



US Army Corps
of Engineers
Wilmington District

Enforcement Action: Mr. Melvin E. “Val” Valentine Roanoke River, Martin County North Carolina (Regulatory)

- **Unauthorized construction of roads and other filling activities within wetlands resulting in the restriction of flows and circulation patterns of waters of the United States.**
- **Impacted areas include high quality riverine swamp forest and bottomland hardwood wetlands.**

CONGRESSIONAL DISTRICT: NC-3

DATE: 14 June 2021

1. PURPOSE

To provide information on the Corps open enforcement action on an approximately 1,100-acre property located off the north side of US 64 Business, adjacent to Devils Gut and the Roanoke River, in Jamesville, Martin County, NC.

2. BACKGROUND

a. The property is located within the expansive Roanoke River floodplain and includes high quality riverine swamp forest, bottomland hardwood wetlands, and scattered small upland hummocks. Historically, the property contained one access road and has been entirely logged and managed without the construction of additional roads.

b. Mr. Valentine contends that he constructed the roads for forestry purposes and therefore, he is exempt from regulation.

c. Based on the evidence gathered by the Corps:

- 1) The primary purpose of the roads appears to be for non-exempt recreational access, establishment and access to deer hunting stands and food plots, and the impounding of water to support duck hunting. A hunting lodge is under construction on part of the property that tax records indicate is owned by Valentine Amusement Park, Inc. Advertisements for “Devils Gut Duck Club” can be found on Facebook with pictures and videos showing duck and deer hunting activities within impounded areas created by the unauthorized road construction.
- 2) The work undertaken by Mr. Valentine is in violation of the baseline provisions of the forestry road exemption to include exceeding the minimum number of roads necessary, the restriction of flows and circulation patterns of waters of the United States, inadequate stabilization of the fill, and the restriction of movement of aquatic species. Additionally, the scattered upland hummocks on the property have been cleared of trees, graded, plowed, and planted with corn and other grains to attract wildlife game species. Large

box-style hunting stands have also been installed around the food plots. Corps coordination with representatives of the U.S. and N.C. Forest Services, and logging industry confirms that the activities undertaken on the subject property are not considered to be normal silvicultural practices.

d. 27 June 2018. The Corps issued cease and desist correspondence to Mr. Valentine, and requested that he submit a proposal for remediation, a request for an after the fact permit, or a combination of the two.

e. 23 October 2018. In anticipation of the onsite meeting referenced in f. below, Mr. Valentine's attorney submitted a letter requesting a site visit and included additional information related to forestry activities as well as a proposal to consider bridging, culverting and fording of segments of the unauthorized roads ostensibly to bring them into compliance with the forest road exemption.

f. 31 October 2018. The Corps, Environmental Protection Agency (EPA), and NC Division of Water Resources met onsite with Mr. Valentine's attorney and wetland consultants. It was documented that floodwaters from the Roanoke River covered a major portion of the property and many sections of the roads had blown out releasing sediments into jurisdictional areas. Flood waters were actively washing over and through large sections of the subject roads. Consequently, not all areas in question were accessible. It was also confirmed on this day that additional road segments had been constructed within wetlands and riser gates installed on several culverts within the roads to impound water. Based upon this meeting, it was conveyed to Mr. Valentine's attorney that the 23 October 2018 letter and attachments did not adequately address remediation of the violation.

g. 20 December 2018. The Corps conducted a teleconference with Mr. Valentine's attorney who offered to submit a draft remediation plan that included the removal and/or realignment of the roads to restore impacted wetlands and water circulation across the site.

h. 14 January 2019. Mr. Valentine informed the Wilmington District Regulatory Chief that he told his attorney and consultants to "stand down" and that Senator Richard Burr's office had agreed to take over all correspondence related to this matter. The Corps remains in contact with Ms. Rosalie Calarco of Senator Burr's office.

i. 15 February 2019. The Corps sent a letter to Mr. Valentine confirming the 20 December 2018 teleconference, requesting that Mr. Valentine submit a written remediation plan to the Corps based upon his attorney's proposal. To date, the Corps has not received the requested remediation plan.

3. **CURRENT STATUS**

a. The Corps continues to explore enforcement options, including referral to DOJ.