



**US Army Corps
of Engineers®**
Jacksonville District

NEWS RELEASE

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FOR IMMEDIATE RELEASE

U.S. Army Corps of Engineers Fines Massachusetts Firm \$65,000 for Unauthorized Impact to Florida Wetlands

PLACIDA, Fla. -- The U.S. Army Corps of Engineers, Jacksonville District has assessed a civil penalty of \$65,000 against BK IV AS, LLC of Massachusetts, the permittee for a private airport project located in Charlotte County, southwest Florida.

BK IV AS, LLC was penalized for discharging fill into 0.16 acre of wetlands without prior authorization from the U.S. Army Corps of Engineers (Corps). BK IV AS, LLC had submitted an application requesting authorization to expand the Coral Creek Airport. The application was under review at the time the violation was discovered.

The cited violation was the construction of a water main and access road through salt marsh wetlands, with clear knowledge of the need for a Corps permit and with the intent to save money. Representatives for BK IV AS, LLC stated it was necessary to construct a water line to the existing airplane hangars for safety purposes. The company considered using a method called "directional boring," which would tunnel the water pipe underneath the wetlands and avoid wetland impacts, but decided the approach was cost-prohibitive. They instead chose to install the water pipe through the wetlands, part of a contiguous, tidally-influenced wetland connected to the east branch of Coral Creek. The action resulted in the violation and associated penalties.

The Corps worked in partnership with the U.S. Department of Justice Environmental Defense Section to analyze impacts, assess penalties and resolve the violation. Civil penalties may be assessed to address violations associated with unauthorized activities. Penalty amounts range from \$100 to \$32,500 per day. Violations are evaluated for quality of the resource impacted, quantity of the discharge, culpability of the violator, deterrence value, benefit from the violation and equitable considerations.

The Corps' Jacksonville District has an ongoing and active regulatory enforcement program throughout Florida, Puerto Rico and the U.S. Virgin Islands, with the express intent to deter unauthorized activities and maintain the integrity of aquatic resources, including wetlands.

For more information on the enforcement program, visit the web site at:
<http://www.saj.usace.army.mil/Divisions/Regulatory/regulpolicy.htm>.