

**Alabama Rivers Alliance ♦ American Bottom Conservancy ♦ American Rivers**  
**Arkansas Nature Alliance ♦ Arkansas Wildlife Federation**  
**Citizens Against Widening the Industrial Canal ♦ Coast Alliance**  
**Columbia River Crab Fisherman's Association ♦ Conservation Council of North Carolina**  
**Delaware Nature Society ♦ Endangered Habitats League ♦ Environmental Defense Fund**  
**Federation of Fly Fishers ♦ Friends of Blackwater Canyon ♦ Friends of the Earth**  
**Friends of the Rivers of Virginia ♦ Friends of the Santa Clara River**  
**Great Egg Harbor Watershed Association ♦ Great Lakes United**  
**Gulf Restoration Network ♦ Highway J Citizens Group**  
**Holy Cross Neighborhood Association ♦ Kentucky Resources Council**  
**Levees.Org ♦ Michigan Environmental Council ♦ Minnesota Conservation Federation**  
**New York/New Jersey Baykeeper ♦ NoPort Southport NC, Inc.**  
**Northwest Environmental Advocates ♦ Ogeechee-Canoochee Riverkeeper**  
**Ohio Environmental Council ♦ Ohio River Foundation**  
**Planning and Conservation League ♦ Quad Cities Waterkeeper ♦ Satilla Riverkeeper**  
**Savannah Riverkeeper ♦ Save Our Farmland Coalition**  
**Save The River ♦ Spokane Riverkeeper**  
**St. Louis Intercommunity Environmental Council of Women Religious**  
**Surfrider Foundation ♦ The River Project ♦ Tip of the Mitt Watershed Council**  
**Western Lake Erie Waterkeeper Association ♦ Wisconsin Wildlife Federation**  
**Yell County Wildlife Federation**

October 30, 2009

Honorable Jack Markell  
 Governor  
 State of Delaware  
 Tatnall Building  
 William Penn Street, 2nd Fl.  
 Dover, DE 19901

Honorable Jon Corzine  
 Governor  
 State of New Jersey  
 Office of the Governor  
 P.O. Box 001  
 Trenton, NJ 08625

Honorable Beau Biden  
 Attorney General  
 State of Delaware  
 102 W. Water Street  
 Dover, DE 19904

Honorable Anne Milgram  
 Attorney General  
 State of New Jersey  
 Office of the Attorney General  
 P.O. Box 080  
 Trenton, NJ 08625-0080

Dear Governors Markell and Corzine and Attorneys General Biden and Milgram:

The undersigned organizations are members of the Corps Reform Network, which is dedicated to improving the policies and practices of the U.S. Army Corps of Engineers (“Corps”) to ensure that Corps of Engineers projects protect, instead of damage, the environment. Our organizations strongly urge the State of Delaware and the State of New Jersey to use every means at your

disposal, including litigation, to challenge the recent decision of the Corps of Engineers to proceed with construction of the proposed Delaware Main Channel Deepening project.

This project, first proposed in 1992, to expand and deepen 104 miles of the Delaware River's navigation channel, threatens endangered species, oyster rehabilitation efforts, Sturgeon and horseshoe crab populations, municipal water supplies, and the health of Delaware Bay wetlands important for habitat and flood protection. Equally troubling is the legally questionable tactics that the Corps of Engineers is employing in an attempt to avoid state law and begin construction of the project, and the dangerous precedents that these actions could set nationwide.

On July 24, 2009, Delaware's Secretary of Natural Resources and Environmental Control denied the Corps' 2002 application for a Delaware State Subaqueous Land Permit required for the project. However, subsequent to that denial, the Corps of Engineers has claimed that its authority to "maintain" navigation somehow gives it the authority to move ahead with this new navigation expansion project, without a necessary permit from the State of Delaware or a valid Coastal Zone Management Act Consistency Determination from New Jersey. There are many additional problems with the project, including the Corps of Engineers' failure to comply with the National Environmental Policy Act, that need to be resolved before this project could be ready for construction.

Our organizations are deeply concerned that if the Corps of Engineers is to permitted to move forward with the project over the objections of the States of Delaware and New Jersey, the Corps of Engineers will be emboldened to circumvent the rights of other States when other controversial projects arise. This could set a dangerous precedent around the nation, diminishing the ability of States to shield themselves from environmentally destructive projects.

We strongly urge the states of Delaware and New Jersey to vigorously challenge these threatening and unprecedented actions by the Corps of Engineers. Thank you for your consideration of these concerns.

Sincerely,

Cindy Lowry  
Executive Director  
**Alabama Rivers Alliance**

Jim Wood  
Executive Board Member  
**Arkansas Wildlife Federation**

Kathy Andria  
President  
**American Bottom Conservancy**

John Koeferl  
President  
**Citizens Against Widening the Industrial Canal**

Andrew Fahlund  
Senior Vice President for Conservation  
**American Rivers**

Cindy Zipf  
**Coast Alliance**

Rob Fisher  
**Arkansas Nature Alliance**

Dale Beasley  
**Columbia River Crab Fisherman's Association**

John Runkle  
General Counsel  
**Conservation Council of North Carolina**

Jen Mihills  
Associate Director, Natural Resources Conservation  
**Delaware Nature Society**

Dan Silver  
Executive Director  
**Endangered Habitats League**

Paul Harrison  
Senior Director for Mississippi River  
**Environmental Defense Fund**

Leah Elwell  
Conservation Coordinator  
**Federation of Fly Fishers**

Judy Rodd  
Director  
**Friends of Blackwater Canyon**

Erich Pica  
President  
**Friends of the Earth**

Bill Tanger  
Chair  
**Friends of the Rivers of Virginia**

Ron Bottorff  
Chair  
**Friends of the Santa Clara River**

Fred Akers  
Administrator  
**Great Egg Harbor Watershed Association**

Jennifer Nalbone  
Director, Invasive Species and Navigation  
**Great Lakes United**

Cynthia Sarthou  
Executive Director  
**Gulf Restoration Network**

Al Wilhelmi  
President  
**Highway J Citizens Group**

William Waiters  
President  
**Holy Cross Neighborhood Association**

Tom FitzGerald  
Director  
**Kentucky Resources Council**

Sandy Rosenthal  
Founder and Executive Director  
**Levees.Org**

James Clift  
Policy Director  
**Michigan Environmental Council**

Gary Botzek  
Executive Director  
**Minnesota Conservation Federation**

David Conrad  
**National Wildlife Federation**

Debbie Mans  
**New York/New Jersey Baykeeper**

Michael Rice  
**NoPort Southport NC, Inc.**

Nina Bell  
Executive Director  
**Northwest Environmental Advocates**

Chandra Brown  
Executive Director/Riverkeeper  
**Ogeechee-Canoochee Riverkeeper**

Kristy Meyer  
Director of Agricultural & Clean Water  
Programs  
**Ohio Environmental Council**

Rich Cogen  
Executive Director  
**Ohio River Foundation**

Traci Sheehan Van Thull  
**Planning and Conservation League**

Art Norris  
**Quad Cities Waterkeeper**

S. Gordon Rogers  
Riverkeeper & Executive Director  
**Satilla Riverkeeper**

Frank Carl  
Executive Director  
**Savannah Riverkeeper**

Todd Pieper  
Vice President  
**Save Our Farmland Coalition**

Jennifer J. Caddick  
**Save The River**

Rick Eichstaedt  
**Spokane Riverkeeper**

Sister Mary Lapping  
**St. Louis Intercommunity Environmental  
Council of Women Religious**

Mark Rauscher  
Assistant Environmental Director  
**Surfrider Foundation**

Melanie Winter  
Director  
**The River Project**

Jennifer Mckay  
Policy Specialist  
**Tip of the Mitt Watershed Council**

Sandra Bihn  
**Western Lake Erie Waterkeeper  
Association**

George Meyer  
**Wisconsin Wildlife Federation**

Wayne Shewmake  
President  
**Yell County Wildlife Federation**