

Cedar Bluff, Virginia | Main Office
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THE
RATLIFF LAW FIRM
A Professional Corporation
www.ratlifflaw.net

Bradley C. Ratliff, Attorney at Law
Jeffrey W. Stowers, Jr., Attorney at Law
Kristen N. Lawson-McVey, Attorney at Law
Natasha L. Ratliff, Practice Administrator

FEIN: 46-2156927

Sender's E-Mail: Brad@ratlifflaw.net

May 14, 2021

The Honorable Jack J. Kennedy
Clerk, Circuit Court
WISE COUNTY CIRCUIT COURT
P. O. Box 1248
Wise, VA 24293-1248



RE: Bradley C. Ratliff, et al v. Walter H. Smith
Case No.: Unassigned
Wise County Circuit Court

Dear Mr. Kennedy:

Attached herewith, please find an original Complaint, exhibits, cover sheet, and a check for filing and service fees. We have included two (2) additional copies of the Complaint – one for service on the Defendant and one we request stamped as filed and returned to my attention. I would request that you file these with the Court at your earliest convenience. Please issue a summons and have the defendant served by the Sheriff.

Thank you in advance for your kind assistance and consideration. Should you have any questions, please do not hesitate to contact me.

Sincerely,

THE RATLIFF LAW FIRM

A handwritten signature in black ink, appearing to read 'Bradley C. Ratliff', written over the printed name.

Bradley C. Ratliff

BCR/

Enclosure

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Case No.
(CLERK'S OFFICE USE ONLY)

Wise County

Circuit Court

Bradley C. Ratliff

v./In re:

Walter H. Smith

PLAINTIFF(S)

DEFENDANT(S)

Ratliff & Associates, P.C./DBA The Ratliff Law Firm

I, the undersigned plaintiff defendant attorney for plaintiff defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- Claim Impleading Third Party Defendant
 Monetary Damages
 No Monetary Damages
 Counterclaim
 Monetary Damages
 No Monetary Damages
 Cross Claim
 Interpleader
 Reinstatement (other than divorce or driving privileges)
 Removal of Case to Federal Court

Business & Contract

- Attachment
 Confessed Judgment
 Contract Action
 Contract Specific Performance
 Detinue
 Garnishment

Property

- Annexation
 Condemnation
 Ejectment
 Encumber/Sell Real Estate
 Enforce Vendor's Lien
 Escheatment
 Establish Boundaries
 Landlord/Tenant
 Unlawful Detainer
 Mechanics Lien
 Partition
 Quiet Title
 Termination of Mineral Rights

Tort

- Asbestos Litigation
 Compromise Settlement
 Intentional Tort
 Medical Malpractice
 Motor Vehicle Tort
 Product Liability
 Wrongful Death
 Other General Tort Liability

ADMINISTRATIVE LAW

- Appeal/Judicial Review of Decision of (select one)
 ABC Board
 Board of Zoning
 Compensation Board
 DMV License Suspension
 Employee Grievance Decision
 Employment Commission
 Local Government
 Marine Resources Commission
 School Board
 Voter Registration
 Other Administrative Appeal

DOMESTIC/FAMILY

- Adoption
 Adoption - Foreign
 Adult Protection
 Annulment
 Annulment - Counterclaim/Responsive Pleading
 Child Abuse and Neglect - Unfounded Complaint
 Civil Contempt
 Divorce (select one)
 Complaint - Contested*
 Complaint - Uncontested*
 Counterclaim/Responsive Pleading
 Reinstatement - Custody/Visitation/Support/Equitable Distribution
 Separate Maintenance
 Separate Maintenance Counterclaim

WRITS

- Certiorari
 Habeas Corpus
 Mandamus
 Prohibition
 Quo Warranto

PROBATE/WILLS AND TRUSTS

- Accounting
 Aid and Guidance
 Appointment (select one)
 Guardian/Conservator
 Standby Guardian/Conservator
 Custodian/Successor Custodian (UTMA)
 Trust (select one)
 Impress/Declare/Create
 Reformation
 Will (select one)
 Construe
 Contested

MISCELLANEOUS

- Amend Death Certificate
 Appointment (select one)
 Church Trustee
 Conservator of Peace
 Marriage Celebrant
 Approval of Transfer of Structured Settlement
 Bond Forfeiture Appeal
 Declaratory Judgment
 Declare Death
 Driving Privileges (select one)
 Reinstatement pursuant to § 46.2-427
 Restoration - Habitual Offender or 3rd Offense
 Expungement
 Firearms Rights - Restoration
 Forfeiture of Property or Money
 Freedom of Information
 Injunction
 Interdiction
 Interrogatory
 Judgment Lien-Bill to Enforce
 Law Enforcement/Public Official Petition
 Name Change
 Referendum Elections
 Sever Order
 Taxes (select one)
 Correct Erroneous State/Local
 Delinquent
 Vehicle Confiscation
 Voting Rights - Restoration
 Other (please specify)

Damages in the amount of \$ 250,000.00 are claimed.

05/14/2021
DATE

Bradley C. Ratliff
PRINT NAME

1053 Cedar Valley Drive, Cedar Bluff, VA 24609
ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(276) 522-1220

Brad@ratlifflaw.net

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

PLAINTIFF DEFENDANT ATTORNEY FOR PLAINTIFF DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT OF WISE COUNTY

BRADLEY C. RATLIFF
Personally

.....PLAINTIFFS

and

RATLIFF & ASSOCIATES, P.C.
A Virginia Professional Corporation/ DBA
"THE RATLIFF LAW FIRM"

CASE NO.: _____

v.

WALTER H. SMITH
Serve:
1015 Circle Dr SE
Wise, VA 24293

.....DEFENDANT

COMPLAINT

COME NOW the Plaintiffs, Bradley C. Ratliff, and Raatliff & Associates, P.C., DBA "THE RATLIFF LAW FIRM", a Virginia professional corporation, by Counsel with their Complaint alleging Defamation and Defamation per se, and in support thereof, allege the following:

JURISDICTION AND PARTIES

1. Plaintiff Bradley C. Ratliff is a Virginia resident, whose address is Post Office Box 33, Cedar Bluff, Virginia 24609.
2. Plaintiff Ratliff & Associates, P.C., is a Virginia Professional Corporation, whose address is 1053 Cedar Valley Drive, Cedar Bluff, Virginia 24609.
3. Plaintiffs are private plaintiffs as defined under applicable Virginia law.

4. Plaintiff Bradley C. Ratliff is an individual of good standing in the community personally and professionally.

5. Plaintiff Bradley C. Ratliff is an attorney at law who holds a Juris Doctor professional degree from the Appalachian School of Law and has practiced law for approximately fifteen (15) years.

6. Plaintiff Bradley C. Ratliff is licensed to practice law in the Commonwealth of Virginia, Virginia State Bar license number 74185 and in good standing with the Virginia State Bar.

7. Plaintiff Bradley C. Ratliff, is actively involved with his community and well known throughout the region.

8. Plaintiff Ratliff & Associates, P.C., is a corporate entity providing legal services throughout Southwest Virginia with a reputation for honesty and professionalism in the community.

9. Defendant Walter H. Smith is a resident of Wise County, Virginia, with an address of 1015 Circle Dr SE Wise, VA 24293.

10. Jurisdiction is properly before the Circuit Court of Wise County since Defendant is a resident therein; Defendant's alleged torts were perpetrated in or from Wise County; and since damages claimed are in excess of \$25,000.00.

FACTUAL ALLEGATIONS

11. Paragraphs 1 through 10 are hereby restated and incorporated fully herein.

12. Defendant is a college-level professor of biology by profession and a self-proclaimed “environmentalist,” statuses which give the appearance of validity to his statements regardless of impropriety.

13. Plaintiffs Bradley C. Ratliff, through and by the law firm Ratliff & Associates, P.C., DBA “The Ratliff Law Firm” represent the Southwest Regional Recreation Authority, also known as “Spearhead Trails.”

14. On or about May 13, 2021, the Defendant forwarded an e-mail communication to multiple individuals alleging that Plaintiff Bradley C. Ratliff had engaged in, participated in, and made or forwarded social media posts endangering him, his family, and his property, and/or otherwise calling for violence against his person and property. A copy of the alleged threatening post is attached herewith and incorporated fully herein as Exhibit “A.”

15. The individuals who were provided this e-mail communication were community leaders, members of the Virginia Department of Environmental Quality, and others.

16. Defendant has frequently made allegations against the Southwest Regional Recreation Authority and its policies, criticizing operational procedures, continually reporting issues to state authorities without cause, making FOIA requests in an effort to cause difficulty in operations, and further working to limit the Authority’s ability to succeed in its mission to develop and operate trails for economic development throughout Southwest Virginia.

17. Defendant has previously attacked board members of the Southwest Regional Recreation Authority in an attempt to discredit the Authority and damaged its reputation by utilizing social media such as Facebook for this purpose.

18. Defendant Delivered by e-mail communication defamatory statements naming the Plaintiff personally and the Plaintiff business on May 13, 2021.

19. Defendant published defamatory and libelous statements to the members of the e-mail communication list and these statements were delivered to at least one of the Plaintiff's anchor clients, the Southwest Regional Recreation Authority, *aka* "Spearhead Trails," by a recipient.

20. The Defendant has intentionally, maliciously and without just cause slandered the Plaintiff's name, business and reputation in the community by making knowingly false, malicious and intentional statements about the plaintiff and the plaintiff's business and as a direct and proximate cause thereof, the Defendant has irreparably harmed the Plaintiff and his business.

21. On or about May 13, 2021, the Defendant published statements via e-mail to third parties which included defamatory statements alleging that the Plaintiffs engage in unlawful activity, that Plaintiffs encouraged violence against Defendant and his family and property, and otherwise engaged in reprehensible behavior. These statements were made in a deliberate effort to maximize the damage inflicted upon the Plaintiffs. The exact statements published by the Defendant is as follows:

May 13, 2021 –

"All,

I would love to respond favorably to this news, but for the past five days I have been instead dealing with a torrent of threats from trail users, including threats that I will be sodomized with trail signage,

kidnapped from my home (directions to my home and my photo have been posted online by users), thrown off a cliff, murdered and buried in a shallow grave, and confronted at both my home and workplace and beaten. As a result, I currently have law enforcement performing stepped-up patrols of my house, at the request of the college.

These threats have come as a result of a post being widely shared accusing me and "environmental agencies" of recently ordering the closure of a dirt bike trail on SRRA's trail system in Wise County. (See https://m.facebook.com/story/graphql_permalink/?graphql_id=UzpfSTE1NTkyNzEzMjA6Vks6OTI5MTEzNTUwOTkyMzMy and https://m.facebook.com/story/graphql_permalink/?graphql_id=UzpfSTEWNDIxNDg3ODc6MTAyMjE1NDU3MjE5NjYwNDg%3D) This - as you have been aware of for five days since I first informed you and with no reply since, Brad - is patently untrue. Myself nor anyone with The Clinch Coalition has ever requested the closure of this trail, to you, DEQ, or any other organization. Instead, we merely asked if these trails were being included for improvements in TNC's grant-funded rehabilitation of that system. The trail was then later closed by TNC and SRRA and the signage installed by SRRA - not me, and not TCC. You are aware of this since you were on those emails and were involved in the decision-making process here. Be aware that I have copies of those emails and an audio recording of our recent phone conversation in case you attempt to characterize these events differently.

As of this morning and despite presumably being aware of the actual events surrounding this trail closure, SRRA's attorney and a member of its Board of Directors, Bradley Ratliff, is sharing this post on his social media page and is continuing to spread false information that is continuing to lead to death threats this week against me. Earlier in the week, SRRA board member Craig Stiltner was also liking death threats made against me by trail users in the comments of these same posts.

While I completely understand people being upset at those who have been critical of the trail system's management and having differing opinions, I will not tolerate threats of violence against myself or my family, especially those stemming from provably false information about a management decision that your organization has allowed to proliferate without a correction for five days now and is now being spread by SRRA personnel. I will also not tolerate a diminishing of threats against myself and my family - again, those that you have been previously made aware of - as "passions running high," which I must tell you I find beyond abhorrent. I expect this corrected, and I expect it done immediately.

Wally"

Printouts of Defendant's actual statements are attached herewith and incorporated fully herein as Exhibit "B."

22. The e-mail communication from Defendant containing false statements about the Plaintiffs herein was delivered to Brad Kreps, a board member of the Southwest Regional Recreation Authority and representative of the Nature Conservancy; Kelly Miller of the Virginia Department of Environmental Quality; Jeffrey Hurst of at the Virginia Department of Environmental Quality; Braven Beaty (affiliation unknown); Jala Taylor (affiliation unknown); Steve Brooks (affiliation unknown); Sharon Fisher (affiliation unknown); and Carol Doss (affiliation unknown).

23. It is unknown how far the defamatory e-mail communication traveled via Internet since it was delivered to seven (7) individuals and subject to forwarding by all recipients any number of times.

24. Defendant's statements directly negatively impact Plaintiff's business and profession by clearly and explicitly naming Plaintiff and Plaintiff's business therein and are, therefore, defamation per se; Defendant is specifically well aware of the egregious, outrageous, and outright, patently false nature of his defamatory public statements.

25. The above-referenced publication referred to Plaintiff by name throughout, were made of and concerning Plaintiff, and were so understood by those who read the publications made by the Defendant.

26. All statements in their entirety are false as they pertain to plaintiffs.

27. The E-mail communication from the Defendant is libelous on its face. The statement clearly exposes plaintiff to hatred, contempt, ridicule and obloquy because Defendant fabricates facts, alleges potentially criminal behavior, alleges unethical behavior.

28. The statement made by the Defendant was made with actual malice.

29. Defendant's e-mail statement against Plaintiff Bradley C. Ratliff is sufficient as both defamation and defamation per se.

30. Defendant's e-mail statement against Bradley C. Ratliff as an attorney and on behalf of Plaintiff Ratliff & Associates, P.C., is sufficient as defamation per se.

31. Defendant benefits from no legal privilege to have published such derogatory, defaming and damaging statements about the Plaintiffs.

AUTHORITY

32. Paragraphs 1 through 31 are hereby restated and incorporated fully herein.

33. Defamation per se, also known as libel per se or slander per se, refers to specific types of statements which address certain topics which are considered inherently defamatory. As such, defamation, libel, and slander plaintiffs need not prove damages (economic losses). They are generally considered so inherently defamatory due to the significant damage they tend to cause on a target's reputation. Virginia defamation law recognizes four fundamental types of statements as being considered "per se." The first of which is "words that prejudice a person in his or her profession or trade." Fleming v. Moore, 221 Va. 884, 889 (1981).

34. In a defamation action, as a threshold matter, a plaintiff must plead the exact defamatory words or phrases used by the defendant with sufficient specificity in order to provide an adequate basis for the claim. Owens v. DRSA, yo. banionni'orks, Inc., 87 Va. Cir. 30.32 (Cir. Ct. 2013). To bring a successful claim for defamation by publication, a plaintiff must also show there was “(1) publication of (2) an actionable statement with (3) the requisite intent.” Schaecher v. Ron/hail. 290 Va. 83.91 (2015).

35. In a Virginia defamation action, the plaintiff prove the following three (3) elements: 1.) The publication of; 2.) An actionable statement with (a) a false statement (b) of and concerning the plaintiff; and 3.) With requisite intent. Jackson v. Hartig, 274 Va. 219, 228 (2007). Jordan v. Kollman, 269 Va. 569, 575 (Va. 2005).

36. In Fleming v. Moore, 221 Va. 884, 889-90 (1981), the Court held, “words must contain an imputation that is *necessarily* hurtful (not potentially hurtful) in its effect on the plaintiff’s business and must necessarily affect him in his particular trade or occupation. In other words, “there must be a nexus between the content of the defamatory statement and the skills or character required to carry out the particular occupation of the plaintiff.” (*Id.* at 890). Defamation per se are “Words that prejudice a person in his or her profession or trade.” Fleming v. Moore, 221 Va. 884, 889 (1981).

37. Under Virginia defamation code and law, in an action brought by a private individual for defamatory words involving no matters of public concern, if the published words are determined by the trial judge to be actionable per se, compensatory damages are then *presumed*. Great Coastal Express, Inc. v. Ellington, 230 Va. 142, 151 (1985).

38. Punitive damages in Virginia must prove the defamatory communication or publication was done so with actual malice. Jordan v. Kollman, 269 Va. 569, 576-77 (2005) (citing New York Times Co. v. Sullivan, 376 U.S. 254, 279-80 (1964) and Gertz v. Robert Welch, Inc., 418 U.S. 323, 342, 347 (1974)).

INJURY & DAMAGES

39. Paragraphs 1 through 38 are hereby restated and incorporated fully herein.

40. The statement published by the Defendant to the e-mail list were seen and read by clients and/or potential clients of the business.

41. As a direct and proximate result of Defendant's above-described publications, plaintiff has suffered stress, irreparable loss of reputation, shame, mortification, and injury to feelings, and loss of business.

42. The above-described publication was not privileged because it was published by defendant to a group of individuals with malice, hatred and ill will toward plaintiff and the desire to injure both Plaintiff's business and the Plaintiff personally.

43. Because of defendants' malice in publishing defamatory statements, plaintiff seeks punitive damages as permitted under Virginia Code Section 8.01-38.1

INJUNCTIVE RELIEF

44. Paragraphs 1 through 43 are hereby restated and incorporated fully herein.

45. Pursuant to Virginia Code Section 8.01-624, the Plaintiff requests temporary injunctive relief from further threats, harassment, lies, rhetoric and innuendo

from the Defendant during the pendency of this action, subject to enlargement as appropriate and deemed reasonable by this honorable Court.

46. Defendant's propensity for sensationalism requires Plaintiffs to request injunctive relief as a formal gag order from the Court to prevent the Defendant from continuing to engage in further disparaging and defamatory behavior, verbally and in written form.

47. Defendant's continued behavior will compound and increase damage to the plaintiffs in this matter if left unaddressed during the pendency of this case.

48 . The requested relief is not prejudicial to the Defendant and the potential negative effect to the plaintiffs if said injunctive relief is denied is substantial.

AD DAMNUM

WHEREFORE, Plaintiffs demand an Order of judgment against defendant for defamation and defamation per se, as follows:

1. A public apology inclusive of an admission of false statements, videotaped for posting by the Plaintiffs on Plaintiffs' Facebook page or other social media; and,
2. An Order to refrain from any public or private comments regarding Plaintiffs, this suit, or the Court's Orders; and,
3. Compensatory damages inclusive of insult, pain, humiliation, mental anguish and suffering, injury to reputation, and the like, in the amount of TWO HUNDRED THOUSAND FIFTY DOLLARS & 00/100 (\$250,000.00); and,

4. Punitive damages in the amount of THREE HUNDRED FIFTY THOUSAND DOLLARS & 00/100 (\$350,000.00), a permissible value under Virginia Code Section 8.01-38.1; and,


5. Interest at the rate of six percent (6%) per annum from the date of judgment until paid; and,

6. Costs of this suit; and,

7. Reasonable attorney's fees, calculated at normal prevailing rates, at actual time billed, at rates of \$150.00 per hour out-of-court and \$250.00 per hour in-court; and,

Such other and further relief as this court may deem reasonable, prudent, just and proper.

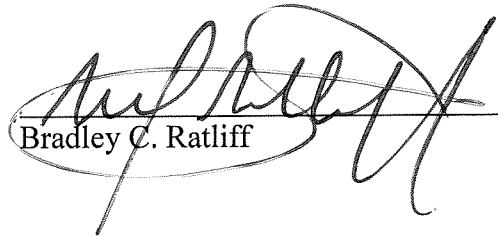
Respectfully Submitted
BRADLEY C. RATLIFF
RATLIFF & ASSOCIATES, P.C.
DBA THE RATLIFF LAW FIRM
Plaintiffs by Counsel



Bradley C. Ratliff (VSB No.: 74185)
THE RATLIFF LAW FIRM
1053 Cedar Valley Drive
Cedar Bluff, Virginia 24609
V: (276) 522-1220
F: (276) 206-2255
E: Brad@ratlifflaw.net
Pro-Se

CERTIFICATE

I do hereby certify that on this the _____ day of May 2021, a true and accurate copy of the foregoing Complaint was forwarded via First-Class Mail to the Defendant, Walter H. Smith, at his mailing address of record, 1015 Circle Dr SE, Wise, VA 24293, and via E-Mail to whsmith01@gmail.com.


Bradley C. Ratliff

Bradley C. Ratliff

From: Spearhead Trails Director [director@spearheadtrails.com]
Sent: Thursday, May 13, 2021 5:59 PM
To: Brad J. Kreps
Cc: Wally Smith
Subject: RE: Agreement signed with Spearhead Trails

Dear Brad:

Thanks for the email. Yes we closed trails upon your request and have closed trails repeatedly even before the TNC involvement for various reason in the past due to environmental issues we identified as well as for safety issues and for many other reasons. Trail closures are very common with any large trail system.

I am deeply troubled when I learned about the attacks that Wally has experienced recently. I was made aware that someone posted information on one of our group pages and the comments became hurtful and threatening. One of my staff members that saw it took it down immediately upon discovery and I never had a chance to see it. Our staff and board would never condone or allow any form of attacks on our pages. I would be happy to include a short article in our next newsletter by the TNC if you would like to submit something or if you like I can put it together and you can include a quote. I think the overall majority of our users appreciate the property owners that make these trails available and are also very passionate about the environment and also want to protect it and preserve it for future generations.

I will work on that article to share with you tomorrow and we can get it out in the next newsletter. I too think social media is a terrible way to communicate these things as they can quickly turn into a stage of cyber or intellectual bullying.

Thanks,

Sent from [Mail](#) for Windows 10

L. Shawn Lindsey, Executive Director
Southwest Regional Recreation Authority/Spearhead Trails
PO Box 1549 Coeburn, VA 24230
276 274-6068

From: [Brad J. Kreps](#)
Sent: Thursday, May 13, 2021 5:30 PM
To: [Spearhead Trails Director](#)
Cc: [Wally Smith](#)
Subject: FW: Agreement signed with Spearhead Trails

Dear Shawn...

Please see the email and links from Wally Smith below. Wally is copied here in case you want to follow up with him. With respect to his concerns I would ask SRRA to do the following:

- (1) Please take measures to clarify that the recent decision to close several of the motorcycle trails on Mountain View was made by SRRA after TNC (manager for CF Highlands property) requested that SRRA investigate these trails on our property after we received a citizen inquiry.
- (2) Please take measures to clarify that last year's trail closures in Meade Creek were implemented by SRRA after TNC (manager for the CF Highlands property) required the closures due to concerns about stream impacts.

With respect to the social media traffic that Wally shares in the links below....to be clear, The Nature Conservancy absolutely does NOT condone or engage in threats or acts of violence, bullying, and intimidation towards anyone. We have had nothing to do with the social media traffic that Wally provides information on below but it is deeply troubling. TNC has not and will not engage in social media discussions and posts about these trails, and we do not follow the social media traffic on topics and issues that relate to SRRA trails.

Thanks very much for your attention to this matter.

Brad



From: Wally Smith <whsmith01@gmail.com>

Sent: Thursday, May 13, 2021 11:41 AM

To: Brad J. Kreps <bkreps@TNC.ORG>

Cc: Miller, Kelly (DEQ) (Kelly.Miller@deq.virginia.gov) <Kelly.Miller@deq.virginia.gov>; Hurst Jeffrey vno79457 <jeffrey.hurst@deq.virginia.gov>; Braven Beaty <bbeaty@TNC.ORG>; Jala Tyler <jala.tyler.tcc@gmail.com>; Steve Brooks <shbrooks@mounet.com>; Sharon Fisher <wvfisher48@gmail.com>; Carol Doss (uppertnriver@yahoo.com) <uppertnriver@yahoo.com>

Subject: Agreement signed with Spearhead Trails

All,

I would love to respond favorably to this news, but for the past five days I have been instead dealing with a torrent of threats from trail users, including threats that I will be sodomized with trail signage, kidnapped from my home (directions to my home and my photo have been posted online by users), thrown off a cliff, murdered and buried in a shallow grave, and confronted at both my home and workplace and beaten. As a result, I currently have law enforcement performing stepped-up patrols of my house, at the request of the college.

These threats have come as a result of a post being widely shared accusing me and "environmental agencies" of recently ordering the closure of a dirt bike trail on SRRA's trail system in Wise County.

(See https://m.facebook.com/story/graphql_permalink/?graphql_id=UzpfSTE1NTkyNzEzMjA6Vks6OTI5MTEzNTUwOTkyMzMy and

https://m.facebook.com/story/graphql_permalink/?graphql_id=UzpfSTEwNDIxNDg3ODc6MTAyMjE1NDU3MjE5NjYwNDg%3D) This - as you have been aware of for five days since I first informed you and with no reply since, Brad - is

patently untrue. Myself nor anyone with The Clinch Coalition has ever requested the closure of this trail, to you, DEQ, or any other organization. Instead, we merely asked if these trails were being included for improvements in TNC's grant-funded rehabilitation of that system. The trail was then later closed by TNC and SRRA and the signage installed by SRRA - not me, and not TCC. You are aware of this since you were on those emails and were involved in the decision-making process here. Be aware that I have copies of those emails and an audio recording of our recent phone conversation in case you attempt to characterize these events differently.



As of this morning and despite presumably being aware of the actual events surrounding this trail closure, SRRA's attorney and a member of its Board of Directors, Bradley Ratliff, is sharing this post on his social media page and is continuing to spread false information that is continuing to lead to death threats this week against me. Earlier in the week, SRRA board member Craig Stiltner was also liking death threats made against me by trail users in the comments of these same posts.

While I completely understand people being upset at those who have been critical of the trail system's management and having differing opinions, I will not tolerate threats of violence against myself or my family, especially those stemming from provably false information about a management decision that your organization has allowed to proliferate without a correction for five days now and is now being spread by SRRA personnel. I will also not tolerate a diminishing of

threats against myself and my family - again, those that you have been previously made aware of - as "passions running high," which I must tell you I find beyond abhorrent. I expect this corrected, and I expect it done immediately.

Wally

On Thursday, May 13, 2021, Brad J. Kreps <bkreps@tnc.org> wrote:

Thanks for sending this MOA around Kelly! A few comments on this from me:

The Nature Conservancy views this MOA as an important and positive step. As the manager of the CF Highlands Property, where some of the SRRRA Trails are located, we are committed to improving the environmental management of the trails on CF Highlands property while continuing to provide recreational opportunities to people. The trail corridors on the CF Highlands property, and SRRRA's license to manage them for public use, were both established prior to CF Highland's acquisition of the lands. Since becoming the land manager for CF Highlands and inheriting the trail system, TNC has taken several initial steps towards improved environmental management. Soon after CF Highland's acquisition of the property we conducted our own baseline field inventory to get a preliminary understanding of the trails and potential management issues. From this initial assessment, we determined that a set of trails located in or directing riders towards streams needed to be closed. We asked SRRRA as the trail manager to close those trails and they did. The Nature Conservancy also secured an AML Pilot grant for the Mountain View Trail system that, among other things, has funding for trail improvements focused on water quality – including improved stream crossings and/or installation of bridges where needed to minimize water quality impacts. That funding has not yet been released due to the agency review process, but we anticipate that those projects will go forward later this year.

We also invited DEQ to come out and take a look at some of the trails and provide us with their recommendations for improvement. In recent months, TNC staff have developed a new draft license agreement with SRRRA which not only requires compliance with all laws, regulations, and permitting standards, but also includes additional requirements beyond existing regulations, including but not limited to: (1) that SRRRA enroll and maintain enrollment in DEQ's Standards and Certifications Program for E&S and Stormwater, (2) that SRRRA follow a variety of Best Management Practices, (3) that SRRRA annually develop, submit to CF Highlands for review and approval, and implement an annual trail maintenance plan to correct identified problems on the CF Highlands property. We hope to have the new agreement in place with SRRRA in June.

Motorized recreation is a popular and growing activity, and if SWVA is going to achieve a sustainable and environmentally responsible system of public motorized trails, it will take a commitment to continual improvement via monitoring, maintenance, trail rider education, and resource investment. Collectively, there is a need to improve on all these fronts. Due to the nature and intensity of motorized recreational use, a trail system will not be without impacts even under the best management scenario. There is certainly important work to be done/improvements to be made on the SRRRA Trails that intersect with the CF Highlands property (and on other parts of the SRRRA system though I can't speak to those for lack of knowledge about specific conditions) and we will continue to engage SRRRA to focus on that work. We will also continue to welcome input on the condition and management of these trails from other stakeholders and DEQ. Going forward, SRRRA's continued ability to manage these trails on our lands for public use will be dependent on their performance under the new license agreement.

From what I can tell, passions around these trail systems are running quite high these days and there are many different perspectives. As with all elements of our Cumberland Forest project, The Nature Conservancy seeks to find a balance between environmental stewardship and the needs of people in our region. Finding this balance is not always easy, and these motorized trails are a good example of where it is challenging. Going forward, I would ask that everyone involved in the discussion about SRRRA Trails try to focus on listening, collaboration, and seeking balanced solutions.

A few final points of clarification for everyone:

- From conversations with DEQ, it is my understanding that most of the specific examples of problems/potential violations noted in the DEQ report were not on the CF Highlands property but rather on other areas of the SRRRA Trail System. That being said, in reviewing the report I certainly agree that the challenges/issues presented in DEQ's report are relevant to the CF Highlands property and will need sustained attention.
- TNC is not on the SRRRA Board of Directors. The relationship between TNC/CF Highlands and SRRRA is one of landowner and licensee. Essentially, as a private landowner, CF Highlands is providing the public an opportunity to recreate on its lands subject to a license agreement with SRRRA, and SRRRA's responsibility to serve as the trail manager. SRRRA has the day to day responsibility to monitor trails and public use, take enforcement actions when needed, install signage, etc., and communicate directly with the trail riding public about the status of trails, closures, rules, etc.
- TNC welcomes all input into the public trail systems on the CF Highlands property, both motorized and non-motorized. We ask that the input be respectful, fact-based, and constructive.

Please know that I value everyone's input and ultimately, I want us all to win for the good of the region we call home. It's going to take time and sustained effort, but I believe we can get there. The popularity of motorized recreation is likely to continue rising, and it's important to find appropriate places for this type of recreation to meet the needs of people in our region. Former coal mining lands have the potential to be a suitable place for motorized recreation, but it is clear that we have important work to do going forward.

Thanks everyone,

Brad

From: Miller, Kelly <kelly.miller@deq.virginia.gov>

Sent: Thursday, May 6, 2021 3:43 PM

To: Brad J. Kreps <bkreps@TNC.ORG>; Braven Beaty <bbeaty@TNC.ORG>; Brooks, Steve <shbrooks@mounet.com>; jala.tyler.tcc@gmail.com; wvfisher48@gmail.com; whsmith01@gmail.com; Doss, Carol <uppertnriver@yahoo.com>

Cc: Hurst Jeffrey vno79457 <jeffrey.hurst@deq.virginia.gov>

Subject: Agreement signed with Spearhead Trails

Good afternoon! As you know, DEQ has been working closely with the Southwest Regional Recreation Authority (SRRA) who operates the Spearhead Trails system on issues concerning proper permitting when applicable and environmental concerns resulting from the trails and usage.

We want you to be aware that, as of Monday, May 3, 2021, DEQ and the SRRA executed a Memorandum of Agreement (MOA), which details findings from DEQ investigations, agreed upon actions concerning the trail, corrective actions necessary to mitigate environmental harm, and long term communication expectations. This MOA is an important step to clarify the required permitting under circumstances encountered in constructing new trails, maintaining existing trails, and relocating trails as appropriate. The MOA also defines communication expectations so that planned activities can be reviewed for possible environmental regulations.

Please be aware that the MOA is not an enforceable document and either party may cancel their participation at any time.

You will see in the MOA that SRRA is applying to become Annual Standards and Specification holders. Once their Standards and Specifications are approved, their trail system will move under DEQ jurisdiction except for any projects planned outside the scope of their program.

I'm attaching a copy of the MOA for your reference. If you have any questions, please feel free to give me a call.

Best,

Kelly

Kelly R. Miller

Stormwater & Watershed Planning Manager

Va. Dept. of Environmental Quality

Southwest Regional Office

355 A Deadmore Street

Abingdon, VA 24210

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DEQ Website: www.deq.virginia.gov

In response to COVID-19 health concerns and the Governor's State of Emergency, DEQ has implemented social distancing at all our offices. While all DEQ offices remain open as our important work to safeguard Virginia's environment continues, we kindly ask that you avoid in-person visits and instead contact me via 276-676-4879 or kelly.miller@deq.virginia.gov.

Bobby Ratliff - If you enjoy riding we have to push back on people... | Facebook

Bobby Ratliff

May 9 at 7:32 AM ·

If you enjoy riding we have to push back on people like this. I was told by a ranger at spearhead he really has them basically shut down they can't keep the trails maintained correctly can't make new trails or anything. It's only a matter of time before this is in your area.

Fellow riders. Please do not post any videos or Go Pros where you are riding through a creek or stream, or even near a creek. There is a college professor at UVA Wise that is determined to shut down our riding areas as he believes he is the protector of the environment and we are the destroyers of the environment. He is using a search engine to scan Youtube, Facebook and Instagram looking for any videos in the Appalachian region where we are riding through a creek or stream. He then uses the videos to demand the trail system shut that trail down. He has the backing of several environmental groups and Government agencies, they have deep pockets and Attorneys, and unfortunately, they are being very successful.

This is trail 909, a great single track at Spearhead St Paul which goes through a small stream. This trail was shut down last week due to someone posting a video on Youtube, which he found. As innocent as it was, he used the video to get this trail closed. He is also the reason all the trails on the west side (#70-79) were closed at Spearhead MTN view as they all went through creeks.

I know we post videos as a great way to share riding but these videos are now being used as a weapon to shut down our riding areas., so please do not post anything with a creek crossing.

Just wanted to share this as I found out what is happening.

Thanks

"Exhibit B"