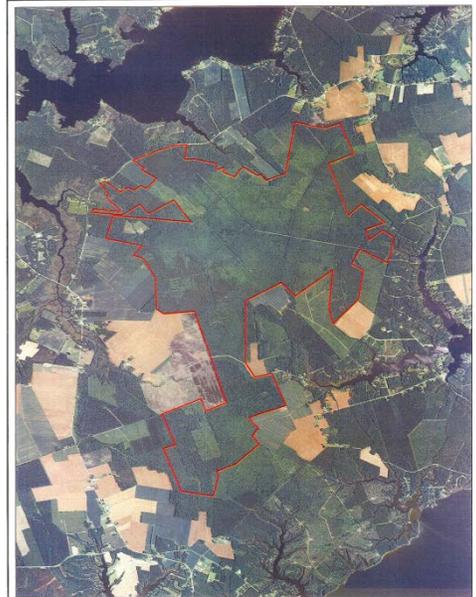




US Army Corps
of Engineers
Wilmington District

Spring Creek Farms, LLC
Pamlico County, North Carolina
(Regulatory)

- Proposed change in land use of drained wetlands from silviculture to agriculture
- Increasing media and public interest



CONGRESSIONAL DISTRICT: NC-3

DATE: 5 February 2014

1. **PURPOSE:**

To provide information regarding the Corps' jurisdictional status of potentially drained wetlands resulting from past silviculture ditching activities located in Pamlico County, NC.

2. **BACKGROUND:**

a. Spring Creek Farms, LLC. (SCF) purchased a 4,600 +/- acre silviculture/agriculture tract in Pamlico County, NC. In August 2013, representatives for SCF requested a Corps determination of a 251 acre tract that is part of the 4,600 +/- tract. Based on their independent assessment, a majority of the property has been drained and no longer exhibits the hydrology parameter characteristic of a jurisdictional wetland. SCF wishes to convert these drained areas from silviculture to agriculture.

b. On August 7, 2013, a thorough investigation was conducted on the 251 acre tract utilizing current guidance for making wetland determinations including the 1987 Corps of Engineers Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement to the 1987 Manual. Hydric soils and hydrophytic vegetation were observed. Additionally, multiple 4-foot x 4-foot lateral ditches on 660-foot spacing connected to 10-foot x 4-foot perimeter ditches were observed. The Corps determined that the hydrology indicator was not present and issued a no permit required determination (Action ID Number SAW-2013-01700). At this time only ditch maintenance was being conducted. No additional clearing or ditch construction was observed.

c. Subsequent to this determination, several citizens became concerned that SCF was in violation of the Clean Water Act based on local knowledge that wetlands were present on the site. Ultimately, the Pamlico Board of Commissioners wrote a letter to the Corps requesting that the Corps reexamine their decision of no wetlands present and enforce the illegality of the ditch construction presuming a permit had not been obtained by the original owner. The Commissioners requested that should the ditches be found illegal they be removed and the hydrology restored to the area.

d. The EPA and Corps revisited the 251 acre tract in November 2013 as well as an additional 580 acre tract and an 80 acre tract. The intent of the site visit was to assess the condition of these areas as it relates to drainage effects, locate reference points not affected by ditching, and make a determination of jurisdiction of the lateral and perimeter ditches. The Corps is continuing to monitor the hydrology on the 580 acre tract and has deemed the 80 acre tract uplands.

3. **CURRENT STATUS:**

a. On February 6, 2014, the EPA notified the Corps that they were going to contact the consultant and the landowners of SCF and were going to ask Spring Creek to not conduct any further ditch maintenance on the site. They stated that the ditches are in violation of the 404(F) (more than minor drainage) of the Clean Water Act so ditch maintenance cannot be conducted on an existing violation. EPA and the Corps will inspect the areas that they intend to perform future ditch maintenance and confirm if wetlands are present. If wetlands are present, then no further ditch deepening can occur as so-called ditch maintenance will drain the adjacent wetlands.