



For Immediate Release

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Delaware Riverkeeper Network Comment Challenges DRBC Failure to Protect Aquatic Life Despite Clear Science

West Trenton, NJ—This week, the Delaware Riverkeeper Network (DRN) submitted comments challenging the Delaware River Basin Commission's (DRBC) failure to protect Delaware River fish populations in a proposed Resolution currently open for public comment and that will be the subject of a public hearing on Thursday, April 6. The DRBC resolution speaks to the issue of fish propagation and dissolved oxygen levels in zones 3, 4 and the upper portion of zone 5 of the Delaware River. The full comment can be found at:

http://www.delawariverkeeper.org/sites/default/files/DRN.comment.on_.DRBC_.resolution.final.pdf

Key points in the Delaware Riverkeeper Network comment:

- "Over the last 20 years, all relevant studies clearly and consistently show that fish (and other aquatic life) are regularly spawning in Zones 3, 4, and River Miles 78.8 to 70.0 of Zone 5 of the Delaware Estuary. No further study is needed...."
- "DRBC cannot argue once again that it simply needs more time to study the problem. Discussions first began at DRBC's Water Quality Advisory Committee (WQAC) in 2008 and 2009 about the evidence of "propagation" throughout the estuary. "
- "Lethal dissolved oxygen levels cannot wait 6 years to be revised. Federally endangered Atlantic sturgeon cannot face the threat of direct mortality and thus "take" each and every spawning season for the next 6 years or more while studies are completed. "
- "We would also be remiss not to note that it was disturbing to see DRBC so blatantly prioritize the regulated community as a stakeholder of concern in this process."
- "The draft DRBC Resolution regarding fish propagation and dissolved oxygen levels in zones 3, 4 and the upper portion of zone 5 fails to fulfill your legal obligations to protect the Delaware River, to prevent backsliding of water quality protections achieved, and fails to fulfill the requirements of the Clean Water Act anti-degradation program "

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- “The Resolution must be modified to explicitly recognize “propagation” as an Existing Use, and to instruct DRBC staff to immediately begin rulemaking to upgrade the Designated Uses ... of the Delaware Estuary. “
- “[T]he downgraded dissolved oxygen criteria on the books since 1967 must finally be revised upwards, with a minimum interim criterion of 6.0 mg/L and a higher, more fully protective criterion developed once studies are completed.”

The Draft Resolution, released by the DRBC on February 23, 2017, fails to recognize that fish species, including the endangered Atlantic Sturgeon, are spawning in in all zones of the Delaware Estuary and that dissolved oxygen criteria must be upgraded accordingly in order to protect them. The Resolution instead asserts that further study is needed before any protective rulemaking can take place—in spite of 20 years of clear and unequivocal research to the contrary. The resolution comes after nearly 10 years of prior consideration by the DRBC of the lethally low dissolved oxygen levels in the estuary.

The DRBC is accepting comments on the Draft Resolution for the review of aquatic life uses in the Delaware River Estuary until 5:00 P.M. on Thursday, **April 13, 2017** and is holding a special public hearing on the Resolution Thursday, **April 6, 2017 2 p.m.** at the West Trenton Volunteer Fire Company Hall.

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About the Delaware Riverkeeper Network

Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the four states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.