Quarterly Newsletter of the Delaware Riverkeeper, Network



July 18 DRN's Annual Members' Day Cape Henlopen State Park Lewes, DE

> July 31 DRN's Bluegrass Festival Snipes Farm Bucks County, PA

September 16 Restoration Project Tour John Bartram Memorial Park Darby, PA

October 9 and 10 DRN Canoe & Camping Trip Worthington State Park, NJ

October 9, 16 and 23 Stream School Workshop To be determined Berks County, PA

For more news about Delaware Riverkeeper Network events, call 215-369-1188 or click on Calendar at www.delawareriverkeeper.org

RIVER_{RAPIDS}

is published for members of the Delaware Riverkeeper Network

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Don't blame the geese – we invited them

A letter from the Delaware Riverkeeper

As I was walking along the Delaware River the other day, I was stunned to see a man pick up a large rock and throw it (accompanied by a nasty epithet) at a goose*. I challenged the man on his action. His response was, "They are stupid animals that don't belong here and create a mess."

This man and others like him fail to recognize that our communities not only invited the geese in, we made them so welcome that they decided to stay. Our region's sprawling development is marked by clearing of forests and replanting with turf-grass and non-native plants, with heavy emphasis along our streambanks and shorelines. Despite their ecological sterility, the intensively manicured lawns that mark our golf courses, corporate facilities and public parks are attractive to Branta canadensis.

No matter how each of us feels about them, we have to recognize that resident geese are not a goose problem; they are a people problem. They are not stupid animals. Rather, they come here and stay -- foregoing their historical migration -because they find desirable food and habitat.

Communities that no longer enjoy the company of geese need to withdraw their invitation. However, anger, stone throwing, scare tactics, the use of dogs, and egg addling are neither the right nor the most effective response. The most effective, sustainable and cost beneficial way to force geese to move on, to continue on their migration, is to re-vegetate our streambanks and shorelines.

An abundant supply of short grass at the water's edge is perfect habitat for geese. They have food, they have water and this environment provides a clear line of sight that allows them to see predators approaching. The trees, shrubs and herbaceous plants that characterize naturally vegetated streambanks do not offer the security that can lead to residency. Buffer strips at least 50-100 feet in width are desirable if you are seeking to deter geese.

Re-vegetating our streambanks does more than just help to address growing concerns about resident Canada geese. Vegetated streambanks help prevent and clean up water pollution; protect drinking water supplies; reduce flooding; provide habitat to desirable species such as small birds, fish and wildlife; support and encourage ecotourism; and enhance the market value of neighboring communities. They also provide us the opportunity to enjoy all the peace, joy and beauty with which the natural world is endowed.

The geese were invited to come and to stay. Anger and abuse won't solve the problem of their residency. Vegetated streambanks and shorelines will.

> Maya K. van Rossum The Delaware Riverkeeper

Note: Canada geese are protected under the 1918 Migratory Bird Treaty Act.

Redesignation request threatens Wissahickon status

For decades, the Wissahickon Creek watershed has inspired artists with its striking landscapes. Unfortunately, the Upper Gwynedd Township Board of Commissioners doesn't share this appreciation. The commissioners have recently submitted a petition to PA's Environmental Quality Board requesting that the creek, from its headwaters near the Montgomery Mall to Route 73, Skippack Pike, be downgraded from its current designation of Trout Stocking Fishery (TSF) to Warm Water Fishery (WWF). At this time, the entire Wissahickon Creek watershed is designated TSF.

The PA Fish and Boat Commission currently stocks thousands of brown and rainbow trout each year along two segments of the creek. In Philadelphia County, they stock from Germantown Pike to the intersection of Forbidden and Lincoln Drives. Upstream, in Montgomery County, PFBC stocks in Fort Washington State Park, from Joshua Road to Stenton Avenue, a reach that extends upstream of Route 73. However, The Upper Gwynedd commissioners are asserting that the TSF designation is not an existing use for that portion of the Wissahickon Creek watershed above Route 73. that there is no known record of trout ever existing in this segment of the stream, that limited stream access restricts trout fishing, and that water

quality data don't support the TSF designation.

What benefit could the Township receive from the proposed downgrade? In 1996, it took over the operation of the Upper Gwynedd Township Wastewater Treatment Facility which discharges to the Wissahickon Creek above Route 73, the reach for which the commissioners are requesting a downgrade. But the Upper Gwynedd plant is just one of five publicly owned treatment works that discharges treated effluent to the Wissahickon. All five plants discharge treated effluent to the Wissahickon or its tributaries above Route 73. The proposed downgrade has the potential to affect permitting limits for these and other municipal and industrial dischargers, allowing them to increase the amount of pollution they discharge and further impact water quality in the watershed.

Sprawling development in the upper Wissahickon, much of which predates current thinking on stormwater management and the benefits of infiltration, has impacted water quality and quantity in the creek. As a result, much of the basin is on PA's, list of impaired waters, but there are bright spots. PA Department of Environmental Protection biologists evaluated the watershed in 1998, 1999 and 2000 and found that three unnamed tributaries to the Wissahickon and its

Chari Towne, Director, Schuylkill Office
Prophecy Creek tributary were
indeed attaining their water quality
standards, which suggests that
impaired portions of the Wissahickon
could also attain their water quality
standards if stricter effluent limits
were applied.

Total Maximum Daily Loads (TMDLs), which identify the amount of a pollutant that a stream can assimilate without violating its water quality standards, are established for those streams listed as impaired. A TMDL for dissolved oxygen has just been completed for the Wissahickon and a TMDL for total suspended solids is in development. In light of these efforts to remedy impairment in the Wissahickon through establishment and implementation of TMDLs, Upper Gwynedd Township's action is, at best, premature. At worst, it signals dischargers that the best way to avoid future regulations is to downgrade a stream's designation rather than take steps to clean it up.

The Delaware Riverkeeper
Network is working with Clean
Water Action, the Sierra Club and
other organizations to oppose this
downgrade. But if you live, work, or
recreate in the Wissahickon, if you
care about this watershed, the EQB
needs to hear from you. Contact
chari@delawareriverkeeper.org for
more information on what you can do
to help protect the Wissahickon Creek.

Thanks and farewell to 2004 RRLC Interns

Over the past few months, River Resources Law Clinic interns investigated wetlands violations, commercial farming practices impacting water quality, NJ Farming Act issues, the NJ Water Quality Management Act, NJ water allocation issues, PA Act 537/Sewage Facilities Planning Act issues, stormwater control and liability issues, and the listing of the red knot as an endangered species. Thanks for your hard word for the environment!

Mark your calendars:

DRN Canoe & Camping Trip
October 9 & 10
Worthington State Park, NJ
Call Fred, 856-854-5108, for more information.



2004 RRLC Interns (L-R): Marlina Buyser Cerruti, Harry Annagnostopoulis, Athena Rodbell, and Mike Stine (Mike Owen is not pictured).

Photo: C. Hendrick

Stop the Army from dumping VX into the River

Tracy Carluccio, Director, Special Projects

Production and shipment may have stopped in the late 1960's, but for nearly 40 years stockpiles of deadly chemical weapons, such as the VX nerve agent stored at the Newport Chemical Depot in IN, have remained. The Chemical Weapons Convention, in force as of 1997, requires destruction of chemical weapons by 2007. Originally the U.S. Army agreed with its IN Citizens' Advisory Commission and planned to destroy and dispose of the Newport VX stockpiles on site at the Newport Chemical Agent Disposal Facility, but now the Army plans only to "neutralize" the VX there in a process that produces VX hydrolysate (VXH). Highly caustic, harmful to humans and materials, and with a flammable organic layer, VXH must be kept sealed from the environment at all times. Under the right conditions VX could be re-formed from VXH.

The Army says that VXH requires additional treatment to meet the requirements of the Chemical Weapons Convention. For final treatment, the Army proposes shipping the VXH across the country to the DuPont Chambers Works facility at Carney's Point, Salem County, NJ. The treated effluent will be dumped into the Delaware River. Hearings, attended by hundreds of concerned citizens, were held on the proposal in March in NJ and DE; hundreds of letters have been submitted to the Army in opposition. The Delaware Riverkeeper Network is actively opposed to the plan and has effectively worked to energize the public against this potentially deadly project. The Army asserts that the VXH to be transported will contain no detectable VX, but with a detection limit of 20 parts per billion, the VXH may actually contain small amounts of VX. According to an Ohio EPA study, VX at a level of 20 ppb killed half of the striped bass exposed after 17.4 hours. This material will be moved in tank trucks, approximately 2 per day for at least 2 years, on our public highways via Route 80 through the Delaware Water Gap to the NJ Turnpike to DuPont's Chambers Works facility. Another possible route is by rail across PA to Morrisville where it will be offloaded to trucks and driven to the Dupont facility. For more information on the hazards of VXH, go to www.delawareriverkeeper.org/factsheets/vx nerve agent.htm.

The Army should revert to its original plan to treat and dispose of the VX at the Newport facility. For many years, the Newport community, which worked through an advisory committee with the Army on devising a safe and effective process acceptable to all, has been vocal in supporting this option which avoids the risks associated with VX transport and avoids dumping into our River.

Opposition Grows

The Governors of NJ and DE are not accepting the risks inherent in this plan and have notified the Army of their concerns. The NJ Department of Environmental Protection has publicly stated that a major modification of the Dupont facility's discharge permit will be required. The Delaware River Basin Commission has informed Dupont that their existing permit does not allow for VX treatment. Congressional representatives from both states have called for the Centers for Disease Control (CDC) to study the safety of the plan. The CDC has asked the U.S. Environmental Protection Agency to assist with the evaluation. DE state legislators passed a resolution against the plan and NJ legislators have introduced a similar resolution.

DRN has pushed for towns to pass official resolutions against the plan. Communities passing resolutions so far include:

- Harrison Township, Gloucester Co.
- Quinton Township, Salem Co.
- Southampton Twp, Burlington Co.
- Borough of Pine Hill, Salem County
- City of Lambertville, Hunterdon Co.
- Cape May Co. Bd of Freeholders A sample resolution is available at www.delawareriverkeeper.org/legis.pdf.

Write the Army now to protest disposal at the Dupont facility

Tell Acting Secretary Brownlee to destroy the Newport VX in IN on site and avoid further risk and pollution: Acting Secretary of the Army Les Brownlee, Department of Defense, The Pentagon, Washington, D.C. 20310.

Copy Governors McGreevey and Minner; they need to hear that you support their position not to bring the VXH to the Delaware River. Write Governor Rendell; urge him to take a public position in opposition. To date he has said nothing.

Governor James McGreevey The State House P.O. Box 001 Trenton, NJ 08625 Governor Ruth Ann Minner Tatnall Building William Penn St., 2nd Fl. Dover, DE 19901 Governor Edward Rendell 225 Main Capitol Building Harrisburg, PA 17120

Also copy your elected representatives, who need to know you care. Contact information for your congressman and senators can be found at www.visi.com/juan/congress. Enter your city, state and zip code. You'll get a list of the members of Congress who represent your area along with their phone and fax numbers, and email addresses. If you live in NJ, ask your State legislator to pass the resolution against the plan. Get your town to pass a resolution! And, please, copy your letters to Delaware Riverkeeper Network, P.O. Box 326, Washington Crossing, PA 18977.

Horseshoe crabs by moonlight

With flashlights and datasheets in hand and the Delaware Bay mist on our faces, my husband Gokhan and I head out into the night to Broadkill Beach, DE, to witness a mating ritual that has taken place for over 300 million years. During the May new moon, horseshoe crabs make their way from deep water and the continental shelf towards the shallow beaches of the bay. Under the night skies, male horseshoe crabs, which arrive several weeks before the females, release pheromones in the water to attract potential mates.

With us was Ron Shoop, a volunteer with the Delaware Bay Annual Horseshoe Crab Census. Since 1990, volunteers have helped the University of Delaware and Limuli Labs collect valuable data on the status of the Delaware Bay horseshoe crab population. Log on to www.ocean.udel.edu/horseshoecrab/for more information on the Delaware Bay Annual Horseshoe Crab Census.



Horseshoe crabs, Limulus polyphemus, on Broadkill Beach, DE. Photo: F. Zerbe

Ron scans the breakers for horseshoe crabs as Gokhan and I hold the transect line and strain our eyes to catch a glimpse of these denizens of the bay. We travel several hundred meters without seeing a single horseshoe crab. My heart sinks because I know that the very existence of these ancient creatures is threatened by the deliberate actions of human hands.

Horseshoe crab harvesting became an industry in the 1800's. More than 4 million crabs were harvested in 1870 for fertilizer and animal feed, but the numbers steadily decreased until the population collapsed and chemical fertilizers replaced the demand for horseshoe crabs in the mid-1950s. Significant harvesting of crabs began again in the late 1970's and continues today because crabs are the preferred bait for the eel and conch industry. More recently, horseshoe crabs have helped us make great strides in eye research, the development of surgical sutures, and the detection of bacterial contamination in drugs and medical devices. Today, horseshoe crabs are the single most studied invertebrates in the world. Three Nobel Prizes have been awarded to scientists whose research involved horseshoe crabs.

I'm jolted from these thoughts as Ron points out a pair of horseshoe crabs. The male horseshoe crab holds onto the back of a larger female. The wind is strong this new moon and the breaking water is choppy, but the Faith Zerbe, Monitoring Coordinator female persists and drags the male with her to the water's edge. Slowly, she digs into the sand, using her pusher legs, to make a nest for her eggs, which may number 20,000. The male patiently waits for her. Scientists estimate that less than ten of her eggs will reach adulthood to continue this ritual when they mature in 2015.

As we continue our monitoring, we see more crabs coming up to spawn, often a single female surrounded by 7 or 8 males, battling the choppy surf. Occasionally, we flip over a stranded pair that got overturned in the surf. They quickly resume their ritual and then return to the bay. We walk a kilometer of beach, counting horseshoe crabs and recording their locations, sex, and size.

We can all learn so much from our fellow creatures if we only take the time. The horseshoe crabs I encountered that night taught me patience, perseverance and the value of taking deliberate actions to achieve a specific goal. For them, the waves were choppy and dangerous, but they carried on to accomplish their goal and to continue a cycle that has been part of our world for over 300 million years. As humans who have so much influence, we too must take deliberate and thoughtful actions that respect the horseshoe crab and ensure that these creatures remain a part of this world for another 300 million years.

The Delaware Bay is home to one of the largest concentrations of horseshoe crabs in the world, but surveys show that their numbers are in great decline as a result of direct and indirect human actions. In turn, the shorebirds who feed on their eggs are also endangered and in great decline. Among the shorebirds hardest hit by the decrease in horseshoe crab populations are red knots, Calidris canutus, predicted to be extinct by 2010. The Delaware Riverkeeper Network is working with other partners to protect the horseshoe crab. Our advocacy, testimony at public hearings and written comment helped support and secure passage of regulations in NJ and DE that would reduce bait harvest in 2004 by 50% and limit the time and place of harvest so as to avoid the peak spawning times needed by birds. However, a moratorium is still needed, as are reforms to the biomedical industry, protections that the Delaware Riverkeeper and DRN are committed to securing. To learn more about what you can do to protect the horseshoe crab or if you are interested in monitoring horseshoe crabs next May, contact faith@delawareriverkeeper.org.

Darby Creek Restoration completed

On September 16th, 1999, Hurricane Floyd came to the Borough of Darby, PA, bringing with it strong winds and over six inches of rain. As a result, streams across the region, including Darby Creek, flooded. Seven counties in southeastern Pennsylvania were declared federal disaster areas.

In Darby, which saw some of the worst flooding in the region, 337 homes and 59 businesses were damaged. Eighty-five homes, many built within the Darby Creek's floodplain, were damaged beyond repair. State and federal disaster mitigation programs allow communities to request the financial assistance necessary to buy threatened homes from willing



Darby Creek rock deflector (foreground) and W-weir (background). Photo: D. Salas

homeowners. On September 30th, citizens living in the Darby Creek's floodplain petitioned the Federal Emergency Management Agency (FEMA) to buy and demolish their homes. FEMA agreed. The homes to be removed were along Chestnut Street near Mercy Fitzgerald Hospital. Under this program, once houses are demolished and cleared away, the land is to be restored to its natural state to allow it to once again function as floodplain. Demolition of homes began in 2000.

Now, almost 5 years after Hurricane Floyd, efforts to restore the area to its natural state are nearly complete. The once residential area along Chestnut Street is now John

Bartram Memorial Park, named after the renowned botanist who was born and buried in Darby. Immediately after the demolition of the Chestnut Street homes, the 1.5-acre park was managed as mown grass. Beginning in the fall of 2003, the Delaware Riverkeeper Network undertook a project to restore a riparian buffer

Dan Salas, Restoration Manager in the park along the lands where houses had been removed.

Given the new park's botanical connection, it was particularly fitting that Bartram Park was planted with a variety of trees and shrubs native to southeastern Pennsylvania. These plants will provide habitat for birds and other wildlife finding a niche in a highly urban area. Bartram Park now provides Darby Creek with a riparian buffer 850-feet long and 75-feet in width.

During the flooding, Darby Creek experienced severe erosion in the Chestnut Street area. To rehabilitate some of the highly eroded areas along the creek, a structure known as a W-weir was constructed in the stream channel. The W-weir will serve to re-direct streamflows and control erosion. Rock deflectors and boulder clusters were installed to provide habitat for fish in a creek degraded by excess stormwater.

John Bartram Memorial Park now provides a new opportunity for Darby area families to re-connect with nature along a beautiful section of Darby Creek. For more information about this project, contact dan@delawareriverkeeper.org.

Special Thanks, Best Wishes to Volunteer Monitor Diane Harris

Faith Zerbe, Monitoring Coordinator

All of our volunteers are exceptional people whom we appreciate and rely upon, which makes it difficult to say "goodbye" to any one of them, especially one as dedicated as Diane Harris, a volunteer monitor and active citizen, who is heading west to Portland, OR, to be closer to her family. We are losing so much with Diane's move, but Portland is gaining an enthusiastic volunteer and highly skilled environmental monitor and educator!

Over the past five years, Diane has been active in every aspect of the Delaware Riverkeeper Network's monitoring program. From performing over a hundred stream sampling events and removing invasive plants at restoration sites to helping out with a mailing or data entry, Diane has done it all. She served on DRN's Technical Advisory Committee, providing important input to help guide our Monitoring Program into the future. As a River Mentor, she trained over 20 volunteer monitors. Diane, who has also assisted with amphibian, blue bird, horseshoe crab, and bog turtle monitoring, is always looking to add to her monitoring repertoire.

Diane, who owned and operated a landscaping business in Malvern, PA, also served on the Advisory Board for Community Gardens of Chester County and taught environmental programs for Great Valley Nature Center and Green Valleys Association. In her spare time (whatever could possibly be left!), she enjoys kayaking, birding, nature travel, and yoga. She wants to continue work in the environmental field on the west coast. Diane, you will be missed.

Depue Island remains at risk

Although no plans have been filed, efforts to build a hotel and conference center continue to threaten Depue Island (see *River Rapids, Winter'04*). Located in the Delaware Water Gap National Recreation Area (DWGNRA) and the Middle Delaware Scenic and Recreational River in Smithfield Township, Monroe County, PA, Depue Island is just across from NJ's Worthington State Forest. The island, over 160 acres of naturally wooded floodplain, supports woodland plants, grasses, mature trees, and endangered and threatened species. Bald eagles call the island home. Its gravel bars provide the perfect habitat for the federally endangered dwarf wedgemussel, *Alasmidonta heterodon*.

In the last several months, the National Park Service (NPS) has shown interest in purchasing the island for the Delaware Water Gap National Recreation Area (DWGNRA). Interest in saving the island is growing and includes the public, the park's Citizen Advisory

Tracy Carluccio, Director, Special Projects



Depue Island, River Mile 251 in the Delaware Water Gap National Recreation Area, Middle Delaware Scenic and Recreational River. Photo: T. Carluccio

Commission and legislators such as NJ's Senator Jon Corzine. Local activists Nancy Shukaitis and Jim Sittig are busy working in support of this protection effort and the local Sierra Club is sponsoring a postcard campaign.

The Delaware Riverkeeper Network opposes any development on Depue Island. We need you to send letters to the park opposing development of Depue Island and supporting the NPS's acquisition of the island to preserve it in its natural state. Please write to: Superintendent John Donahue, DWGNRA, National Park Service, Bushkill, PA, 18324. Letters to Donahue can also be faxed to 570-588-3604. Letters can also be faxed to:

Gov. Edward Rendell

717-772-8284

PA DEP Secretary Kathleen McGinty 717-787-2814 NJ DEP Commissioner Bradley Campbell 609-292-7695 Senator Jon Corzine

973-645-0502.

Tell them to save Depue Island. Stop this hotel development scheme through a conservation purchase with park or other preservation funds now! And, as always, copy us on your letters.

Development threatens Petty's Island

Tracy Carluccio, Director, Special Projects

Petty's Island, located in the tidal portion of the Delaware River near the confluence with the Cooper River, has seen development in the past, but today much of the island remains as natural open space. Although CITGO Petroleum, an asphalt-products company and a maritime transportation company have facilities there, Petty's Island is a 292-acre refuge in the midst of a sea of development. Bald eagles and songbirds nest on the island. Migratory birds stop over on their long journeys. Wetlands, forest habitat, and other ecological rarities thrive there despite past development and industrial use. So recognized for its wildlife benefits, particularly as bald eagle habitat, the U.S. Fish and Wildlife Service has gone on record supporting its acquisition and restoration.

In recognition of the island's natural resource values, the NJ Department of Environmental Protection has been working with CITGO Petroleum to permanently preserve the entire island. However, Pennsauken has unveiled a proposal to develop a hotel/conference center, golf course and three residential communities on over 100 acres of the island as part of its riverfront revitalization efforts.

Help preserve Petty's Island. Fax your letters to:

NJ DEP Commissioner Bradley Campbell 609-292-7695 Congressman Rob Andrews 202-225-6583

Senator Jon Corzine 973-645-0502

Tell them to insist that all of Petty's Island be preserved now!

Thank God, they cannot cut down the clouds!

--Henry David Thoreau, American writer, philosopher, and naturalist, 1817-1862

Wish List

We are in need of some equipment and supplies. On our wish list right now:

New paper - We can use paper of any size shape or kind.

Used office paper - If your office prints on only one side of the page, leaving the other blank, let us re-use your paper.

A desktop copier - For use in our Estuary Office.

Carousel slide projectors (2) - Because a picture is still worth a thousand words.

Heavy duty work gloves - For volunteer planting days.

Loppers, shovels, and pruners - For planting trees and controlling invasive vines at Adopt-A-Buffer sites.

A functioning lab incubator -

To incubate water samples and enhance the capabilities of our Monitoring Program.

Call 215-369-1188 and ask for Claire if you wish to donate items on our wish list. We greatly appreciate your donations and make good use of them on behalf of the River.









The Delaware Riverkeeper® Network

on the web at www.delawareriverkeeper.org

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Don't miss . . .

Our Annual Members' Day! Sunday, July 18 10:00 AM to 7:30 PM

Spend a day where the Delaware Bay meets the Atlantic Ocean.



The dunes at Cape Henlopen, DE.

Staff, friends and members of the Delaware Riverkeeper Network will assemble at 10:00 AM at the ferry terminal in Cape May, NJ, for the 11:00 AM ferry departure. The trip across the bay is both a relaxing and scenic 70 minutes, after which we arrive in Lewes DE, perhaps one of the most picturesque spots in southern Delaware. In Lewes, we board buses for a short ride to Cape Henlopen State Park. Food and refreshments will be served in the Picnic Pavilion at the Park. At Cape Henlopen, you will find bird watching platforms, an observation tower and one of DE's most beautiful beaches. A modern bathhouse with showers is located near the Pavilion. Around 5:00 PM, we board buses for the ride back to the terminal and the ferry back to Cape May, where we are scheduled to return by 7:30 PM, just in time to appreciate sunset on the bay.

There is a charge of \$10.00 per person. Children 12 years old and younger attend <u>FREE!</u> *Note: Our round trip ferry tickets are for walk-on passage only*. All reservations must be made by July 12, 2004. For more information or to make a reservation, call us at 215-369-1188.