

RIVER RAPIDS

The Delaware RIVERKEEPER® Network's Quarterly Newsletter

Printed on 25% recycled paper



Upcoming Events

May 5

DRN's Annual Native Plant Sale
Prallsville Mill
Stockton, NJ

May/June (date TBD)

Horseshoe Crab Monitoring
Slaughter Beach, DE

July 28

Members' Day on the Bay
Cape Henlopen State Park
Lewes, DE

September (date TBD)

DRN's Annual Dinner
Hyatt Regency at Penn's Landing
Philadelphia, PA

March 1, 2008

Schuylkill Watershed Congress
Montgomery County
Community College
Pottstown, PA

For more news about Delaware Riverkeeper Network activities, go to www.delawariverkeeper.org and look for the latest information under **News/Calendar** on our homepage.

On the riverfront

A note from the Delaware Riverkeeper

Over the past year, Philadelphians were promised the chance to help envision the future of the riverfront. With great enthusiasm, citizens turned out for public meetings and other planning events to voice their dreams.

Their vision for the waterfront was clear: the River should be honored and protected, its health and habitats restored. Ports and business may have a role to play in this vision, but the clear message was that the waterfront should be a gathering place for art, recreation, community connections and river access.

Now, it appears the community's vision is going to be tossed aside to forward state corporate politicking. The State of Pennsylvania has approved construction of two casinos along the Delaware riverfront. Philadelphians are rallying to challenge the casinos, which will mean more riverfront development and less river access for the public.

When the community asked that the waterfront visioning process include a possible future without casinos, they were turned down flat.

The Delaware Riverfront belongs to us all. The State was wrong to impose casinos on the River and the community. The City must not perpetuate this state sanctioned theft and destruction.

Maya K. van Rossum
the Delaware Riverkeeper

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Bucks Co. man finally held accountable for blatant wetlands destruction

PFBC fails to protect streams

DRN stream restoration work in 2007

Ruling may end Salem fish kills

**Delaware Deepening Update:
New report for a bad project**

DRN design contest!



See your design here!

Do you love to draw, sketch, or paint? Do you want to get your artwork out into the world *and* help a good cause?

We are seeking new designs for note cards, T-shirts, and other DRN merchandise. We're looking for your favorite plants, animals, or scenes related to the River, the Bay, or your local tributary. Winners will be announced at our Annual Dinner this fall and will receive *Discovering the Delaware*, a movie about the Delaware River, a DRN T-shirt, other DRN goodies, and recognition in *River Rapids* and on our website. Also, if we use your design on our merchandise, you will receive three of the items upon which your design appears.

Contest rules are available on our website. Email Katy Diana, katy@delawariverkeeper.org, for more information.

Want to comment on a topic in this issue of River Rapids? We want to hear from you. Simply send your emails to riverrapids@delawariverkeeper.org.

The Voice of the River and its Tributary Streams

The Delaware RIVERKEEPER® Network

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Bucks Co. man finally held accountable for blatant wetlands destruction

Wetlands are precious and vital resources that provide our communities with important ecosystem services such as flood control and maintenance of water supplies. No one person should be allowed to destroy them (especially illegally) for personal gain and get away with it, but that's just what John Pozsgai has attempted for nearly two decades.

In 1988, John Pozsgai bought 14.5 acres of land in Falls Township in Bucks County, Pennsylvania, land he knew from his own consultants to be mostly protected wetlands. Almost immediately, John Pozsgai began illegally filling the wetlands on his property, repeatedly refusing to seek the required permits from the U.S. Army Corps of Engineers. In 1990, a judge found his disregard of the law and of our regulatory agencies so blatant that not only was John Pozsgai ordered to remediate the damage done to the wetlands, he was fined and sentenced to a three year prison term. Still the wetlands remained unrestored.

On March 8, 2007, the United States District Court for the Eastern District of Pennsylvania, finally responded to a contempt action filed by the U.S. Attorneys office and supported by the Delaware Riverkeeper Network, which had intervened in the action in 2002. The Court ordered the Pozsgais to complete remediation of the property within 90 days in accordance with a plan developed in 1996. For too long, the Pozsgais have violated our environmental laws and harmed our creeks and community. The Delaware Riverkeeper Network is pleased that at last the courts have held the Pozsgais accountable. We look forward to finally seeing these wetlands restored.

Stay informed, get involved with E-Activist . . . Be the first to get breaking news about the River through **E-Activist**, a free service available through our website. Click on *Take Action* and then on *E-Activist Sign-up* to register

PFBC fails to protect streams

The Delaware Riverkeeper Network, as part of the Pennsylvania Campaign for Clean Water, is urging the Pennsylvania Fish and Boat Commission to provide better protection for streams with reproducing native trout populations. Several Pennsylvania streams currently qualify as Class A Wild Trout streams, but the Fish and Boat Commission is stalling on the designation.

Once a stream has Class A listing, it is automatically designated a High Quality stream, which provides special protection from pollution and degradation. Sacony Creek in Berks County, Trout Creek in Lehigh County, Cold Run in Schuylkill County and Martins Creek in Northampton County all meet Class A standards, but have not been given Class A protection. Why? The Fish and Boat Commission would be required to stop stocking these streams with non-native trout if this designation is granted.

Failing to designate the streams Class A leaves them open to pollution that could harm aquatic life and water quality. These streams deserve better protection. Tell the Fish and Boat Commission that our best streams must be protected from pollution. Write the Commission today via our Action Alert webpage at www.delawareriverkeeper.org.



Brook trout, *Salvelinus fontinalis*, in a Pennsylvania stream. Photo by D. Williams

DRN receives funding for estuary assistance program

DRN was recently awarded a \$50,000 grant by the National Fish and Wildlife Foundation for the third phase of a project that provides free restoration assistance to landowners. The project is projected to result in 5,000 linear feet of on-the-ground restoration and improved restoration management of 6,000 feet.

DRN stream restoration work in 2007

The Delaware Riverkeeper Network's Restoration Program may be working in your neighborhood in 2007. Major projects we will be undertaking this year include:

Sprogels Run, Brookside Country Club, Pottstown, PA - Last year, we completed the first phase of this project which included the removal of a dam and restoration of the Sprogels run up to a second dam. This year, the upstream dam will be removed and more of the stream will be restored. Removing the dams and restoring the stream will allow fish to pass upstream while enhancing stream functions and aquatic habitat.

Saddlers Run, Saddlers Woods, Camden County, NJ - DRN is receiving a \$302,000 NJ DEP grant to control and eliminate stormwater that enters Saddlers Woods. This preserved, 25-acre woodland contains some of the oldest and most unique tree assemblages in New Jersey. A variety of innovative stormwater management methods will be used. Once the various sources of stormwater are addressed, later phases of this project will include restoration of several seriously damaged sections of Saddlers Run.

Tinicum Creek, Tinicum Township, Bucks County, PA - DRN has received a \$52,000 grant from PA DEP to design a stream restoration program for a damaged section of this Tinicum Creek, a PA Exceptional Value Stream and a component of the National Wild and Scenic Rivers System, that is suffering from excessive gravel deposition and bank erosion. This new project builds on work that has been ongoing since 2004.

In addition to these major efforts, our Restoration Program conducts many stream site visits each year to provide technical expertise to watershed groups, municipalities, private landowners and others. Many of these visits are funded by a grant from the National Fish and Wildlife Foundation/Delaware Estuary Program. The 2007 grant award allows us to increase the number of site visits we can conduct. For more information about our Restoration Program's 2007 projects, call Dave Williams, Restoration Manager, at 215-369-1188, ext. 111.



Restoration Manager Dave Williams surveying Tinicum Creek. DRN file photo.

Ruling may end Salem fish kills

The Delaware Riverkeeper Network has fought for 15 years to stop the slaughter of fish at PSE&G's Salem Nuclear Generating Station in New Jersey. This year, a legal challenge involving DRN and waterkeepers from across the country has secured a court ruling that may help end these fish kills.

On January 25, 2007 the United States Court of Appeals for the Second Circuit struck down in part U.S.

Environmental Protection Agency (EPA) regulations that sanctioned antiquated technologies, like those at Salem, that kill billions of fish. The Court agreed with most of the key positions put forth by DRN and other waterkeepers and knocked down those of PSE&G.

DRN now has a tremendous opportunity to challenge the Salem fish kills and win. Every five years, PSE&G must renew its permits for the Salem facility. Since 1992, PSE&G has been allowed to install a series of fish ladders on dams and undertake wetlands mitigation and a monitoring program rather than come into compliance.

How the EPA responds to the Court's decision will be important, but more important will be whether New Jersey is willing to heed the Court decision and take necessary action. Go to our website www.delawareriverkeeper.org to learn more about the implications of the Court decision for other facilities in the area.

Delaware Deepening Update: New report for a bad project

For 17 years, the Delaware Riverkeeper Network has challenged the U.S. Army Corps of Engineers' proposal to deepen the Delaware River's main shipping channel with great success. The project has yet to receive needed permits, approvals, agreements or funding.

The proposal remains barely alive, hanging on only because of political interests. In the past two years, the proposal has received a breath of life from Pennsylvania's Governor Ed Rendell, who is trying to force New Jersey Governor Jon Corzine to support the project and remove existing obstacles. How Corzine will respond is unknown.

To get out the facts on the deepening, the Delaware Riverkeeper Network, with support from the National Wildlife Federation, released a new report documenting the environmental threats the project poses and confirming that, economically, the deepening is a bankrupt idea. Our report has received praise and Congressman Rob Andrews, chief opponent of the deepening in New Jersey, helped announce its release. Other politicians who have been instrumental in this fight include Congressmen Saxton and LoBiondo and Senator Menendez, all from New Jersey.

Log on to www.delawareriverkeeper.org to review the report and to send a letter to Governor Corzine urging his action against the Deepening.

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DRN's Native Plant Sale

Saturday, May 5th, 2007

9:00 AM to 1:00 PM

Prallsville Mill, Stockton, NJ

DRN's native plant sale offers a wide selection of beautiful plants, ferns, grasses, shrubs and trees, all gathered from regional nurseries. Our stream restoration staff and plant experts will be on hand with a wealth of information on choosing, planting and growing native species. So whether you are a first time customer or an avid gardener, you'll be able to find out design, cultivation, and care techniques.

DRN's Native Plant Sale is known for offering top quality, hard-to-find plants native to this region at affordable prices. The catalog for the sale (with planting tips) is online at www.delawareriverkeeper.org. Sale proceeds benefit our work for the River.

Prallsville Mill is conveniently located on Rt. 29 at the north end of Stockton in the Delaware & Raritan Canal Park, just five minutes north of New Hope, PA, and Lambertville, NJ. For more information, please call us at 215-369-1188.



Bloodroot, Sanguinaria Canadensis.
Photo: T. Carluccio

Thanks to our Native Plant Sale sponsors!

In addition to raising money to support our work for the River, our Native Plant Sale promotes native landscaping for the benefit of our gardens and our communities. At the sale, we educate gardeners about how native plants maintain biodiversity, provide habitat and food for native animals, and help protect streams and slow stormwater runoff. **Our Native Plant Sale sponsors are demonstrating their commitment to healthy watersheds by helping to support this year's sale.**

Sweetbay Magnolia Sponsor
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