



June 12, 2012

Mary Colligan  
Assistant Regional Administrator, Protected Resources  
Northeast Regional Office  
NOAA Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Re: ESA Section 7 Consultation on the Deepening Project's Effects on Atlantic Sturgeon and Shortnose Sturgeon in the Delaware River

Dear Ms. Colligan:

We submit this further comment regarding the impacts of the Delaware River Main Navigation Channel Deepening Project on the Atlantic sturgeon.

Specifically, we submit for your consideration the attached paper titled "Endangered Atlantic Sturgeon in the Delaware River Require Higher Standards for Dissolved Oxygen," Desmond M. Kahn and Matthew Fisher, Delaware Division of Fish and Wildlife, June 4, 2012. This paper concludes that "[Y]oung-of-year Atlantic sturgeon suffer reduced growth and increased mortality at reduced levels of dissolved oxygen . . . . The current hypoxic conditions in the tidal Delaware River in summer are dangerously close to lethal limits for survival and growth of young-of-year Atlantic sturgeon."

As we stated in our comment letter dated April 6, 2012, at pp. 18-19, the Deepening Project is likely further to exacerbate the problem of inadequate dissolved oxygen (DO) levels in Atlantic sturgeon habitat by directly and indirectly adversely affecting submerged aquatic vegetation (SAV) in the Project area. This issue was flagged by the National Marine Fisheries Service in its April 16, 2009 Essential Fish Habitat comment letter to the Corps. Although we submitted extensive comments to the Corps on this issue in our July 6, 2011 letter<sup>1</sup> on the 2011 Draft Environmental Assessment, the Corps entirely failed to address or analyze the Deepening Project's impacts to SAV and

---

<sup>1</sup> We provided you with a copy of our July 6, 2011 comment letter and supporting documents.

consequences for DO levels in either its Final Environmental Assessment or its Biological Assessment.

The recent paper by Kahn and Fisher further underscores that the Deepening Project is likely to jeopardize the continued existence of Atlantic sturgeon.

Thank you for considering these comments and attached documents.

Sincerely,

Maya K. van Rossum  
the Delaware Riverkeeper

Encl.