



REPLY TO:
ATTENTION OF:

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

July 22, 2009

Regulatory Division
CENAE-R-PEA
Permit Number: NAE-2009-1731

David W. Grunden
Shellfish Constable
347 County Road
P.O. Box 1327
Oak Bluffs, Massachusetts 02557

Dear Mr. Grunden:

We have reviewed your application to perform work below the high tide line of waters of the United States in order to remove two concrete caps from the ends of an existing corrugated metal pipe culvert in order to allow for tidal flow between Farm Pond and Nantucket Sound. The caps will be removed by hand, but may need to be lifted out of the waterway by a backhoe located on the upland area. This project is located in Farm Pond and Nantucket Sound at Seaview Avenue in Oak Bluffs, Massachusetts. The work is shown on the attached plan entitled, "Farm Pond South, Culvert Cap Removal," on one sheet, and dated, July 22, 2009.

Based on the information you have provided, we have determined that the proposed activity, will have only minimal individual or cumulative environmental impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 1 activity under the attached Federal permit known as the Massachusetts Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP.

You are responsible for complying with all of the PGP's requirements. Please review the attached PGP carefully, in particular the PGP conditions beginning on Page 9, to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document and this authorization letter are at the project site throughout the time the work is underway.

Your project is located within, or may affect resources within the coastal zone. The Massachusetts Office of Coastal Zone Management (CZM) has already determined that no further Federal Consistency Review is required.

You have one year to complete the work that has commenced or is under contract to commence prior to the expiration of this PGP on January 20, 2010. For work within Corps jurisdiction that is not completed by January 20, 2011, you will need to reference any reissued PGP to see if your project is still authorized under the non-reporting Category 1. If it is no longer authorized, you must submit an application and receive written authorization before you can proceed.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

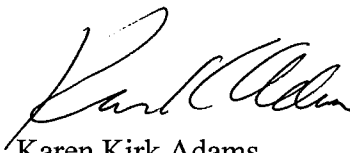
This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to this office.

This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law, as listed on Page 1 of the PGP. Performing work not specifically authorized by this determination or failing to comply with all the terms and conditions of the PGP may subject you to the enforcement provisions of our regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Please contact Kevin Kotelly, of my staff at 978-318-8703 if you have any questions.

Sincerely,



Karen Kirk Adams
Chief, Permits & Enforcement Branch
Regulatory Division

Attachments

Copies Furnished:

Ed Reiner, U.S. EPA, Region 1, Boston, Massachusetts, reiner.ed@epa.gov
Christopher Boelke, National Marine Fisheries Service, Gloucester, Massachusetts,
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Elizabeth F. Kouloheras, DEP SERO, Wetlands and Waterways, Lakeville, Massachusetts,
c/o lisa.ramos@state.ma.us (DEP File No.)
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