



For Immediate Release

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**Citizen Environmental Organizations Will Appeal Judge's Decision
Letting Army Corps of Engineers Dodge Federal and State Environmental Requirements**

Wilmington, DE – Environmental groups will file an appeal with the Third Circuit to challenge Delaware District Judge Sue L. Robinson's decision to allow the Deepening Project to proceed to deepen the river by a full five feet without complying with federal and state environmental laws. "When the government is willing to break the law in a way that hurts our communities, citizens must rise up and defend the law," said Maya van Rossum, the Delaware Riverkeeper. She continues, "Sadly, we are not surprised by Judge Robinson's decision. Her pre-disposition in support of the project was made clear last year during oral argument, from which environmental plaintiffs were excluded from participating. We believe her decision does not have a solid legal basis and it lays bare to Army Corps' abuse the entire length of the Delaware River."

Jane Nogaki of the New Jersey Environmental Federation stated, "The Army Corps must be held to the same environmental standards as any industry that applies for a permit in Delaware, New Jersey, or any other state. We will continue to seek a full vetting of the environmental issues in a higher court; the Delaware River and the people who depend on it deserve no less."

"We're disappointed with the decision and we'll continue to explore all avenues to ensure this costly, wasteful boondoggle of a project does not proceed in a manner that is unjustified and harmful to

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the environment and wildlife of the Delaware River,” added David Conrad of the National Wildlife Federation.

Judge Robinson ruled yesterday that the Army Corps of Engineers may proceed on a multi-year, multi-million dollar project to deepen the Delaware River without complying with all federal and state environmental requirements. She issued her opinion denying the motions for summary judgment filed by the State of Delaware, the State of New Jersey, and five environmental organizations, Delaware Riverkeeper Network, the National Wildlife Federation, New Jersey Environmental Federation, Clean Water Action, and Delaware Nature Society demonstrating that the Delaware River Deepening Project violated the federal Clean Water Act, Coastal Zone Management Act, Clean Air Act, and Delaware state environmental law.

Jane Davenport, legal counsel for the five environmental organizations, confirmed that the organizations still have litigation pending in New Jersey Federal District Court. “The law has a very strict standard of review in cases involving the federal government with a high level of deference given to the agencies. That is a fundamental basis of the judge’s decision in this case, albeit a deference we do not feel was justified.”

The judge’s decision granted a motion filed by the Philadelphia Regional Port Authority for summary judgment on the case and lifted the injunction put in place on the project beyond the section called Reach C.

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