



Special Protection Waters Designation for the Lower Delaware River

The Delaware River is the last major free-flowing river in the East. It flows for 330 miles through 4 states, 42 counties and 838 municipalities. Rather than serving as a dividing line among these communities, the Delaware River is a unifying element in the landscape. Throughout history and present day, communities throughout the region, regardless of political boundaries, have been drawn together by this River recognizing it as a living resource that supports their lives.

The Lower Delaware River is a unique and vulnerable natural system that supports a remarkable variety of flora and fauna. For example, the restoration of Shad to the Delaware River is a national success story. In the mid-20th century the Delaware River had become so polluted that it prevented migration of the historically important Shad. Implementation of environmental laws, and concerted action by concerned citizens and communities restored the River's water quality and ecosystems and supported the return of the Shad to the Delaware River. And in fact, the Shad spawning area has now expanded into the Lower Delaware because river protection efforts have been so successful.

The rich ecological resources of the Lower Delaware include the endangered shortnosed sturgeon that is in need of critical protection. Many other species of fish, aquatic life, birds, and other wildlife are dependent on the river and its flowing tributaries. A remarkably well-established green riparian buffer provides important wildlife habitat and cooling. The streams, wetlands and floodplain that are part of the Lower Delaware natural system define the river in terms of its natural inventory and the quality of its resources. Much appreciated by residents and tourists alike, these ecological assets and the unique cliff formations overlooking the River, its rapids, islands, and other special features all combine to make this part of the river worthy of its Wild and Scenic designation. This Congressional action was the first step in providing essential protection to the historic, economically important, and ecologically unique Lower Delaware River.

In 2000, the 106th Congress enacted Public Law 106-418 cited as the "Lower Delaware River Wild and Scenic Rivers Act". This law incorporates most of the Lower Delaware River into the National Wild and Scenic Rivers System. The Delaware Riverkeeper Network has petitioned the DRBC to designate these portions of the Lower Delaware River (RM 133.4-209.5) as Special Protection Waters (SPW). The Petition also asks the DRBC to fulfill the requirements for prioritization of the Upper and Middle Delaware Wild and Scenic River segments, which were granted SPW status by the DRBC in 1992 in response to a Petition filed by the Delaware Riverkeeper Network.

The designation of the Lower Delaware River as Wild and Scenic has provided the recognition the river and its watershed needs in order to protect its natural resources. The Lower Delaware River Management Plan, worked out by an interstate committee, is the foundation of the designation. Goal 1 of the Plan is to protect and improve existing water quality in the river.

Delaware Riverkeeper Network
300 Pond Street, Second Floor
Bristol, PA 19007
tel: (215) 369-1188
fax: (215) 369-1181
drkn@delawareriverkeeper.org
www.delawareriverkeeper.org

SPW designation will provide the mechanism by which this goal can be achieved through the requirement that all new and expanded discharges and withdrawals in the Lower Delaware River's contributing watershed meet the highest standards – standards that will protect and, where needed, improve the water quality of this part of the river. Water quality standards will be maintained through the requirements for high level sewage treatment and a non-point pollution control plan employing stormwater best management practices for the project area to be served by any new or expanded connection. Protection efforts need this kind of coordination due to the difference in regulations in the states and due to the unique resources and uses the river supports.

The DRBC has collected water quality data for the main stem river and tributary streams for several years. A resolution was adopted by the DRBC with broad public support on January 19, 2005, renewed in September 2005 and again in September 2006, which "temporarily" puts some requirements of SPW in place for the Lower Delaware River. The designation will be finalized in 2007 after existing water quality values are analyzed. These numeric values will be used to classify the Lower Delaware River as either Outstanding Basin Waters or Significant Resource Waters. .

Special Protection Waters designation for the Upper and Middle Delaware Scenic and Recreational Rivers received wide-spread support and praise from federal and state agencies, units of local government, environmental organizations, sport fishing organizations, and even builders. The Lower Delaware Wild and Scenic River and Study Area deserve the same support and resulting protection.