

Dear \_\_\_\_\_:

On November 26, 2004, the 750-foot tanker *M/T Athos I* struck submerged objects in the Delaware River near Philadelphia, puncturing the vessel's hull and breaching a center cargo tank and portside water ballast tank. About 265,000 gallons of Venezuelan crude oil spilled into the river, affecting more than 200 miles of shoreline, birds, marsh vegetation, benthic habitat, and recreation.

Under the federal Oil Pollution Act (OPA), state and federal natural resource agencies – often referred to as the trustees – are responsible for making the environment and public whole for injuries to natural resources and natural resource services resulting from a discharge of oil. Since the *Athos I* incident, natural resource agencies within the states of Delaware and New Jersey and Commonwealth of Pennsylvania, have been working together with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration (NOAA) to determine the extent of injuries and the need for restoration. As part of this natural resource damage assessment (NRDA) process, we are developing a list of restoration ideas. We want to identify priority habitats and resources that could be restored and/or enhanced, as well as potential sites that require restoration or protection. We are writing this letter to you to solicit your help with this important task.

**RESTORATION PROJECTS:** Attached is a Form that can be filled out and returned to us with your ideas. Please note that this is not a solicitation or formal request for proposals. The information provided in response to this request will be used to develop specific restoration alternatives. We will then evaluate a reasonable range of alternatives in a Draft Restoration Plan that will be presented to the public for review and comment later next year. Following public comments, we will prepare a final Restoration Plan and request funding from the Oil Spill Liability Trust Fund for implementation of the preferred restoration projects.

**RESTORATION SELECTION FACTORS AND GUIDANCE:** To guide the process of evaluating and selecting restoration ideas and projects, the trustees have developed selection factors (attached), based on the legal requirements of the OPA. To be considered, a project must, at a minimum, --

- demonstrate a connection between natural resource injuries/losses to the public *and* proposed restoration efforts,
- be technically feasible, and
- have a high likelihood of success

Initial findings from the trustees' injury assessment studies indicate injuries to shorelines (e.g., wetlands, beaches, etc), birds and wildlife, benthic habitats, and public uses. To help focus your ideas for restoring these types of resources, we have developed the following list of the kinds of restoration projects that might be appropriate.

#### Shorelines

- Create new or enhance existing wetlands

- Enhance riparian areas to increase production and biomass (e.g., shoreline and/or stream bank restoration)
- Acquire high quality wetlands for protection
- Enhance shoreline stabilization to reduce erosion and loss of habitat

#### Birds and Wildlife/Aquatic Resources

- Acquire wetland habitats to increase protection of bird/waterfowl habitat
- Restoration of submerged aquatic vegetation and/or wetlands to increase production/ biomass
- Create or enhance existing horseshoe crab and/or Red Knot habitats
- Purchase/Buyout portions of the horseshoe crab fishery to reduce or eliminate fishing mortality
- Nest enclosures, egg incubation and/ predator control to increase hatching success
- Create/ enhance nesting habitat (e.g., Shorebird Stewards/Gull Exclusion projects)
- Develop educational curriculums and products to enhance public awareness
- Create or enhance existing fish passage structures to increase access to critical spawning habitats for migratory fish species
- Conduct dam removals to provide access to historic spawning habitats for migratory fish species
- Create or enhance floodplain habitats to increase wetland function and wildlife habitat
- Control of *Phragmites sp.*, an invasive, non-native wetlands species
- Outreach program on birds/waterfowl and/or bird/waterfowl management

#### Subtidal Habitats

- Create or enhance existing hardbottom habitat for Sturgeon
- Create or enhance oyster beds to increase primary production (e.g., Lower Delaware Bay)
- Create a monitoring program to characterize oyster recruitment and/or settlement
- Oyster, wetlands, riparian and/or seagrass creation/ enhancement to improve water quality
- Aquatic hatchery production (e.g., shellfish and finfish) and/or stock enhancements

#### Lost Public Uses

- Enhance shoreline/water access (e.g., purchase of easements), swimming, boating, and recreational fishing opportunities, and/or infrastructure (e.g. interpretive center)
- Enhance water quality to provide better recreational experience
- Implement Stormwater Management projects and practices to enhance water quality and habitat values in the region

Again, the restoration ideas provided above represent an initial list of the kinds of projects that the trustees believe may be appropriate. We want to continue developing this list of options, and are eager to hear your suggestions.

While the trustees have not yet established a timetable for selecting restoration ideas and alternatives, we would appreciate receiving your input as soon as possible, and no later than

January 15, 2006. Please feel free to offer more than one idea, and to contact me directly at 301-713-3038 ext 188, if you have any questions or comments about our request or any other matter involving the trustees' ongoing NRDA.

Thank you for your time.

Sincerely,

Jim Hoff, Ph.D.  
NOAA Damage Assessment Center

Attachments: (1) Restoration Idea Form  
(2) Factors to Evaluate Proposed Restoration Projects under the Oil Pollution Act *Athos I* Delaware River Oil Spill

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