



For Immediate Release:

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Delaware Riverkeeper Network Statement on NMFS Atlantic Sturgeon Final Rule
NMFS Designates Critical Habitat

Bristol, PA – The National Marine Fisheries Service (NMFS), or NOAA Fisheries, released its final rule on August 17 to designate critical habitat for endangered distinct population segments (DPS) of Atlantic Sturgeon, including the New York Bright DPS of Atlantic Sturgeon. The Delaware Riverkeeper Network applauds this designation which includes the Delaware River.

The final rule encompasses the Delaware River at the crossing of the Trenton-Morrisville Route 1 Toll Bridge downstream to the Delaware Bay. The Atlantic Sturgeon was listed as endangered in 2012 and the Endangered Species Act requires the designation of critical habitat, the deadline for which NMFS requested extensions. Delaware Riverkeeper Network (DRN) has been advocating for critical habitat designation since 2014 when they, along with the Natural Resources Defense Council (NRDC), brought a law suit to compel the federal government to comply with its obligation to designate critical habitat for the Atlantic Sturgeon. December 2014, DRN and NRDC settled the legal action with NMFS agreeing to publish a proposed rule designating critical habitat by November 30, 2015, with a final rule due a year later. NMFS sought and received an extension to issue the proposed rule designating Atlantic sturgeon critical habitat by May 31, 2016, with a final rule due a year later.

DRN also submitted comments in 2016 that supported designating the Delaware River from Trenton to the Delaware Bay as critical habitat and also encouraged NMFS to include the Delaware Bay as critical habitat. Designating critical habitat requires federal agencies to consult with NOAA before funding or engaging in activities in the designated habitat.

Though Atlantic Sturgeon were once abundant, habitat loss (primarily due to deepening and dredging), saltwater intrusion, water pollution and poor water quality, the covering over of river bottom habitat needed for spawning with silt from the coal industry, boat and propeller strikes, and fisheries bycatch mortality (both in the Estuary and the ocean) have all contributed to the Atlantic sturgeon's continuing decline and inability to recover.

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“That the NMFS has finalized its critical habitat designation including the entire estuary from Trenton to the bay is important and a relief. NMFS had repeatedly asked for extensions in the legal deadline for finalizing this designation. We were concerned that the Trump administration, which has proven to be so anti-environment, was using this time to weaken the proposed designation. That NMFS stuck with the science and issued as final the original proposal is important for protection of the species and shows respect for the work of so many scientists working to protect them,” **Maya van Rossum, the Delaware Riverkeeper, said.** “The Delaware River population is the most at risk in the nation with less than 300 spawning adults of this genetically unique line. The estuary is vital for Atlantic sturgeon spawning, reproduction, growth and survival. We only hope NMFS will now use this designation to better protect this vital habitat for the species. NMFS wrongly allowed the Delaware deepening to advance, and the blasting portion of the project is imminent. NMFS must not allow other such egregious threats to advance.”

“Protecting this species is our moral obligation and our duty to a species that we are responsible for putting in such grave jeopardy,” **van Rossum said.** “We also have a responsibility to future generations who should have the joy of experiencing this species firsthand and in the real world, not just stuffed or in pictures in a museum.”

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Delaware Riverkeeper Network is a nonprofit membership organization working throughout the 4 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.