

The boundary between Delaware and New Jersey and its affect on the Crown Landing LNG Terminal Project

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Abstract

A conflict currently exists between Delaware and New Jersey regarding the construction of a Liquefied Natural Gas (LNG) terminal proposed by Crown Landing LLC, a “wholly owned subsidiary of BP American Product Company.” The terminal location is proposed for Logan Township, NJ, situated across the Delaware River from the State of Delaware. This dispute is a direct result of Delaware’s rejection of Crown Landing LLC’s request for a Delaware Coastal Zone Act permit, which would have allowed the construction of a pier on subaqueous soil within Delaware’s territory.

New Jersey contends that Delaware, despite the fact that its boundary extends to the low water line of the New Jersey coast, cannot interfere with New Jersey’s right to oversee its coastal development. The dispute has resurrected a 1934 Supreme Court decision and reiterated the long history of conflict between Delaware and New Jersey over border issues. The Supreme Court’s decision in this matter will have far reaching implications. Should the Supreme Court side with New Jersey, it could have a negative impact on Delaware’s ability to control development in its coastal zone through its Coastal Zone Management Act. In addition, the cost and time involved in this dispute may deem the project no longer feasible. This presentation examines the historical conflict between the two states regarding their borders and the effect it has had on this project. A lot can be learned from this issue with respect to future development.