

Permit: USACE Regional General Permit No. 197800080

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 I Administrative Penalty for violation of the above-referenced permit.

Name/Address of Permittee:

Mr. Jimmie D. Summerell

Permitted Activity:

The installation of rock riprap material within navigable waters of the United States, waterward of an eroding shoreline on Mr. Summerell's property, located off Shifting Sands Drive, in the Bridgepath Estates Subdivision, adjacent to the Albemarle Sound, near the Town of Columbia, in Tyrrell County, North Carolina, consistent with USACE Wilmington District Regional General Permit (RGP) Number 197800080 and with the plans submitted in CAMA Permits 38731-B, 40677-B, 41297-B, and 43810-B.

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

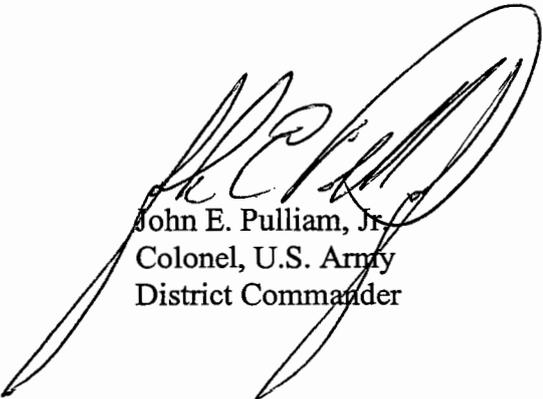
Mr. Summerell failed to comply with special condition (e) of the RGP, which states, "this general permit does not authorize the construction or placement of structures nor the discharge of fill material within Department of the Army jurisdictional wetlands, seagrass, or submerged aquatic vegetation."

Description of the Nature of the Violation(s):

Mr. Summerell discharged fill material within approximately 26,790 square feet (0.61 acre) of high quality swamp forest wetlands immediately adjacent to the Albemarle Sound.

I propose to assess a Class I 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 I Administrative Penalty may not exceed \$11,000 per individual violation or a maximum amount of \$27,500.

Issued this 28th day of August 2006.



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