

**CESAJ-RD April 2008
FACT SHEET
Project Name: Triple Diamond SAJ-2003-11215**

Regulatory-Congressional District: 13

Project Name: Arp and Triple Diamond

Project Purpose: To develop condo community and multi-slip docking facility
POC is Eric Summa, 904-232-1665

Project Location: Unnamed manmade canal connected to Lemon Bay in Section 34, Township 41, Range 20 East, in Charlotte County, Florida

Past Actions: David Arp and Triple Diamond Enterprises, LLC, purchased the property 12 February 2002 for the purpose of developing the Cape Haze Yacht Club. The Corps received a complaint on 21 October 2003 regarding unauthorized construction of a multi-slip dock and boat ramp. An alleged violation was verified and Cease and Desist Orders were issued to the alleged violators on 9 December 2003 for Section 10 and Section 404 violations for unauthorized impacts to waters of the U.S.

VIOLATIONS:

- a. Construction of a 2,052 square foot dock structure within a tidal canal connected to Lemon Bay without DA authorization in violation of Section 10 of the Rivers and Harbors Act (RHA).
- b. Dredging 150 cubic yards of sediment in violation of Section 10 of RHA.
- c. Construction of 1,329 square foot boat ramp in violation of Section 10 and Section 404 of the Clean Water Act.
- d. Placement of 185 cubic yards of riprap material over 3,800 square feet of waters in violation of Section 10 and Section 404.
- e. Placement of shell rock material for road access and a parking lot in waters of the United States in violation of Section 404 of the Clean Water Act..

On April 14, 2008 a Consent Decree filed by the Assistant U.S. Attorney was signed by U.S. District Judge in order to resolve the violations conducted under the directions by David Arp and Triple Diamond Enterprises, LLC which required mitigation for the damages and payment of civil penalties.

The defendants, David Arp and Triple Diamond Enterprises, LLC, were ordered to remove the boat ramp and restore the area, pay civil penalties of \$300,000 and purchase 0.80 units of mitigation credits from Little Pine Island Mitigation Bank. A Nationwide 32 permit was issued for the multi-slip dock. The action is considered resolved.

Issues: The Corps believes that impacts to aquatic resources for economic gain without the benefit of a permit, adversely impacts the public interest and disrupts equity in the marketplace. As part of its mission to deter unauthorized activities, the Corps will continue to vigorously pursue such actions.