



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAR - 4 2009

Minas M. Arabatzis, Chief
Planning Division
Army Corps of Engineers, Philadelphia District
Wanamaker Building, 100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

RE: Delaware River Deepening

Dear Mr. Arabatzis:

This correspondence is in response to your letter dated January 21, 2009 regarding the initiation of formal consultation for the Army Corps of Engineers' (ACOE) proposed deepening of the Delaware River Main Channel pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended. Included with the January 21 letter was a Biological Assessment (BA) regarding effects of the proposed project on species listed by NOAA's National Marine Fisheries Service (NMFS). Additional information on the proposed project was received by e-mail on February 9, 2009.

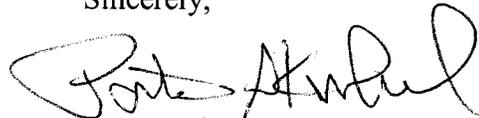
The Congressionally authorized Delaware River Main Channel Deepening project consists of a two way, full-width channel with a depth of 45 feet below mean low water (MLW). From the Beckett Street Terminal located in Camden, New Jersey through Philadelphia Harbor, the 400-500 foot width west side channel, now at a depth of 40 feet below MLW, would be deepened while the east side channel would remain at 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. Additional work, including widening and deepening certain access channels, bends, and anchorages would also occur. Material will be removed using hydraulic cutterhead and hopper dredging techniques. Rock blasting will be required in the Marcus Hook section of the project. Material will be disposed of at upland disposal sites, at beneficial use sites and for beach nourishment. Formal consultation regarding the Delaware River Deepening Project is appropriate as the action may adversely affect the federally endangered shortnose sturgeon as well as loggerhead, Kemp's ridley and green sea turtles. The proposed action includes the initial dredging cycle which is expected to take five years to complete, as well as ten years of maintenance dredging. Blasting is only anticipated during the initial deepening of the Marcus Hook anchorage area.



The information contained in the correspondence dated January 21, 2009 and February 9, 2009 as well as the BA received by NMFS on January 22, 2009, provide the information necessary to initiate consultation. The date of the February 9, 2009 correspondence will serve as the commencement of the formal consultation process. The ESA and the Section 7 regulations (50 CFR 402.14) require that formal consultation be concluded within 90 calendar days of initiation, and the biological opinion be delivered to the action agency within 45 days after the conclusion of formal consultation (i.e., June 24, 2009), unless extended.

In the meantime, pursuant to Section 7d of the ESA, the ACOE must not make any irreversible or irretrievable commitment of resources that would foreclose the formulation or implementation of any reasonable and prudent alternatives to avoid jeopardizing endangered or threatened species. We look forward to working with your office during the formal consultation process. If you have any questions or concerns about the consultation, please contact Julie Crocker at (978) 282-8480 or by e-mail (Julie.Crocker@noaa.gov).

Sincerely,



Patricia A. Kurkul
Regional Administrator

EC: Williams, GCNE
Greene, F/NER4
Brandreth, Pasquale - ACOE

File Code: ACOE NAP DE River Main Channel Deepening
PCTS: F/NER/2009/00615