



For Immediate Release

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Contacts:

Maya K. van Rossum, the Delaware Riverkeeper, 215 369 1188 ext 102 (rings office & cell)

Public Comment Period Begins for Delaware Estuary Identified as Critical Habitat for Endangered Atlantic Sturgeon

Delaware/New Jersey/New York/Pennsylvania – In a move targeted to protect Atlantic Sturgeon, an endangered species, the National Marine Fisheries Service (NMFS) today released a proposal designating critical habitat in sixteen rivers, including the Delaware River. The rule, when finalized, will protect habitats identified as critical for the support of several distinct population segments of Atlantic Sturgeon identified by the agency in 2012 as being endangered under the Federal Endangered Species Act. This critical habitat designation was mandated by a settlement agreement reached between the Delaware Riverkeeper Network, the Natural Resources Defense Council, and the National Marine Fisheries Service in 2014. The original lawsuit was prompted by NMFS' failure to designate critical habitat after having identified the Atlantic Sturgeon distinct populations segments as endangered, including the Delaware River population, of which there are understood by scientists to be fewer than 300 spawning adults left.

“NMFS has made a strong proposal for the protection of this ecologically, historically and once-economically important species,” said Maya van Rossum, the Delaware Riverkeeper and leader of the regional nonprofit organization, the Delaware Riverkeeper Network. “It is now up to the public to participate firmly and strongly in the public comment process to ensure NMFS' proposed rule is strengthened and that efforts to weaken it do not succeed. Once this designation is finalized, our work must continue to ensure that these protections are enforced and that the Atlantic Sturgeon receives the highest level of protection possible under the law. Although we have already seen protections for the Atlantic Sturgeon undermined and diluted by past decisions, like the deepening of the Delaware River, we will work even harder to ensure accountability and protect our local ecosystems.”

The NMFS rule states: “Once critical habitat is designated, section 7(a)(2) of the ESA requires Federal agencies to ensure that any action they fund, authorize or carry out is not likely to destroy or

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
dmn@delawareriverkeeper.org
www.delawareriverkeeper.org

adversely modify that habitat (16 U.S.C. 1536(a)(2)). This requirement is in addition to the section 7(a)(2) requirement that Federal agencies ensure that their actions are not likely to jeopardize the continued existence of ESA-listed species.”

The proposal is intended to protect critical habitat for three Distinct Population Segments (DPS), including the Gulf of Maine, Chesapeake Bay, and New York Bight DPS, with the Delaware River population being a part of the NY Bight DPS. Critical habitat has also been proposed for rivers in Maine, New Hampshire, and Massachusetts for the Gulf of Maine DPS; in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, and Delaware for the New York Bight DPS; and in Maryland, Virginia, and the District of Columbia for the Chesapeake Bay DPS of Atlantic sturgeon.

According to Nick Patton, attorney for the Delaware Riverkeeper Network, “Critical habitat is the habitat that is essential for the Atlantic sturgeon’s recovery. NMFS setting critical habitat to include approximately 340 miles of aquatic habitat in the Delaware River is a major step forwarding in ensuring the recovery of this important species.”

The proposed designation for the Delaware River includes: “Delaware River from the crossing of the Trenton-Morrisville Route 1 Toll Bridge, downstream for 137 river kilometers to where the main stem river discharges at its mouth into Delaware Bay.”

The National Marine Fisheries Service will accept comments up until September 1, 2016. A public hearing is scheduled for July 21 in Gloucester, Massachusetts.

Comments can be mailed to: Kimberly B. Damon-Randall, Assistant Regional Administrator, Protected Resources Division, NMFS, Greater Atlantic Regional Office, 55 Great Republic Drive, Gloucester, MA 01930.

Electronic Submissions can be made via the Federal eRulemaking Portal.
www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0107.

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