



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

December 8, 2004

James Decoulos
38 Bow Road
Belmont, MA 02478

RE: *Matter of Paul D. Pettigrove, Trustee, Gorda Realty Trust*
DEP Docket No. 2001-114

Dear Mr. Decoulos:

I am writing in response to your letter to Governor Romney regarding an administrative appeal of a permit for proposed work on your property in Aquinnah. The Governor's Office has asked me to reply on their behalf. I am sorry to hear about the hardship that the regulatory process has created for you and your family. We appreciate your acknowledgement of the Department of Environmental Protection's efforts to streamline the adjudicatory process. As you may know, we plan to promulgate adjudicatory hearing regulations on January 1, 2005.

As I understand your situation, you had an adjudicatory hearing in February 2004, that was followed by the filing of Final Briefs and then Motions to Strike with Responses to those Motions filed in March 2004. Although this may appear to be a long time between the date of last action and a recommended decision from the Administrative Magistrate, the case is within the average range of time it takes to issue decisions following the close of a hearing and the filing of subsequent briefs.

As you are likely aware the Administrative Law Judges (now called "Administrative Magistrates") are under the Executive Office of Environmental Affairs ("EOEA") and not within the oversight of the Department. Earlier this year, they were moved to the Division of Administrative Law Appeals ("DALA"), which oversees their work in conjunction with EOEA.

We appreciate your patience, and your efforts to work through the proper regulatory channels to seek project approval.



Very truly yours,

A handwritten signature in black ink, appearing to read 'Lealdon Langley', with a long, sweeping horizontal stroke extending to the right.

Lealdon Langley, Director
Wetlands and Waterways Program

Cc: M. Stolf, DEP-OGC
R. Cutting, DEP-OGC
R. Gallogly, Esq., for the Petitioner