

Permit: USACE Regional General Permit No. 197800056

FINAL ADMINISTRATIVE PENALTY ORDER

Under the authority granted by 33 U.S.C. § 1319(g) and 33 CFR Part 326.6, I, Colonel Charles R. Alexander, Jr., District Engineer, Wilmington District, issue this order assessing a Class 1 Administrative Penalty for violation of the above-referenced permit.

Name/Address of Permittee:

Mr. Joseph Winslow

Permitted Activity:

The construction of a pier and boatlift in navigable waters of the United States on Mr. Winslow's property off State Road 1350, in the Pamlico Shores subdivision, on Ocracoke Island, in Hyde County, North Carolina, consistent with USACE Wilmington District Regional General Permit (RGP) Number 19780056 and with the plans submitted in CAMA permit number 37080-B.

Condition(s) or Limitation(s) of Permit Reportedly Violated:

Mr. Winslow failed to comply with special condition (t) of the RGP, which states, "this general permit does not authorize any dredging."

Description of the Nature of the Violation(s):

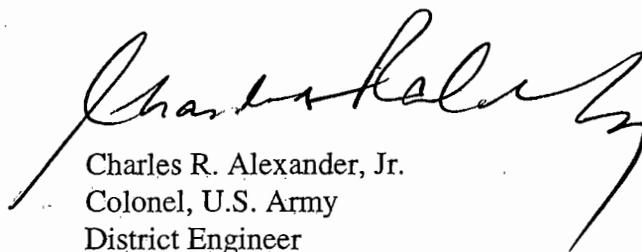
Mr. Winslow and an associate used a small boat propeller to dredge a channel and basin in navigable waters of the United States, depositing dredged material over approximately 8200 square feet of the Pamlico Sound.

It is my decision that a Class 1 Administrative Penalty in the amount of \$5,000 shall be assessed against the permittee. Permittee will pay the penalty by cashier's or certified check, payable to the Treasurer of the United States, and delivered to the Finance and Accounting Office, U.S. Army Engineer District, P.O. Box 1890, Wilmington, North Carolina, 28402, within 30 days from the effective date of this letter.

The issuance of this Order constitutes final U.S. Army Corps of Engineers action in this case for purposes of judicial review.

This order will become effective 30 calendar days following its issuance unless an appeal is taken pursuant to 33 U.S.C. § 1319(g)(8) or a hearing is granted. Since no hearing was held prior to the issuance of this Order, a prior commenter may file a petition for a hearing within the 30-day period.

Issued this 2nd day of December 2004.



Charles R. Alexander, Jr.
Colonel, U.S. Army
District Engineer