



## **Tell DRBC - Protect fish now! Raise the oxygen standard!**

After nearly 10 years of delay, the DRBC again calls for “more studies.”

Oxygen levels in the Delaware River near Philadelphia and Camden are in trouble. Every year, many species of fish, mussels, and other estuarine animals face the prospect that they might not survive another summer in the tidal river because DRBC has failed to update its standards for dissolved oxygen since before the Clean Water Act came into existence. The level set in 1967 by the



DRBC is the same number that is used today, 50 years later. And we know that this number (3.5 mg/L of dissolved oxygen) is problematic or even lethal for such iconic species as American shad, striped bass, and the endangered Atlantic sturgeon.

DRBC began a process in 2008 to look at dissolved oxygen in the estuary and to determine appropriate “next steps” to fix the remaining problems which keep oxygen levels so low. In 2013, dismayed at the slow progress by DRBC, the Delaware Riverkeeper Network, joined by the Delaware River Shad Fisherman’s Association and the Lehigh River Stocking Association, submitted a formal petition, backed by data, to the DRBC documenting that key fish species were reproducing already in the Delaware River near Philadelphia, identifying that the current regulatory

standards are too low, and urging that the dissolved oxygen standard be immediately upgraded to protect those species.

Now, finally, in 2017, nearly 10 years later, DRBC has posted a draft resolution that lays out a plan for “further study” and fails to recognize the immediate need to protect the tidal Delaware River. We don’t know whether the endangered Atlantic sturgeon (of which there are believed to be only 300 spawning adults left in our River) will survive another summer let alone 5 to 10 more years of study and delay.

Just as importantly, DRBC and its member states know about their obligations under the Clean Water Act to protect these species. Unfortunately, apparently bowing to pressure from industry and big polluters, DRBC has chosen once again to kick the can down the road and call for “further study” rather than step up and protect the species they are charged with protecting.

We need every fisherman, every homeowner, every person who has ever paddled a canoe or kayak on the Delaware or Schuylkill or Lehigh Rivers to come out and say “enough is enough, and the time is NOW”.

You have two ways to speak out:

1. **Send a letter today** – DRBC will accept public comments until **April 13<sup>th</sup>**. Submit your letter through our online system here: [http://bit.ly/DRBC\\_DO\\_Standard](http://bit.ly/DRBC_DO_Standard) or send the attached sample letter either by mail or email to [paula.schmitt@drbc.nj.gov](mailto:paula.schmitt@drbc.nj.gov).
2. **Speak out in person** DRBC will hold a hearing on their proposal **April 6<sup>th</sup>, 2017, beginning at 2 pm**. We urge all who want to see their government do its job and protect the resources they are supposed to protect come out to tell DRBC that action must start now, not 6 to 10 years from now. Sign up to testify [here](#).

Commission Secretary  
Delaware River Basin Commission  
P.O. Box 7360, 25 Cosey Road  
West Trenton, NJ 08628

Dear Commissioners,

There is already enough evidence of fish reproducing in Zones 3, 4, and upper Zone 5 of the Delaware Estuary, year-after-year-after-year. These fish need a dissolved oxygen standard that protects them now, not 6 to 10 years from now. This includes at least one endangered species, the Atlantic sturgeon, that is critically imperiled and needs all the help we can give it just to survive.

It is both important as well as your legal responsibility under the Clean Water Act to recognize the abundance of data showing strong and consistent spawning and nursery functions for Zones 3, 4, and upper Zone 5 of the Delaware Estuary. The draft Resolution fails to acknowledge that the “use” of these zones in the estuary is far above the designated use currently stated in DRBC’s water quality regulations. At a minimum, the draft resolution needs to clearly state the “Existing Use” includes “propagation” for both resident and migratory fish and other aquatic life.

But just as importantly, DRBC needs to set a dissolved oxygen standard that protects these fish. The current standard is lower than any state or federal standard, either adopted or recommended. Surely you can begin the process now to set a dissolved oxygen threshold that will protect these species.

I appreciate the need for good science and careful planning before making big decisions. But there is plenty of data and plenty of proof that the fish are spawning now, and that they need protecting. Please consider revising your draft resolution by both including an “Existing Use” that includes “propagation” as well as starting the process now to re-write the standard and to protect these species with the right level of dissolved oxygen.

Sincerely,

---

**SIGNATURE**

**DATE**

---

**Print Name**

---

**Mailing Address**

---

**EMAIL address**