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### **Delaware Deepening Twice Challenged In Court by Citizen Environmental Organizations**

Trenton, NJ – Five environmental organizations filed twice today to challenge the Army Corps proposed Delaware River deepening project – the organizations filed their own independent legal challenge in New Jersey Federal District Court and filed to intervene in the legal action brought against the deepening project by the State of Delaware.

The organizations which include the Delaware Riverkeeper Network, the National Wildlife Federation, New Jersey Environmental Federation, Clean Water Action, Delaware Nature Society claim the Army Corps' plan to move forward with the deepening as early as December without an up-to-date environmental impact statement and without permits and approvals from both New Jersey, Delaware and other federal agencies is a violation of 7 federal laws as well as 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, defend the river that sustains us all. That is what we are doing today – defending our right to clean water, clean air, fish we can catch and feed our children, wetlands and floodplains that protect us from pollution and floods” states Maya van Rossum, the Delaware Riverkeeper.

Elizabeth Koniers Brown, attorney for the organizations, explained, “The environmental organizations filed their own legal challenge to ensure the broad array of legal violations were addressed in any final court ruling. While the organizations heartily support the actions by the States of New Jersey and Delaware, neither state’s action fully captured Plaintiffs’ positions on the legal violations at issue and the impact to the watershed and its inhabitants.”

“We are filing suit today to put the brakes on this rogue Army Corps Deepening project which threatens South Jersey and Philadelphia's major drinking water source - the Delaware River, as well as the fish and oyster populations that provide recreational enjoyment and commercial employment in the region.” stated Jane Nogaki with the New Jersey Environmental Federation.

"It is past time for the Corps of Engineers to end its history of environmentally destructive projects that

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fail to make economic sense," said Jim Murphy, Wetlands and Water Resources Counsel for National Wildlife Federation.

"These actions are about ensuring the Corps takes the most basic steps to protect the wetlands, floodplains and other natural systems we will need to survive climate change and protect our communities."

"This is not about the environment versus the economy, this is about protecting both. We don't understand why the Army Corps is unwilling to submit a Delaware permit application which provides legally binding assurance that Delaware's environmental assets will not be harmed by their project" noted Richard Fleming, Delaware Nature Society. "Claims for jobs and port growth Governor Rendell espouses are unsubstantiated by independent analysts. In fact the Government Accountability Office has twice found that economic claims for the project are untrue."

"Millions of people in the tri state region depend on the Delaware River and nearby aquifers for their drinking water. We should not allow any project to move forward that could contaminate those supplies and endanger the health of the region's residents" warned Bob Wendelgass with Clean Water Action.

The legal complaint filed in NJ Federal District Court is over 140 pages long and asserts that the Army Corps plans violate the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Endangered Species Act, the Coastal Zone Management Act, the Magnuson-Stevens Act, the Fish and Wildlife Coordination Act and Delaware State law. The organizations seek a court finding that the Army Corps is in violation of these State and Federal laws and a court order prohibiting the project from moving forward until all legal permits, approvals and documents have been finalized.

The Delaware deepening project is a 1992 proposal by the US Army Corps of Engineers, in partnership with the Philadelphia Regional Port Authority, to deepen the Delaware River's main navigation channel from 40 to 45 feet, for 102 miles from Philadelphia to the Ocean. The last environmental impact statement for the project was completed in 1997. The New Jersey Department of Environmental Protection revoked its Coastal Zone Consistency Determination for the project in 2003 in response to new environmental and economic concerns and changed conditions. In 2009 the Delaware Department of Natural Resources and Environmental Control denied the project needed State Subaqueous Lands and Wetlands permits. In 2009 the Environmental Protection Agency told the Army Corps compliance with the Clean Air Act was needed before the project could move forward and disagreed that the Army Corps had fulfilled this obligation.