

New
Longer Format

RIVER RAPIDS

Summer 2012

The newsletter of the DELAWARE RIVERKEEPER NETWORK



*The Delaware Riverkeeper Network:
because a River can't defend itself.*

Photo: F. Stine



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A letter from the Delaware Riverkeeper

This time of year I have the great opportunity to really encourage folks to get out and get active restoring the Delaware River's watershed by starting in their own back yards. Planting native trees, shrubs and flowers that beautify and purify at the same time.

If you've heard my talk about stormwater runoff or native gardening inevitably you've seen the photos of my Mum and Dad working in their garden to restore their piece of the watershed. The photos show how much can be done with the leaves and wood chips that can be had from the local tree guy, the local municipal mulch pile, or by collecting leaves that folks are otherwise looking to throw out each fall. The photos show my Mum and Dad working diligently to restore the tremendous damage left behind by the Pennsylvania Department of Transportation (PennDOT) when they cut down a forest in order to build another highway.

I lost my Dad this past fall. Mum, you might remember I lost a number of years ago. But it feels good to have them joining me, in spirit and photo, during each of these talks. I learned how to be a true environmental steward from Mum and Dad, and with Mother's day and Father's day upon us, I wanted to take a moment to honor them, and all they have done to protect the Delaware River watershed by starting in their own back yard.

To learn what you can do in your own yard please request or download a copy of our new 20 ways to protect streams document – it's filled with great tips and a wonderful array of plant recommendations to give you a place to start.

Maya K. van Rossum

the Delaware Riverkeeper



*Maya van Rossum's garden.
Photo: M. van Rossum*

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In Memory

Recently the River lost three good friends who had each done a great deal to protect the environment and promote water safety.

Aaron Blumberg passed away on March 20th. Aaron volunteered countless hours with the Delaware Riverkeeper Network. He took the lead in crafting a petition to get the red knot *rufa* needed protection under the Endangered Species Act. He also helped craft our legal arguments against the Delaware River deepening project.

Robert "Bob" Smith passed away in Reading on April 13th. Many new paddlers learned canoeing and kayaking skills from Bob or benefited from his help as a safety on ten Schuylkill sojourns. He was also an advocate for free-flowing streams and he played an active role during our efforts to remove Felix Dam from the Schuylkill River. Removing Felix Dam was an important first step that also helped pave the way for the removal of Vincent Dam and Plymouth Dam lower on the Schuylkill.

Richard "Dick" Rhodes passed away at his Lackawaxen home on April 17th. Dick helped make the Delaware River a safer place to paddle through the National Canoeing Safety Patrol (NCSP), an organization he co-founded 33 years ago. The NCSP is a volunteer organization that provides rescue and assistance, as well as safety education, on the Upper Delaware River.

Aaron, Bob and Dick will be missed on the River, but we are fortunate to have known them.



Photo: T. Danforth.

Upcoming Events



June 10th, 9 am - Noon **Petty's Island Guided Tour** **Pennsauken, NJ**

fred@delawariverkeeper.org

Join DRN and NJ Audubon for a tour of the southern tip of Petty's Island. The focus of this tour will be birds, botany and butterflies. To register, call Susan Buffalino, NJ Audubon, at 856-495-4642. Space is limited, but you may ask to be added to a contact list for future tours.

More About Petty's Island— With Petty's Island now preserved as open space, DRN and partners are able to offer educational programs and community service projects on the island. School groups and clean-up volunteers are now spending time walking the island's quiet trails, learning about Petty's human and natural resource history, the on-going industrial clean-up and the island's diverse natural resources.

June 29th - July 1st **Family Camping Trip with DRN** **Dingman's Ferry, PA**

fred@delawariverkeeper.org

Join DRN staff on a weekend family camping trip at Dingman's Ferry Family Campground. We've reserved four campsites overlooking the River.

Weekend activities are up to you. Paddle a 10-mile river trip that ends at the campsite. You can swim or snorkel. If you prefer cycling, try the off-road McDade Trail. Hiking? Take a self-guided waterfall tour. There's a large mowed field for volleyball, kickball, Frisbee or horseshoes. Or just bring a book and relax. When the sun goes down, we'll have a campfire and star gazing.

Cost: \$20/person. This covers ONLY campsite fees for Friday and Saturday nights. Bring your own gear and meals. Space is limited, so register soon.



June 30th, 9:00 am - 1:00 pm **9 am - 1:30 pm** **Monitoring Workshop** **Callicoon, NY**

faith@delawariverkeeper.org

July 14th, 9 am - 1 pm **Monitoring Workshop** **Upper Delaware River Basin** **Location TBD**

faith@delawariverkeeper.org

July 29th, 9 am - 1 pm **DRN at the Hunterdon Land Trust** **Farmers' Market** **Flemington, NJ**

stephanie@delawariverkeeper.org

Visit DRN's table at the Farmers' Market during their Water Trails Day. Show your support for DRN and local farms! Find more information at <http://hunterdonlandtrust.org/get-involved/events/>

August 11th, 9 am - 1 pm **Monitoring Workshop** **Upper Delaware River Basin** **Locations TBD**

faith@delawariverkeeper.org

For more details on these events and activities, contact the Delaware Riverkeeper Network staff person indicated.

SAVE THE DATE:

What: STOP THE FRACK ATTACK National Day of Action

When: July 28th, 2012, 10 am - 2 pm

Where: Washington, DC

Please join us to make this the largest rally in history to STOP THE FRACK ATTACK and fight for a sustainable energy future. DRN and a nationwide coalition will converge on the Capitol to tell Congress, the President and the world to end the rush to drill. This is the right time and the right place to take a public stand in the nation's capital where ultimately the decisions about our nation's energy future will be made. Call 215-369-1188 for more information.

The Delaware's Outstandingly Remarkable Values Identified

Fred Stine

The Delaware Riverkeeper Network recently participated in a National Park Service (NPS) workshop to specifically identify what makes the Delaware River so special. Identifying the Outstandingly Remarkable Values (ORVs) for the Upper, Middle and Lower Delaware River Wild and Scenic reaches, as well as for four tributaries—the Musconetcong River and the Paunacussing, Tincum and Tohickon creeks—is an important step toward establishing the eligibility for the NPS's Nationwide Rivers Inventory (NRI) which can provide river protection advocates with another potential tool.

To be listed on the NRI, a river must be free-flowing and possess one or more ORVs. Other rivers where ORVs have been established include the Missouri and the Rio Grande.

DRN, NPS and the Delaware River Basin Commission assessed the Delaware's hydrology, including any man-made alterations, and an inventory of its natural, cultural, and recreational resources. Only one category is required for ORV eligibility, but based on the assessment of this knowledgeable professional team, the Delaware River and these tributaries qualify for multiple categories. The NPS is now drafting an ORV report based on these assessments.

Pennsylvania's Act 13 challenged as unconstitutional

Tracy Carluccio

In March, seven townships and the Delaware Riverkeeper Network filed a legal challenge to Pennsylvania's new oil and gas law, known as Act 13, on the grounds that it violates the Pennsylvania and U. S. Constitutions and endangers public health, natural resources, communities and the environment.

We have already won two preliminary decisions. In April, Judge Keith Quigley issued a preliminary injunction against a portion of Act 13 to keep zoning ordinances dealing with oil and gas operations in effect until the legal battle takes place. Judge Quigley also denied industry representatives and pro-Act 13 legislators the right to intervene in the lawsuit, saying they were already adequately represented by the State. Indeed they are; the gas drilling takeover act, signed into law by Governor Corbett on February 14th, was a masterwork of manipu-

lation by industry interests and powerful politicians.

When the Legislature passed HB1950 (SB1100) it was only after much debate and arm-twisting that brought gamesmanship in Pennsylvania's politics to an all-time low. Reports of threats to cut government funding for public programs, back room deal making, secret negotiations, and last minute flip-flops by legislators abounded in the days and hours leading to Act 13's passage.

Senators who signed a letter pledging opposition to the takeover of municipal control abandoned their pledge—except Senator Patricia Vance (31st district)—and cast votes that facilitated the passage of the bill.

Senator Chuck McIlhinney (10th district) has since admitted that Act 13 will preempt municipal zoning of oil and gas operations throughout the state, including in Bucks County (Act 13 also imposes a fee on gas wells). An application to drill a natural gas well where drilling is prohibited in Bucks' Nockamixon Township is already proceeding toward approval by the Pennsylvania Department of Environmental Protection.

Assemblywoman Marguerite Quinn (143rd district) and others who voted for Act 13 are being assailed by the protests of residents.

The Delaware Riverkeeper Network lawsuit against Act 13 is being argued in Commonwealth Court with a goal of being overturned quickly. You can read our legal filing at: <http://www.scribd.com/doc/87252080/Act-13-Challenge>.

To help show your municipality's support for the challenge and to fight the seizure of local rights, go to: <http://www.delawareriverkeeper.org/act-now/urgent-details.aspx?Id=102>

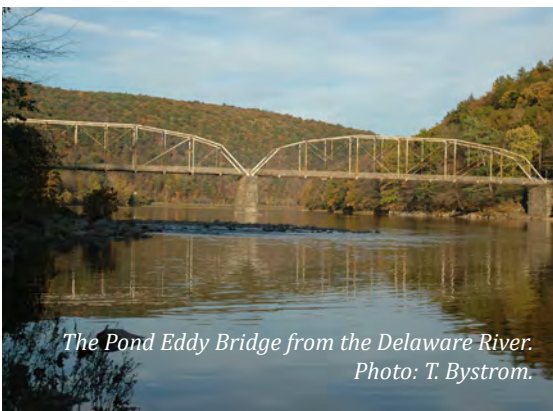


A crowd of over 300 at a forum on Act 13 in Bucks County.

Photo: F. R. Duke.

DRN opposes PennDOT's bridge to nowhere plans

Ed Rodgers



The Pond Eddy Bridge from the Delaware River.
Photo: T. Bystrom.

The Delaware Riverkeeper Network is opposing Pennsylvania Department of Transportation (PennDOT) plans to replace the Pond Eddy bridge on the Upper Delaware. PennDOT's construction plans require placing two causeways in the River at separate times. The proposed causeways will harm the river environment and threaten migratory fish such as American shad, a species whose numbers have been in decline. The causeways would also force boaters to portage their kayaks and canoes around the structure, putting them at risk of injury. In addition, the causeways could block the flow of ice in the winter months.

PennDOT is also trying to avoid a federal environmental review for this project despite this section of the River being part of the national Wild and Scenic River system and that federal dollars are being used

to help pay for the new bridge. The current span, which is listed on the National Register of Historic Places, would be replaced with a bridge that has a 40-ton weight capacity to serve a community with less than 12 residences. There are also concerns that this bridge replacement, with a cost ranging from \$10 to \$12 million, is being undertaken to accommodate future natural gas drilling in the region. For more on this issue see our position paper at http://www.delawareriverkeeper.org/resources/PressReleases/pond_eddy_pub_stmnt_4.26.12.pdf.

LNG facilities and pipeline construction threaten water ways

Aaron Stemplewicz

The natural gas industry continues to perpetuate the false narrative that growth in natural gas production will result in “energy independence” for Americans. However, this could not be further from the truth. What industry spokespeople conveniently fail to mention is that currently at least 14 applications for Liquefied Natural Gas (LNG) export facilities are pending before the Federal Energy Regulatory Commission (FERC).

LNG export facilities pipe in natural gas, liquefy it, and then ship it to the highest bidder. Not only do these facilities induce additional environmentally destructive gas drilling development, they also simultaneously undermine the argument that natural gas exploitation will result in domestic energy independence. The Delaware Riverkeeper Network recently signed onto comments opposing the development of an LNG export facility at Dominion Cove, Maryland. As a result of efforts by several different environmental groups, the project has yet to move forward.

Within the Delaware River Basin, three major natural gas pipeline construction projects (Tennessee Gas’s Northeast Upgrade Project, Texas Eastern’s Philadelphia Lateral, and Transco’s Northeast Supply Link) are either under construction now or soon will be. The size and scope of these activities and the stream crossings associated with construction will have substantial negative effects on the water resources of the Delaware River Basin. The cumulative impacts resulting from continuous water body pipeline crossing construction activities raise significant concerns for the health and vitality of the Delaware River Basin. Not only is the construction activity itself harmful, but these projects will also facilitate further development of new natural gas wells, access roads, gathering lines, compressor stations, and other supporting infrastructure, which will increasingly degrade local environments and the region as a whole.

In light of the impacts of these pipelines on our region, our network of monitors—which consists of over 50 trained volunteers—are reviewing pipeline activities to document sediment and erosion problems occurring

from construction activities that, in many cases, are not yet stabilized.

DRN is also engaged at the federal, state and local levels to ensure that the full weight of legal enforcement authority is brought to bear on pipeline construction projects where operators have failed to comply with their statutory and regulatory responsibilities. DRN will vigorously facilitate the enforcement of those regulations and permit terms and conditions where necessary.

Represented by Columbia Law Clinic, DRN along with colleague organizations—the New Jersey Highlands Coalition and the New Jersey Sierra Club—filed for intervenor status with FERC for Tennessee Gas’s Northeast Upgrade Project and recently submitted comments challenging FERC’s Environmental Assessment for the project. We have also petitioned FERC to grant us “intervenor status” for Transco’s Northeast Supply Link docket, which would provide us full legal rights in that matter.

In light of the numerous past and present regulatory compliance failures associated with Tennessee Gas’s Northeast Upgrade Project, DRN has petitioned the Pennsylvania Department of Environmental Protection (DEP) to deny the project an erosion and sediment control permit. DRN has also repeatedly requested that the Pennsylvania DEP rule on a number of Notices of Violation—issued by local County Conservation Districts—and take strong enforcement actions against operators who violate their permits. DRN initially discovered and reported several of these permit violations, which resulted in Notices of Violation being issued by the Pike County Conservation District.

As a result of the numerous compliance failures by industry and the regulatory holes at the state and federal level, DRN has petitioned the Delaware River Basin Commission to exercise its authority to regulate pipeline construction activity pursuant to their authority to regulate projects affecting Special Protection Waters. Moving forward, DRN will use all tools at our disposal to challenge these natural gas-related projects that threaten the Delaware River Watershed.

If you would like to get involved with DRN's pipeline monitoring efforts, contact faith@delawariverkeeper.org.



Amphibians in the path of pipelines...again

Faith Zerbe

Wetlands are amazing diverse habitats—not only are they sponges that absorb and clean our water, many of the Delaware River Watershed's most sensitive amphibians call them home. The Tennessee Gas's 300 line project has, according to the company's own estimates, "temporarily" disturbed 108 wetland acres and permanently destroyed 22.9 wetland acres. The Northeast Region Amphibian Research and Monitoring Initiative puts nearly half (48%) of all amphibian species in the northeast at some level of risk. This conservation status would suggest that every effort should be made to reduce the impact of pipeline construction on wetlands, and the amphibians that rely upon them.

However, despite mild winter temperatures and pressure from both agencies and the Delaware Riverkeeper Network, Tennessee Gas is behind schedule to complete final stabilization and restoration work that should have been done before amphibians returned to these wetlands in spring. Tennessee Gas's 300 line has been in operation and transporting gas from fracked zones in western Pennsylvania since last November. Yet DRN staff and pipeline watch volunteers have documented unstabilized sediment, wood timber mats (needed for heavy equipment to cross wetlands), scant mulch, and mediocre vegetation growth at many locations.

Those amphibians who were able to survive Tennessee Gas's wetland disturbance in 2011 woke from their adjacent wintering woodland homes during the first warm spring evening rain, made the journey to return to wetlands in the pipeline corridor. In many cases in Pike County, these areas still have not undergone final grading and restoration and so the amphibians returned to degraded breeding grounds. Despite this disturbance, breeding adults found mates and laid their eggs. A short time later, thousands of tadpoles of various species could be found there. But rather than await completion of the breeding and growing season, Tennessee Gas ripped up streambanks and drained wetlands in the name of "restoration."

DRN tried to prevent this horrible destruction by urging agencies to tell Tennessee Gas not to disturb the wetlands again until the immature frogs and salamanders had a chance to metamorphose and move out of harms way as adults. The agencies ignored us. For future pipeline projects, DRN will be sure to advocate amphibian windows be established.

If you'd like to help document vernal pools, amphibian activity, and wetlands, or just want to help keep an eye on pipeline construction that will be underway in the Basin this summer, contact faith@delawariverkeeper.org.

Read more about this issue at <http://www.delawariverkeeper.org/resources/PressReleases/TGP.drains.wetlands.PR.5.16.12.pdf>.



DRN documented "restoration" completed for Tennessee Gas pipeline where silt fences had cut off amphibians from their home wetlands. At left, a lone adult male spotted newt observed by DRN staff on May 5th, 2012, in a silt fenced wetland in Wayne County. No tadpoles were observed. One adult wood frog was observed in pooled water just outside the silt fence which encircled the wetland and prevented amphibian migration.

Photo: F. Zerbe.

Important step for Upper, Middle Delaware Petition

Faith Zerbe

First, sincere ***thanks*** to the hundreds of members who supported the Delaware Riverkeeper Network's petition to upgrade the designation for the Upper and Middle Delaware River to Exceptional Value (EV). Our volunteer monitors who have been collecting data in this region since 2010 in the sun, cold, and rain also get a special kudos as the data they collected was a key ingredient strengthening the original petition. On April 17th, the Pennsylvania Environmental Quality Board voted 13-5 to accept our petition for study by the Pennsylvania Department of Environmental Protection (DEP).

We have jumped the first hurdle in our effort to upgrade the designation of the Delaware River and its tributaries in Pennsylvania from the Delaware Water Gap area north to the New York border. This petition proposes re-designating to EV an area over 1,600 square miles, the largest geographic area ever submitted for consideration. See the proposed upgrade area at <http://www.delawariverkeeper.org/resources/Comments/DRBC.Proposed%20Upgrade%20Map.Reavy.2.29.12.pdf>.

The regulatory process can take years, but we are on our way. With your continued support and citizen pressure, we will work to move this petition on a fast track. We still need letters so please go to the Urgent Action section of our website to write yours: <http://www.delawariverkeeper.org/act-now/urgent-details.aspx?Id=95>. If you know of businesses in this region that would support the upgrade, ask them to write a letter also.

The narrative for the original petition—DRN has since submitted three additional packets of supporting documents—is also on the website and can be found at <http://www.delawariverkeeper.org/resources/Comments/12.9.11DelPetitionandCoverLetters.pdf>.

Trees are dirty? Really?

Maya K. van Rossum, the Delaware Riverkeeper

“Trees are dirty and they take my open space.” Those were the complaints of a homeowner that forced a community and conservation organization to remove 400 of 1,300 trees they had just planted. The trees had been planted—after an open decisionmaking process—to enhance a high quality stream and common open space that were part of the community. But nearly $\frac{1}{3}$ were removed to appease a few homeowners who began a tirade against the natural enhancements.

How do you respond to a complaint that trees are dirty? Perhaps trees are dirty; perhaps they do take up space on the landscape, but what would our world be without them? From our first breath we benefit from the existence of trees—that first lungful of clean, life-instilling air is made possible by the existence of lots and lots of trees.

As children we enjoy the adventure that trees offer—tree houses, tree climbing, imaginary castles or the home of a gnome taking us to magical places of play. And research has shown that exposure to trees and time in nature can help diminish the harms of attention deficit disorder in kids and adults alike.¹

As parents we appreciate sitting in the cool shade of a tree on a hot summer day as we read books to our kids or watch them play, all the while enjoying the protection from the sun and the musical rustle of the leaves.

And there are also community enhancing and life saving values of trees. By soaking up water, trees prevent unnatural flooding that can destroy homes and put lives at risk. Whether we are talking about catastrophic floods or water in your basement, trees help prevent harm. An expert once told me, “Trees are the best water pumps we have.” In just four Philadelphia-area watersheds, trees saved a combined \$6 $\frac{1}{2}$ billion in otherwise needed stormwater infrastructure.²

Tree roots along a bank prevent the erosion of land and protect bridges, roads and other infrastructure from being undermined. Trees filter pollution that would otherwise contaminate our drinking water, pollute our

air and pollute the waters we swim in and eat fish from. Each tree we plant will provide oxygen for two people for the rest of their lives.³ By investing \$1 billion to \$1.5 billion on protecting the watershed that feeds New York City’s drinking water source (the Upper Delaware River), the City avoided the cost of an over \$10 billion water filtration plant and has some of the best tasting water in the country.

Over a 50-year lifetime, a tree generates \$31,250 worth of oxygen, provides \$62,000 worth of air pollution control, recycles \$37,500 worth of water, and controls \$31,250 worth of soil erosion.⁴ And trees sequester carbon from the air helping to slow global warming.

The mere presence of trees can increase the market value of our homes by as much as 15%,⁵ and by 38% in one documented case.⁶ Not only are homeowners benefitted, but so too are towns. According to one study over, “\$1.5 billion per year is generated in tax revenue for communities in the U.S. due to the value of privately-owned trees on residential property.”⁷

Parks and open spaces need trees to create human-friendly habitat. The planting of trees in parks has been an integral aspect of park design, dating back to the creation of New York City’s Central Park; a primary goal of Central Park was to improve the health of the residents.

Trees provide habitat and food for birds, butterflies and wildlife. Mourning Cloak butterflies can spend the winter in tree bark crevices, appearing to the surprise of many at the first spring warm spell; and spring Azure butterflies lay their eggs on tree flowers. Migrating birds often feed on red dogwood fruits in the fall because the berries are full of high-fat energy and many songbird species need trees for nesting and shelter. A variety of wildlife—black bear, owls, porcupines, martens, and more—also find food and shelter in the safe haven of a tree.

Every aspect of our lives is touched and enhanced by trees. So what if they are “dirty”...trees enrich and enable our lives and that of all future generations.

What can you do?

- Plant a native tree, treat it with care, feed it fresh water and give it clean air, protect it from axes that hack and neighbors who gripe. Plant another tree the day after that.
- Read to your kids. *The Lorax*, by Dr. Seuss, and *Where Once There Was a Wood*, by Denise Fleming, two great books that help children understand the value of nature and trees, and what we lose when trees are gone.
- Read “Last Child in the Woods” by Richard Louv and learn how exposure to trees and nature enhances the learning capacity of children and helps address the challenges caused by attention deficit disorder.
- Urge your municipality to pass an ordinance that requires at least a 100-foot vegetated buffer filled with trees between streams and new development.

¹ See *Last Child in the Woods* by Richard Louv.

² American Forests. 2003. *Urban Ecosystem Analysis Delaware Valley Region: Calculating the Value of Nature*. March 2003.

³ USDA Forest Service Pamphlet #R-92-100.

⁴ McAliney, Mike. *Arguments for Land Conservation; Documentation and information Sources for Land Resources Protection*, Trust for Public Land, Sacramento, CA, December 1993.

⁵ Center for Watershed Protection, *Better Site Design: A Handbook for Changing Development Rules in Your Community*, August, 1998 Citing two studies by Morales and Weyerhauser.

⁶ Lutzenhiser, M. and N.R. Netusil. *The Effect of Open Spaces on a Home’s Sale Price*. *Contemporary Economic Policy* 19.3 (2001): 291-298.

⁷ Center for Watershed Protection, *Better Site Design: A Handbook for Changing Development Rules in Your Community*, August, 1998, Pg. 134.

DRN's Litigation Updates

Nick Patton

Philadelphia Gun Club pigeon shoots — On March 30th, the Delaware Riverkeeper Network filed legal action in federal court in Pennsylvania challenging the pollution and safety risk to boaters caused by the Philadelphia Gun Club's ongoing live pigeon shoots. The lawsuit challenges the pigeon shoots as a violation of the Clean Water Act, introducing ongoing pollution into the Delaware River in the form of gun shot and both live and dead birds which rain down on the water during the regularly held events.

The Philadelphia Gun Club holds live pigeon shoots on its property adjoining the Delaware River at 3051 State Road, Bensalem, Pennsylvania, and has been doing so for well over one hundred years. During the course of these day-long shooting events, the Philadelphia Gun Club discharges and allows the discharge of pollutants including, but not limited to, lead shot and fragments, steel shot and fragments and shot and fragments composed of other metals, as well as the bodies of birds that are either killed or injured, and later subject to drowning during the events. The Philadelphia Gun Club does not hold a National Pollution Discharge Elimination System permit ("NPDES permit") in violation of the Federal Water Pollution Control Act (also known as the Clean Water Act) and Pennsylvania's Clean Streams Law.

Cooks Creek — On March 9th, DRN took legal action challenging the Pennsylvania Department of Environmental Protection's (DEP's) issuance of a stream encroachment permit to PennDOT for a bridge replacement project affecting an unnamed tributary to Cooks Creek, an Exceptional Value waterway with a protected use for Migratory Fishes. This unnamed tributary to Cooks Creek is located in Springfield Township, Bucks County.

DRN appealed the issuance of DEP's permit to the Pennsylvania Environmental Hearing Board, alleging that DEP had failed to adequately require the Pennsylvania Department of Transportation's (PennDOT's) bridge replacement project to comply with state antidegradation, stream encroachment, and public notice requirements. As a direct result of DRN's appeal, DEP revoked PennDOT's stream encroachment permit on March 30th, "in order to address deficiencies in the public notice that was provided."

As DEP re-evaluates this project and considers whether to issue PennDOT another stream encroachment permit, DRN is preparing substantive comments and will be primed to take legal action again to ensure that DEP follows applicable environmental laws to prevent degradation of this pristine Exceptional Value stream.

Italian American Sportmen's Club — On April 19th, DRN provided thirty days' notice of its intent to sue the Italian American Sportmen's Club (IASC) under the Environmental Rights Act for its longtime violations of New Jersey's Freshwater Wetlands Protection Act (FWPA).

For the last ten years, IASC has failed to record a conservation easement as required by the New Jersey Department of Environmental Protection on a portion of the IASC property. The IASC is now attempting to sell the property, located in Hamilton Township, Mercer County, for development. The prospective buyer, Sharbell Development Corporation, plans to subdivide the property and build 52 single-family residences, including on the area that should be protected by the easement.

Wetlands provide a number of important benefits, including storing and slowing the release of stormwater, improving water quality by filtering out pollutants, recharging groundwater (including aquifers), preventing erosion, and providing habitat for some of the most biologically productive ecosystems in the world. Should the IASC fail to remedy its violations within thirty days, DRN will file suit to compel compliance with the FWPA.

Read the latest news about these legal actions and other DRN activities at:

<http://www.delawariverkeeper.org/resources/resources.aspx?Type=Press%20Release>.

Mill Creek — On February 27th, DRN took legal action to compel the Pennsylvania Department of Environmental Protection (DEP) to comply with Pennsylvania's anti-degradation and Sewage Facility Act requirements. DRN challenged a DEP order requiring Union Township, Berks County, to revise its Sewage Facility Plan to allow a new pollution discharge from a proposed small flow sewage treatment facility, despite the Township's position that better alternatives were available that both protected the creek and served the building owner's needs.

The proposed sewage treatment facility would discharge directly into Mill Creek, a stream for which DRN had submitted a petition to upgrade the use designation to Exceptional Value (EV) due to the stream's ecologically rich waters.

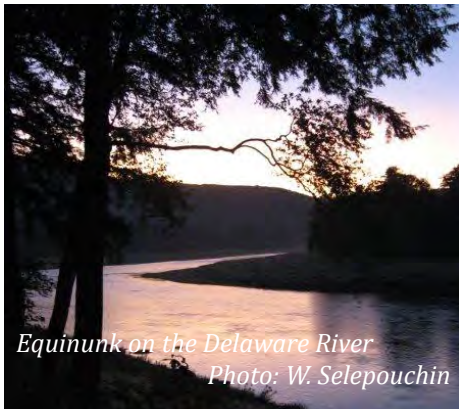
As a result of DRN's appeal, DEP evaluated DRN's petition and classified Mill Creek's existing use as EV for all but one of its tributaries. The lone tributary not re-designated to EV is the very tributary to which the proposed small sewage treatment facility would discharge. DRN amended its legal filings on March 16th to challenge DEP's failure to designate the entirety of Mill Creek as EV or High Quality. This case is currently in litigation before the Environmental Hearing Board.

DRN to launch inaugural Virtual Canoe Race in Fall 2012

The Delaware River is the last major free flowing river in the east. Unlike most major river systems, the Delaware has no dams and so can be paddled for its entire length. But sometimes, wind, weather, high flows or our own busy schedules keep us from getting out on the water—but that doesn't mean we can't enjoy the River virtually. **So grab a (virtual) paddle and enter the Delaware Riverkeeper Network's inaugural virtual canoe race.**

Our virtual canoe race offers a good opportunity to test your river knowledge, compete with friends and family, win prizes and have fun. The race will begin on September 30th and run for 6 weeks. Prizes will be awarded at the end of the race as well as at the two-week and four-week checkpoints. Prizes will be awarded for 1st, 2nd, and 3rd place boats in both the Adult and Young Paddler categories. Participation prizes will be awarded to everyone who worked hard to paddle the River with us.

Entry fees are \$30 for adults and \$15 for children aged 12 and under.



Beginning on September 30th, a series of multiple choice questions (as well as extra mileage opportunities) will be posted to the race website, <http://www.delawarivercanoeing.org>, Thursdays at 5:00 pm. Participants will have one week to answer all of the questions correctly. The sooner you submit your answers, the more river miles you earn. The more correct answers you have, the farther down the River you will paddle.

Questions will focus on the Delaware River and its watershed. There will also be questions about our race sponsors that can be answered by viewing their respective websites.

DRN's inaugural virtual canoe race will be fun for your whole family, but it is also a great way to support our efforts to ensure the rich and healthy future that can only exist with a clean, healthy and free flowing river system.

Save Wild Rivers campaign will again benefit DRN

The Sierra Nevada Brewing Company which believes that great water is essential to making great beer, is once again sponsoring the *Save Wild Rivers Campaign* to help non-profit watershed organizations protect our nation's waters. For every 12-pack of Sierra Nevada Beer purchased between June 1st and July 7th, Sierra Nevada Beer will donate a portion of the proceeds to the Delaware Riverkeeper Network. For more information, go to:

<http://www.savewildrivers.com>.

The Sierra Nevada Brewing Company and founder Ken Grossman are committed to the preservation of healthy waterways both in their own backyard and across the nation. Examples of Sierra Nevada's stewardship include installing a series of rooftop solar collectors, on-site water treatment that not only cleans the water but generates methane gas to power boilers at the plant, and processing waste oil from their Taproom restaurant into biodiesel. Find out more about their environmental record at <http://www.sierranevada.com/environment.html>.



Join DRN's 2012 Run for the River team

Once again, the Delaware Riverkeeper Network has been designated as an official charity partner for the 2012 Philadelphia Marathon. 2012 marks our second year as a charity partner. In 2011, our *Run for the River* team raised over \$6,500 to support our efforts.

We're currently recruiting for our 2012 *Run for the River* team so mark your calendars for race weekend (November 16th to the 18th) and start training. Join DRN's *Run for the River* team and help raise donations to benefit the River and all the human and nonhuman communities that love, appreciate and depend upon it. DRN's *Run for the River* Team has a limited number of spots, so don't delay. Or, if you know of any runners considering racing, encourage them to join our team!

The Philadelphia Marathon, Half Marathon and Rothman Institute 8K, all held during race weekend, offer opportunities (26.2 miles, 13.1 miles and 8 K) for runners of all skill levels to be part of a great weekend of events. Registration for the race is now open and the first 1,000 spots in both the marathon and half-marathon are already sold out.

Contact DRN if you wish to join our *Run for the River* team. We have a packet of helpful information to get you started fundraising, and a Facebook page where runners share their ideas and support each other. For more information, call our office at 215-369-1188, ext. 114, or e-mail stephanie@delawariverkeeper.org.

Watershed Word Search

Find words related to the Delaware River Watershed in this challenging puzzle. Words may appear forwards or backwards and run horizontally, vertically or diagonally.

Look for the solution online at: http://www.delawareriverkeeper.org/Pdf/RiverRapids_Summer_2012_WordSearchSolution.pdf.

H C R I B R E V I R S L L A F R E T A W F H I N Q U D Y R M N A G E R
 Y A L F W A T L L U S D M N G A R S H O R S E S H O E C R A B E R T E
 L G E A S T H E M A B E E B A L M Y E L K R D H O S A G L A R U T A N
 F I N Z E R E C E D U M I S H X O R C F R A T E R M U N A P P E R E D
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 D R E U Q O E R H G I H E L S T N A L G L K N I S R E V E N N O A P A
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|--------------------|-----------------|--------------|---------------------------|-----------------|
| Acid Mine Drainage | Equinunk | Mayfly | Pesticide | Stonefly |
| Anthracite Coal | Estuary | Mercury | Phosphorous | Sturgeon |
| Atlantic | Fishable | Milkweed | Piedmont | Swamp White Oak |
| Bass | Floodplain | Mongaup | Pike | Sweet Gum |
| Bay | Flow | Mouth | Plover | Swimmable |
| Beebalm | Flyway | Musconetcong | Poconos | Sycamore |
| Caddisfly | Headwaters | Natural Gas | Raccoon | Thalweg |
| Callicoon | Henry Hudson | Neversink | Rancocas | Tide |
| Catskills | Horseshoe Crab | New Jersey | Red Knot rufa | Tributary |
| Clean Water Act | Island | New York | River Birch | Trout |
| Compost | Kittatiny | Nitrogen | Sanderling | Undammed |
| Cooper | Lackawaxen | No Mow Zone | Sandpiper | Uplands |
| Current | Lehigh | Oldmans | Schuylkill | Waterfalls |
| Delaware | Lenni Lenape | Oquaga | Shad | Water Gap |
| Dredge | Marcellus Shale | Osprey | Spawning | Wetlands |
| Eagle | Marsh | Oysters | Special Protection Waters | Wild and Scenic |
| Eel | Maurice | Pennsylvania | Spicebush | William Penn |



Horseshoe crabs along the Delaware Bay. Photo: M. van Rossum.

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