

A RESOLUTION authorizing the Executive Director to enter into an agreement for a study to assess the effects of low dissolved oxygen levels and the presence of PCBs on the early life stages of the Atlantic sturgeon, a federally listed endangered species.

WHEREAS, in accordance with the approved Work Plan for DRBC's Clean Water Act Section 106 grant administered by Region III of the U.S. Environmental Protection Agency (EPA), DRBC staff in consultation with DRBC's Water Quality Advisory Committee prepared a "Nutrient Criteria Plan," which was submitted to EPA in December of 2013; and

WHEREAS, in accordance with the "Nutrient Criteria Plan" DRBC is currently engaged in studies to assess the impact of nutrients on aquatic life in Water Quality Zones 2 through 5 of the Delaware River ("Delaware Estuary") and to evaluate the oxygen demand of wastewater discharges and the need for water quality criteria for nitrogen and phosphorus parameters in these zones; and

WHEREAS, in accordance with a practice whereby EPA annually allocates a portion of its discretionary funding under Section 106 of the Clean Water Act to initiatives dedicated to filling monitoring gaps or improving assessment capacity, EPA Region III has allocated \$32,000 of its calendar year 2014 Section 106 grant funds ("2014 Monitoring Initiative Funds") to the DRBC; and

WHEREAS, a unique special project has been identified, which will fill an information void for Atlantic sturgeon early life stages by quantitatively describing the critical dissolved oxygen ("DO") minimum, the sublethal responses of the species to low DO, and the potential for interactions of DO with another known environmental stressor in the river, PCBs; and

WHEREAS, data obtained from this study will be used in determining the appropriate DO criteria for the Delaware Estuary for the protection of early life stages of the Atlantic sturgeon; and

WHEREAS, the principal investigators, Dr. Isaac Wirgin of New York University and Dr. Christopher Chambers of NOAA's Howard Marine Science Laboratory at Sandy Hook, New Jersey, have unique experience with and are currently working with early life stages of the Atlantic sturgeon using other funding sources, and these investigators also have access to Atlantic sturgeon eggs from two sources; and

WHEREAS, the proposed project involves two phases, of which the first, which can be funded entirely by 2014 Monitoring Initiative Funds, involves separate experiments on the tolerance of early life stages of Atlantic sturgeon to low DO and to PCBs separately; and

WHEREAS, the second phase of the project, which is anticipated to be funded by calendar year 2015 Section 106 funds that include 2015 Monitoring Initiative Funds, involves binary experiments using varying levels of both DO and PCBs to determine the interaction of these two stressors; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is hereby authorized to enter into an agreement with New York University for a study to assess the effects of low dissolved oxygen levels and PCBs on the early life stages of the Atlantic sturgeon.
2. The value of the initial agreement with New York University shall not exceed a total of \$32,000 or the sum of this amount and any additional funds expressly awarded to the Commission or allocated by it for this purpose.
3. In accordance with Section 14.9(5) of the Compact, the competitive bidding provisions of the Compact are hereby waived in view of the specialized and professional nature of the services to be procured.
4. This Resolution shall take effect immediately.

/s/ Angus Eaton

Angus Eaton, Chairman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, J.D., M.R.P.

Commission Secretary & Assistant General Counsel

ADOPTED: September 10, 2014