

Secretary

U.S. Department of Homeland Security  
Washington, DC 20528**Homeland  
Security**

December 8, 2009

The Honorable Barney Frank  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Frank:

Thank you for your November 5, 2009 letter expressing concern that the Department of Homeland Security's United States Coast Guard (USCG) is preparing to challenge a new Commonwealth of Massachusetts law entitled *An Act Preventing Oil Spills in Buzzards Bay*, and urging the Coast Guard not to take legal action.

Although the USCG has concerns about the new legislation, we do not have any present intention to initiate a legal challenge. The USCG outlined its objections in the attached September 22, 2009 letter from Rear Admiral Joseph Nimmich, Commander of the First Coast Guard District in Boston, to Governor Deval Patrick. I am confident that the USCG and the Commonwealth will work cooperatively to achieve our joint goals of prevention of and responding to oil spills, as well as standardizing the new law and policies with the USCG's special regulated navigation area requirements for Buzzards Bay in 33 CFR §165.100(d) (5). I understand that the new law requires regulations by the Massachusetts Department of Environmental Protection for further implementation, and the USCG looks forward to working with State authorities during the regulatory development process.

The Department of Homeland Security places the highest priority on the safety of navigation and the protection of our marine environment. Admiral Thad Allen and I thank you for sharing your concerns and we look forward to continuing our working relationship with the Commonwealth and other states on this matter. An identical response has been sent to Senators Kerry and Kirk, and Representatives McGovern and Delahunt. Should you need additional assistance, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano

Enclosure