

Permit: USACE Regional General Permit No. 197800080

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. 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):

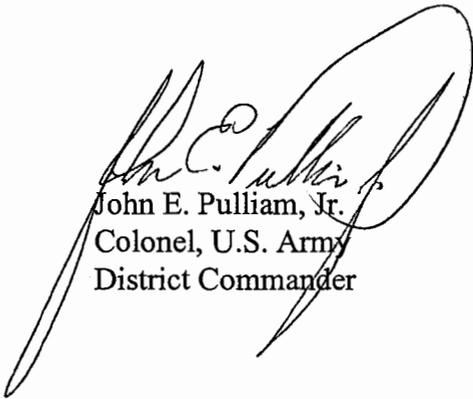
Mr. Summerell discharged fill material within approximately 26,790 square feet (0.61 acre) of high quality swamp forest wetlands immediately adjacent to the Albemarle Sound.

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 29th day of January 2007.



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