



**For Immediate Release**

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## **Lawsuit Filed to Help Save Ancient Fish**

*District of Columbia:* The Delaware Riverkeeper Network and Natural Resources Defense Council filed a lawsuit today in federal district court in the District of Columbia challenging the National Marine Fisheries Service’s failure to take steps required by law to protect the ancient, and endangered, Atlantic Sturgeon.

On February 6, 2012, the National Marine Fisheries Service listed 5 distinct populations of Atlantic Sturgeon as endangered or threatened under the federal Endangered Species Act. At the time a species is listed, the law requires the agency to designate “critical habitat” important for the species’ survival and recovery that becomes subject to an additional layer of protection. Critical-habitat designation triggers a requirement that federal agencies consult with the Secretary of Commerce before engaging in or funding activities that may “result in the destruction or adverse modification” of areas designated as critical habitat. The agency can delay the designation if the areas of critical habitat are “not determinable” at the time the species is listed—but the delay cannot extend beyond one year. Even with this extension, the agency’s deadline to designate critical habitat for the Atlantic sturgeon has come and gone.

“The Atlantic Sturgeon of the Delaware River are on the brink of extinction, and research has shown that we have less than 90 spawning adults in the River in a given year. Once gone, our genetically unique population can never be recovered. It is morally wrong, ecologically wrong, and even economically wrong to allow this injustice to go unattended. The National Marine Fisheries Service did the right thing in declaring our population endangered but then turned their backs on critical steps vital for the species’

protection and recovery. If the agency will not do the right thing of its own accord, then we will take the legal steps necessary to force them to,” said **Maya van Rossum, the Delaware Riverkeeper**, head of the Delaware Riverkeeper Network, a plaintiff in the lawsuit.

According to the lawsuit: Activities such as dam construction, dredging and blasting projects, and toxic runoff from industrial development and urbanization have already contributed to dramatic declines in Atlantic sturgeon numbers—as much as 94% in some river populations. It will be more difficult for the species to recover from such depletion if the rivers, bays, estuaries, and ocean areas it inhabits are further degraded. Critical habitat designation will help protect the waters where Atlantic sturgeon feed, seek cover, and reproduce, thereby aiding the species’ survival and recovery. This is because designation of an area as critical habitat prevents federal agencies from funding or undertaking activities that will destroy or adversely modify that habitat.

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