

2017 ANNUAL REPORT

D E L A W A R E
R I V E R K E E P E R
N E T W O R K

2017

BY THE NUMBERS

COMMISSIONED STUDY OF THE PENNEAST PIPELINE PROJECT THAT SHOWED ECONOMIC COSTS COULD BE AS HIGH AS \$56.6 BILLION

WORKED WITH BERKS GAS TRUTH, ENVIRONMENT NEW JERSEY & SIERRA CLUB TO SECURE 1,200+ SIGNATURES ON A PETITION URGING DRBC TO WITHHOLD CONSIDERATION OF THE PENNEAST PIPELINE

PREVAILED IN 2ND SLAPP BROUGHT AGAINST US IN JUST 3 YEARS

SECURED RESTORATION OF 28,350 SQUARE FEET OF RIPARIAN BUFFER IN AUDUBON, NJ AS A RESULT OF STORMWATER PHOTODOCUMENTATION

CHALLENGED THROUGH LAW & ADVOCACY
18 INFRASTRUCTURE PROJECTS



INITIATED OR INTERVENED IN 7 NEW LEGAL ACTIONS

DEBUTED AS A #1 NEW RELEASE ON AMAZON, ENVIRONMENTAL & NATURAL RESOURCES LAW GENRE - MAYA VAN ROSSUM'S BOOK, *THE GREEN AMENDMENT*



SURVEYED, WITH USGS, 2800 METERS OF THE PAULINS KILL IN ADVANCE OF THE COLUMBIA LAKE DAM REMOVAL, FINDING 190 INDIVIDUAL MUSSELS OF 7 SPECIES

DRAFTED A LETTER CALLING FOR AN INVESTIGATION INTO FEREC THAT WAS CO-SIGNED BY 139 ORGANIZATIONS & 30,000 INDIVIDUALS NATIONWIDE

HELD 9 PIPELINE WEBINARS FOR 416 TOTAL PARTICIPANTS



INTERVENED TO OPPOSE A BUCKS COUNTY HYDROELECTRIC PROJECT THAT, IF APPROVED, WOULD CUT 150 ACRES OF FOREST

ADVANCED A FRACK BAN PETITION THAT SECURED SIGNATURES FROM 60,000 INDIVIDUALS & 183 ORGANIZATIONS REPRESENTING HUNDREDS OF THOUSANDS OF MEMBERS



ADVOCATED FOR VILLANOVA UNIVERSITY TO USE INFILTRATION (RATHER THAN TRADITIONAL DETENTION AS PROPOSED) WHICH NETTED RADNOR TOWNSHIP TOTAL SUSPENDED SOLIDS LOAD REDUCTION IN THEIR POLLUTANT REDUCTION PLAN VALUED AT \$450,000

PRESENTED THE 20TH ANNUAL WATERSHED CONGRESS WHICH DREW OVER 200 PARTICIPANTS

PRODUCED MORE THAN 140 VIDEOS, RANGING FROM 30 SECONDS TO 1 HOUR, TO INCREASE AWARENESS OF ISSUES

TRAVELED TO REGULATOR OFFICES 89 TIMES TO CONDUCT INFORMAL FILE REVIEWS

SUBMITTED AN ADDITIONAL 79 FORMAL REQUESTS FOR INFORMATION (FOIAs, RTKs, FOILs, OPRAs) AND REVIEWED RESPONSIVE RECORDS

Regional & National Highlights

The Delaware Riverkeeper Network works regionally and at the federal level when issues that impact the health of our watershed play out on the national stage. The following efforts highlight our work regionally and beyond the Watershed's borders.

The Delaware Riverkeeper Network, in partnership with environmental organizations from across the country, undertook a campaign in 2017 urging people to tell their senators to oppose restoration of a quorum at the Federal Energy Regulatory Commission (FERC). **An opinion piece about the need to prevent restoration of a quorum by the Delaware Riverkeeper was published by The Hill.**

Early in 2017, we launched a campaign, supported by many partner organizations, to secure a permanent ban on gas drilling and fracking in the Delaware River Watershed. We met with decisionmakers, secured signatures on a petition supporting the ban, wrote letters to the Delaware River Basin Commission (DRBC), held demonstrations, and developed a media strategy to keep the ban in the press.

More than 60,000 people signed our petition; 183 organizations, representing many hundreds of thousands of members and all four Watershed states, also signed on. We also helped organize a "Week of Speaking Out" rallies held in Albany, Dover, Harrisburg, Philadelphia and Trenton.

In Fall 2017, the DRBC passed a resolution that postured the opportunity for a ban, but it also allowed for the possibility that frack wastewater and water withdrawals to support fracking could advance as well. Our coalition quickly responded, informing the public how allowing waste dumping and water withdrawals would open the door for the degradation and depletion of the water resources of the Basin. We revised our media strategy. We mobilized the public to attend DRBC hearings, and held webinars on how to secure support for the ban from municipalities and elected officials. We also recruited people to speak at DRBC's hearings about the ban. Action in support of the ban continue in 2018.



Maya van Rossum, the Delaware Riverkeeper, at left

We also successfully intervened in a case that sought to challenge the DRBC's authority to maintain a moratorium against drilling and fracking operations in the watershed. **The Delaware Riverkeeper Network, rather than DRBC, put forth the legal arguments that won the day** in defending the agency's authority against the challenge that had been advanced and funded by fracking industry interests. The group that challenged the ban, the Wayne Land and Mineral Group, filed in the U.S. Court of Appeals for the Third Circuit in April 2017. This legal action is ongoing.

Delaware Riverkeeper Maya van Rossum's book, *The Green Amendment*, which features a foreword by actor Mark Ruffalo, was published in 2017. In her award winning book, van Rossum tells stories from across the country about how environmental degradation is destroying lives and how constitutional protection could change the trajectory for environmental protection. Since van Rossum began advocating for Green Amendments, provisions have been proposed in New York, New Jersey and Maryland, all with van Rossum's input and support.

Highlights from the Uplands

The Uplands region begins in the Catskill and Pocono mountains, where the River's headwater streams rise, and extends to the Delaware Water Gap. The following efforts highlight work that affects the Uplands of the Delaware River Watershed.

Note: some of this work extends into or affects other regions of the Watershed.

The Delaware Riverkeeper Network began 2017 challenging FERC when it would not release the Critical Energy/Electric Infrastructure Information (CEII) for the Millennium's Eastern System Upgrade (ESU), an infrackstructure project that includes 7.3 miles of new pipeline and two compressors. **We submitted an appeal in early 2017, after which Millennium reversed its position and did not object to FERC disclosing critical data.**

We then commissioned an expert report on the CEII data which we submitted to regulators at FERC, DRBC, and in New York State in support of our position that Millennium had improperly segmented a larger project that also includes the Valley Lateral pipeline and the CPV Valley Energy Center.

In late 2017, we filed two challenges to approval of the ESU. First, we filed a petition for review with the U.S. Court of Appeals for the Second Circuit regarding the New York State Department of Environmental Conservation's (NYSDEC's) decision granting a State Pollutant Discharge Elimination System General Permit for the ESU Project. Second, we filed a rehearing request with FERC asking for reconsideration of their November issuance of a Certificate of Public Convenience and Necessity. Our rehearing request was accompanied by a motion for a stay of construction activity and land disturbance. Our state legal action is ongoing in 2018.

In late 2017, we learned of plans to introduce herbicides into Mohican Lake, a headwater lake with extensive wetlands, including native pitcher plants. Control of Eurasian watermilfoil was proposed, even though such control was unnecessary. Our review also revealed that the herbicides would target areas dominated by native aquatic plants. Despite our opposition and over the objections of local residents, the herbicide application was approved. We continue to challenge NYSDEC on this issue in 2018.



For a few months in 2017, New York City (NYC) and the four Watershed states were without an approved plan for allocating water from the Delaware River. During the failure to implement a new Flexible Flow Management Plan (FFMP), in summer 2017, Delaware Riverkeeper Network staff who were keeping a close eye on New York City reservoir releases identified a violation in the low-flow requirement for Neversink Reservoir. **We contacted the Delaware Rivermaster to bring the non-compliance to the attention of both the U.S. Geological Survey and NYC.** That same day, NYC increased the Neversink Reservoir releases to more fully protect the sensitive ecology of the Neversink River, including the federally endangered Dwarf Wedgemussel.

In 2017, the Delaware Riverkeeper Network led a call for ecological flow protection for the mainstem Delaware River, including a letter to DRBC's Regulated Flow Advisory Committee (RFAC) suggesting that the Subcommittee on Ecological Flows (SEF) be re-formed and charged with evaluating the new FFMP. RFAC responded favorably. The SEF was re-formed in early 2018.

Highlights from the Piedmont

The Piedmont region begins at the Delaware Water Gap and extends to the fault line that runs from Philadelphia north to Trenton. The following efforts highlight work that affects the Piedmont of the Delaware River Watershed. *Note: some of this work extends into or affects other regions of the Watershed.*

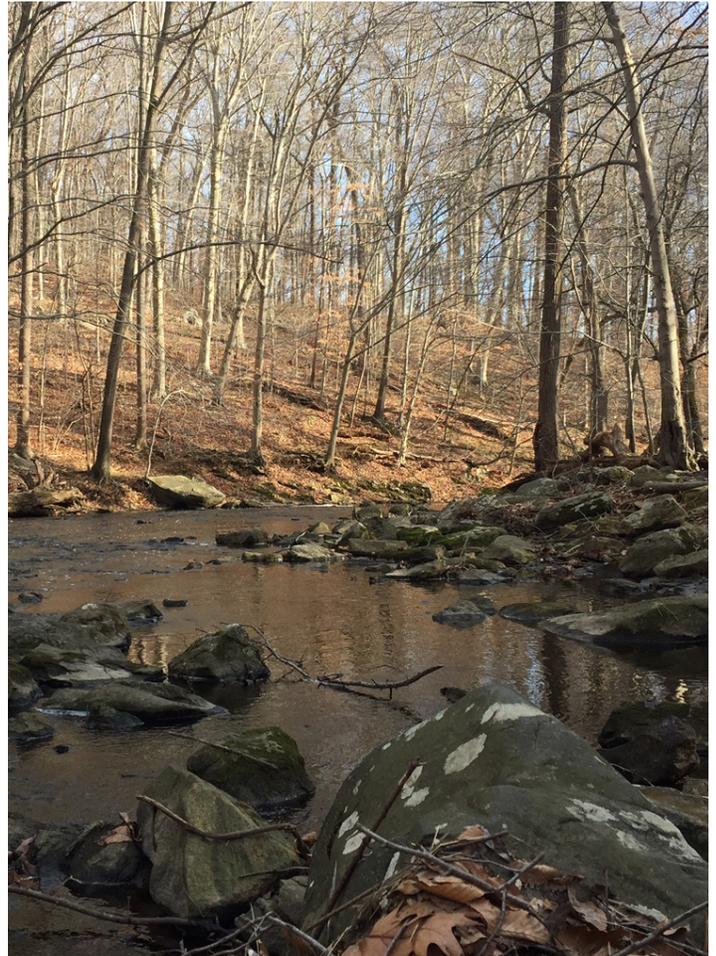
Early in 2017, we responded to community concerns about a contaminated site in East Whiteland Township (Chester County, Pennsylvania). For over 40 years, stainless steel tubes were manufactured at the Bishop Tube site, which remains highly contaminated, even though metal processing ended in 1999. Little Valley Creek, which is designated an Exceptional Value stream, borders the Bishop Tube site and is being recharged by groundwater coming from the contaminated property.

The Delaware Riverkeeper Network undertook extensive file reviews, secured expert reports, informed the community, and mobilized citizen action. **We also began legal action to require the Pennsylvania Department of Environmental Protection (PADEP) to take action that will clean up the site.** Our legal actions continue in 2018.

The Delaware Riverkeeper Network's legal action against the Mariner East II Pipeline project in 2017 first secured a preliminary injunction on horizontal directional drilling. Then, through settlement, we secured notices to property owners and water purveyors that could be impacted by drilling. More Mariner East II legal actions continue in 2018.

In August, **the Pennsylvania Environmental Quality Board unanimously accepted our petition for drinking water standards for PFOA**, a toxic perfluorinated compound that has been found in drinking water sources for at least 70,000 people in Bucks and Montgomery Counties and is likely contaminating other water resources. PADEP is now researching PFOA to recommend a drinking water standard which would be the first state maximum contaminant level (MCL) ever adopted in Pennsylvania.

Also in 2017, the New Jersey Department of Environmental Protection (NJDEP) finally proposed the adoption of an MCL for PFNA, another highly toxic perfluorinated compound. **For years, we have pushed for an MCL in New Jersey for PFNA.**



During 2017, **the Delaware Riverkeeper Network continued to lead opposition to the PennEast Pipeline project**, providing updates online, in social media, via webinars, and at community meetings. We informed landowners how to respond to the PennEast company's letters pushing for access. We released a report documenting the billions of dollars in economic and environmental costs of the project. Our trained citizen scientists helped identify, map, and document natural and unique features and habitats along the proposed pipeline route. We also continued to push DRBC—with our advocacy, comments, and public demonstrations opposing the PennEast Pipeline—to reject the project.

In February, PADEP approved the water quality certification for PennEast even though the exact route was not yet known. In April, the U.S. Army Corps of Engineers and the NJDEP determined that PennEast's applications were too deficient for decisionmaking, but FERC approved the project in January 2018.

We brought legal challenges in 2017 that continue in 2018. The Delaware Riverkeeper Network is currently pursuing four active challenges to PennEast in both state and federal courts.

Highlights from the Estuary

The Delaware Estuary stretches 134 miles from the falls at Trenton to the mouth of the Delaware Bay between Cape May, New Jersey, and Cape Henlopen, Delaware.

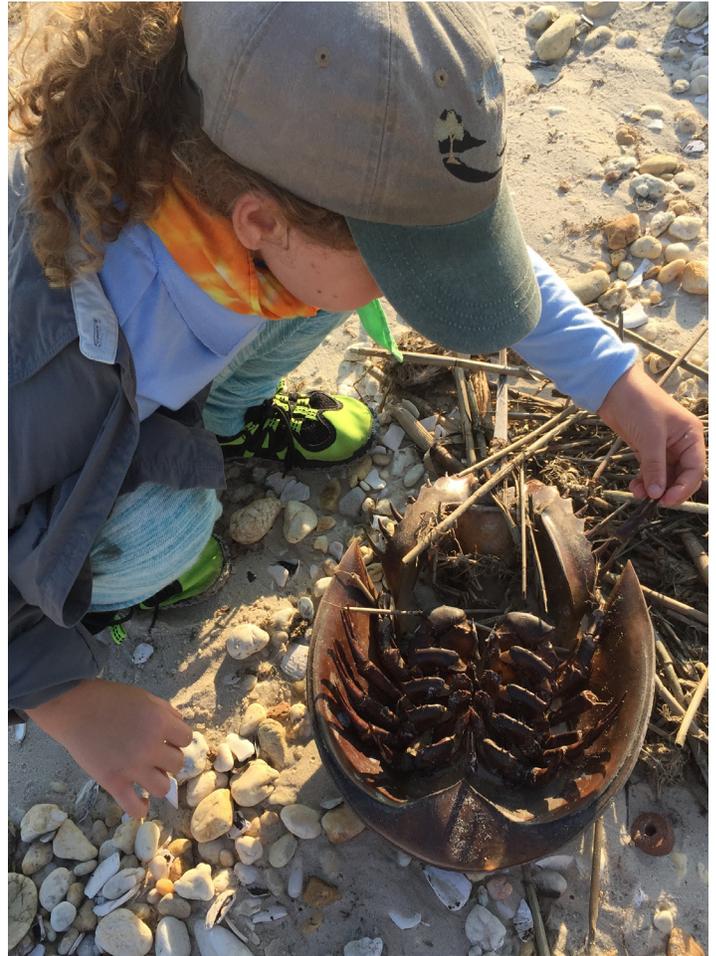
The following efforts highlight work that affects the Delaware Estuary. *Note: some of this work extends into or affects other regions of the Watershed.*

During May and June 2017, the Delaware Riverkeeper Network undertook 15 evenings of horseshoe crab spawning surveys and tagging, monitoring, and re-sighting. **We recruited and trained over 50 volunteers to help count and tag 500 horseshoe crabs on Moores Beach, New Jersey.** In addition to tagging and counting the horseshoe crabs, **volunteers participated in ReTurn the Favor events, flipping over more than 2,900 horseshoe crabs that had become stranded** on the beach or impinged in wetland areas above the high tide during heavy storm surge and weather (an increase from 500 rescues in 2016). Special day time rescues were also conducted this year due to the extreme weather patterns at critical times during the crab spawning season.

As part of our horseshoe crab spawning surveys, our volunteers walk along the length of the beach to pick up garbage and debris, such as balloons and old fishing line that would otherwise endanger horseshoe crabs and other wildlife. **In 2017, we freed at least 15 horseshoe crabs trapped in old fishing line.**

In June, the Delaware Riverkeeper Network and a coalition of organizations and community members testified before the Delaware State Senate Natural Resources Committee on HB190, a bill containing drastic amendments to Delaware's Coastal Zone Act. HB190 proposed allowing expanded heavy industry and new bulk product transfer facilities in the Delaware Coastal Zone as well as the siting of heavy industries dangerously close to one another.

The Delaware Riverkeeper Network and our colleagues asked the Committee and the full Senate to vote "no" on HB190, and to instead thoroughly study the environmental and economic benefits of the Coastal Zone Act. Unfortunately, the Delaware Senate passed HB190 in an 18-2-1 vote, rolling back key protections of Delaware's historic Coastal Zone Act which had been in place since 1971.



In 2017, after years of DRN advocacy on dissolved oxygen restoration, **DRBC committed for the first time in over 50 years to a program to establish fish propagation as a Designated Use in all zones of the Estuary.** This use is now missing from Zones 3, 4, and the upper part of Zone 5 (a 38-mile stretch of the River between Philadelphia and Wilmington).

The DRBC has been looking at the issue of propagation, dissolved oxygen, excessive nutrients and fish populations in our River for many years, but hadn't taken protective action. In 2013, we worked with partners to submit a petition to DRBC with proof that fish propagation was happening in the Estuary and that heightened protection was timely, critical, and more than justified.

In late 2017, DRBC passed a resolution to advance a review of aquatic life uses and start the process towards increased recognition of the Estuary 's use for fish propagation, dissolved oxygen restoration, and improvement of the Delaware Estuary.

The Delaware Riverkeeper Network was also awarded a grant to document the economic benefits for water quality and fish restoration in the Estuary. This study is ongoing in 2018.



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the Delaware Riverkeeper - The person charged with giving a voice to the Delaware River, its tributaries and all the communities that appreciate and depend upon them.

Delaware Riverkeeper Network - Championing the rights of our communities to a Delaware River and tributary streams that are clean, healthy, free-flowing, and abundant with a diversity of life.

About the Delaware Riverkeeper Network - The Delaware Riverkeeper Network (DRN) works throughout the four states that are a part of the Delaware River watershed, as well as at the federal level, when issues that impact the health of the Delaware River watershed play out on a national stage. DRN's work includes sharing our expertise with others engaged in environmental protection work, within and beyond the Delaware River watershed, knowing that doing so helps foster strong environmental awareness and contributes to successes that DRN can build upon in its own work. We also recognize that there is environmental and moral value in sharing our well developed expertise with others in need of assistance.

Our Programs

ADVOCACY - Securing stronger protections for the Delaware River and tributary streams, and defeating bad projects that would harm our waters

AWARENESS - Providing tools and training to help private citizens take action on behalf of their local streams

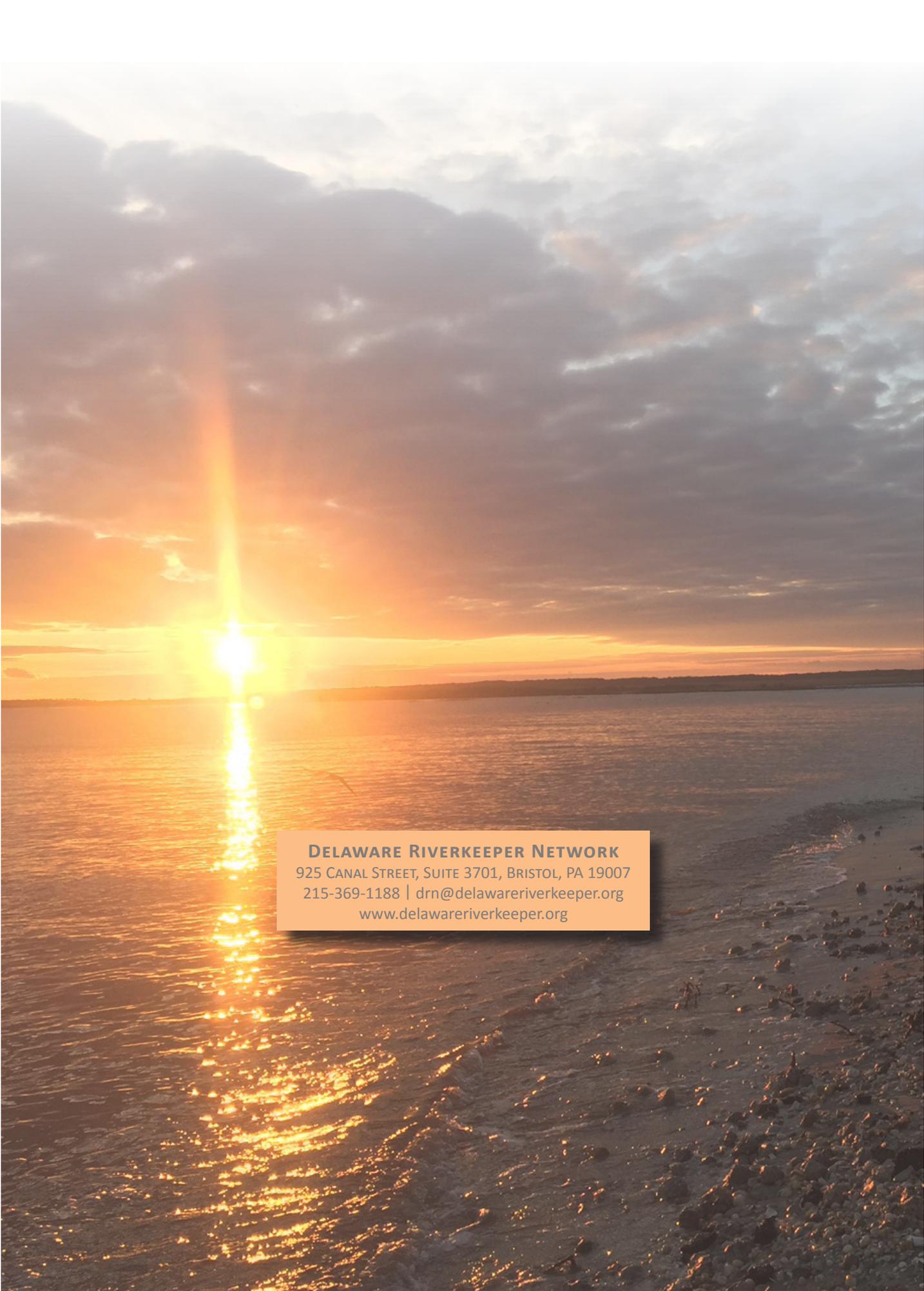
HABITAT RESTORATION - Restoring native plant communities, increasing wildlife habitat value, improving stream function and transport, and encouraging infiltration of stormwater

LEGAL ACTION - Building strong cases that protect the River, enforce the law, and set precedent for its future protection

RIVER TECH - Sharing technical expertise with watershed groups, other conservation groups, agencies, and municipalities

WATER WATCH - Mobilizing a network of trained volunteers who serve as on-the-ground investigators for the Delaware River and its tributary streams

Find our financial information on Guidestar, www.guidestar.org.



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