Mr. Richard Vollick  
Emergency Management  
USFWS Northeast Region  
U.S. Fish and Wildlife Service  
Department of the Interior  
300 Westgate Center Drive  
Hadley, MA 01035

Ms. Julie Crocker  
Protected Resources Division  
National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office  
National Oceanic and Atmospheric Administration  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Species Protection Services:

As the Federal On-Scene Coordinator responsible for the New York/New Jersey Area Contingency Plan (NY/NJ ACP), I am committed to ensuring that spill response planning in the area subject to the NY/NJ ACP meets the requirements of the Endangered Species Act (ESA). The New York/New Jersey Area Committee relies on the expertise of your agencies (the Services) in evaluating the potential effects of spill response activities on Federally-listed threatened and endangered (T/E) species and their habitat. Toward that end, the Coast Guard, Environmental Protection Agency, Fish and Wildlife Service, and National Marine Fisheries Service entered into the 2002 Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act’s National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act (the “MOA”) to set forth a process to ensure compliance with ESA Section 7 consultation requirements while also allowing the agencies to meet their spill planning and response responsibilities.

Consistent with ESA Section 7 (16 U.S.C. § 1536), implementing regulations at 50 CFR Part 402, and procedures articulated in the MOA Part V.A(2), I request from the Services a list of any listed or proposed T/E species or designated critical habitat that may be present in the area subject to emergency response activities under the NY/NJ ACP. This area specifically includes
the coastal zone of New York, northern New Jersey, and southern Connecticut which are served by rail, vessel, and pipeline transport of oil where response tactics such as booming, in-situ burning, and application of chemical countermeasures (dispersants) may pose some threat to listed or proposed T/E species or critical habitat.

Consistent with ESA regulations and the MOA, I anticipate the Services will orally respond to the request within 30 days of receipt and provide a written response within 60 days. The response should include designation of a listed species expert to assist the Area Committee.

At this time, I anticipate your response being referred to the Executive Steering Committee which will work to evaluate impacts to any listed or proposed T/E species and critical habitat subject to response tactics in the NY/NJ ACP. I look forward to working proactively with you toward this end and toward our mutual goals of ensuring the protection of human health and the environment in the NY/NJ Area Contingency Plan area.

Thank you for your time and continued cooperation.

Sincerely,

[Signature]

G. LOEBL
Captain, U.S. Coast Guard
Federal On-Scene Coordinator

Enclosure: