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Lawsuit brought on over I-73 path
River crossing, wildlife harm cited, echoing S.C. worries

By Zane Wilson - The Sun News

A lawsuit over a planned 72-mile section of Interstate 73 in Virginia includes allegations similar to criticisms raised over the I-73 location in South Carolina.

"I'm following it with great interest," said David Farren, an attorney with the Southern Environmental Law Project. "I think there are definitely some parallels here."

But Brad Dean, president of the Myrtle Beach Area Chamber of Commerce and director of the six-state National I-73 Corridor Association, said the suit was filled with "a lot of misstatements and misinformation."

The suit is "a weak attempt at best to stop progress," Dean said.

I-73 is planned to connect Sault Ste. Marie, Mich., at the Canadian border, with S.C. 22. It would be the first interstate highway to lead to Myrtle Beach. The location for the section of I-73 between S.C. 22 in Horry County and I-95 is near federal approval.

The main similarities between the Virginia route and the one in South Carolina are a river crossing that could affect an endangered species, and the claim that the Virginia Department of Transportation did not properly consider a corridor along an existing road rather than cutting a new path.

Farren has attended almost every planning meeting and hearing for I-73 in South Carolina, representing the Coastal Conservation League.

He objects to the I-73 crossing of the Little Pee Dee River Heritage Trust Preserve, and believes the road should follow an existing corridor such as U.S. 501 or S.C. 9.

"Hopefully this will cause South Carolina to reconsider," Farren said. But he said it is too early to say whether a lawsuit will be filed over the South Carolina route.

Mitchell Metts, project manager for I-73 in South Carolina, said last week he does not expect a lawsuit over the route.

The state has considered the route and complied with all federal regulations about road locations, Metts said.

Virginians for Appropriate Roads, an activist group that began in 1998, sued in federal court in Virginia on Oct. 15, the last day to do so, over the route that VDOT chose almost a year ago.

Also plaintiffs on the federal lawsuit are Virginia Forest Watch and two residents of the affected area.

They say the road alignment in southwest Virginia does not comply with the National Environmental Policy Act, and ask for an injunction against any further planning, engineering or funding of the road.

The VDOT filed its answer to the lawsuit Tuesday, saying that every point in the 25-page complaint was addressed in environmental studies that were conducted before the route was chosen.

Virginians for Appropriate Roads says the project "will result in significant, irreversible, adverse effects on natural, scenic, and ecological resources."

Those include 3,370 acres of forest, 52,000 feet of a stream, "exposing over 2,000 households to noise and air pollution," fragmenting communities and habitat and stimulating sprawl development, the complaint says.

David S. Ekern, VDOT Commissioner, denied those allegations in his answer. He said the actual project, or construction, has not yet been approved; only the route is approved.

Further, he said, the route plan used a 600-foot-wide corridor to estimate impacts, but the actual road corridor will not be that wide.

The plaintiffs also allege that the road does not have to meet the standards for interstate highways, and that alternatives such as using existing roads were not properly considered.

Ekern answered that Congress required the new interstates to meet interstate standards.

Further, he said, using existing roads was thoroughly considered but found impractical and more disruptive than building a new route.

The S.C. plan had the same conclusion, saying it would cost more to move existing homes and businesses from U.S. 501 or S.C. 9 than to build a new path.

The plaintiffs also say no money is allocated for the road, and it makes no sense to build the road in segments.

Dean said roads would never get built if they had to wait for complete funding for their whole length.

The case will be decided by a judge without testimony or witnesses, based on whether VDOT's route complies with the National Environmental Policy Act.

Farren said such cases usually take about a year.

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