



The Delaware RIVERKEEPER® Network's Quarterly Newsletter

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- July 18th**  
**Stream Clean-up**  
Fish Hatcheries  
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**Restoration Day**  
Bartram Park on Darby Creek  
Darby, Pa
- July 25th**  
**Stream Clean-up**  
John Heinz National Wildlife Refuge  
Philadelphia, PA
- October 3rd and 4th**  
**DRN's Fall Foliage Camping Trip**  
Dingman's Ferry, PA

**Army Corps demonstrates shocking audacity**

*A note from the Delaware Riverkeeper*

My experience serving as the Delaware Riverkeeper since 1996 hasn't yet lessened the shock I feel when I find elected officials and government agencies running rogue over the law, the public process, and their obligation to protect the River and environment for the benefit of us all.

The Philadelphia District of the Army Corps of Engineers, encouraged by Governor Rendell and Senator Arlen Specter are shocking me. They are all taking steps to deepen the Delaware River from 40 to 45 feet for a distance of 102 miles despite the fact that they do not have the needed permits and approvals from the States of Delaware or New Jersey; despite the fact that the Government Accountability Office (GAO) has twice-challenged the economic benefits of the project; and without addressing the wealth of questions and concerns that have been raised since they completed their Environmental Impact Statement for the project 12 years ago. And now they are using this dated document to claim exemption from Clean Water Act protections.

I am shocked that our elected representatives in Delaware and New Jersey are not shouting from the rooftops their concern about this challenge to their sovereign rights as states. If the Army Corps is allowed to ignore federal and state environmental protection laws for the deepening what does this mean for future Army Corps projects?

The Army Corps formally took the position in July 2008, and affirmed it in December 2008, that it was not obliged to secure a permit from the State of Delaware for the project – despite acknowledging the need for one in 2001 when it filed a permit application.

In April, the Army Corps formally took the position that it was going to continue to rely upon the legal approval it received from New Jersey in 1997 despite the fact that it had been legally revoked in 2002.

The only way for the States of Delaware and New Jersey to protect themselves from this audacious challenge is to file legal action – if they have the political will and resources to do so. Otherwise they will have allowed a precedent that we all are likely to regret.

In keeping with its headstrong behavior, on April 9<sup>th</sup> of this year, the Army Corps issued a Pre-solicitation Notice seeking bids to deepen the New Castle range of the navigation channel to a depth of 47 feet – Step One in the deepening.

The Army Corps is out of control with this project. It is time for us all to be shocked into action. Please write your Governor, Congressmen and Senators and express your outrage. Urge them to stop the deepening and bring the Army Corps under control now.

*Maya K. van Rossum*  
the Delaware Riverkeeper

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## Help DRN remove invasive plants



DRN Monitoring Director Faith Zerbe, at left, and volunteers remove invasive plants.  
Photo: M. Jozwiak

On July 18th, DRN staff and volunteers will be removing invasive plants at Bartram Park on the Darby Creek in Darby, PA. Join us as we remove invasives like Japanese knotweed and Asiatic bittersweet to make room for native plants. This work day will run from 8 AM to Noon.

For more information on this volunteer opportunity or to sign up, email [kirsti@delawareriverkeeper.org](mailto:kirsti@delawareriverkeeper.org).

## Delaware mandamus petition filed

The Delaware Riverkeeper Network, leading a coalition of conservation groups, filed a Petition for a Writ of Mandamus in December. The petition concerns certain Delaware state permits needed by the U.S. Army Corps of Engineers for the proposed Delaware River Main Channel Deepening project.

DRN is asking the Superior Court to force Delaware's Secretary of the Department of Natural Resources and Environmental Control (DNREC) to act on a subaqueous lands and wetlands permit and water quality certification application that has been pending since January 2001.

As stated by Delaware Riverkeeper Maya van Rossum, "forcing the public to wait for a permit decision was denying us our rights and abilities to take action to protect our natural resources. As a result of the dramatic delay in decision-making, the Army Corps is making public threats to bypass the State altogether and to move the project forward without any permit decision at all," thus putting the State's permitting authority in jeopardy. A hearing will be held in July.

Deepening the Delaware River's main navigation channel was first proposed in 1992.

Check out our website or sign up to be an e-activist to get breaking news on this effort.

## DRBC takes gas drilling stand

The struggle to get regulations in place that protect the environment and communities from the degradation caused by natural gas development is a tremendous challenge that Delaware Riverkeeper Network is working on with national, regional and local groups. One of the most important tools we have right now to protect the Delaware from these harms is the Special Protection Waters designation for the 200-mile reach from Hancock, New York, to Trenton, New Jersey. The Special Protection Waters program came about largely as a result of efforts by the Delaware Riverkeeper Network that began back in 1988.

On May 19<sup>th</sup>, Carol Collier, the Executive Director of the Delaware River Basin Commission (DRBC) announced that natural gas drillers must apply and receive DRBC approval before beginning any gas extraction project in shale formations that are located in Special Protection Waters. This applies to gas wells, water withdrawals and discharges of wastewater related to all shale gas projects and all aspects of gas drilling and construction for possible direct and nonpoint source pollution impacts. The order applies regardless of the size of the undertaking, no matter how large or how small, due to the determination that natural gas projects, individually or cumulatively, will have a substantial impact on the River's water resources.

Gas drillers will now have to show that they are not negatively impacting the high water quality of the River under the Special Protection Waters program. This is a much needed layer of regulation protecting the Delaware in a way that waters not under DRBC authority will not be protected. This is the right action – to prevent damage, at the right time – before shale gas drilling starts here.

## DRN welcomes summer interns

This summer we welcome two interns: Jamie McClammer and Kirsti Kraus. Jamie is a rising second-year law student at Temple Law and will be assisting with the full variety of legal issues on DRN's plate. Kirsti, who also comes to us from Temple, is pursuing a degree in Environmental Studies and will be finishing up her studies by January 2010. Kirsti will be helping with advocacy work as well as water quality monitoring. Welcome Jamie and Kirsti!

## Easton's "Riverwalk" is dead

Two years ago a group of Easton residents contacted the Delaware Riverkeeper Network about "Riverwalk," a transportation facility/residential project proposed for Easton's riverfront. The 160-foot structure was to tower over Easton's historic district within a 100-year floodplain that had been under 6- to 8-feet of water during the River's three big recent floods.

Looking into the proposed bus station, parking garage and condominium/retail development, DRN discovered that the Federal Transportation Authority, the major funder of the project, had not adhered to the National Environmental Policy Act so DRN filed suit to force that essential process. Once an Environmental Review was kick-started, DRN and residents of Easton, Phillipsburg, and the region engaged fully in the public input process. No stone was left unturned at any venue for addressing this ill-conceived proposal including city parking, transportation, and urban development authorities; state and local historic commissions; the Bridge Commission; and the offices of elected representatives at all levels.

Through many twists and turns in court and in City Hall, the construction of this major structure in the floodplain has finally been cancelled. DRN worked hand in hand in a remarkable collaboration with the tirelessly dedicated folks of Easton and Phillipsburg who did not want their stretch of river and their cities marred by this monstrosity. Today the hope is to get the land purchased as open space to add to Easton's lovely riverside parkland. That park was threatened in recent months by another poorly conceived project to build an entertainment platform on giant boxes in Easton's floodplain, but its trees and open land were spared further destruction by Easton citizen action, allowing the Wild and Scenic Delaware River to flow peaceably along Easton's riverside.

## DRN's fall camping trip

Join the Delaware Riverkeeper, DRN staff, family and friends for a tent camping weekend, October 3rd and 4th, over-looking the Delaware River at Dingman's Ferry, Pennsylvania. This program is designed to be very casual and family-friendly. We've planned this weekend as an opportunity for us all to enjoy the River and each others' company. Kids can explore the shallow-water habitat as bald eagles soar overhead. Camping fees, story-telling around the campfire and meals are all included. You may choose also canoeing and/or a nearby waterfall hike (at additional cost).

The fee for this program is \$35 for participants 18 and older, \$30 for those under 18. Only 40 spaces are available so register early. A deposit (50% of the cost) is required to hold your place. Call Fred at (215) 369-1188, ext. 113, or email [fred@delawariverkeeper.org](mailto:fred@delawariverkeeper.org). Additional information about this trip will be provided upon registration.

## Get your DRN waterproof paddler cases

Protect cell phones, credit cards or cash when out on the River. Our 5" x 3" floatable plastic cases are printed with our pollution hotline number, 1-800-8Delaware. Order online at <http://www.delawariverkeeper.org/donate/shop1.asp#case>.

## DRN wants to meet your new neighbors!

In an effort to introduce ourselves to new and transitioning residents of the watershed, we'd like to offer free 1-year memberships to new home buyers. If you are a realtor, or know of a realtor who wants to partner up in a win-win free gift membership opportunity for all new home-buying clients, contact Shannon, 215-369-1188, ext. 105 or email [shannon@delawariverkeeper.org](mailto:shannon@delawariverkeeper.org).



The Delaware River flows past Easton. Photo: T. Carluccio

## DRN launches Swimmable Streams project in PA

As summer heat sets in and the cool waters of local swimming holes of the Delaware River and its tributaries entice local residents to take a dip, Delaware Riverkeeper Network volunteers will be monitoring swimming holes to determine if streams are safe for swimming.

Monitoring locations include streams where there are suspected upstream discharges and/or impacts such as application of sewage sludge *and* where downstream swimmers, waders and anglers enjoy the River. Trained volunteers, following Pennsylvania Department of Environmental Protection protocols, will collect a series of 10 samples at each station. Samples will be taken to a certified laboratory and analyzed for fecal coliform, the parameter Pennsylvania uses to determine recreational use standards.

This project is a partnership between DRN and PA DEP to assess the health of Pennsylvania's waterways.



## Delaware RIVERKEEPER® Network

*The Voice of the River and its Tributary Streams*

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## Join DRN for July stream clean-ups

Litter not only detracts from the River's natural beauty, it can harm or even kill aquatic organisms. Clean-ups can help build river advocates one trash bag at a time. And now the Delaware Riverkeeper Network needs your help with litter clean-ups at three popular destinations along the Delaware River:

- Petty's Island, Pennsauken, NJ. Clean-up to be held **July 11, 2009**,
- Fish Hatcheries, in Northeast Philadelphia. Clean-up to be held on **July 18, 2009**, and
- John Heinz National Wildlife Refuge, Philadelphia. Clean-up to be held on **July 25, 2009**.

We need between 50 - 75 volunteers for each event. So sign up and bring your friends, family and co-workers. These clean-ups offer a great opportunity for local business to participate. Coworkers can spend a day together, away from the office, on a rewarding project.

Each clean-up is expected to last 3 hours. All volunteers will be asked to wear a hat and work gloves, a long sleeved shirt, long pants, water proofed heavy boots, and insect repellent. Additional work gloves will be available on site. All trash will be bagged and discarded in a dumpster. Come prepared to get dirty, but walk away knowing you have made a positive impact on the River.

The Delaware Riverkeeper Network is partnering with Aquarius Spring!<sup>TM</sup> to organize these litter clean-ups along the Delaware River waterfront. Aquarius Spring!<sup>TM</sup> is partnering with community organizations across the country that are dedicated to making a difference in water conservation.

We are working in close partnership with the property owners of each of these sites – CITGO Petroleum, Philadelphia Department of Parks and Recreation and the U.S. Fish and Wildlife Service respectively. Each site has been closely scouted by Delaware Riverkeeper Network staff.

Anyone interested in volunteering for these clean-ups should call Tim at 215-369-1188, ext. 116, or email [tim@delawareriverkeeper.org](mailto:tim@delawareriverkeeper.org). OR contact Fred at 215-369-1188, ext. 113, or email [fred@delawareriverkeeper.org](mailto:fred@delawareriverkeeper.org). For more information about Aquarius Spring!<sup>TM</sup>: <http://www.enjoyaquarius.com/>.



*Photo: C. Towne*