

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 2006 40582 127

January 18, 2007

PUBLIC NOTICE

INTERESTED PARTIES: The District Engineer, Wilmington District, proposes to issue an order assessing a Class I Administrative Penalty against Corolla Bay, LLC, for a violation of permits granted under Section 404 of the Clean Water Act.

PERMITS INVOLVED AND ALLEGED VIOLATION: The Department of the Army issued Nationwide Permit No. 200610338 to Corolla Bay, LLC, on December 28, 2005. This permit authorized the construction of road crossings to facilitate development of a residential subdivision at the Corolla Bay Development, located off N.C. Highway 12, adjacent to the Currituck Sound, in Corolla, Currituck County, North Carolina.

Permit No. 200610338 was violated as follows:

Corolla Bay, LLC, failed to comply with special condition (a) of the subject permit, which states that, "All work authorized by this permit must be performed in strict compliance with the submitted plans, which are a part of this permit."

Corolla Bay, LLC, began construction of the residential subdivision without complying with this permit condition. Corolla Bay, LLC, discharged fill material within approximately 0.42-acre of high quality DA jurisdictional wetlands (Estuarine Woody Wetlands) outside of the authorized fill area.

AUTHORITY FOR PROCEEDING: This Administrative Penalty proceeding is initiated under the authority of 33 U.S.C. 1319(g) and 33 CFR Part 326.6. The procedure for assessing civil penalties in cases such as this is set out in the statute and the regulation. Following the discovery and investigation of a violation of a permit, notice is given to the permittee, the appropriate state agency, and the public. The permittee, the state, or any member of the public may file comments within 30 days. If requested by the permittee, a hearing will be held before a Presiding Officer who will submit a report and recommend a decision to the District Engineer. The District Engineer will issue a Final Order on the case to the permittee. Public participation in the hearing is permitted if a hearing is held.