



United States Department of the Interior

OFFICE OF THE SOLICITOR
ALASKA REGION

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January 31, 2005

Via Facsimile (279-4239) and U.S. Mail

Herbert H. Ray, Jr., Esq.
Douglas R. Davis, Esq.
Keesal, Young & Logan
Suite 650
1029 West Third Avenue
Anchorage, AK 99501-1954

Re: M/V Selendang Ayu - Cooperative Reference Beach Study

Dear Sirs:

I was recently provided a copy of a modification to the protocols enclosed in my January 24, 2005, letter to you concerning the cooperative reference beach study. Enclosed for your files is a copy of the modification (entitled "Modification To: Joint Protocol for Determining Levels of Bird Background Mortality"), which has been signed by Dan Varoujean and Vernon Byrd.

As mentioned in my January 24 letter, I assume Dan Varoujean is authorized by the responsible parties to sign documents, such as protocols, on the responsible parties' behalf in connection with this matter. If you would please confirm in writing that my assumption is in fact correct, I would be most appreciative. Thank you.

Sincerely,

Lisa M. Toussaint

January 31, 2005

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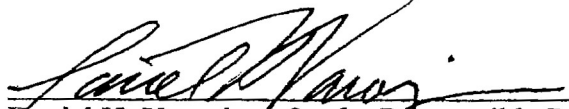
Enclosures

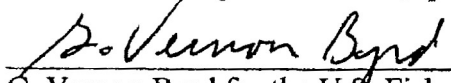
cc: Jenifer Kohout, U.S. Fish & Wildlife Service
Deborah Rocque, U.S. Fish & Wildlife Service
Greg Siekaniec, U.S. Fish & Wildlife Service
Regina Belt, U.S. Department of Justice
Craig O'Connor, U.S. Department of Commerce
Alex Swiderski, State of Alaska

SELENDANG AYU INCIDENT

MODIFICATION TO: JOINT PROTOCOL FOR DETERMINING LEVELS OF BIRD BACKGROUND MORTALITY

In section A.3. of the Joint Protocol for Determining Levels of Bird Background Mortality, it is specified that, "If the selected beaches turn out to be oiled they will be omitted from the sampling regime and new sites will be located." On January 19, 2005, Dan Varoujean and Vernon Byrd visited Kashega Bay, one of the study areas identified for this study. Some oiling was found on beaches. On January 20, 2005, Dan Varoujean and Ken Munney visited beaches in bays between Cape Aspid and Sedanka Point (all bays west Kashega to look for substitute locations for the helicopter surveys for background mortality. Some oil was found on beaches in each of these bays as well. As a result, we are selecting an area on the west end of Umnak Island, Nikolski Bay that has similar marine habitat offshore to the oiled area and a similar mix of species present. The survey procedures specified in the Joint Protocol for Determining Levels of Bird Background Mortality will apply on beaches in Nikolski Bay instead of Kashega Bay. The study area at Chernofski Harbor, Unalaska, will continue to be surveyed.


Daniel H. Varoujean for the Responsible Party


G. Vernon Byrd for the U.S. Fish and Wildlife Service

21 Jan 2005
Date

21 Jan 2005
Date