

Permit: USACE Individual Permit No. 199703715

### **PROPOSED 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, propose to 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:**

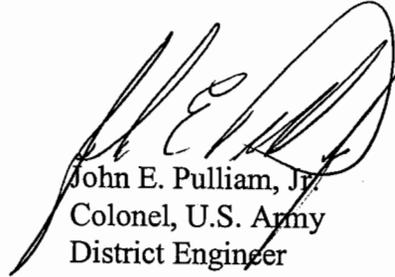
Mr. Quidley failed to comply with special condition (8) of the permit, which states that "No excavated or fill materials will be placed at any time in any vegetated wetlands or waters."

**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.

I propose to assess a Class 1 Administrative Penalty against the permittee in this case for \$ 5,000; however, this proposal is subject to revision in the interest of justice after all evidence and comments have been received and reviewed. The amount that may be assessed as a Class 1 Administrative Penalty may not exceed \$11,000 per individual violation or a maximum amount of \$27,500.

Issued this 15<sup>th</sup> day of August 2005.



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