

December 4, 2023

Friends of Blackwater, Inc.  
Attn: Ms. Judy Rodd  
PO Box 247  
Thomas, West Virginia 26292



Re: Corridor H – Parsons to Davis Segment  
**O’C&L Letter of Findings – O’C&L Project #522-013**  
**Re. Segment from Tucker County High School Connector to Mackeyville Road**

Dear Ms. Rodd:

Pursuant to your request, O’Connell & Lawrence, Inc. (“O’C&L”) herein provides this Letter of Findings (the “Letter”) related to the on-going Corridor H highway project in West Virginia. For the purposes of this assignment, O’C&L was asked to provide its expert opinion on whether the portion of the Parsons to Davis Segment of Corridor H from the Tucker County High School Connector to Mackeyville Road should be feasibly considered, and potentially designed and constructed, as a two-lane road with passing lanes. O’C&L was also asked to provide its expert opinion on whether West Virginia Department of Highways (“WVDOH”) proceeding with the drilling of certain Core Borings in the vicinity of this specific area makes sense at this time. This Letter is limited to discussion about the proposed segment of the Corridor H from the Tucker County High School Connector to Mackeyville Road.

In particular, O’C&L understands WVDOH has asserted that the segment of Corridor H between the Tucker County High School Connector and Mackeyville Road must contain a total of four lanes in total, with two eastbound and two westbound lanes. Based on all documentation O’C&L has reviewed to date during the preparation of this Letter, it appears to O’C&L to be WVDOH’s position that this section of Corridor H shall be proposed to be four-lanes in total. In general, O’C&L understands this position to be based on language as found within a document entitled the “Settlement Agreement,” as filed in US District Court on February 7, 2000 as part of United States District Court in the District of Columbia Case No. 1:96-CV-2622 (TFH). The “Settlement Agreement” is referenced throughout this Letter.

O’C&L’s recommends WVDOH perform further evaluation to consider the reduction of the four-lane travelway to a two-lane travelway with passing lanes in the vicinity of the MNF and, in particular, in the vicinity of Big Run Bog and Slip Hill Mill Run, which have previously been identified as areas where environmental impacts should be minimized. The area that is subject of this Letter is in the immediate vicinity of these identified significant environmental features.

O’C&L’s rationale for the exploration of the feasibility of a two-lane roadway with passing lanes in this area is grounded in an effort to reduce the overall area of the project footprint. In particular, if the overall travelway width is reduced in certain locations, the overall project Limits of Disturbance (“LOD”) will also reduce. This LOD reduction will result in reduced amount of grading outside of the limits of the travelway (due to generally severe slopes in the area of this section of Corridor H) and will thus reduce environmental impacts and overall project costs. This Letter further discusses O’C&L’s position that this potential lane configuration is worth exploring.

O’C&L understands that the two-lane road concept is not in complete conformance with language within the Settlement Agreement. The language in the Settlement Agreement explicitly states “WVDOT is committed to the completion of Corridor H as a continuous four-lane highway, and FHWA supports WVDOT’s efforts to achieve that objective provided that such efforts are carried out in compliance with all applicable laws.”<sup>1</sup> The Settlement Agreement further defines an *Improved Roadway Alternative* as “any alternative that calls for the improvement of an existing two-lane or three-lane roadway, or the construction of a new two-lane or three-lane roadway, in lieu of the completion of all or a portion of Corridor H as a four-lane, divided highway.”<sup>2</sup>

While the language in the Settlement Agreement notes the Plaintiffs of said agreement waive their rights “to submit comments in any form requesting the consideration or approval of an Improved Roadway Alternative or contending that such an alternative is required to be considered or approved under any law regulation or policy”, this language is only “With respect to all remaining NEPA, Section 106 and other studies involving Corridor H”.<sup>3</sup> As noted in the Settlement Agreement, “Plaintiffs do not otherwise waive any right to advocate for an Improved Roadway Alternative”, including related to potential impacts associated with Corridor H.

O’C&L notes the Friends of Blackwater, Inc. (“FOB”) was not a Plaintiff in the original Settlement Agreement and has not waived its right to submit comments requesting consideration of this Improved Roadway Alternative as a requirement under applicable laws, regulations and/or policies. Therefore, the FOB’s engagement of O’C&L to prepare this Letter is appropriate and in conformance with the terms of the Settlement Agreement. O’C&L further notes that any individual, group, or organization that was a party to the original Settlement Agreement is within its rights to advocate for consideration of an Improved Roadway Alternative, as specifically noted in the language within the Settlement Agreement.

The established Revised Original Preferred Alternative (“ROPA”) travelway location for Corridor H in this location is proposed to travel in a southwesterly direction between the Tucker County High School Connector and Mackeyville Road. This section of the ROPA, generally travels through the Monongahela National Forest and traverses steep slopes as it heads in the direction of the towns of Hambleton and

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<sup>1</sup> Settlement Agreement, Pg. 4.

<sup>2</sup> Settlement Agreement, Pg. 9.

<sup>3</sup> Settlement Agreement, Pg. 53 – 54.

Parsons. O’C&L notes the Northern Route<sup>4</sup>, which is the overall alignment location preferred by the FOB, travels in the same footprint as the ROPA in this specific section of Corridor H. O’C&L further understands there is significant pushback from the community over the overall selected ROPA location, and, WVDOH has agreed to re-reviewing Blackwater Avoidance Alternatives, generally including the Northern Route, as part of its on-going due diligence.

O’C&L understands that WVDOH, through its engineering consultants, has applied for relevant permits to drill Roadway Core Borings and Structure Core Borings (collectively, the “Core Borings”) along the ROPA alignment. As noted in the permit documentation, the impacts of the drilling of these Core Borings include associated earth disturbance, specifically for the construction of access roads, laydown areas, and drill pads so the driller’s rigs and mechanized equipment can reach the selected drilling locations. O’C&L further understands that WVDOH has claimed that, because the Northern Route and ROPA alignment are largely in the same location from the Tucker County High School Connector to Mackeyville Road, there is no conflict or debate about this portion of the alignment. Therefore, WVDOH has taken the position that these Core Borings, and the associated earth disturbance required for said Core Borings, can occur in this area *because* there is no controversy or debate over the location of this portion of Corridor H, even as it explores other routes for the remainder of this Segment of Corridor H.

The area that is the subject of this Letter is near Big Run Bog, Slip Hill Mill Run, and Canyon Rim Road; these are all areas that have been previously identified as of significant concern where the overall impacts of the Corridor H projects should be minimized. O’C&L has not seen any traffic data or analyses that support the absolute need for this section of Corridor H to be a divided four-lane highway; the only evidence O’C&L has seen demonstrating the need for a four-lane divided highway is the language in the Settlement Agreement. A two-lane roadway with passing lanes at critical locations may provide the requisite Level of Service and safety for drivers in this area and will reduce the overall LOD needed to construct the project. A reduction in the overall LOD will then reduce the anticipated environmental and cost impacts. In turn, the overall number of required Core Borings in this area *may be able to be reduced* if the overall travelway width is reduced, further reducing the impacts of the clearing and construction requirements for access roads, laydown areas and drill pads. Given the identified critical nature of this area, it is important, in O’C&L’s opinion, to limit the overall disturbance in the due diligence and the construction phases of this project.

If relevant traffic study and safety data supports a two-lane travelway with passing lane configuration in this area, the subsequent reduction in the overall project LOD in this area may mean that a different route through this mountainous area may be preferential to the current location of the ROPA. If this is the case, the proposed location of the Core Borings in filed permit documentation may require adjustment to adequately provide soil properties information for the road location

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<sup>4</sup> The Northern Route is a revised potential alignment for the Parsons to Davis Segment of Corridor H that connects the same section of road, but is proposed to travel north of both Thomas and Davis and does not bisect the towns. It further avoids the historic Blackwater Industrial Complex.

Given these conditions, it is O’C&L’s opinion that it is unwise to proceed with the drilling for these Core Borings, and indeed with the preparatory work required for to drill the Core Borings, until such time as the entire route is finalized. Based on O’C&L’s review to date, there is no guarantee that the section of Corridor H from the Tucker County High School Connector to Mackeyville Road needs to be a four-lane divided highway based on relevant traffic study and safety data. There is also no guarantee that, if the analyzed traffic data warrants a reduced travelway width, the most advantageous route location will be in the same location as is currently proposed in the ROPA. These analyses should be conducted prior to clearing and grading for drill pad installation to ensure that money is not wasted in drilling unnecessary Core Borings and to ensure that needless environmental impacts are not inflicted on these highly-sensitive ecosystems.

**Conclusions**

It is O’C&L’s opinion that a two-lane roadway with certain passing lanes is worthy of further review in the area between the Tucker County High School Connector and Mackeyville Road. In O’C&L’s opinion, the potential two-lane configuration with passing lanes will almost certainly have a lessened LOD and overall project cost. O’C&L recommends WVDOH analyze this area from a traffic data standpoint to determine whether a four-lane divided highway is needed to meet relevant Level of Service and safety goals for Corridor H in this location. It is further O’C&L’s opinion that, if the traffic and safety data does not warrant the need for a four-lane divided highway, an Improved Roadway Alternative, such as a two-lane divided highway with passing lanes, should be considered as an alternative for this portion of this Segment of Corridor H.

Assuming this configuration meets all relevant traffic and safety requirements, it *will be feasible*, as it can fit in a reduced area of disturbance from the configuration as proposed by the ROPA. As discussed herein, this type of configuration will reduce the overall project footprint and cost of the overall project and will reduce the anticipated impacts to the natural environment in a highly-sensitive area. The reduced LOD may also open the possibility to WVDOH to modify the alignment of this segment to further reduce area impacts.

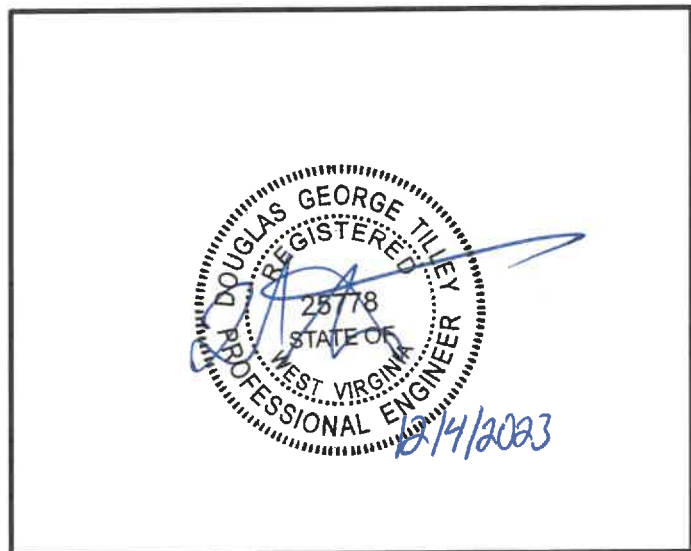
It is further O’C&L’s opinion that, until a time when such analyses are performed and the route in this location is finalized, drilling any Core Borings in this area is premature. The alignment needs to be finalized before Core Borings are approved, prepared for, and drilled by WVDOH and its consultants.

The opinions and conclusions expressed in this Letter were reached with a reasonable degree of engineering certainty. O’C&L reserves the right to modify its opinions and conclusions if additional information becomes available for review. This document was prepared under my direct supervision.

Very Truly Yours,  
O’Connell & Lawrence, Inc.



Douglas George Tilley, P.E.  
Vice President of Engineering and Surveying



West Virginia Registered Professional Engineer No. 25778  
Sealed Date: 12/4/2023

For

O’Connell & Lawrence, Inc.  
Certificate of Authorization: C04512-00