

**Bulavinetz, Richard**

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**From:** Bulavinetz, Richard  
**Sent:** Tuesday, February 02, 2010 9:43 AM  
**To:** Logan, Dennis  
**Subject:** Del. River Dredging proposal

Dennis:

FYI:

If a Delaware WQC permit is needed, then this project may not be too far from Salem & Hope Creek.

**Greenwire: WATER: After decades of delay, Del. dredging gets OK (02/01/2010)**

Nearly three decades after Congress first directed the Army Corps of Engineers to investigate the possibility of dredging the Delaware River, a federal judge last week cleared the way for the deepening to begin.

U.S. District Judge Sue Robinson denied an injunction Wednesday to stop the U.S. Army Corps of Engineers from deepening a 13-mile stretch of river by an additional 5 feet this year without first obtaining a Delaware state permit and said opponents of deepening the river should give up.

"For those who oppose the project in the first instance, the time for that fight has long passed," Robinson said, adding, "The decision to allow deepening in Reach C, therefore, is not a 'bridge to nowhere.' It is a first step in a regulatory process that has worked in the past, and should work here, to accomplish Congress' goals without causing environmental harm as defined by statute."

On Friday, Robinson amended her 31-page opinion to make clear that she intends for the entire project to proceed, not just a portion of it.

"Just to be clear, the deepening project is one that should be completed, consistent with Congressional intent," the judge wrote. "The court does not equate administrative obstacles with proof of insurmountable environmental risks."

The New Jersey Department of Environmental Protection said it was "extremely disappointed" in the ruling. "We believe there are significant environmental, economic, and state's rights concerns that the decision does not adequately take into account," said acting DEP Commissioner Bob Martin. Delaware and several environmental groups also oppose the court's decision and are planning their next legal moves.

Those groups could appeal the ruling to the 3rd U.S. Circuit Court of Appeals, amend their complaint to raise new issues or wait for a full airing before the federal court in Wilmington (Linda Loyd, *Philadelphia Inquirer*, Jan. 31). -- **DFM**

Rich