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

REPLY TO
ATTENTION OF

March 7, 2012

Regulatory Division
File Number: NAE-2012-399

George E. Price, Jr.
National Park Service, Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, Massachusetts 02667

Dear Mr. Price:

We have reviewed your application to perform work and place approximately 4672 square feet of temporary fill via swamp mats below the high tide line of waters of the United States in order to demolish and remove five cottages owned by the National Park Service. The five cottages are at risk of being washed into the sea as they are located in an area of the North Island barrier beach which is eroding rapidly. This project is located in the Atlantic Ocean at the Cape Cod National Seashore, North Beach Island, Chatham, Massachusetts. The work is shown on the attached plans entitled, "North Beach Island, Chatham, MA" on four sheets, and dated, August, 2011 to February, 2012.

Based on the information you have provided, we have determined that the proposed activity, which includes a discharge of dredged or fill material into waters or wetlands, 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 2 activity under the attached Federal permit known as the Massachusetts General Permit (GP). This work must be performed in accordance with the terms and conditions of the GP and also in compliance with the following special conditions:

1. All work shall be completed and all equipment and debris completely removed by April 1st in order to avoid adverse impacts to Piping Plovers. Any suitable plover habitat that has been disturbed via rutting shall be restored to its original condition.

2. Construction mats shall be removed immediately upon work completion and all wetland and waterbodies restored in place.

The Corps of Engineers has consulted with the National Marine Fisheries Service (NMFS) regarding the effects of your project on Essential Fish Habitat (EFH) as designated under the Magnuson-Stevens Fishery Conservation and Management Act. The NMFS provided EFH conservation recommendations, which we included in the special conditions listed above. These conditions are intended to minimize adverse impacts to essential fish habitat including saltmarsh.

You are responsible for complying with all of the GP's requirements. Please review the attached GP carefully, in particular the GP conditions beginning on Page 5, 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.

This determination becomes valid only after the Massachusetts Department of Environmental Protection (MassDEP) issues or waives Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act. In the event the DEP denies the 401 WQC, this determination becomes null and void. The address of the MassDEP Regional office for your area is provided in the attached GP.

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.

This GP expires on January 21, 2015. Activities authorized under this GP that have commenced (i.e., are under construction) or are under contact to commence before this GP expires will have until January 21, 2016 to complete the activity under the terms and general conditions of the current GP. For work within Corps jurisdiction that is not completed by January 21, 2016, you will need to reference any reissued GP to see if your project is still authorized under Category 1 (no application required), or Category 2 (application required). If it is no longer authorized you must submit an application and receive written authorization before you can continue work within our jurisdiction. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction. This office must approve any changes before you undertake them.

This authorization requires you to complete and return the attached Work Start Notification Form to this office at least two weeks before the anticipated starting date. You must also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

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, 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 2 of the GP. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GP 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:

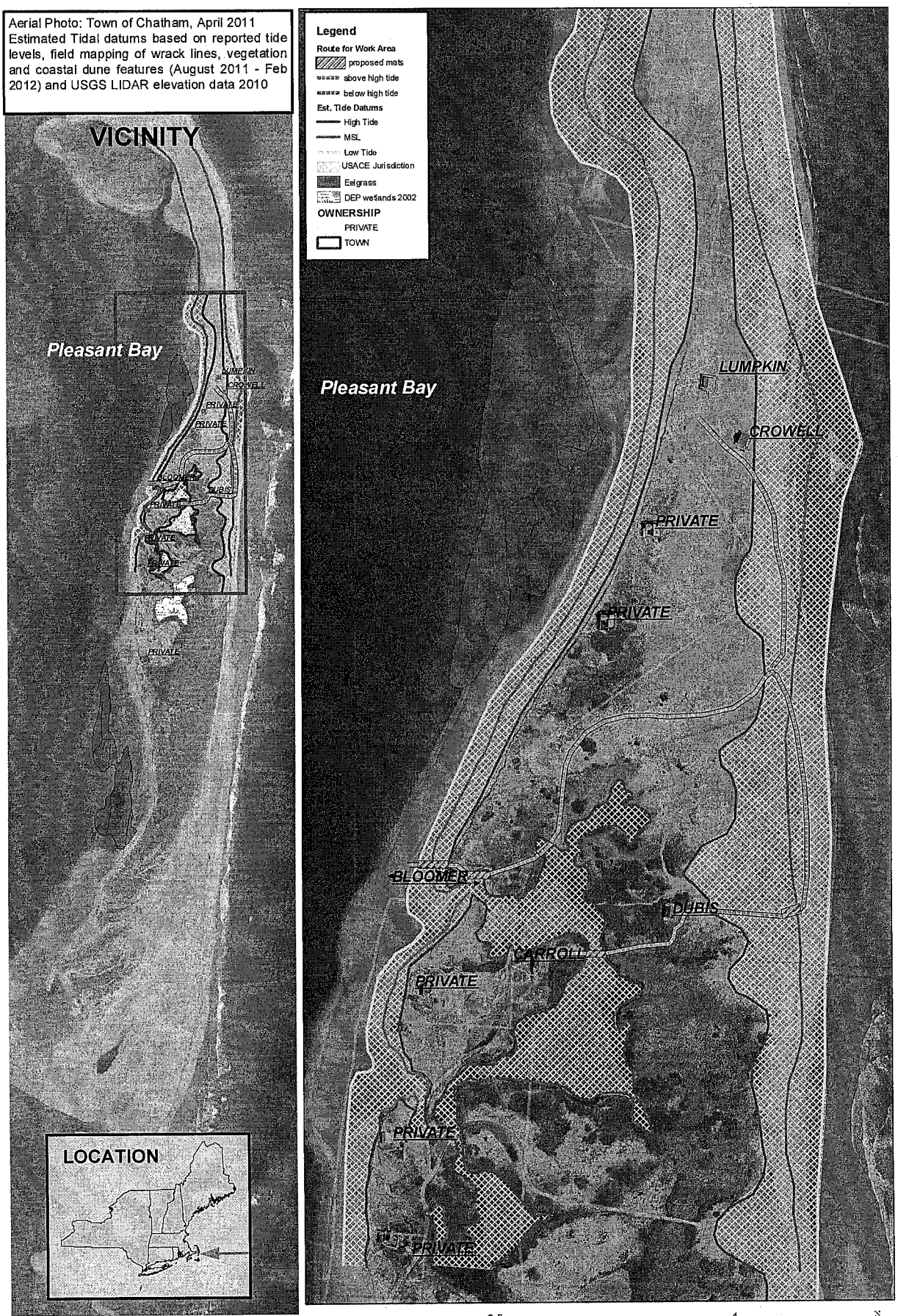
Ed Reiner, U.S. EPA, Region 1, Boston, Massachusetts, reiner.ed@epa.gov
Christopher Boelke, National Marine Fisheries Service, Gloucester, Massachusetts, christopher.boelke@noaa.gov
Elizabeth F. Kouloheras, DEP SERO, Wetlands and Waterways, Lakeville, Massachusetts, c/o lisa.ramos@state.ma.us
Robert Boeri, Coastal Zone Management, Boston, Massachusetts, Robert.Boeri@state.ma.us
Kristin Andres, Chatham, Conservation Agent, 261 George Ryder Road, Chatham, Massachusetts 02633

Cape Cod National Seashore
Massachusetts

National Park Service
U.S. Department of the Interior

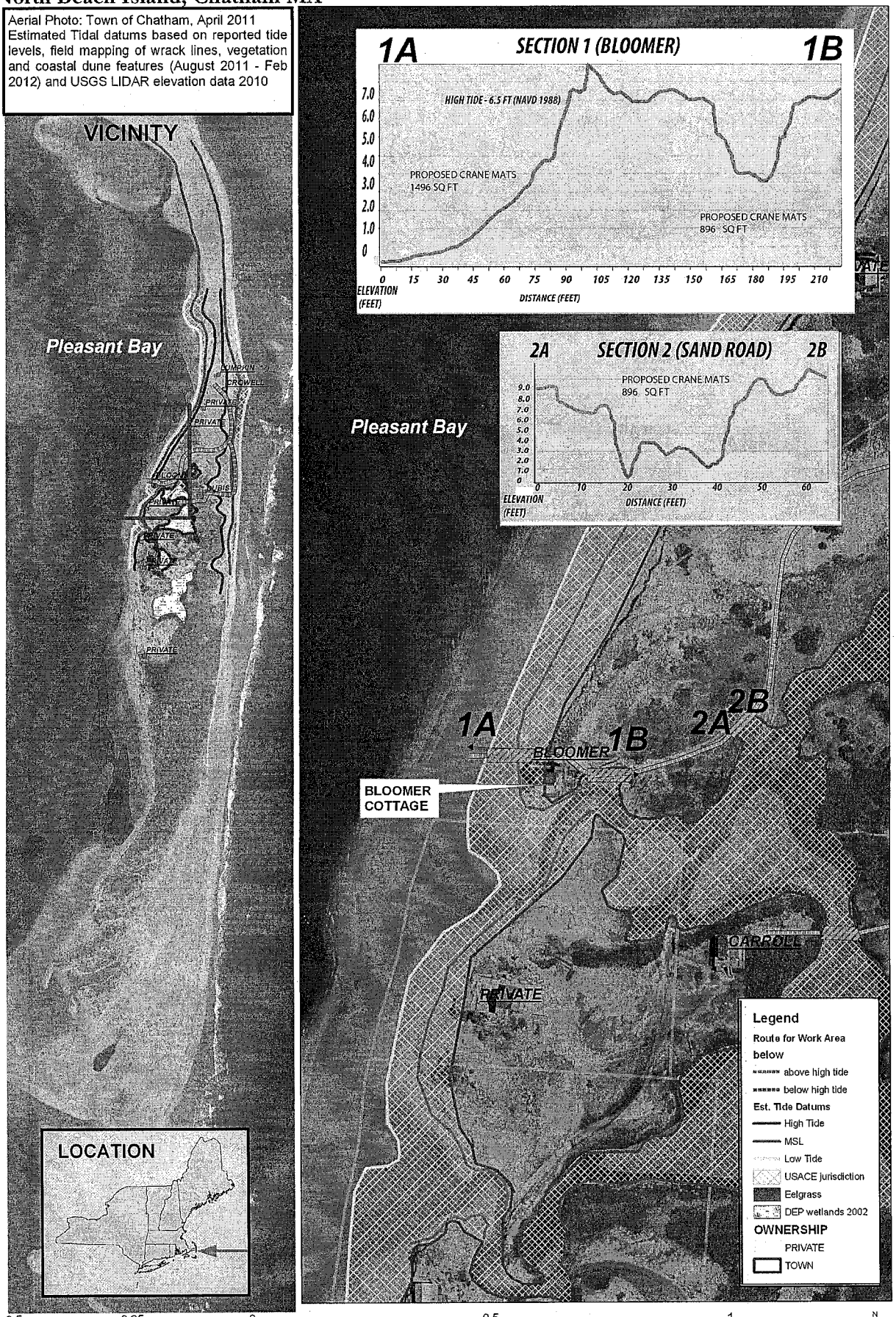
North Beach Island, Chatham MA

Aerial Photo: Town of Chatham, April 2011
Estimated Tidal datums based on reported tide levels, field mapping of wrack lines, vegetation and coastal dune features (August 2011 - Feb 2012) and USGS LIDAR elevation data 2010



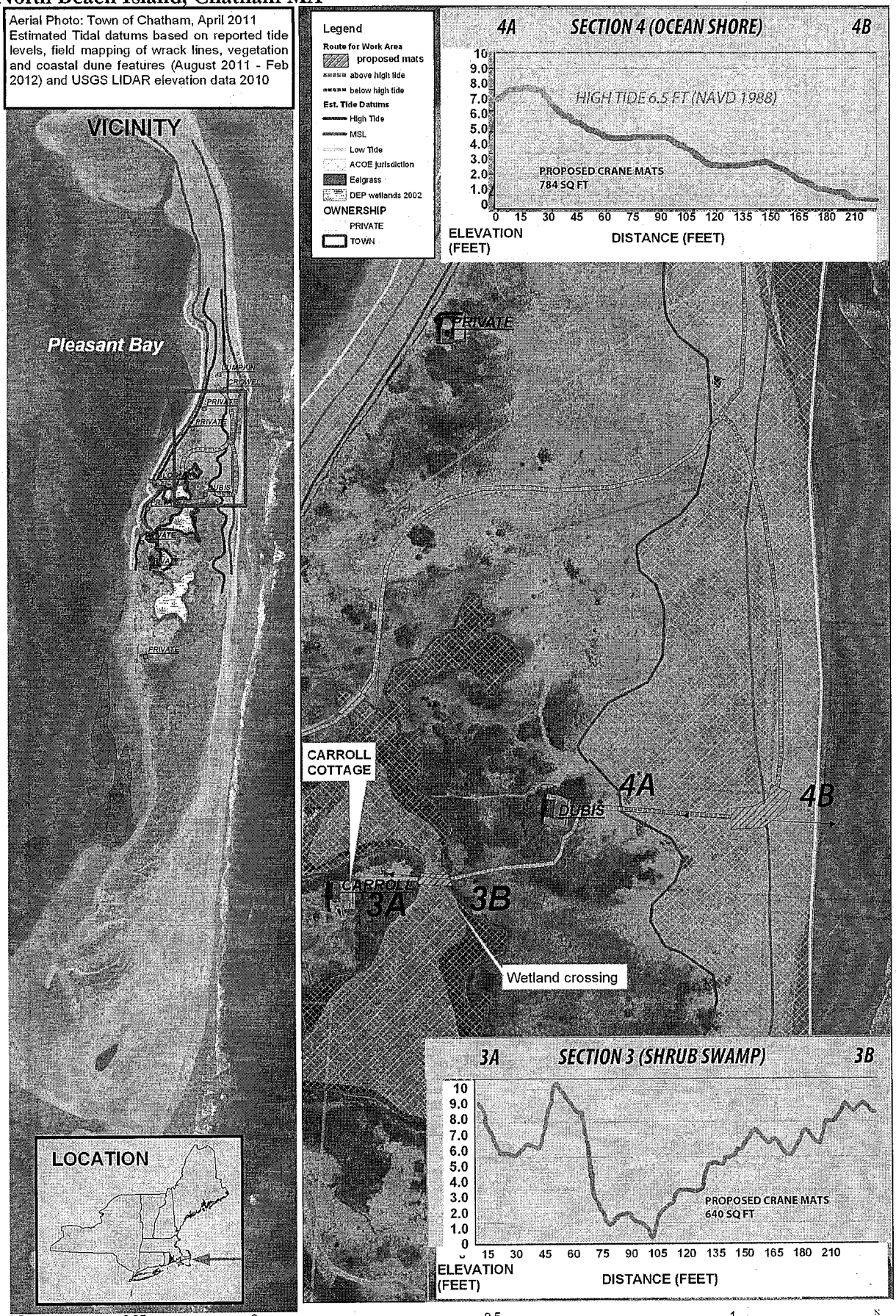
Section 1 (Bloomer) and Section 2 (Sand Road)
North Beach Island, Chatham MA

Aerial Photo: Town of Chatham, April 2011
Estimated Tidal datums based on reported tide levels, field mapping of wrack lines, vegetation and coastal dune features (August 2011 - Feb 2012) and USGS LIDAR elevation data 2010

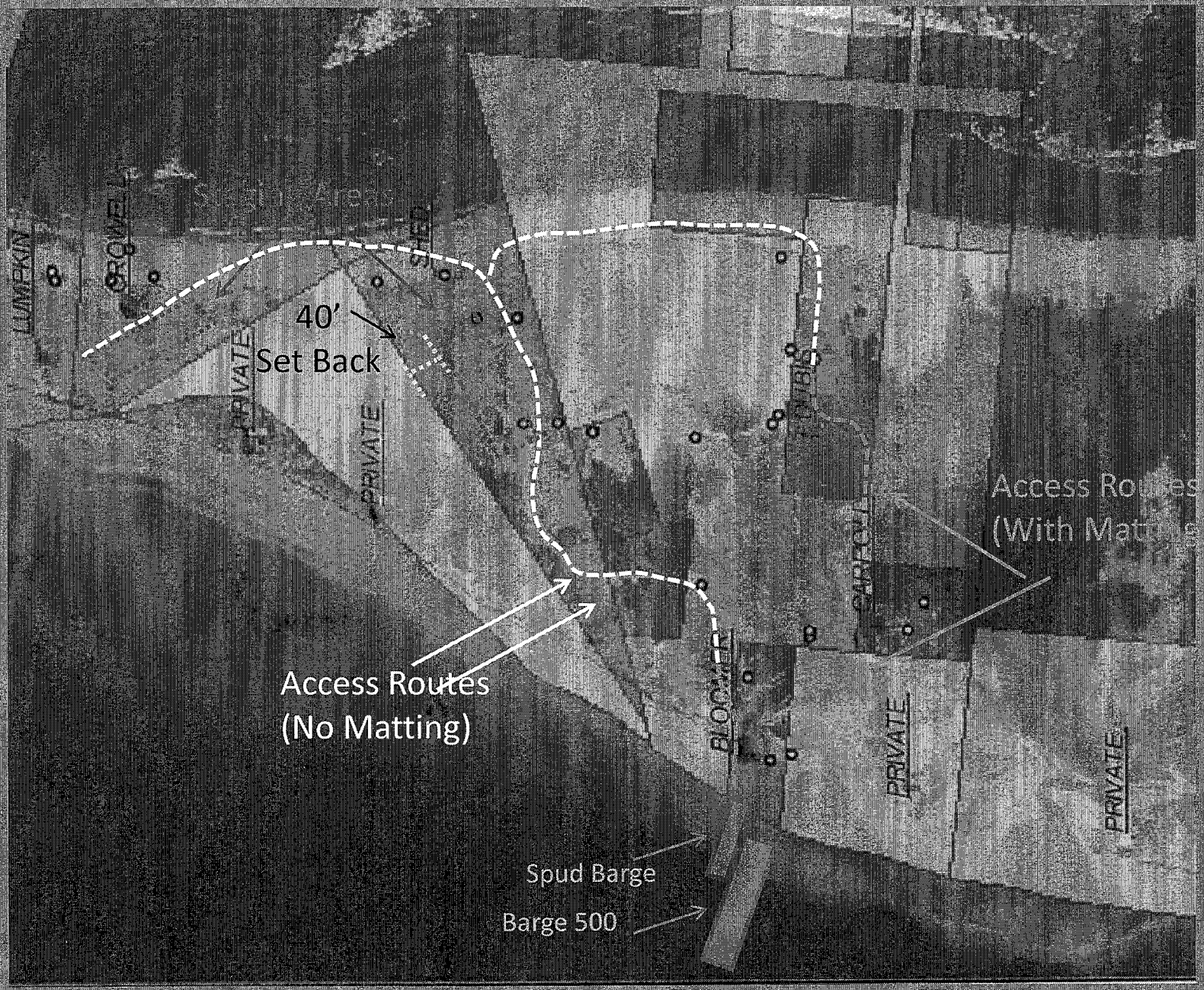


Section 3 (Shrub Swamp) and Section 4 (Ocean Shore)
North Beach Island, Chatham MA

Aerial Photo: Town of Chatham, April 2011
Estimated Tidal datums based on reported tide levels, field mapping of wrack lines, vegetation and coastal dune features (August 2011 - Feb 2012) and USGS LIDAR elevation data 2010



WORK PLAN



LUMPKIN
CROWELL
SHED
PRIVATE
PRIVATE
40'
Set Back
DUBIS
CARROLL
BLOOMER
PRIVATE
PRIVATE
Access Routes
(With Matting)
Access Routes
(No Matting)
Spud Barge
Barge 500

US Army Corps
of Engineers ®
New England District

GENERAL PERMIT
WORK-START NOTIFICATION FORM
(Minimum Notice: Two weeks before work begins)

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* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *
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Corps of Engineers Permit No. NAE-2012-399 was issued to National Park Service, Cape Cod National Seashore, on March, 2012. This project is located in the Atlantic Ocean at the Cape Cod National Seashore, North Beach Island, Chatham, Massachusetts. The permit authorized the permittee to perform work and place approximately 4672 square feet of temporary fill via swamp mats below the high tide line of waters of the United States in order to demolish and remove five cottages owned by the National Park Service.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

_____

_____

_____

Telephone Numbers: (___) _____ (___) _____

Proposed Work Dates: **Start:** _____ **Finish:** _____

Permittee/Agent Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Date Permit Issued: _____ **Date Permit Expires:** _____

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FOR USE BY THE CORPS OF ENGINEERS

PM: Kevin Kotelly **Submittals Required:** No

Inspection Recommendation: _____

_____

_____

US Army Corps
of Engineers ®
New England District

(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2012-399

Project Manager Kevin Kotelly

Name of Permittee: National Park Service, Cape Cod National Seashore

Permit Issuance Date: March, 2012

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

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* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch A *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *
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Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

_____ _____
Signature of Permittee Date

_____ _____
Printed Name Date of Work Completion

(____) _____ (____) _____
Telephone Number Telephone Number