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## **Delaware Riverkeeper Hails Decision by Delaware and New Jersey to Legally Challenge Army Corps and its Deepening Project**

Environmentalists hailed the action by Delaware and the intention by New Jersey to file a legal challenge to the Army Corps' decision to move forward with the Delaware deepening project without needed legal permits and approvals.

"The decision by the Army Corps and Pennsylvania to move forward with the deepening without needed Delaware and New Jersey permits and approvals is an unconstitutional stripping of state authority and cannot be allowed to stand" says Maya van Rossum, the Delaware Riverkeeper, "legal opposition now by New Jersey and Delaware is essential to prevent the Army Corps from illegally usurping the States' authorities preserved by the law and Constitution. It is also needed to protect the rights of all states nationwide to review and either approve or disapprove federal projects that would do harm to their environments and communities."

The Delaware Riverkeeper Network uncovered the April 30, 2009 document signed by the-then Assistant Secretary of the Army Civil Works (ASACW) John Paul Woodley, Jr. which was titled "Memorandum of Finding that, based on Section 404(t) and 511(a) of the Clean Water Act, the Delaware River 45' Channel Deepening Project will not be subject to any requirement imposed under the authority of the Delaware Subaqueous Lands Act."

"It is not just Delaware whose legal authorities the Army Corps is attempting to strip – they have been denying New Jersey it's authorities under the Coastal Zone Management Act for well over a year" says van Rossum, the Delaware Riverkeeper.

"We are disappointed that given the time and opportunity, President Obama's head of the Army Civil Works program, Joellen Darcy, would not have immediately reversed the illegal acts of the Army Corps and ensured full compliance with the law. Instead the Obama administration is furthering the action to strip states of their legal right and obligation to protect local environments. The President and Vice President need to stand up and take notice and reverse this illegal action that undermines the very

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fabric of our Constitution” says van Rossum.

In addition, van Rossum asserts that “assurances by Governor Rendell that Pennsylvania is still planning to take the dredge spoils is a knowing misstatement of fact that is directly contradicted by a May 15, 2009 letter he wrote to Governor Corzine on the subject.”

The proposal to deepen the Delaware River’s main navigation channel was first put forth officially in 1992.