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Press Advisory

Deepening Decision Appealed

For Immediate Release

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Wilmington, DE – Five environmental organizations today filed a notice of appeal for a January 27, 2010 ruling issued by U.S. District Court Judge Sue L. Robinson that enjoins the deepening of the Delaware from proceeding in total, but allows a small portion of the project to begin despite two outstanding federal lawsuits filed by two states and five environmental organizations claiming violations of both state and federal law.

The five environmental organizations represent local, regional and national organizations and include the Delaware Riverkeeper Network, National Wildlife Federation, New Jersey Environmental Federation, Delaware Nature Society, and Clean Water Action.

“Allowing the Army Corps to dig a dead end channel for a project that is likely never to be completed because of the harm it will do to the environment; the jobs it will rob from folks whose jobs depend upon the oysters, crabs, birds and fish of the River; and its failure to fulfill the requirements of state and federal law sets dangerous precedent and robs New Jersey and Delaware of their rights as States” says Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network. “Every state and citizen should be quaking at this stripping of state power by an out of control federal agency” adds van Rossum.

Elizabeth Koniers Brown, attorney for the Environmental Parties explained, “The Environmental Parties’ notice of appeal is filed with the same court that rendered the decision – the District of Delaware. Information about the case will be gathered and provided to the Court of Appeals for the Third Circuit, located in Philadelphia.”

"This decision must be appealed. It insults New Jersey, basically telling us to take a hike. The Deepening's costs outweigh its benefits especially in New Jersey where we get no benefits and most of its costs: up to 90 foot high dredge spoil sites along the River in Pedricktown, Oldmans, National Park and elsewhere, salt water intrusion in our drinking water and a myriad of toxics in the river water column. Governor Chris Christie gets it - this project is bad for NJ, the Delaware River, and must be stopped” says Jane Nogaki of the New Jersey Environmental Federation. “All the work that has been put into cleaning up the river will be undone. It is not right for a federal agency to undermine the rights of the States. Federal agencies should be required to comply with federal law and not be allowed to break them for purposes of convenience. New Jersey has a right to defend itself and we are grateful that Governor Christie is standing firm in defense of his citizens.”

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"As it now stands, the Corps of Engineers' reckless and dangerous race to start the dredges to deepen 102-miles of the Delaware River Channel, enabled unfortunately by a flawed Court decision, has the potential to waste substantial amounts of taxpayers' money with deepening in a location that might never be usable. This enormously expensive, economically-dubious project threatens damage to air and water quality, public health, numerous important wildlife species, and the livelihoods of many who live and work in the region. The project violates a host of state and federal laws and tramples on the rights of New Jersey and Delaware to protect their natural resources," said David Conrad, Senior Water Resources Specialist for the National Wildlife Federation. "We are appealing to the Third Circuit Court to enjoin the dredging until this project can be properly planned and justified to prove that it meets the basic tests of feasibility -- for economics, environment and engineering, which are fundamentally required by Congress and the affected States before any such project can begin."

Brady Russell, Eastern PA Director, Clean Water Action: "Clean Water Action is disturbed by the court ruling that would allow the Army Corps of Engineers to avoid permits from states that are required under the Clean Water Act. Allowing the Corps to move forward without oversight and Clean Water Act review is a dangerous precedent that could harm not just the Delaware River, but rivers and streams all across the country."