



REPLY TO
ATTENTION OF

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

December 20, 2013

Regulatory Division
CENAE-R-PEA
NAE-2013-02644

Board of Selectmen
Town of Chilmark
PO Box 119
401 Middle Road
Chilmark, Massachusetts 02535-0119

Dear Sirs:

We understand you intend to perform work on the town beach parking area at Squibnocket beach in Chilmark, Massachusetts. It appears that this project may involve activities that require a permit from the Corps of Engineers.

Section 10 of the Rivers and Harbors Act of 1899 requires a Department of the Army permit for all work in navigable waters of the United States. In New England, for purposes of Section 10, navigable waters of the United States are those subject to the ebb and flow of the tide and a few of the major waterways used to transport interstate or foreign commerce.

Section 404 of the Clean Water Act requires a Department of the Army permit for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and adjacent wetlands, as well as the excavation/grading within these waters/wetlands. On the coastline our jurisdiction extends landward to the high tide line (HTL) (i.e., the highest predictable tide) or to the landward limit of any wetlands, whichever is more extensive. In interior waters our jurisdiction extends landward to the ordinary high water (OHW) mark or to the landward limit of any wetlands, whichever is more extensive.

Federal regulations at 33 CFR 328.3(b) define wetlands as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands.

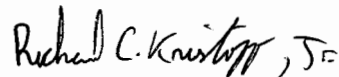
You do not need to submit a formal application if your project meets all the terms and conditions of "Category 1" as defined in the attached federal permit known as the Massachusetts General Permit (GP) and appendices. However, you must ensure that your project complies with all of the terms and conditions of Category 1 of the GP and **you must also complete and return the Appendix C Category 1 Form to this office** before any work or filling is done in areas subject to Corps jurisdiction. For work not meeting Category 1, you must have written authorization from this office before any work or filling is done in areas subject to Corps jurisdiction. Performing such work or filling without first obtaining Corps authorization could result in substantial penalties.

An application to our office is required if your project is in Category 2 or in the Individual Permit Category. See Page 3 of the GP for specific instructions on how to submit the necessary application. We also suggest you consult our web page, where you can find samples of the necessary plans at www.nae.usace.army.mil/reg under "Publications" and then "Guide for Permit Applicants." When preparing the plans, please ensure they are no larger than 11"x17." All plans must be drawn to scale (not reduced) and all pertinent features and labeling must be legible and reproducible in black and white/grayscale. Please do not use color; if you need to show details we suggest shading or hatch marks to identify specific areas.

Applications must include sufficient information for us to verify the extent of federal jurisdiction. This will include wetland delineation data sheets for work in wetlands. Wetlands must be identified and delineated in accordance with the Corps of Engineers Wetland Delineation Manual (<http://el.erdc.usace.army.mil/elpubs/pdf/wlman87.pdf>) and the Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (<http://www.usace.army.mil/CECW/Documents/cecwo/reg/trel09-19.pdf>).

If you have any questions regarding this letter, please contact me at (978) 318-8xxx, (800) 343-4789, (800) 362-4367 within Massachusetts, or Richard.c.kristoff@usace.army.mil.

Sincerely,



Richard Kristoff
Project Manager
Regulatory Division

Attachments

Copies Furnished:

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