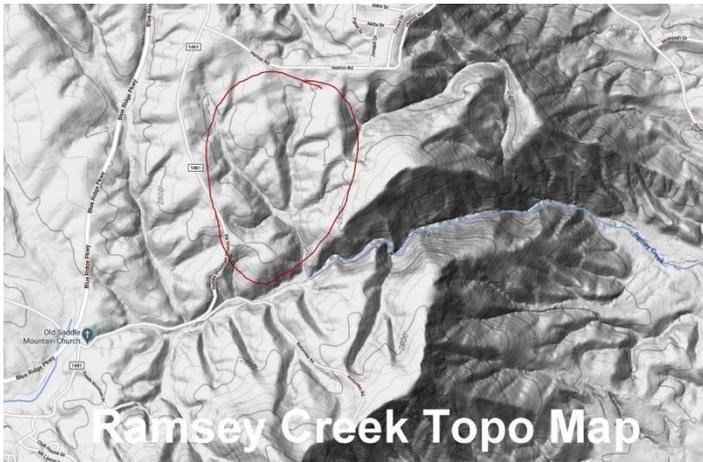


Ramey Creek, Roaring Fork Creek brook trout stream demise along the Blue Ridge Parkway

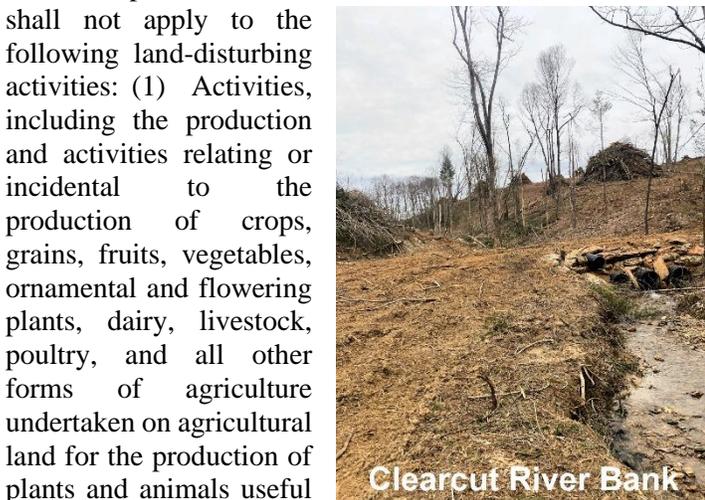


Sometime last year, Bottomley Evergreens & Farms, Inc. and Bottomley Properties NC LLC (Bottomley Companies)



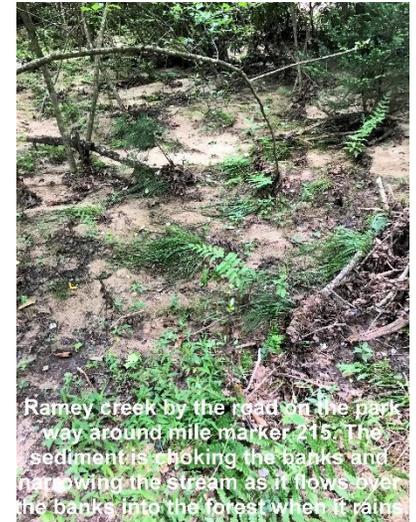
started clearing land in Alleghany and Surry County along Ramey creek off the Blue Ridge parkway. They claimed this an agriculture operation, which in North Carolina exempts them from all rules of the Erosion and Sedimentation Control Act. This exemption means they do not need to file any permits, place any erosion controls, or leave any trees standing anywhere. The NC legislature included the following amendment to the exemption in 2016:

“Legislative Changes North Carolina Farm Act of 2016 (SL 2016-113, Senate Bill 770) Amended the SPCA to add a new exemption under NCGS 113A-52.01(1): This Article shall not apply to the following land-disturbing activities: (1) Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:.....” page 21



<https://bit.ly/ErosionAndSettlementControl>

The Division of water resources filed a violation notice to the Bottomley Companies in November 2020 and asked it to correct the situation. The company agreed to fix the problems, but meanwhile continued clearing more, and more land along the parkway, without making any changes to erosion practices. By April of this year (2021) complaints were coming into the wildlife division and the Department of Water Quality from many sources concerning the massive



land clearing that now extends for miles. Unfortunately, none of these agencies had the power to stop this operation, which by that point had destroyed Ramey creek, Roaring Fork Creek and heading now into Big Pine Creek.

Ramey Creek and Roaring Fork are classified as Water Supply-II (WS-II), Trout Waters, and High-Quality Wates streams within the Yadkin River Basin, one of the highest classifications available to streams in the state. They held a unique southern brook trout population that the state used to stock other streams that were devoid of brook trout.



With the rains, Ramey Creek and Roaring Fork filled up with sediment anywhere from six inches to two feet deep. Both agencies worked hard monitoring the streams in the field collecting turbidity and benthic macroinvertebrate and sediment data over several months. The populations of brook trout declined so fast that the NC Division of Wildlife had to mount a rescue operation in June to remove as many brook trout as possible from both streams before they all perished.

On June 30 the Division of water quality issued a new set of violation to the Bottomley Companies for failing to comply with the first set of violations issued in Nov 2020 and all the new violations. [Click here to read the first violation notice from the State of NC. Here is the second violation notice from the State of NC](#) It asked them to put remediation plans in place to correct the situation with a threat of fines and referral to the state attorney’s office

if they don't comply. Meanwhile as of June 30th the land clearing was continued.

The Bottomley Companies have put a small herd of cows on a corner of the property, fenced it and seeded it with grass. The rest of the site looks like mountain top removal with steep hills denuded of life. No one knows where they will stop.

The big concern is Bottomley Companies can use this land for agriculture for few years and then turn it into a real estate development, circumventing all the permitting process, erosion control and scrutiny for such a huge development along the Blue Ridge Parkway. Also, other companies will learn the same tactic: buy a huge swath of land anywhere, clear it, put in some cattle or a corn field to avoid inconvenient environmental rules, and later turn it into multimillion-dollar houses. As long as that agriculture exemption is on the books, most government agencies will find themselves helpless to do anything, except possibly file for violations once the damage is done.

This big bowl of deforested land, full of loose soil and rocks on top of the mountain, is at high risk of landslides and mudslides that may threaten properties and communities below. The next time a hurricane or tropical storm passes over the area, it could bring destruction as Hurricane Florence did in 2018. That storm destroyed the dam on the Mitchell and devastated roads and communities below. The Ramey Creek drainage is the next slope over from the Mitchell, and has been deforested with nothing holding the soil and rocks back. This could become the bigger tragedy.

At this time many organizations (NCTU Council, Mountain True, Southern Environmental Law Center, Watauga River Keeper...) are getting involved to stop the destruction of more streams and change the exemption of the erosion and sedimentation act.

The goals are:

1. To make as many people and organizations as possible aware of the situation and the harm this agriculture exemption is doing to the environment.
2. To start a writing campaign to legislators and senators, and the governor to overturn or fix the exemption rule.
3. To send letters to the state attorney's office and all involved agencies to provide support and to ask them to enforce the laws of the land and not compromise on mitigation controls.
4. To support a bill, or amendment to repeal or change the exemption in the next legislative session. This will require a lot of legal work and support in the media so voters can let their representatives know how they feel about this issue.

Blue Ridge TU needs members to help on the Ramey Creek committee along with volunteers to peruse these goals, organize and coordinate with others so we can have the most effect in changing the situation. Please contact us through our website blueridgetu.org, send us an email at blueridgetuws@gmail.com, or volunteer at any of our events.

Attached are some photos of the barren land, sediment in the streams, and the destruction of buffer zones. Also attached you will find the violation notice to the Bottomley Companies with more details.

Please support us in stopping the destruction of land and trout streams on the Blue Ridge Parkway.