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JUDGE HEARS ARGUMENTS IN SUIT AGAINST ARMY CORPS AND DELAWARE RIVER BASIN COMMISSION OVER NEW GAS DEVELOPMENT REGULATIONS

Lawsuit charges that an analysis must be completed and environmental impacts understood before drilling moves forward in the Delaware River Basin

BROOKLYN, N.Y. - Today, the Hon. Judge Garaufis of the U.S. District Court in Brooklyn, New York heard arguments in a lawsuit against the Army Corps of Engineers and the Delaware River Basin Commission (DRBC) for their failure to comply with federal law by proposing gas drilling regulations without first conducting a full environmental review as required under the National Environmental Policy Act. The lawsuit was filed on August 3, 2011 by a coalition including the National Parks Conservation Association (NPCA), Hudson Riverkeeper and the Delaware Riverkeeper Network. The coalition is represented by attorneys from each organization and the Columbia Environmental Law Clinic.

"With 5.4 million visitors annually, the Upper Delaware National Scenic and Recreational River and Delaware Water Gap National Recreation Area are national treasures that must be protected for our children and grandchildren to enjoy," said **Cinda Waldbuesser, Pennsylvania Senior Program Manager for NPCA**. "The economic benefits of natural gas development must not compromise the long-term benefits of protecting water quality and preserving our national parks, which are already economic generators for local communities."

"When it comes to natural gas drilling in the Delaware River Watershed, the public has not had equal voice in the debate with the politicians and the drillers," said **Maya van Rossum, the Delaware Riverkeeper**. "The DRBC

and the Army Corps have both rejected their obligation to protect the River and the common good by issuing draft gas rules without the required comprehensive environmental studies. They have allowed politics and their annual budget to drive the drilling debate within their agencies. Today, our organizations are rising up in defense of the River and the public good – we are enforcing the law so as to ensure good science, facts and common good are the drivers from here on out.”

“The Delaware River Basin provides more than half of the clean, unfiltered drinking water that over nine million New Yorkers depend on daily,” said **Kate Hudson, Hudson Riverkeeper Watershed Program Director**. “It is completely unacceptable that DRBC is considering opening this critical resource to drilling without conducting any evaluation of the potential environmental impacts or informing the public of the risks of those impacts as the law requires.” Hudson adds.

Covering approximately 48,000 square miles, the geological formation called the Marcellus Shale occurs beneath the states of New York, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, and Tennessee. Nearly 36 percent of the Delaware River Watershed is underlain by Marcellus Shale. Based on industrial and academic estimates that trillions of cubic feet of natural gas are theoretically recoverable from the formation, tens of thousands of natural gas wells are anticipated in the Delaware River Basin alone. The coalition argued today that the impacts to water quality and quantity, air quality, recreation and the wildlife within and near treasured lands like the Upper Delaware National Scenic and Recreational River and Delaware Water Gap could be severe. The coalition also argued that as federal agencies, the Army Corps and DRBC must comply with the National Environmental Policy Act and analyze and inform the public of the environmental impacts of the proposed gas drilling regulations as part of their decision-making process.

While scientists have long known about the resources of the Marcellus Shale formation, modern advances in hydraulic fracturing, or fracking, are granting access to the country’s shale gas reserves faster than ever before, especially in Pennsylvania. Fracking involves pumping millions of gallons of water, sand and toxic chemicals into a well, fracturing the shale and releasing the natural gas trapped within. Companies are not required to share information publicly about the chemicals used in this process. While all harmful impacts of natural gas development have yet to be fully understood, impacts may include:

- Health concerns for local communities and the environment including water contamination related to drilling and the disposal of drilling fluid;
- Reductions in stream flow and ground water levels;
- Air quality degradation; and
- Impacts to the regions national parks including wildlife, night skies, soundscapes and cultural resources.

The Delaware River is the largest free flowing river east of the Mississippi and its water quality is exceptional, which merits it special protection under DRBC regulations. The DRBC, an agency that includes the governors of New York, New Jersey, Pennsylvania, and Delaware and the Army Corps of Engineers, regulates activities within the Delaware River Basin. The agency has proposed new regulations for natural gas development without first conducting an environmental impact analysis, and neglects to provide sufficient protections for local communities, the environment and nearby national parks.

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About Delaware Riverkeeper Network: Delaware Riverkeeper Network is a nonprofit organization dedicated to the defense and restoration of the Delaware River Watershed since 1988. Members live throughout the watershed in New York Pennsylvania, New Jersey and Delaware. For additional information, please visit www.delawareriverkeeper.org.

About the National Parks Conservation Association (NPCA): Since 1919, the nonpartisan National Parks Conservation Association has been the leading voice of the American people in the fight to safeguard our National Park System. With more than 600,000 members and supporters, NPCA is the largest independent membership organization dedicated to protecting our nation's natural, historical, and cultural heritage for our children and grandchildren. For additional information, please visit www.npca.org.

About Hudson Riverkeeper: Riverkeeper is a member-supported watchdog organization whose mission includes safeguarding the environmental, recreational and commercial integrity of the watershed that provides New York City its drinking water. Riverkeeper is actively involved in advocacy and public education surrounding the issue of natural gas development in the New York portion of the Delaware River Basin, in particular because of its potential impacts on the watershed and a pristine New York recreational area. Riverkeeper has been New York's clean water advocate for over 44 years, and has served as the model and mentor for the growing Waterkeeper movement that includes nearly 200 Keeper programs across the country and around the globe. For more information on Riverkeeper, please visit www.riverkeeper.org.