



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

Environmental Resources Branch

JAN 21 2009

Mr. Peter Colosi
Division Chief
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, Massachusetts 01930

Dear Mr. Colosi:

In response to your December 30, 2008 letter, this is to request initiation of formal consultation under Section 7 of the Endangered Species Act of 1977 (16 U.S.C. 1531 *et seq.*), with regard to the proposed deepening of the Delaware River Main Channel and the concerns over potential impacts to threatened and endangered species under the jurisdiction of the National Marine Fisheries Service. Listed species that may occur within the project area include right, humpback, and fin whales; loggerhead, leatherback, ridley, hawksbill, and green sea turtles; and shortnose sturgeon (*Acipenser brevirostrum*). All of these species are endangered, except for the loggerhead sea turtle, which is threatened. A Biological Assessment is enclosed for your review.

The Congressionally authorized Delaware River Main Channel Deepening project consists of a two way, full-width channel with a depth of 45 feet below mean low water (mlw). From the Beckett Street Terminal located in Camden, New Jersey through Philadelphia Harbor, the 400-500 foot width west side channel, now at a depth of 40 feet below mlw, would be deepened while the east side channel would remain 37 feet deep. Between the Philadelphia Navy Yard and the Delaware Bay the existing 40-foot channel would be deepened for its full 800-foot width. In the bay, the full 1,000-foot width channel would be deepened. As part of this project, the trapezoidal access channel to Beckett Street Terminal's bulk berths would also be deepened. This would modify the Delaware River in the Vicinity of Camden project. The project also includes widening of channel bends, and partial deepening of the Marcus Hook anchorage for safety purposes. In the Delaware River portion of the project area, dredged material would be placed into seven existing, federally owned upland dredged material disposal sites. In Delaware Bay, beneficial use options for wetland restoration at Kelly Island and beach nourishment at Broadkill Beach are included. Material would be dredged using hydraulic cutterhead and hopper dredging techniques. Rock blasting will be required in the Marcus Hook section of the project.

The Biological Assessment presents the scope of activities expected during initial construction as well as future maintenance activities. This project has been discussed and the impacts assessed in three previous Biological Assessments (1986, 1995, and 2000). Biological Opinions associated with these assessments determined that the activities may adversely affect,

but are not likely to jeopardize the continued existence of listed species under NMFS' jurisdiction. The enclosed Biological Assessment serves to update project details and provides a summary of new data available with regard to the shortnose sturgeon.

At this time the Philadelphia District requests that your office prepare a comprehensive biological opinion concerning the effects of Delaware River Main Channel Deepening Project on threatened and endangered species discussed in the enclosed biological assessment. Based on previous maintenance dredging activities within the project area, it is evident that some dredging activities may affect the threatened loggerhead sea turtle, and the endangered Kemp's ridley sea turtle and shortnose sturgeon. Measures to reduce the potential for any affect on loggerheads and Kemp's ridleys have been ongoing for years and involve the seasonal use of monitors onboard hopper dredges. Protection measures previously coordinated with your office with regard to blasting effects on the shortnose sturgeon have also been included in the biological assessment for your review. It is believed that the implementation of these measures will ensure that dredging activities will not jeopardize the continued existence of any threatened or endangered sea turtle species or the shortnose sturgeon.

Thank you for your continued assistance and consultation on this issue. If you have any questions or concerns regarding this biological assessment, please contact Ms. Beth Brandreth at (215) 656-6558.

Sincerely,



Minas M. Arabatzis
Chief, Planning Division

Enclosure

Copy Furnished:

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