



CIVIC LEAGUE For New Castle County

Informed Citizens for Sound County Growth

P.O. Box 11523 - Wilmington, DE 19850

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**SEPTEMBER
2008**

COUNTY COMMENTS

CIVIC LEAGUE FOR NEW CASTLE COUNTY
Informed Citizens for Sound County Growth

MEETING

Tuesday, September 16, 2008

7:00 PM at the Paul Sweeney Public Safety Building
3601 N. duPont Hwy
(Rte 13 South of DMV, North of Gracelawn Cemetery)

AGENDA

Safeguarding Delaware's River & Bay

FEATURED SPEAKER

Dr. Richard Fleming, Delaware Nature Society

Since the mid-1990s Dick Fleming has been monitoring efforts of Pennsylvania interests, supported by the U.S Army Corps of Engineers, to initiate a controversial project to deepen the Delaware River main shipping channel from 40 to 45 feet. About 25 miles of the channel lie wholly within Delaware waters. The Corps applied for the Delaware permit which is required in order to dredge that portion of the river. National, regional and local opposition immediately intensified and informational Workshops were followed by a formal Public Hearing. Thousands of pages of material were entered into the Public Record. Delaware's Department of Natural Resources & Environmental Control, DNREC, obtained the services of an independent expert Hearing Officer who in 2003, after detailed review and analysis, recommended that the permit application be denied. As yet DNREC has not issued a decision. Reasons why denial was recommended five years ago will be reviewed, as well as developments since then and the issues and concerns as seen today by Delawareans.

Dr. Fleming holds a Ph.D. in Physical Chemistry from Iowa State University and spent most of his professional career in DuPont R&D. He is Co-Chair of the Advocacy Committee of the Delaware Nature Society and a member and past-director of CLNCC.

*Visit www.civicleagueforncc.org for any last minute changes.

STATEMENT OF PRINCIPLE

- ◆ Monitor and selectively evaluate government actions including laws, regulations and policy.
- ◆ Provide appropriate forums for informing as well as soliciting input from the public.
- ◆ Establish positions based on responsible studies and consistent with the aims and purpose of the organization.
- ◆ Advocate these positions.

Founded in 1962, the Civic League is non-profit volunteer organization, which studies and illuminates County and State government actions concerning comprehensive developments and the quality of life and is a vocal advocate of relevant positions.

County Comments is the official publication of the Civic League for New Castle County.

Dan Bockover,
President

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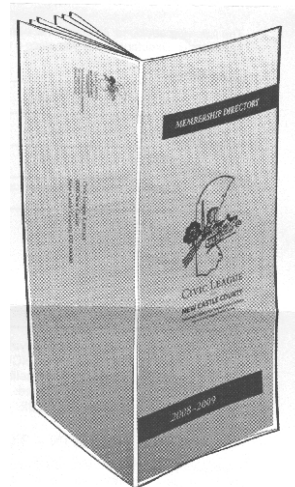
Last Call For Inclusion

Now is the time to send your \$25 check and data for inclusion in the 2008-09 Civic League membership directory now being readied for the printer. Recall that this year's directory will be in a handy new size directory to make it ever more useful. Also it will display only details you want published, making contact with you more beneficial while saving you from non-qualified contacts.

Go to our webpage www.civicleagueforncc.org to download an enrollment form – or just send us a note with your check giving us the information you want shown in the directory: Organization, along with Person's Name. Optional to be published, but essential for our data base, give your Mailing Address, Phone #, and Email.

Send it to:
Ronni Romanelli, CL Membership,
109 Coopers Drive
Newark, DE 19702

Along with being in the Directory, you'll receive all member benefits including a copy of our monthly newsletter *County Comments*, an invitation to all Civic League meetings, and the opportunity to have your voice heard as you participate in the important work of the Civic League.



Deepening the Delaware River and Lightering in the Bay

Watch for a fresh push to deepen the Delaware River shipping channel from 40 to 45 feet. Meanwhile, larger and deeper draft oil tankers are partially unloading - - lightering - - more of their cargoes into barges at the Big Stone Anchorage, 55 feet deep, 15 miles from the ocean, and well within Delaware's half of the Delaware Bay. The tankers then float high enough to reach refineries in DE, NJ and PA or ports from New England to Norfolk VA and beyond

Advocates for a deeper channel, five feet for a billion dollars, seek economic benefits from larger cargo ships reaching upstream river ports. DE, NJ and PA would carry portions of the costs. Delaware alone risks corporate and personal income tax revenue reductions if lightering for up-river refineries is diminished.

Civic League's Spring 2007 proposal to tax lightering services (over 100 million barrels/year) makes us ask how a deeper channel would affect Delaware revenues. We prompted SJR 5 (2007), resulting in a 2/08 report from the Department of Finance, Office of Management and Budget and the Controller General, saying that "one day this proposal could become a viable source of State revenue."

For a 24 mile stretch adjacent to New Castle, the NJ shoreline is the NJ/DE boundary and the entire river is in Delaware. Following BP's 2004 LNG proposal, the US Supreme Court in 2008 upheld Delaware's right to regulate industrial use of the riverbed under Delaware's Coastal Zone Act. Shipping on the river supporting heavy industry pre-dates the CZA's 1971 effective date. Expansions and extensions of "grandfathered" activity are recognized as subject to CZA permit requirements, including offsets greater than the projected environmental damages, which are substantial.

Such damages must vary according to how much removed material would be soft muck, hard rock or something in between. We don't know whether twice the environmental damages would accompany twice the depth increase, or half the damage for half the depth increase, or whether such alternatives would be proportionally beneficial to the shipping interests, or on why deepening was proposed at 5 feet

The CZA's implications on channel deepening have long been in DNREC's focus. But DNREC hasn't caught up with an 11/07 ruling by the Delaware Superior Court that expansions and extensions of lightering activities at Big Stone also require Coastal Zone permits. The company now lightering at Big Stone has never applied for and has never been granted a Coastal Zone Permit covering expansions or extensions of lightering since 1971

New Castle Residents need to stay tuned because they have a heavy stake in future developments ranging from fees earned by the state for monitoring activities on the bay to accepting deposits of dredgings from the river

Find further details at www.civicleaguefornc.org - Member Comments.

More Bureaucracy More Debt Proposed

Before County Council is a proposal to create a new Residential Redevelopment Authority. The purpose would be to loan money for redeveloping residential parcels of land needing rearrangement and replacement of existing streets and sewers before construction of new houses and apartments can begin.

The money for the loans would be raised by the County selling bonds. The bonds would be paid off with annual fees collected by the County from owners of the new homes and apartments. The County would be responsible for selling the bonds and administering the program, but have no fiscal liability. Should the project fail to collect sufficient money from owners, the bonds simply would not be repaid.

Use of the County's name would aid in sale of the bonds at a favorable rate. The burden of bond sales, collecting repayment fees and administering periodic release of money to the Developer would be the only role of, and cost to, the County.

The overall program carries the title of Tax Increment Financing or TIF. Similar programs have been utilized throughout the nation, primarily for business and economic growth, with mixed results.

First use of the program in New Castle County exclusively supports redevelopment of the Brookview tract, now labeled Renaissance Village, in Claymont. Developers state that they can obtain private financing to move the multi-year project forward but believe the process can be more speedily accomplished if County support can be utilized.

A few sticking points remain to be answered. Why should the Government be doing this? What is the degree of certainty that the County will have no financial or legal responsibility as the project moves forward with an unknown degree of success. Should the County be so intimately involved in an otherwise independent enterprise. What precedent does this set for other Developers coming forward seeking similar support for other types of ventures.

This is surely an instance in which taxpayer dollars should not be put at risk.

For more details visit www.civicleaguefornc.org – Member Comments

Election Mania

By the time you read this the Primary election will be over but not the hoopla! – as surviving candidates in the General Election launch their fresh new campaigns.

Several have promised appearance at our September 16 meeting where they will be given time to address Civic League concerns.