



For Immediate Release

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Contact:

Maya K. van Rossum, the Delaware Riverkeeper, 215 369 1188 ext 102 (rings to cell if not in office)

Jane Davenport, Senior Legal Counsel, Delaware Riverkeeper Network, 215 369 1188 ext 108

Delaware Riverkeeper Sends Letter of Intent to Protect Atlantic Sturgeon from Deepening

Bristol, PA: The Delaware Riverkeeper Network has sent a notice letter of its intent to sue to the Army Corps of Engineers if they fail to fulfill their obligations under the Endangered Species Act for the protection of Atlantic Sturgeon in the Delaware River.

“The Delaware River has a genetically unique population of Atlantic Sturgeon which is put in tremendous jeopardy by the Delaware deepening project. Because the Army Corps has shown no self-restraint when it comes to the deepening project and preventing the dramatic levels of harm it would inflict on our River and region, we are forced to take all steps necessary to ensure citizen protection of the Atlantic Sturgeon,” said Maya van Rossum, the Delaware Riverkeeper and lead plaintiff in two existing federal court cases against the project.

On October 6, 2010, the National Marine Fisheries Service (NMFS) proposed for listing as endangered or threatened under the Endangered Species Act five distinct population

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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

segments (DPS) of the Atlantic sturgeon, *Acipenser oxyrinchus oxyrinchus*, including those in the Delaware River. NMFS explicitly found that “[T]he loss of any of the discrete population segments would result in a significant gap in the range of Atlantic sturgeon, and negatively impact the species as a whole, given the strong natal homing behavior of the species.”

Atlantic sturgeon are known to spawn in the Delaware River, although there may be less than 300 spawning adults per year in this subpopulation, and according to some sources may be even less than 100.

NMFS found that the Delaware River spawning group is essential to the survival of the “New York Bight” population segment (NYB DPS). In the proposed rule, NMFS specifically identified the dredging and blasting activities of the Deepening Project as threats warranting the listing of the NYB DPS as endangered.

The notice letter sent by the Delaware Riverkeeper Network urges the Army Corps to fulfill its obligations to confer with the National Marine Fisheries Service regarding the Atlantic Sturgeon of the Delaware River prior to the deepening project or other damaging projects moving forward. According to the letter, if the Army Corps does not fulfill its legal obligations under the Endangered Species Act the organization will file a lawsuit to enforce the law.

The notice letter reads: ‘Given the critically low numbers of Atlantic sturgeon remaining in the Delaware River, the specificity with which NMFS identified the Deepening Project as posing a risk to the continued existence of the Atlantic sturgeon in the Delaware River, and the failure of the Army Corps of Engineers fully to evaluate the effects of the Deepening Project through both direct and indirect take specifically on Atlantic sturgeon in its ESA consultation documents for the Deepening Project, it is incumbent on the Corps immediately to engage in formal conference process with NMFS to comply with its legal obligations under ESA Section 7(a)(4).’

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