



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
OFFICE OF GENERAL COUNSEL
One Blackburn Drive
Gloucester, Massachusetts 01930

June 12, 2003

Andrew N. Davis, Ph.D., Esq.
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
Goodwin Square
225 Asylum Street
Hartford, CT 06103

Austin P. Olney, Esq.
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
260 Franklin Street
Boston, MA 02110-3173

Dear Messrs. Davis and Olney,

The National Oceanic and Atmospheric Administration (NOAA), the U.S. Department of the Interior (DOI), the Commonwealth of Massachusetts (Massachusetts), the State of Rhode Island (Rhode Island) and the Wampanoag Tribe of Gay Head (Wampanoag Tribe) are among the designated natural resource trustees (the Trustees) for the natural resources affected by the Bouchard 120 Oil Spill that occurred on or about April 27, 2003 off the coast of Massachusetts in and around Buzzards Bay. Oil Pollution Act of 1990, 33 U.S.C. § 2706(a).

The Trustees will be conducting a natural resource damage assessment (NRDA) in order to determine the natural resource injuries resulting from the Bouchard 120 spill and to develop and implement a plan for the restoration, rehabilitation, replacement or acquisition of the equivalent of the injured natural resources. 33 U.S.C. § 2706(c). Pursuant to the natural resource damage assessment regulations for oil spills, the Trustees hereby formally invite Bouchard Transportation Co., Inc. (Bouchard), to join us in a cooperative NRDA. 15 C.F.R. § 990.14(c).

The Trustees appreciate the willingness Bouchard has expressed to date, as communicated through Mr. Davis, to enter into a cooperative NRDA with the Trustees. The Trustees hope and expect that Bouchard will formally agree to join us to accomplish the goals referenced above. Should Bouchard wish to continue and confirm the cooperative relationship that has been in effect to date, please notify me in writing at your earliest convenience.



If you have any questions or concerns, please contact me by phone at (978) 281-9297.

Sincerely,



Gwendolyn A. Wilkie
Attorney, NOAA

cc:

Mark Barash, DOI Solicitor's Office
Matthew Brock, MA AG's Office
Tom Larosa, MA EOE
Frank Csulak, NOAA DAC
Katherine Pease, NOAA GC

Morton S. Bouchard III, Bouchard Transportation Co., Inc.