



July 24, 2014

Exide Group, Inc.  
c/o Ken Money, Vale Americas, Inc.  
1213 Culbreth Drive  
Wilmington, NC 28405

**Subject: Approval of Registration #201205445-TS**  
General Permit DEP-LIS-GP-009  
Coastal Remedial Activities Required by Order  
Town of Fairfield

Dear Mr. Money:

I am writing in response to a letter dated July 21, 2014 from your consultant Ralph Klass, in which you request a modification of the above-reference permit. Specifically, you request modification of paragraph 7., of the SPECIAL TERMS AND CONDITIONS of the permit, which prohibits unconfined in-water excavation, dredging, filling or removal of debris or other material between May 1st and October 1st, inclusive, of any year in order to protect spawning shellfish unless otherwise authorized in writing by the Commissioner. You indicate that this condition is incorrect - that the work restriction during this time period should not apply to all five work areas but only apply to the work areas identified as "Area III" which is the downstream area north of the spillway and tide gates, and "Area IV" which is the Southport Harbor Area.

After reviewing the work closure period recommendation provided in an October 5, 2011 email from Kristin DeRosia-Banick of the DEEP Bureau of Aquaculture, staff concurs that paragraph 7. of the SPECIAL TERMS AND CONDITIONS is incorrect. The work restriction does not apply to all five work areas - only to the work areas identified as Areas III & IV. Your permit modification request is hereby approved. Please note that all other terms and conditions of the certificate remain in full force and effect.

Please be advised that any work conducted in tidal wetlands or waterward of the coastal jurisdiction line in the tidal, coastal or navigable waters of the state without the appropriate authorization is a violation of state statute and is subject to enforcement action by this Department and the Office of the Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. P. Thompson', with a long horizontal flourish extending to the right.

Brian P. Thompson, Director  
Office of Long Island Sound Programs  
Bureau of Water Protection & Land Reuse

BPT/tls

cc: Ralph Klass, CCA, LLC  
Municipal CEO  
Army Corps of Engineers  
Harbor Master