



For Immediate Release
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Citizen Environmental Organizations to Appeal New Jersey Decision Allowing Deepening

Trenton, NJ – Judge Joel A. Pisano, District Judge for the United States District Court District of New Jersey issued his opinion today (January 13, 2011) denying the motions for Summary Judgment filed by the State of New Jersey and five environmental organizations, Delaware Riverkeeper Network, New Jersey Environmental Federation, the National Wildlife Federation, Clean Water Action, and Delaware Nature Society in which plaintiffs asserted that the Delaware River deepening project violated multiple federal and state laws including the Clean Water Act, Coastal Zone Management Act and National Environmental Policy Act.

“The Army Corps has played fast and loose with the law for a project that many other branches of government have questioned and challenged. When our government won’t honor the rule of law upon which this country was built, it is incumbent upon the citizens to take the legal steps necessary to defend our water, rights and laws.” said Maya van Rossum, the Delaware Riverkeeper. She continues, “We are sadly not surprised by Judge Pisano’s decision and as such are already poised to appeal it.”

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Jane Nogaki of the New Jersey Environmental Federation stated:

"While we're obviously disappointed in the decision, we're not surprised and even welcome it as the judge seemed predisposed to support this Corps boondoggle that comes at the expense of taxpayers, the environment and our economy. Now we and the State can appeal where we're optimistic we'll get a fairer hearing."

Jane Davenport, senior attorney for the Delaware Riverkeeper Network, noted that "Judge Pisano's decision gave the Army Corps the benefit of a deference that the agency did not deserve. Unfortunately, the judge took many of the agency's assertions at face value without probing deeper into the Corps' conclusory analyses and outdated assumptions."

The judge's decision denied cross-motions for summary judgment filed by New Jersey and the 5 environmental organizations and granted cross-motions for summary judgment filed by the Army Corps and the Philadelphia Regional Port Authority.

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