

COMMENT SHEET

US 321 Improvements

Corridor Public Hearing

R-2237C

Project 6.739001T

Caldwell and Watauga Counties

August 26, 2002

NAME: LEE D. ROSEMON, MD
ADDRESS: 412 Laurel Park Road, Blowing Rock, N.C. 28605

COMMENTS AND/OR QUESTIONS:

As a property owner and long-time resident of Blowing Rock, I am writing to support the construction of a "true bypass" around our village. It would be detrimental to our way of life and our sense of community to widen the existing Highway 321 or adopt Proposals 1-A or 1-B. I do not want a four-lane divided highway through Blowing Rock. I am truly concerned about increased traffic congestion and noise, the destruction and compromise of our historic properties, the integrity of our small town character, and the long-term harms associated with a project through the town limits. My personal experiences with the widening of Highway 321 north of Lenoir, also make me dread the traffic nightmare and construction problems associated with this widening project. Please do not be penny wise and pound foolish in making your decisions about a bypass around Blowing Rock. The historical importance of Blowing Rock and the future demands of the high country warrant the adoption of a "true bypass." My vote and my financial support will be used to defeat any politician or government official who supports the destruction of Blowing Rock as we know it.

Comments may be mailed to:
C. B. Goode, Jr., P. E.
Manager of the Office of Human Environment
1583 Mail Service Center
Raleigh, NC 27699-1599 Phone: (919) 250-4092 Fax: (919) 250-4208
E-mail: cgoode@dot.state.nc.us

CITIZENS PARTICIPATION
RECEIVED
SEP 03 2002

Ms. Missy Dickens, PE
Project Development and Environmental
Analysis Branch
NC DOT
1548 Mail Service Center
Raleigh, NC 27699-1548

RECEIVED
SEP 03 2002
BY: *[Signature]*

August 27, 2002

Dear Ms. Dickens:

We are writing to you concerning the Blowing Rock 321 Project.

We are pleased to have met you and other staff members at the public forum at the Laurel Fork Baptist Church. You and all of the staff present were very patient, courteous and well informed. We feel that you have done an outstanding job of researching and explaining the various alternatives.

After careful and deliberate review of the documents and studies, and the discussions, we feel strongly that the "Enhanced Widening Alternative" is clearly the best alternative. Accordingly we urge you to communicate our feelings to all the decision making authorities.

Sincerely,

[Signature]

Thomas S. Roy, Jr.
384 Grouse Run Road
Boone, NC 28607

[Signature]
Marian N. Roy

cc: Mr. John Page, Project Manager
Parsons, Brinckerhoff, Quade & Douglas, Inc.
909 Aviation Parkway, Suite 1500
Morrisville, NC 27560

B-201

COMMENT SHEET

Ms. Missy Dickens, PE
Project Development and Environmental
Analysis Branch
NC DOT
1548 Mail Service Center
Raleigh, NC 27699-1548

Corridor Public Hearing

R-2237C Project 6.739001T Caldwell and Watauga Counties
August 26, 2002

August 4, 2002

Dear Ms. Dickens:

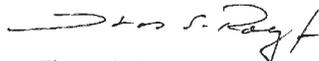
I am writing to you concerning the Blowing Rock 321 Project.

First let me state that I feel that your office and the others on the project team have done an outstanding job of keeping the public well informed. I am on your mailing list, and over the years I have received numerous mailings. There is extensive information through the newspapers. And the website is extremely well done. Congratulations!

I continue to feel strongly that the "Widening Alternative" is clearly the best alternative. Accordingly I urge you to communicate my feelings to all the decision making authorities.

As your most recent newsletter pointed out "In August 1993, the North Carolina Department of Transportation (NCDOT) prepared an Environmental Assessment (EA) that recommended widening US 321 from two to four lanes from NC 268 to US 221 in the resort community of Blowing Rock." That is nine years ago! It is time to get on with this badly needed widening improvement.

Sincerely,



Thomas S. Roy, Jr.
384 Grouse Run Road
Boone, NC 28607

cc: Mr. John Page

NAME: Cissie C Rupard

ADDRESS: 7125 Cricket Ln Henoir NC 28645

COMMENTS AND/OR QUESTIONS:

1 choose Widening Alternative - Don't waste the tax payers money with all this non-sense. Use the existing road and save everyone some money

Comments may be mailed to:

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E-mail: cgoode@dot.state.nc.us

B-202

B-203

Greetings DOJ,

If permitted, we would like to comment on the highway 321 project. We are a family of three and live on Blackberry Road, two miles from 321. Our property is 35 acres, with a couple of streams, a couple of springs and thousands of beautiful trees. Our occupations are telecommunication engineers.

1. We would first like to apologize for the group "concerned citizens", as they appear to have taken on spokespersonship for the entire community. We disagree with their techniques and are ashamed to be associated with them in any way. If they said about us what they have said about the DOJ, we would be suing them for slander. It is appalling to us that the main co-chair of concerned citizens no longer lives in the area, and hopefully the DOJ takes that into consideration.

2. We have recently talked to 20-30 people, citizens of Blowing Rock and others from the Blackberry area, and we have yet to talk to anyone who wants the bypass, so we are sure "concerned citizens" are not speaking for everyone here. All that we talked to suggest that if something must be done to 321, then it should be widened, not bypassed. However, most of them also prefer the idea of bringing the 4-lane to the green park area, leaving Blowing Rock as it is, and then resuming after Blowing Rock. My family agrees with that idea as our number 1 choice, with our 2nd choice being the widening of 321 through town. We do not like the bypass idea for the following reasons:

a. Cost. We are millionaires because we have always watched how we spent our monies. The tremendous amount of monies needed for the bypass is excessive, compared to the widening of 321, and even more so if the DOJ eliminates widening through town.

b. When we see who the big supporters are of the bypass, lawyers and realtors, it becomes obvious they want the bypass for greedy purposes, as more land will be for sale and more litigation will be required. Lawyers and realtors love getting paid, as long as what they are defacing is not their own properties. When 321 was originally built, the best route available was used to connect Blowing Rock to Lenoir and points south. The geography has not changed, and it is our opinion that 321 is still the best route.

We hope the DOJ uses the currently existing 321, and does not deface

the beautiful Blackberry valley with any of the suggested bypasses.

I thank you for your time and efforts,
Dave and Lee Ryan
620-275-4613

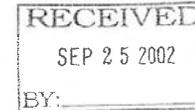
August 30, 2002

September 24, 2002

To: Mr. William Gilmore, Manager
PDEA Branch, NCDOT
1548 Mail Service Center
Raleigh, NC 27699-1548

From: Marie Samek
P.O.Box 549
Blowing Rock, NC 28605-0549

Re: US 321 Improvements Project 6.739001T



Eric Misak
Lead Roadway Design Engineer
909 Aviation Parkway
Suite 1500
Morrisville, NC 27560

Dear Sir,

I have already sent other letters AGAINST BUILDING THE WIDENING ALTERNATIVE in Blowing Rock.

I am now adding my last minute comment to emphasize, instead, what I see as the very positive reasons FOR BUILDING A TUNNEL BYPASS.

I see it as not just to save Blowing Rock from internal disruption, important as that is, but to create ONE REALLY GREAT NEW HIGHWAY!

It could be a DESTINATION IN ITSELF...a SCENIC ADVENTURE to drive.

Western North Carolina is promoting "Heritage Tourism". Remember that Blowing Rock is the ONLY town right on the Blue Ridge Parkway. Let it continue to serve the area in peace and prosperity!

Hoping for a really good answer that blesses everyone,

Marie Samek
Marie Samek
P.O.Box 549
Blowing Rock, NC 28605

Dear Mr. Gilmore:

An improved highway is no longer an improvement when it destroys a desirable destination. Widening US 321 within Blowing Rock on the existing corridor, or choosing Alternative 1-A or 1-B would do just that.

Top priority should be to preserve the state's most precious resources, its cities and towns; to keep them intact... in this case the village of Blowing Rock. Why should the character of this unique and thriving 100 year old community, the "Crown of the Blue Ridge", be forever changed when building a bypass to the east is such a good and practical answer? Why should Blowing Rock be the only town along the 321 corridor that is not bypassed? It is estimated that 88% of 321 traffic in the Blowing Rock area is through traffic.

In my opinion the bypass could be a combination of the best features of Alternatives 4-A and 4-B, and perhaps the original tunnel bypass presented by Concerned Citizens in 1996/97. In any event, it would be a great new road, a destination in itself, a scenic adventure.

The viaduct on the Parkway saved a mountain; this bypass could save a town!

I hope that a really good choice will be made, one that blesses all for years to come, and gives justice and fair treatment to Blowing Rock.

Thank you for listening.

Marie Samek
(Mrs.) Marie Samek

B-204

COMMENT SHEET

US 321 Improvements

Corridor Public Hearing

R-2237C Project 6.739001T Caldwell and Watauga Counties

August 26, 2002

NAME: Wilma B. Sanders

ADDRESS: PO Box 1556 Lenoir NC 28645

COMMENTS AND/OR QUESTIONS:

B-205 The widening of road makes more sense to me than any others. Why pay twice as much for a new route? Then you will have a four lane plus the existing road to keep up.

Please pay all the people involved the attention no matter if they are Rich or POOR.

Dear Mr Goode,

I am a Blowing Rock area resident. (I do not live in the town proper, but I have a Blowing Rock postal area address).

I believe that following the current location of 321 through Blowing Rock is far more sensible than creating a bypass around town, & will have much less ^{environ}mental impact on these mountains that we all want to treat with respect.

I disagree with most of the objections of the Concerned Citizens of Blowing Rock group. & have talked with many neighbors who also believe that widening the existing highway is clearly the best choice. ↓

Comments may be mailed to:
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COMMENT SHEET

US 321 Improvements

Corridor Public Hearing

R-2237C

Project 6.739001T

Caldwell and Watauga Counties

August 26, 2002

NAME: Eileen Bonnie Schaefer

ADDRESS: 364 Dogwood Lane, Blowing Rock, N.C.
P.O. Box 1670 28605

COMMENTS AND/OR QUESTIONS:

As a property owner and long-time resident of Blowing Rock, I am writing to support the construction of a "true bypass" around our village. It would be detrimental to our way of life and our sense of community to widen the existing Highway 321 or adopt Proposals 1-A or 1-B. I do not want a four-lane divided highway through Blowing Rock. I am truly concerned about increased traffic congestion and noise, the destruction and compromise of our historic properties, the integrity of our small town character, and the long-term harms associated with a project through the town limits. My personal experiences with the widening of Highway 321 north of Lenoir, also make me dread the traffic nightmares and construction problems associated with this widening project. Please do not be penny wise and pound foolish in making your decisions about a bypass around Blowing Rock. The historical importance of Blowing Rock and the future demands of the high country warrant the adoption of a "true bypass." My vote and my financial support will be used to defeat any politician or government official who supports the destruction of Blowing Rock as we know it.

Comments may be mailed to:

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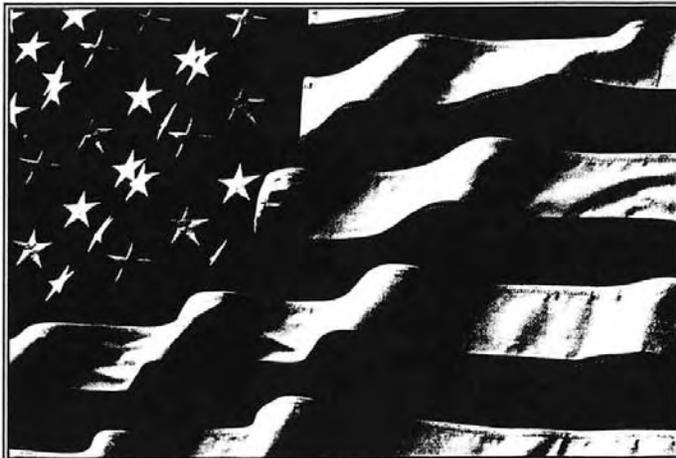
E-mail: cgoode@dot.state.nc.us

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The Caldwell-Watauga Foundation

Sincerely
Heidi Saugen
Aug 16, 2002



Heidi Saugen
154 Fairfield Ln.
Blowing Rock, NC 28605



B-206

COMMENT SHEET

U.S. 321 Improvements

Corridor Public Hearing

R-2237C Project 6.739001T Caldwell and Watauga Counties

August 26, 2002

August 23, 2002

NAME: Jamie Schaefer
ADDRESS: 364 Dogwood Lane, Blowing Rock, N.C.
COMMENTS AND/OR QUESTIONS: P.O. Box 1170 28605

As a property owner and long-time resident of Blowing Rock, I am writing to support the construction of a "true bypass" around our village. It would be detrimental to our way of life and our sense of community to widen the existing Highway 321 or adopt Proposals 1-A or 1-B. I do not want a four-lane divided highway through Blowing Rock. I am truly concerned about increased traffic congestion and noise, the destruction and compromise of our historic properties, the integrity of our small town character, and the long-term harms associated with a project through the town limits. My personal experiences with the widening of Highway 321 north of Lenoir, also make me dread the traffic nightmares and construction problems associated with this widening project. Please do not be penny wise and pound foolish in making your decisions about a bypass around Blowing Rock. The historical importance of Blowing Rock and the future demands of the high country warrant the adoption of a "true bypass." My vote and my financial support will be used to defeat any politician or government official who supports the destruction of Blowing Rock as we know it.

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CAROLYN SMITH PRAVLIK
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DEMIAN A. SCHANE
STEVEN J. GERMAN
CAROLYN K. DORMAN

MONICA WAGNER
LYNN E. CUNNINGHAM
Of Counsel

*Not Admitted D.C. Bar

Nicholas Graf, P.E.
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, N.C. 27601

William D. Gilmore, P.E.
Project Development and Environmental
Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, N.C. 27699-1548

Re: Draft Environmental Impact Statement, Draft 4(f) Evaluation
U.S. 321 Improvements Project, Caldwell and Watauga Counties, North Carolina
EIS No. 020297, State Project No. 6.7939001T, TIP No. R-2237C

Dear Messrs. Graf and Gilmore:

On behalf of the Concerned Citizens of Blowing Rock, I write to inform you that I will be submitting comments on the Draft EIS and Draft 4(f) Evaluation referenced above. It is my understanding that two dates for the closing of the comment period have been given: September 2, 2002, and September 26, 2002. I have spoke with a representative of the State who said that, according to Missy Dickens, the State will hold a public hearing on August 26, 2002, and then allow members of the public to submit comments on the documents up until September 26, 2002. I therefore intend to submit my comments by September 26, 2002.

I would also like to request that, pursuant to 40 C.F.R. 1506.6, I be put on the mailing list for the above-referenced project so that I may receive copies of all announcements and notices. Please provide me with copies of all environmental documents and the underlying materials, preferably at no cost or, alternatively, at the actual cost of producing those documents.

B-207

Messrs. Graf and Gilmore
August 23, 2002
Page 2

The relevant provisions of 40 C.F.R. 1506.6 are:

Agencies shall:

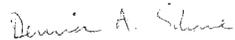
(b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

(1) In all ice

(f) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or a which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council [of Environmental Quality]. [emphases added]

Thank you for your time and consideration.

Sincerely,


Demian A. Schane

cc: Carolyn Ewing
Marsh Smith

B-208

BRUCE J. TERRIS
CAROLYN SMITH PRAVLIK
KATHLEEN L. MILLIAN
SARAH A. ADAMS

TERRIS, PRAVLIK & MILLIAN, LLP

1121 12TH STREET, N.W.
WASHINGTON, D.C. 20005-4632
(202) 682-2100
FAX 202-289-6795
tpmlaw.com



DEMIAN A. SCHANE
MONICA WAGNER
LYNN E. CUDENIGHAM
Of Counsel

September 25, 2002

*Not Admitted D.C. Bar

VIA OVERNIGHT DELIVERY

William D. Gilmore, P.E.
Project Development and Environmental
Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, N.C. 27699-1548

Re: Draft Environmental Impact Statement, Draft 4(f) Evaluation
U.S. 321 Improvements Project, Caldwell and Watauga Counties, North Carolina
EIS No. 020297, State Project No. 6.7939001T, TIP No. R-2237C

Dear Mr. Gilmore:

Please find enclosed comments to be included in the administrative record for the above-referenced project.

Thank you.

Sincerely,

Demian A. Schane
Demian A. Schane

cc: Marsh Smith

COMMENTS ON THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S DRAFT
ENVIRONMENTAL IMPACT STATEMENT AND DRAFT SECTION 4(f)
EVALUATION, U.S. 321 IMPROVEMENT PROJECT, TIP NO. R-2237C

Submitted on behalf of the Concerned Citizens of Blowing Rock and its members

Bruce J. Terris
Demian A. Schane
Terris, Pravlík & Millian, LLP
1121 12th Street, NW
Washington, D.C. 20005-4632
(202) 682-2100
(202) 289-6795 (facsimile)
dschane@tpmlaw.com

September 26, 2002

B-209

STATUTORY BACKGROUND

A. THE NATIONAL ENVIRONMENTAL POLICY ACT

Section 101 of the National Environmental Policy Act (hereafter "NEPA"), 42 U.S.C. 4331, provides:

The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man declares that it is the continuing policy of the Federal Government * * * to use all practicable means and measures * * * in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

NEPA thus "declares a broad national commitment to protecting and promoting environmental quality." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989).

Its goal is "to use all practicable means and measures * * * to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a).

"To ensure that this commitment is infused into the ongoing programs and actions of the Federal Government, the act also establishes some important 'action-forcing' procedures" (citations omitted). *Robertson v. Methow Valley Citizens Council*, *supra*, 490 U.S. at 348. NEPA requires "that federal agencies prepare [environmental impact statements] to be included 'in every recommendation or report on proposals for . . . major Federal actions significantly affecting the quality of the human environment'" (omission in original). *Hughes River Watershed Conservancy v. Glickman*, 81 F.3d 437, 443 (4th Cir. 1996) (citing 42 U.S.C. 4332(2)(C)). "Major Federal action" encompasses "new and continuing activities, including projects and programs entirely or partly

financed, assisted, conducted, regulated, or approved by federal agencies * * *." 40 C.F.R. 1508.18(a).

The environmental impact statement (hereafter "EIS") requirement serves the Act's action-forcing purpose in two respects. First, it "ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts * * *." *Robertson v. Methow Valley Citizens Council*, *supra*, 490 U.S. at 349. Second, it "guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision." *Ibid.* Thus, "by focusing the agency's attention on the environmental consequences of a proposed project, NEPA ensures that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast" (citations omitted). *Ibid.*

In order to implement NEPA's provisions, Congress created the Council on Environmental Quality (hereafter "CEQ"). 42 U.S.C. 4342. CEQ has promulgated various regulations under the Act. *See* 40 C.F.R. 1500, *et seq.* These regulations "are binding on all federal agencies, and CEQ's interpretation of NEPA is entitled to substantial deference." *Sugarloaf Citizens Ass'n v. Federal Energy Regulatory Commission*, 959 F.2d 508, 512, n. 3 (4th Cir. 1992) (citing *Andrus v. Sierra Club*, 442 U.S. 347, 357-358 (1979)).

While the Act and its regulations "establish[] environmental quality as a substantive goal," they do not require substantive results. *Hughes River Watershed Conservancy v. Glickman*, *supra*, 81 F.3d at 443. Instead, they set "forth procedures that agencies must follow." *Ibid.* However, these "are not highly flexible. Indeed, they establish a strict standard of compliance." *Calvert Cliffs'*