

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006

October 20, 2009

Regulatory Division

Action ID. SAW-2009-1346, TIP A-9 B&C

Mr. Gregory J. Thorpe, Ph.D., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

Reference your application submitted pursuant to the NEPA/404 Merger 01 process for proposed impacts to waters of the United States associated with alternatives being considered for the construction of the proposed US 74 relocation from US Highway 129 in Robbinsville to NC Highway 28 in Stecoah, Graham County, North Carolina (TIP A-9 B&C). Stream and wetland impacts associated with the proposed alternatives would occur from the construction of approximately 10 miles of four-lane median divided highway.

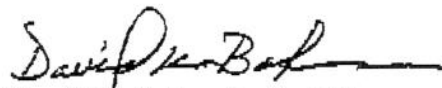
Your alternative alignments being considered were advertised by our merger public notice dated August 3, 2009. These alternatives were described in the Federal Highway Administration's Draft Supplemental Final Environmental Impact Statement (DSFEIS). A considerable amount of comments were received in response to the public notice. Commenter's included local adjoining property owners, the general public, as well as groups and organizations such as the Sierra Club, the Wilderness Society, the Southern Environmental Law Center, and the North Carolina Wildlife Federation. The overwhelming majority of the comments recommended abandonment of the project and denial of any Department of the Army permit application. The negative comments received, simply generalized, could be grouped into the following categories:

- Anticipated significant adverse environmental impacts to the resources of pristine mountainous regions of western North Carolina.
- Lack of consideration of less-impacting practicable alternatives such as the upgrading of existing two-lane roads.
- Questionable need for the project as proposed.
- Historic purpose for the project which is no longer valid.
- The expenditure of large sums of money in a failing economy that could be better utilized for other causes.

All comments received are enclosed for your information and consideration. These comments, in conjunction with those that are received in the upcoming series of public hearings/regional meetings scheduled in Graham County October 27-29, 2009, should be utilized in your decision-making regarding the continuation of further planning studies of only the presently proposed A-9 B&C alternatives.

After reviewing and considering the numerous comments received in response to the public notice, the agency comments received in response to the DSFEIS, and the amount of adverse impacts associated with the new location alternatives, we agree that the alternative of upgrading and improving existing two-lane roadways should be given full consideration as a practical alternative. Reconsideration of such other available practicable alternatives will be required to satisfy our own requirements pursuant to the Section 404(b)(1) Guidelines as well as to satisfy the interests of objecting agencies prior to scheduling and attempting to reach concurrence on point 3 of the NEPA/404 Merger 01 process. If you have any questions, I may be reached at (828) 271-7980, extension 225.

Sincerely,


David K. Baker, Project Manager
Asheville Regulatory Field Office

Enclosures

CF w/o encls:

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