

Permit: USACE Individual Permit No. 199703715

FINAL ADMINISTRATIVE PENALTY ORDER

Under the authority granted by 33 U.S.C. § 1319(g) and 33 CFR Part 326.6, I, Colonel John E. Pulliam, 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. Michael Quidley

Permitted Activity:

The maintenance excavation of an existing man-made access channel and canal, and the construction of a commercial multi-slip dock, boat ramp, bulkhead, and a fish house/restaurant, on property located off NC Highway 12, adjacent to the Pamlico Sound, in Buxton, Dare County, North Carolina, consistent with the application and plans approved for USACE Individual Permit No. 199703715, and State CAMA Permit No. 81-92.

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

Mr. Quidley failed to comply with special condition (8) of the permit, which states that "No excavated or fill materials will be placed at any time in any vegetated wetlands or waters."

Description of the Nature of the Violation(s):

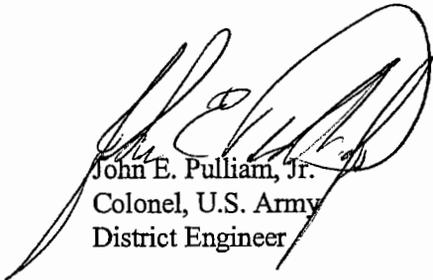
Mr. Quidley discharged unauthorized miscellaneous debris and demolition material into approximately 22,100 square feet (0.50-acre) of high quality coastal marsh wetlands and navigable waters subject to Department of the Army Regulatory jurisdiction.

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 FAO, USAED Wilmington, and delivered to the Office of Counsel, 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 27th day of September 2005.



John E. Pulliam, Jr.
Colonel, U.S. Army
District Engineer