



For Immediate Release
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Delaware Deepening Twice Challenged In Court by Citizen Environmental Organizations

Wilmington, DE – Judge Sue L. Robinson, District Judge for the United States District Court District of Delaware issued her opinion denying the requests for Summary Judgment filed by the State of Delaware and five environmental organizations, Delaware Riverkeeper Network, the National Wildlife Federation, New Jersey Environmental Federation, Clean Water Action, and Delaware Nature Society claiming the Delaware River deepening project violated the federal Clean Water Act and Delaware State law.

“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, “We are sadly not surprised by Judge Robinson’s decision, her pre-disposition in support of the project was made clear last

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year during oral arguments from which environmental organizations were excluded from participating. We fully expect to appeal this decision we believe does not have solid basis in the law and which lays bare to Army Corps abuse the entire length of the Delaware River.”

“We’re disappointed with the decision and we’ll continue to explore all avenues to ensure this costly, wasteful boondoggle project does not proceed in a manner that remains unjustified and harmful to the environment and wildlife of the Delaware River,” added David Conrad of the National Wildlife Federation.

Jane Davenport, Senior attorney and legal counsel for the 5 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.”

Jane Nogaki, with the New Jersey Environmental Federation expressed “Our claims in New Jersey are broader than those considered by Judge Robinson. Because the Army Corps has more recently stated it will not begin dredging until August, 2011 we are perplexed that it would not update its environmental impact statement, as we are requesting; 10 months is a long time.”

The Judge’s decision granted a motion filed by the Philadelphia Regional Port Authority for Summary Judgment on the case and removed the injunction put in place on the project beyond the section called Reach C.

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