

Virginians for Appropriate Roads

I-73 Bulletin

What's in the future for I-73?

Volume 5, Issue 1

April, 2007

VAR is a chapter of Blue Ridge
Environmental Defense League (www.bredl.org)

VAR plans to use legal tools

VAR would like to offer our perspective on what the future holds for residents of Franklin, Henry, and Roanoke Counties whose homes and lives are potentially affected by I-73. We've used a **Question & Answer** format.

Q. When will I-73 receive approval as a federally-funded highway project?

A. Federal Highway Administration (FHWA) expects to issue a Record of Decision (ROD) for I-73 at the end of March, 2007. The issuance of a ROD is FHWA's statement that all the requirements have been met for environmental review for I-73 as stipulated in National Environmental Policy Act (NEPA), Clean Water Act, Endangered Species Act, Section 106 of the National Historic Preservation Act, and Section 4(f) of the Department of Transportation Act. The ROD is FHWA's way of saying that I-73 has met numerous legal hurdles and is now eligible to receive federal funds for engineering studies, right-of-way acquisition, and construction.

Q. For those who do not want I-73 coming through their community, has the battle been lost?

A. Absolutely not! Virginians for Appropriate Roads (VAR) has been preparing for this moment since 1998, at which time it became obvious that Virginia Department of Transportation (VDOT) and FHWA were not going to consider the views of local citizens in the planning of I-73. Since that time VAR has been a citizen watchdog providing unpaid volunteer oversight of FHWA and VDOT's

compliance with federal laws in the planning of I-73. Basically we have sought to ensure that VDOT and FHWA are meeting all legal requirements for I-73.

Q. Have FHWA and VDOT met all legal requirements?

A. In our comments to the Final Environmental Impact Statement (FEIS) for I-73 submitted to FHWA in January, VAR identified numerous flaws in the project's federally-mandated environmental review process. Additionally, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, and U.S. Environmental Protection Agency have all identified deficiencies in FHWA's handling of federal requirements for the planning of I-73. Please see page 2 for discussion of these comments.

Q. Why is it necessary for VAR to continue this work?

A. Unless VAR files legal action against FHWA, there is little likelihood that any other organization or agency will have the time or resources to pursue legal and administrative remedies to the issues identified. In other words, unless citizens remain vigilant and involved to the fullest extent, we relinquish our ability to influence the outcome of decision making for I-73.

Q. If VAR is successful in pursuing legal remedies for I-73, how will this affect the project's outcome?

A. The goal we seek for I-73 is consideration by FHWA and state and local governments of a comprehensive upgrade of U.S. 220 including access management, instead of the interstate freeway design. This U.S. 220 upgrade would minimize impacts to forests, farmland, wetlands, federally listed endangered species, and the Old German Baptist Brethren farming district in Franklin County, which takes a direct hit from the routing of I-73 that is about to receive FHWA approval. Legal costs for this effort will be around \$50,000. Please help (see page 3)!

Comments Provided to the FEIS for I-73

VAR and Federal Agencies Identify Significant Deficiencies in Study

In response to the issuance of the *Final Environmental Impact Statement for I-73* in November 2006, Virginians for Appropriate Roads provided comments of close to 400 pages which stated in precise detail what VAR considers “omissions, errors, misstatements of fact and misleading information and arguments” made in the FEIS.

Comments focused on 13 major areas of concern which have been longstanding sources of contention with the I-73 project throughout its study history, including the impact on the Roanoke logperch (a federally listed endangered species), the threat to the German Baptist Oak Hill community, the failure to study a non-interstate option for building I-73, and the issues surrounding proposed Buck Mountain access to the Blue Ridge Parkway. In addition, comments addressed the manipulated public participation process, shortcomings of the economic impact analyses, the use of “Congressional intent” to prejudice the Purpose and Need, and the inadequacy of the project “Re-Evaluation.”

Careful review of the Biological Assessment for the Roanoke logperch contained in FEIS Appendix E revealed substantive editing changes to the original research document, changes that support pre-determined outcomes regarding potential impacts on logperch populations in favor of the Approved Location Corridor. Also noted was VDOT’s failure to consider new assessment tools for evaluating road impacts to aquatic habitats recommend by US Fish and Wildlife Service, a cooperating agency.

Among the most persistent deficiencies cited and discussed throughout VAR comments was VDOT’s failure to study a US 220 upgrade. Via ongoing communication with VDOT and FHWA, VAR has consistently promoted an awareness of reasonable alternatives to building I-73 as an interstate freeway on new alignment, specifically a principal arterial design that would include access management features. VDOT and FHWA have contended and state in the FEIS that such a design concept actually mimics an interstate freeway design option (Option 3) and so does not merit further study. VAR comments include extensive review of communication and report information, as well as VDOT design standards, that clearly contradict the FEIS conclusion.

VAR comments to the FEIS provide a comprehensive and detailed account of VAR’s continuing work to assure the I-73 project complies with the laws and regulations that are in place to benefit citizens and communities. To view them in entirety, please access the internet sites listed under your address on the front of this newsletter.

Army Corps of Engineers

“As we noted in our 2001 comments, it is not clear that only an interstate-level facility can address the purpose and need...It appears untenable to maintain that the Purpose and Need for I-73 can only be addressed by an interstate.”

“...Improving Route 220, including access management, was not evaluated as a stand-alone alternative, even though we asked for it in our 2001 comments. Therefore, we are unable to identify the LEDPA (least environmentally damaging alternative) for this project at this time”

- J. Robert Hume, III. Regulatory Office
Letter of March 6, 2007

Environmental Protection Agency

“...Without the comprehensive comparison of the upgrade alternative (US 220), EPA is not fully able to evaluate the social impacts or environmental impacts between the ALC and the Route 220 upgrade. It may also be difficult to determine if the ALC would be the least damaging practicable alternative required through the Clean Water Act Section 404 requirements without this full comparison.”

-William Arguto, NEPA Team Leader
Letter of January 29, 2007

US Fish and Wildlife Service

“...In the letter to FHWA dated January 31, 2005, FWS stated that of the candidate build alternatives, FWS recommended adoption of Option 3, which would result in less impacts to waters, forested uplands, and agricultural land. The FWS continues to stand by the recommendation included in that letter.”

-Willie R. Taylor, Environmental Policy and Compliance
Letter of January 30, 2007

Here are 3 ways you can help.

1.

Please clip this coupon and mail to Gov. Tim Kaine!

Thank you!

Date _____

To: Governor Tim Kaine
1111 East Broad Street, Patrick Henry Building, 3rd floor
Richmond, VA 23219

Dear Governor Kaine,

Please utilize every means at your command to work with the Commonwealth Transportation Board (CTB) to reinterpret I-73 as a high-quality upgrade of the U.S. 220 alignment. An upgrade of U.S. 220 will save hundreds of millions of dollars over the cost of building a new freeway, provide the improvements to safety and efficiency that we need in the U.S. 220 corridor, and save the Old German Baptist Brethren farming district in Franklin County. Please request that the CTB work with Franklin, Henry and Roanoke Counties to implement on U.S. 220 the access management policies and procedures being developed by the West Piedmont Planning District Commission in the new *Franklin County Access Management Guidebook*. Thank you very much.

Name _____

Address _____

2. VAR Yard Sale!

Please donate merchandise for a VAR Yard Sale. Please call (540) 334-2997 and leave a message. Someone will return your call to arrange for drop-off or pick-up of the items.

3. Please support VAR!

Yes! I would like to support VAR with a tax-deductible donation of \$_____ to help pay for legal and other costs.

name _____

address _____

email _____

phone _____

Please mail your donation to: VAR
P.O. Box 2153
Rocky Mount, VA 24151

!!!!!! Thank you !!!!!

Virginians for Appropriate Roads



P.O. Box 2153, Rocky Mount, Virginia 24151

Complete VAR and federal agency comments to the I-73 Final Environmental Impact Statement are online!

- **VAR's comments** — www.box.net/shared/a6zzj7pb0t (type o "zero" for next to last digit)
- **VAR on I-73's impacts to Blue Ridge Parkway** — www.box.net/shared/xisp197ihs
- **Federal agency comments** — www.box.net/shared/zsabafgozt

Update on access management in Franklin County

The Franklin County Access Management Guidebook is currently under development by the consulting firm Vanasse Hangin Brustlin, Inc. (VHB). As the contract manager for the project, the West Piedmont Planning District Commission provided a public information meeting on January 16 at which representatives of VHB provided an overview of the scope of the access management guidebook project.

Additionally, the West Piedmont Planning District Commission is developing a Regional Rural Long-Range Transportation Plan as part of VDOT's rural transportation planning initiative begun in 2006. Access management is part of that plan.

Individuals wishing more information or to provide comments on either the Franklin County Access Management Guidebook project or the Regional Rural Long Range Transportation Plan may contact Bob Dowd at the West Piedmont Planning District Commission at (276) 638-3987.

VAR mails book on German Baptists to members of CTB

In our August, 2006 newsletter, VAR requested donations from our supporters to pay for purchasing and mailing copies of Dr. Charles Thompson's book, *The Old German Baptist Brethren: Faith Farming and Change in the Virginia Blue Ridge* to each member of the Commonwealth Transportation Board (CTB) and Governor Kaine. Thanks to your generosity, copies of the book went out to all 17 members of the CTB, Governor Kaine, and U.S. Senator John Warner. Now they can't plead ignorance of the impact that I-73 will have on the German Baptist community of Franklin County.

VAR also met with our region's CTB representative, Dana Martin, on December 20 to describe VAR's ongoing efforts to obtain federal recognition of the historic status of Oak Hill, the German Baptist farming district in Franklin County.

Thanks to all the caring people who sent donations to VAR for this project! With your help, we can continue to advocate for common sense in the planning of I-73.