_GAO_2010_Report_released.pdf.

How much is a healthy River worth?

We often hear about the need to deepen the Delaware to support big oil or industry, that environmental regulations are too great an economic burden and must be relaxed, or that the River is needed to support power plants regardless of the number of fish slaughtered. What gets lost amid these claims is the reality that a clean, healthy and free flowing river is essential to support many existing jobs, to protect us from illness, and to prevent us from suffering unnecessary flood damages.

To empower river lovers everywhere with the facts to combat claims that the River should be sacrificed for new development, new industry or job creation, the Delaware Riverkeeper Network has prepared *River Values - The Value of a Clean and Healthy Delaware River*. This report demonstrates that protecting and restoring the Delaware River is fundamental to healthy jobs, economies and communities in our region and—if sacrificed to achieve short term political or industrial ends—the health, enjoyment and economic vitality of our region's children, families and communities will suffer.

Download your copy of River Values at http://www.delawariverkeeper.org/resources/Reports/River_Values_Report.pdf.

DRN's River Shop

Our baseball caps are back!

Show your support for a clean and healthy River all year round with a Delaware Riverkeeper Network cap. Our two-tone pigment-dyed caps are 100% cotton. Colors are khaki and dark green. One-size fits all with adjustable tuck-away leather strap. Low-profile. Extended bill. Just \$22.00.

Visit DRN's River Shop online for more information.

The Delaware RIVERKEEPER Network

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DELAWARE RIVERKEEPER NETWORK
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Horseshoe crabs and shorebirds grace our shores once again

The Delaware Riverkeeper Network has once again provided important volunteer support to the international group of ornithologists that come to our River and region every year to document the health of the migratory shorebird population. The horseshoe crab population, upon which the shorebirds depend, has declined by over 75% in recent decades because of overharvest and other abuses. As a result, dependent shorebirds are also in decline, some perilously close to extinction. DRN continues to work with our colleagues in the region to secure increasing protections for these special and irreplaceable members of our River community.

The Delaware Riverkeeper Network has a new website!

We are pleased to announce an entirely new website, designed and built from the ground up. You'll find easier access to content areas including River Action, Act Now, Resources and the River Shop. Our new look includes a search tool and an enhanced calendar. And we've kept the popular Take Action Now feature, with sample letters and contact info for decision-makers. So visit our new site, sign up to become an E-activist or subscribe to our RSS feed. Now it's even easier to share content, take action, donate, and join with us to protect the River.

Please Note: Although we have been working hard to get our new site up and running, the transition from one system to another is complex. If you encounter a broken link, please let us know and we will work to get it repaired.

RIVERRAPIDS is published for members of the Delaware Riverkeeper Network.

Graphic Design Contest

The Delaware Riverkeeper Network is looking for some new designs that we might be able to use with T-shirts, cards, and other merchandise. This is your chance to show us what you value about the Delaware River watershed.

More information about this contest and contest rules are available on our website. Submit designs to riverrapids@delawareriverkeeper.org by the contest deadline, September 30th.