Rebecca Chandler   March 8, 2024
N.C. DEQ Water Resources
450 W. Hanes Mill Rd, Suite 300
Winston-Salem, NC 27105

Tamera Eplin
Division of Energy, Mineral and Land Resources
450 W. Hanes Mill Rd, Suite 300
Winston-Salem, NC 27105

Kinnon Hodges
NC Wildlife Resources Commission
179 Stone Bridge Road
Mount Airy, NC 27030

Dear Rebecca, Tamera and Kinnon

The Blue Ridge Chapter of Trout Unlimited would like to file a complaint for violation of trout water quality standards on Elk creek (36 20'05.1"N 81 35'49.9"W) above the town of Todd in Ashe county. There is a land disturbance that started about 10 days ago by a Mr. Glenn Harrs. He has cleared a section of land from the road (3 Top Road) to Elk Creek, cutting trees and plowing into the banks of the stream. Elk creek is a native brook trout stream and is classified as trout water under the DEQ Surface water classification from its source to the South Fork of the New River. Mrs. Susan Armstrong alerted Blue Ridge Trout Unlimited of Mr. Harrs intentions when he bought the land in the fall of 2023. There is currently a dispute of the right of way. Currently there is no evidence of any erosion controls measures, leading us to believe he does not have a permit to disturb this native trout stream.

I inspected the property on March 1st when Mrs. Armstong alerted us that he started clearing the land. There was evidence of machine work into the bank with sediment flowing down into elk creek from the disturbance. There was no sediment coming into Elk creek above the disturbance. There was light rain that morning. I understand that subsequently Mr. Harrs has done more work on the land and appears that he will be crossing the creek soon. Attached you will find several photos.

"The Sedimentation Pollution Control Act of 1973 requires buffer zones along trout waters. G.S. 113A-57(1) of this Act says: "Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater.

Buffer zones for trout waters that must be met: • The (minimum) 25-foot buffer must be measured horizontally from the top of the bank. • A land-disturbing activity in the buffer zone adjacent to trout water can be permitted if the duration of the disturbance is temporary and the extent of the disturbance is minimal. Permission must be received from DEMLR. "

We believe the Sedimentation Pollution Control Act buffer zone is being violated as well as the lack of any sediment and erosion controls required to prevent silt from entering the trout stream violating trout water standards.

Blue Ridge Trout Unlimited has been working on Elk creek below the disturbance and on the South Fork of the New River planting trees and live stakes creating buffer zones to protect the brook trout population for the last two years. This land disturbance threatens the native brook trout population and all the efforts that we and the local community have been putting in.

NC has lost many brook trout streams in the last 3 years and their existence is being threatened by un permitted land disturbance and developments.

Blue Ridge Trout Unlimited asks that DEQ, DEMLR and NCWRC to take immediate action to stop further degradation of Elk Creek.

Attached in the email you will find photos of the disturbance and map locations.

Thank you

Sincerely
Robby Abou-Rizk
Blue Ridge Trout Unlimited Advocacy chair