



**US Army Corps
of Engineers**
Wilmington District

Hofmann State Forest Unauthorized Ditching Activity Jacksonville, Onslow County, NC (Regulatory)

- **Regulatory Action: Potential unauthorized excavation of ditches in jurisdictional wetlands.**
- **Determination that the ditches exceed the forestry exemption for minor drainage allowed for in the Corps' regulations.**
- **The determination affects over 6,700 acres of wetlands in Onslow County and has policy repercussions for eastern NC and throughout the Corps.**



CONGRESSIONAL DISTRICT: NC-03

DATE: 23 February 2015

1. PURPOSE:

To provide information regarding the US Army Corps of Engineers (Corps) status for possible unauthorized ditch work (potentially impacting over 6,700 acres of jurisdictional wetlands) occurring on the Hofmann State Forest and conducted by the NC Forestry Foundation (NCFF) (a component of NC State University) north of Jacksonville, Onslow County, NC. Action ID: SAW-2013-02352.

2. BACKGROUND:

a. Upon receiving a freedom of information Act request concerning information circulating from a potential buyer, the Corps discovered that recent ditch work within the approximate 80,000-acre state forest appeared to not meet the minor drainage exemption pursuant to Section 404 of the Clean Water Act. Based on this discovery, the Corps met with several personnel from the NCFF

PROJECT INFORMATION – Hofmann State Forest Unauthorized Ditching Activity, Jacksonville, Onslow County, N.C. (Regulatory) – Continued

on January 7, 2014. It was confirmed that ditches were excavated in jurisdictional wetlands and that they did not appear to meet the exemption due to the excavated depth and their connection to an outside drainage system. A letter dated February 3, 2014 was sent to the NCCFF requesting additional information regarding the history of subject ditches.

b. The Corps contacted representatives of the US Environmental Protection Agency, (EPA) Region IV on January 13 and February 19, 2014 to discuss our findings and the Corps' belief that the work was not conducted in accordance with the Corps' regulations.

c. The NCCFF provided the requested information on March 7, 2014. In a meeting held on March 14, 2014, the Corps requested the NCCFF provide information on the extent and date of ditching activity pre and post 1977 (Clean Water Act). With receipt of information requested from NC State during a meeting held on March 14, 2014, and by letter dated April 15, 2014, the Corps referred this case to the EPA.

d. By email dated April 21, 2014, EPA accepted the role as lead agency on any enforcement action on this property. On September 3, 2014, the EPA assessed the site with representatives from NC State and the Corps..

3. **CURRENT STATUS:**

According to the EPA, site drainage characteristics will be assessed using DRAINMOD with technical assistance from NC State. The EPA's final decision could serve to better define minor drainage associated with silvicultural operations in the coastal plain.