



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



In Reply Refer To:
FWS/Region 5/ES-TE

DEC 13 2004

Ms. Barbara A. Leo
Pennsylvania IBA #60
Northeast Pennsylvania Audubon Society
Box 711
Honesdale, Pennsylvania 18431

Dear Ms. Leo:

This is a follow-up to our September 10, 2004, letter, to notify you that the U.S. Fish and Wildlife Service (Service) will begin to process your petition to list the red knot (*Calidris canutus rufa*) under the Endangered Species Act (ESA) of 1973, as amended. Your petition was received on August 9, 2004. However, because the Service has been required to comply with a significant number of court orders and settlement agreements in fiscal year (FY) 2004, our Regional listing budget was insufficient to begin processing your petition. A recent review of our Region's listing budget for FY 2005 indicates that we should have sufficient listing funding to now begin processing your petition to list the red knot.

Under the provisions of section 4 of the ESA, the Service must first decide whether or not the petition presents substantial information that the requested action may be warranted. To the maximum extent practicable, this decision should be made within 90 days. We anticipate making this finding in February 2005. If the 90-day finding is that the petition presents substantial information, the Service has 1 year from the date of the receipt of a petition to decide whether or not the requested action is warranted. However, due to the delay in processing this petition, if the 90-day finding is that the petition presents substantial information, the Service will have 1 year from the date of this letter to determine if the requested action is warranted.

We have assigned the review of this petition to our New Jersey Field Office (NJFO) in Pleasantville, New Jersey. If you have any questions regarding this review, please contact Mr. Clifford Day, NJFO Supervisor, at 609-646-0620.

Sincerely,

Marvin E. Moriarty
Regional Director

cc: NJFO