



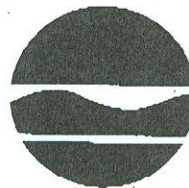
New York State Department of Environmental Conservation

Division of Environmental Permits, Region One

SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790 - 3409

Phone: (631) 444-0365 • FAX: (631) 444-0360

Website: www.dec.state.ny.us



July 28, 2008

Charles Bowman
Land Use Ecological Services
PO Box 1060
Riverhead, NY 11901

Re: Permit #1-4728-03299/00005
Western Fire Island Dredge/Beach Nourishment Project

Dear Mr. Bowman:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your client's permit. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If your client is unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,

Mark Carrara
Permit Administrator

cc: Saltaire BECD
Fair Harbor BECD
Dunewood BECD
Lonelyville BECD
Eric Starr, NYSDEC
BMHP
file

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER
1-4728-03299/00005

FACILITY/PROGRAM NUMBER(S)

PERMIT
Under the Environmental
Conservation LawEFFECTIVE DATE
July 28, 2008EXPIRATION DATE(S)
July 27, 2015TYPE OF PERMIT ☒ New ☐ Renewal ☐ Modification ☐ Permit to Construct ☐ Permit to Operate☒ Article 15, Title 5: Protection of Waters☐ Article 17, Titles 7, 8: SPDES☐ Article 27, Title 9; 6NYCRR 373:
Hazardous Waste Management☐ Article 15, Title 15: Water Supply☐ Article 19: Air Pollution Control☒ Article 34: Coastal Erosion
Management☐ Article 15, Title 15: Water Transport☐ Article 23, Title 27: Mined Land
Reclamation☐ Article 36: Floodplain Management☐ Article 15, Title 15: Long Island Wells☐ Article 24: Freshwater Wetlands☐ Articles 1, 3, 17, 19, 27, 37; 6NYCRR
380: Radiation Control☐ Article 15, Title 27: Wild, Scenic and
Recreational Rivers☒ Article 25: Tidal Wetlands☒ 6NYCRR 608: Water Quality Certifica-
tion☐ Article 27, Title 7; 6NYCRR 360:
Solid Waste ManagementPERMIT ISSUED TO
Western Fire Island CommunitiesTELEPHONE NUMBER
N/A

ADDRESS OF PERMITTEE

Saltaire BECD, Fair Harbor BECD, Dunewood BECD & Lonelyville BECD (addresses on record)

CONTACT PERSON FOR PERMITTED WORK

Land Use Ecological Services, PO Box 1060, Riverhead, NY 11901

TELEPHONE NUMBER
631-727-2400

NAME AND ADDRESS OF PROJECT/FACILITY

Western Fire Island Atlantic Ocean Shoreline; communities of Saltaire, Fair Harbor, Dunewood and Lonelyville.

COUNTY
SuffolkTOWN
IslipWETLAND #,
Atlantic OceanNYTM COORDINATES
E: N:

DESCRIPTION OF AUTHORIZED ACTIVITY: Dredge approximately 500,000 cubic yards of beach compatible sand from an offshore borrow area, transport the material to the Fire Island shoreline and place material as nourishment to restore eroded dunes and beach along 7,300 feet of shoreline in the communities of Saltaire, Fair Harbor, Dunewood and Lonelyville. Tapered dunes will be created several hundred feet to the west and east of the main nourishment area, severely eroded areas will be supplemented with more sand than the main areas, the dunes will then be stabilized with native vegetation and sand fencing. All work shall be done in accordance with the attached plans stamped NYSDEC approved on July 28, 2008.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any **Special Conditions** included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR:

Mark Carrara

ADDRESS

Region 1 Headquarters, SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790 - 3409

AUTHORIZED SIGNATURE

DATE

July 28, 2008

Page 1 of 6

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS

1. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and the contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of, and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.
2. **Prohibition Period for Fish, Shellfish, Birds** To protect spawning finfish, shellfish and nesting shorebirds, including threatened and/or endangered species, no regulated activities may occur between April 1 and September 30, inclusive, of any calendar year.
3. The permit holder must retain the services of an environmental monitor to ensure that no disturbance to endangered/threatened species occurs as a result of the authorized activities. The monitor shall be present whenever work is underway and shall report to the NYSDEC Wildlife Unit on a weekly basis. If the monitor observes the presence of endangered /threatened species in the project area, or determines that project activities are disturbing protected animals, the monitor must stop the work and contact the Wildlife Unit immediately at 631- 444-0270.
4. All areas of soil disturbance resulting from the approved project, except dune/beach restoration areas*, shall be stabilized with appropriate vegetation (beach grass, etc.) immediately following project completion or prior to permit expiration, whichever comes first. If the project site remains inactive for more than 48 hours or planting is impractical due to the season, then the area shall be stabilized with straw or hay mulch or jute matting until weather conditions favor germination. (*Dune/beach restoration areas shall be planted as per #15)
5. The storage of construction equipment and materials shall be confined within the project work area and/or upland areas greater than 75 linear feet from the tidal wetland boundary.
6. Dredge material shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.
7. All dredging shall be conducted so as to leave a uniform bottom elevation free from mounds and holes.
8. There shall be no barge overflow.
9. All side slopes of the dredge area shall have a maximum of 1:5 slope.
10. The borrow area shall not be dredged greater than 7' below existing grades as depicted on the plans prepared by Coastal Planning & Engineering dated 2/22/2008.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS

11. All material deposited on the beach shall be of compatible (equal or larger) grain size to the naturally occurring beach sand. If at any time during the dredging operation the composition of the dredged material changes and becomes unsuitable for beach placement, dredging operations shall cease immediately and the Bureau of Marine Habitat Protection shall be contacted with a proposed plan to correct the problem and/or for alternative placement. No further activity will commence without the Department's approval.
12. Within 30 days of completion of the dredging operation an as-dredged depth survey of the dredged area shall be submitted to: Region 1 Marine Habitat Protection, SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409, Attn: Compliance.
13. Projects involving the repair or replacement of an existing stairways or walkways, or sections thereof, shall not exceed the width of the existing structure as depicted on the approved plans or a maximum of four (4) feet, whichever is greater.
14. The restored dune or bluff shall be stabilized with snow fencing, placed at the seaward toe of the dune immediately upon completion of the placement of sand.
15. American Beach Grass must be planted 12 inches on center on all restored seaward beach slopes within 30 days of project completion. 18 inch centers may be used on landward slopes and level grades. The permit holder shall maintain plantings at a minimum survival rate of at least 85% for a period no less than five (5) years.
16. Any disturbance to existing dune areas resulting from the authorized project shall be completely restored.
17. Within 30 days of the completion of beach nourishment/filling the permittee shall supply a topographical survey of the nourished/filled area to the Region 1 office of the Bureau of Marine Habitat Protection.
18. The permittee shall employ a Seabeach Amaranth monitor(s) during work activities occurring on the beach and the monitor(s) must be approved by the US Fish and Wildlife Service on an annual basis.
19. The dredge material to be used as beach nourishment shall conform to the existing beach material or consist of material that is capable of maintaining suitable Piping Plover, Least Tern and Seabeach Amaranth habitat.
20. There shall be no fuel storage for equipment on beach areas.

SPECIAL CONDITIONS

21. The placement of dredge material should conform to a grade consistent with the natural beach and shall be suitable for nesting habitat for Piping Plover, Least Terns and habitat for Seabeach Amaranth.

22. The landowners and community must cooperate with NYSDEC to protect Piping Plovers, Least Terns and Seabeach Amaranth. This includes the following measures during the April 1st to August 31st period each year: a) NYSDEC staff shall be allowed to install symbolic fencing and or predator enclosures around nesting sites; b) Vehicles, except emergency vehicles, shall be prohibited from driving on the beach in the project area; c) Fireworks shall be prohibited within the beach areas; d) kite flying shall not occur within 200 meters of nest sites or unfledged juvenile Piping Plovers; e) Dogs and cats shall be on leashes at all times on the beach; f) Feeding raccoons, gulls, or other wildlife shall be prohibited; g) Mechanical beach cleaning shall be prohibited, the natural organic matter deposited on the beach via the tide shall remain undisturbed, trash may be collected manually.

23. Any debris or excess material from construction of this project shall be completely removed from the adjacent area and removed to an approved upland area for disposal. No debris is permitted in tidal waters or protected buffer areas.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF);
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to: Regional Permit Administrator, SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790 - 3409

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24, 25, 34 AND 6NYCRR PART 608

(TIDAL WETLANDS)

1. If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
2. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
3. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
4. Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
5. There shall be no unreasonable interference with navigation by the work herein authorized.
6. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
7. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
8. At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work and, if required, a survey.
9. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

Such approved plans were prepared by Coastal Planning dated 2/22/2008.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

June 30, 2008

Ms. Kelly Risotto
Land Use Ecological Services, Inc.
209 West Main St., 2nd Floor
P.O. Box 1060
Riverhead, NY 11901

Re: F-2008-0325
U.S. Army Corps of Engineers/New York District Permit
Application
Village of Ocean Beach, Fire Island Summer Club BECD,
Corneille Estates BECD, Seaview BECD, and Ocean Bay
Park BECD- nourish approx. 8,580 linear feet along shoreline
including (2) 500' taper section with approx. 570,000 cubic
yards of sand from offshore borrow area
Atlantic Ocean, Towns of Islip and Brookhaven, Suffolk
County
Status of Consistency Review

Dear Ms. Risotto:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information regarding the above matter on April 14, 2008 and began its review of it pursuant to 15 CFR Part 930, Subpart D on that date. The Department of State is required to notify you of the status of our review of this project for its consistency with the New York State Coastal Management Program if a decision has not been issued within three months following commencement of our consistency review.

We cannot complete our consistency review for this project until the Public Notice issued by the Department of State has expired and comments, if any, are received.

Please contact me at (518) 474-6000 (email: Rebecca.Madlin@dos.state.ny.us) if you have any questions and refer to our file # F-2008-0325 if you have any questions regarding this matter.

Sincerely,

Rebecca Madlin
Coastal Resources Specialist
Consistency Review and Analysis Unit
Division of Coastal Resources

c: COE/ NY District- Stacey Jensen
NYSDEC/Region 1- Mark Carrara
NPS/FINS - Mike Bilecki, Robin Lepore



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

June 30, 2008

Ms. Kelly Risotto
Land Use Ecological Services, Inc.
209 West Main St., 2nd Floor
P.O. Box 1060
Riverhead, NY 11901

Re: F-2008-0266
U.S. Army Corps of Engineers/New York District Permit
Application
Davis Park BECD - nourish approx. 5,200 linear feet along
shoreline including (2) 500' taper section with approx.
305,000 cubic yards of sand from offshore borrow area
Atlantic Ocean, Town of Brookhaven, Suffolk County
Status of Consistency Review

Dear Ms. Risotto:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information regarding the above matter on March 26, 2008 and began its review of it pursuant to 15 CFR Part 930, Subpart D on that date. The Department of State is required to notify you of the status of our review of this project for its consistency with the New York State Coastal Management Program if a decision has not been issued within three months following commencement of our consistency review.

We cannot complete our consistency review for this project until the Public Notice issued by the Department of State has expired and comments, if any, are received.

Please contact me at (518) 474-6000 if you have any questions and refer to our file # F-2008-0266 if you have any questions regarding this matter.

Sincerely,

Rebecca Madlin
Coastal Resources Specialist
Consistency Review and Analysis Unit
Division of Coastal Resources

c: COE/ NY District- Stacey Jensen
NYSDEC/Region 1- Mark Carrara
NPS/FINS - Mike Bilecki, Robin Lepore



STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

June 30, 2008

Ms. Kelly Risotto
Land Use Ecological Services, Inc.
209 West Main St., 2nd Floor
P.O. Box 1060
Riverhead, NY 11901

Re: F-2008-0270
U.S. Army Corps of Engineers/New York District Permit
Application
Fire Island Pines BECD - nourish approx. 7,400 linear feet
along shoreline including (2) 500' taper section with
approx. 500,000 cubic yards of sand from offshore borrow
area
Atlantic Ocean, Town of Brookhaven, Suffolk County
Status of Consistency Review

Dear Ms. Risotto:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information regarding the above matter on March 26, 2008 and began its review of it pursuant to 15 CFR Part 930, Subpart D on that date. The Department of State is required to notify you of the status of our review of this project for its consistency with the New York State Coastal Management Program if a decision has not been issued within three months following commencement of our consistency review.

We cannot complete our consistency review for this project until the Public Notice issued by the Department of State has expired and comments, if any, are received.

Please contact me at (518) 474-6000 (email: Rebecca.Madlin@dos.state.ny.us) if you have any questions and refer to our file # F-2008-0270 if you have any questions regarding this matter.

Sincerely,

Rebecca Madlin
Coastal Resources Specialist
Consistency Review and Analysis Unit
Division of Coastal Resources

c: COE/ NY District- Stacey Jensen
NYSDEC/Region 1- Mark Carrara
NPS/FINS - Mike Bilecki, Robin Lepore



STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

June 30, 2008

Ms. Kelly Risotto
Land Use Ecological Services, Inc.
209 West Main St., 2nd Floor
P.O. Box 1060
Riverhead, NY 11901

Re: F-2008-0271
U.S. Army Corps of Engineers/New York District Permit
Application
Village of Saltaire, Fair Harbor BECD, Dunewood VECD,
Lonelyville BECD - nourish approx. 8,200 linear feet along
shoreline including (1) 500' and (1) 400' taper section with
approx. 500,000 cubic yards of sand from offshore borrow
area
Atlantic Ocean, Town of Islip, Suffolk County
Status of Consistency Review

Dear Ms. Risotto:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information regarding the above matter on March 26, 2008 and began its review of it pursuant to 15 CFR Part 930, Subpart D on that date. The Department of State is required to notify you of the status of our review of this project for its consistency with the New York State Coastal Management Program if a decision has not been issued within three months following commencement of our consistency review.

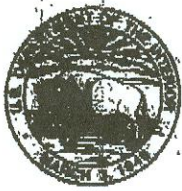
We cannot complete our consistency review for this project until the Public Notice issued by the Department of State has expired and comments, if any, are received.

Please contact me at (518) 474-6000 (email: Rebecca.Madlin@dos.state.ny.us) if you have any questions and refer to our file # F-2008-0271 if you have any questions regarding this matter.

Sincerely,

Rebecca Madlin
Coastal Resources Specialist
Consistency Review and Analysis Unit
Division of Coastal Resources

c: COE/ NY District- Stacey Jensen
NYSDEC/Region 1- Mark Carrara
NPS/FINS - Mike Bilecki, Robin Lepore



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

In Reply Refer To:

FWS/R5/ES-LIFO/2007-TA-0103

July 10, 2008

Mr. Sean McGuiness
Superintendent
Fire Island National Seashore
120 Laurel Street
Patchogue, NY 11772

Dear Mr. McGuiness:

The U.S. Fish and Wildlife Service (Service) has received your letter dated July 3, 2008, regarding the National Park Service's (NPS) proposed projects entitled, "2008 Fire Island Community Short-term Storm Protection Project" and "Beach Nourishment and Maintenance Dredging at Smith Point County Park and Cupsogue County Park," and your request for consultation pursuant to the Endangered Species Act of 1973, as amended (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), due to the potential impacts of these projects on the Federally-listed threatened piping plover (*Charadrius melodus*), seabeach amaranth (*Amaranthus pumilus*), and endangered roseate tern (*Sterna dougallii dougallii*).

The NPS has requested a biological opinion from the Service by August 1, 2008. As you are aware, the "Interagency Cooperation - Endangered Species Act of 1973, as Amended; Final Rule" found at 50 CFR Part 402.14(e), allows a duration of 135 days for formal consultation which includes 90 days to conduct the consultation and an additional 45 days to write and deliver the biological opinion to the action agency. The Service has assessed the time needed to conduct the consultation and determined that we can deliver an expedited biological opinion to your agency in 73 days or by September 15, 2008. This time-frame is almost half the amount of time allotted for our agencies to conduct formal consultation as outlined in 50 CFR Part 402. We believe that because of our prior consultation experience with both of these projects, and the exigencies expressed by the projects' proponents, that the consultation period can be shortened to some degree, but staffing levels and other workload priorities will likely prevent us from delivering the biological opinion before September 15.

If you have any questions or require further assistance, please have your staff contact Steve Papa, of the Long Island Field Office, at (631) 776-1401.

Sincerely,

David A. Stilwell
Field Supervisor