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## **Congress Places Conditions on Funding for Delaware River Deepening**

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### **Congress Places Conditions on Funding for Delaware River Deepening**

Washington, DC – Advocates for the Delaware River report that the United States Congress will vote today to appropriate \$ 4,844,000 to the Army Corps of Engineers for the Delaware River Main Channel Deepening Project. According to Maya K. van Rossum, the Delaware Riverkeeper, “Congress has refused to simply turn a blind eye to the Army Corps’ antics, and has refused to provide untethered construction funds in response to the Corps’ request.”

According to Delaware Riverkeeper Network sources, the Appropriations Committee conference report contains the following language:

The conference agreement provides \$4,844,000 for Delaware River MCD project. None of the funds provided for this project are to be used in the State of Delaware during fiscal year 2010 for any construction activities. During fiscal year 2010, the Corps is urged to work with the State of Delaware on any State of Delaware permits necessary for project construction.

van Rossum also noted that “Congressman Andrews, and Senators Kauffman, Carper and Lautenberg are to be commended for their unflagging commitment to protecting our communities and the Delaware River from the serious threats posed by the Deepening Project.”

"We need Congress to protect the Delaware River from the Army Corp." added Jeff Tittel, Director, NJ

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Sierra Club. "We are fortunate in New Jersey that Rep. Rob Andrews has been such champion for the Delaware River and a fighter against the deepening with its dumping of spoils on our state. The almost 5 million dollars would be better spent on cleaning up the river or buying open space to help protect it."

Delaware Riverkeeper Network staff attorney Elizabeth Koniers Brown noted that, "today's actions send the message that Delaware state permitting remains a significant legal hurdle for the Project."

In January 2001, The Army Corps submitted an application to the Delaware Department of Natural Resources and Environmental Control seeking a subaqueous lands and wetlands permit and water quality certification for the project. In December 2003 the administrative hearing officer issued a report to the Secretary of DNREC recommending the Secretary deny the Corps' permit application finding that the Army Corps failed to provide "sufficient and necessary information to meet the regulatory burden to obtain a permit under the authority of Chapter 66, as potential adverse effects have not been proven to be minimized." (Hearing Officer's Report, p. 58). In 2008, Delaware Riverkeeper Network took legal action on the Delaware state environmental agency's (DNREC) failure to act upon the permit application. On Jul 24, 2009 the Department of Natural Resources and Environmental Control (DNREC) announced their decision to deny the Army Corps of Engineers' application for a Subaqueous Lands and Wetlands permit for the Delaware River Main Channel Deepening project.

Delaware Nature Society Board member Richard A. Fleming observed that "The Delaware River, estuary and bay collectively are a natural resource of great value to the state and region. This complex ecosystem supports substantial commercial, residential and recreational activities and adds immeasurably to the quality of life of Delawareans. Commitments in the Corps' permit application were insufficiently protective of this important resource."

The Delaware Riverkeeper Network, along with the Dump the Deepening Alliance, have long opposed the Main Channel Deepening Project, first put forth officially in 1992.