

554 Troon Road
Dover, DE 19904
May 18, 2010

Ms. Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Room 3E446
Washington D.C. 20310-0108

RE: Corps of Engineers
Delaware River Deepening Project

Dear Ms. Darcy:

Thank you for responding to my November 11, 2009 letter regarding the above referenced topic. In your April 9, 2010 response, you stated that the deepening project is proceeding because, "Congress has both authorized and funded this deepening project in bills signed by the President."

As you are aware, H.R. 3183 appropriated \$4,844,000 for FY2010 for "Delaware River Mainstem and Channel Deepening. DE, NJ & PA. (p. 50).

However, Conference Report 111-278 published on September 30, 2009 to accompany H.R. 3183 states on page 63 that: "None of the funds provided for this project are to be used in the State of Delaware during fiscal year 2010 for any construction activities. During fiscal year 2010, the Corps is urged to work with the State of Delaware on any State of Delaware permits necessary for project construction." Clearly, it was the intent of Congress that no deepening occur in Delaware until the requisite permits were obtained by the Corps. Yet dredging is occurring in Reach C in Delaware purportedly using funds from the State of Pennsylvania and the Philadelphia Regional Port Authority.

Apparently the Corps of Engineers is proceeding with the dredging in Reach C as a result of a recent decision in the U.S. District Court for the District of Delaware and has chosen to ignore the requirements and intent of the Congressional Conference Report.

I have several questions:

1. Has any of the \$4,844.000 been spent?
2. What is the source of funding for the dredging occurring in Reach C?
3. Why is the Corps of Engineers proceeding with dredging Reach C without permits from the State of Delaware?

I look forward to your response to my inquiry.

Sincerely,

William F. Moyer

CF: Vice President Joseph Biden
Senator Thomas Carper
Senator Edward Kaufman
Representative Michael Castle
Governor Jack Markell
Secretary Collin O'Mara
Colonel Thomas Tickner