

Certified Mail -- Return Receipt Requested



REPLY TO
ATTENTION OF:

Regulatory Branch

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

January 8, 2001

SUBJECT: Suspension of Department of the Army Permit No. 2000-02170(0)

Mr. Robert W. Barnes
Barnes Nursery Inc.
3511 West Cleveland Road
Huron, Ohio 44839

Dear Mr. Barnes:

This is in reference to the currently suspended Nationwide Permit No. 27 (NWP 27) originally affirmed and issued to you under Department of the Army Permit No. 2000-02170(0). The project in question is located on the east side of Cedar Point East Access Road, in the City of Sandusky, Erie County, Ohio.

After reviewing the entire administrative record, I have determined that the overall purpose of your project is to provide a constant water supply to an irrigation pump. NWP 27 cannot authorize this type of water supply activity. Therefore, the case specific authorization for this project as affirmed under NWP 27 was issued to you in error. Effective immediately, the portion of your project already constructed is deemed an unpermitted activity, and no authorization exists for the remaining unbuilt portion of your project.

Our regulations will allow you to apply for after the fact authorization for the unpermitted activity. If you chose not to apply for after the fact authorization, you will be required to restore the entire project site to preconstruction conditions. Please notify the Corps in writing by January 29, 2001 of your decision to either request after the fact authorization or restore the project site.

Please be advised, there are no Nationwide permits, Regional permits, or Letters of Permission that would authorize the constructed project. An Individual permit requiring a public interest review is the only potential authorization for the constructed project.

Questions pertaining to this matter should be directed to Michael Montone at (716) 879-4435, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at: michael.g.montone@usace.army.mil

Sincerely,

A handwritten signature in black ink that reads "Glen R. DeWillie".

Glen R. DeWillie
Lieutenant Colonel, U.S. Army
District Engineer