May 29, 2025

Joby Timm
Forest Supervisor
George Washington & Jefferson National Forest
5162 Valleypointe Parkway, Roanoke, VA 24019

Re: Corridor H extension through GWNF

Dear Supervisor Timm:

We write as a coalition of conservation organizations and concerned citizens regarding the proposed Corridor H highway extension through the George Washington National Forest (GWNF) in Hardy County, West Virginia. This project – extending from Wardensville, WV to the Virginia state line – would permanently occupy National Forest land with a new 2.36-mile, five-lane highway corridor on the western side of Great North Mountain. As the agency has done with similar road right of way (ROW) proposals like Rt. 33 and Corridor K, we strongly urge the Forest Service to require a Special Use Permit (SUP) for this portion of Corridor H, as is mandated by the National Forest Management Act and the Forest Service regulations. The SUP process requires the Forest Service to examine plan standards to demonstrate consistency and to identify where a plan amendment would be needed.

Given the project's significant impacts – including a roughly 133-acre permanent disturbance within a 247-acre right-of-way on the GWNF and its intrusion into a sensitive management area (Prescriptions 7B), a formal SUP process is both legally required and essential to ensure consistency with the GWNF Forest Plan and to protect the public interest in these National Forest lands. This area of Great North Mountain (the Big Schloss Cluster) is recognized as a Virginia "Mountain Treasure" for its outstanding ecological and recreational values, which further heightens the need for rigorous review and transparency before any highway construction proceeds.

It is our understanding that the Forest Service has decided not to require a SUP for Corridor H's Refined Selected Route as it passes through GWNF lands (in Management Areas 7B *"Scenic Corridors"* and 13 *"Mosaics of Habitat"* on the West Virginia side of Great North Mountain). Instead, the plan is to grant WVDOH a simple Letter of Consent. Notably, the affected portion of Great North Mountain lies within the Great North Mountain unit of the Virginia's Mountain Treasures (Big Schloss Cluster), as identified in The Wilderness Society and Virginia Wilderness Committee's *Virginia's Mountain Treasures* publication. This approximately 6,700-acre area has been recognized for its mature contiguous forests, clean headwater streams, abundant wildlife habitat, and outstanding scenic and recreational value. Routing a five-lane highway through such a highly valued and ecologically significant landscape heightens the public interest in the project and reinforces the need for a rigorous Forest Service review and authorization.

By contrast, the Forest Service did require a Special Use Permit in 2021 for a much smaller Virginia DOT project to widen Route 33 over Shenandoah Mountain. The Route 33 improvement affected only 17 acres of National Forest land, yet it underwent a Forest Service scoping process and public review. In that case (as noted in the GWNF scoping letter dated March 21, 2021), the entire SUP right-of-way was 17.3 acres, with only 2.2 acres of actual disturbance for road widening and safety improvements. In comparison, the proposed Corridor H extension would disturb roughly 133.4 acres within a 247-acre right-of-way on GWNF land on Great North Mountain. It entails constructing approximately 2.08 miles of brand-new five-lane controlled-access highway through intact, mature forest, plus an additional 0.28 mile near the mountain crest along the existing two-lane Route 55 corridor – a total of about 2.36 miles of new highway on National Forest land. This is orders of magnitude a larger intrusion into the forest than the Route 33 project, with correspondingly greater long-term impacts.

Furthermore, since 2022, the footprint of Corridor H within the GWNF has expanded dramatically – from an estimated 81.3 acres to ~133.4 acres of permanent disturbance within a 247-acre right-of-way – due to design refinements, the addition of a slow traffic lane for eastbound traffic, and the addition of a temporary alternate Route 55 that WVDOH intends to build through the Scenic Corridor. This alternate route would carry traffic while the new five-lane highway is under construction, and then presumably be decommissioned. This significant new impact was not sufficiently described or analyzed in the 1996 EIS or in the recently released SEA. We became aware of it only upon reviewing maps provided by WVDOH and FHWA at the public hearing in Baker, WV on April 22, 2025, see below photograph. We are concerned that the public and the Forest Service have not been fully informed of these changes. Accordingly, we write to ensure you are aware of the substantially increased scope of impact and to ask that you reconsider the decision not to require a Special Use Permit. Proceeding by Letter of Consent – without a Special Use Permit – would effectively bypass the thorough environmental analysis, mitigation planning, and public involvement that a project of this magnitude on National Forest land requires.

Legal and Regulatory Requirements: In this situation where the Federal Highway Administration (FHWA), with WVDOH, seeks a right of way across Forest Service lands, the Forest Service (acting through the Secretary of the Department of Agriculture (USDA)) must evaluate whether the right of way transfer would be "contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved." 23 U.S.C. §317(a)-(b). If not, USDA will "agree to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve." 23 U.S.C. §317(b). It appears that the Forest Service intends to agree to this right of way through a Letter of Consent for the project. *See* SEIS at 20.

The National Forest Management Act requires that any such "instrument for the use and occupancy of National Forest System lands shall be consistent with the land management plans."

16 U.S.C. 1604(i). The special use permit process is how the USFS determines the consistency of such instruments. First, as part of the pre-application review, Forest Service staff "shall screen the proposal to ensure that the use meets the following minimum requirements applicable to all special uses: … the proposed use is consistent or can be made consistent with standards and guidelines in the applicable forest land and resource management plan prepared under the National Forest Management Act and 36 CFR part 219."). 36 C.F.R. § 251.54(e). The Forest Service can grant a SUP only determining (among other requirements) that "the proposed activity is consistent or can be made consistent with the standards and guidelines in the applicable forest land and resource management plan required under the National Forest Management Act and 36 CFR part 219.") 36 C.F.R. § 251.54(g)(3)(ii)(B).

Moreover, Forest Service regulations unambiguously require a special use authorization for a project of this nature. Under 36 C.F.R. § 251.50, "all uses of National Forest System lands…are designated 'special uses'" that must obtain a special use authorization, unless specifically exempted by narrow criteria. Road ROW transfer is not specifically exempted. The only potentially relevant exemptions allow waiving a permit if a proposed use has nominal effects on the land or is already regulated by another agency in a manner adequate to protect National Forest resources. 36 C.F.R. § 251.50(e)(1) and (2). As discussed below, the Corridor H proposal meets neither condition.

Indeed, the Forest Service has understood this process to require a SUP in the past. In addition to Rt. 33 mentioned above, when considering the proposed Corridor K across the Cherokee National Forest, the Forest Service required the Tennessee Department of Transportation to go through all relevant plan standards to demonstrate consistency and to identify where a plan amendment would be needed. Additionally, the Forest Service went through the SUP process for the A-9 improvements project in North Carolina national forest. *See* *National Forests in North Carolina | Project Summary (#7529) | Forest Service*.

In short, without an applicable exemption, the Forest Service must prepare a SUP. The agency cannot interpret its regulations (i.e., the exemptions provided in 36 C.F.R. §251.50) to give them a longer leash than the statute does (requirement that ROW instrument be consistent with the Forest Plan provided in 16 USC 1604(i)). And because the proposed ROW does not comply with the Forest Plan, the agency would also need to amend the Forest Plan to allow the ROW. If the Forest Service issues a Letter of Consent without going through the SUP process and amending the Forest Plan as needed to ensure consistency, it will be shirking its own regulatory mandate and failing to exercise crucial oversight authority.

Requiring an SUP is not only dictated by Forest Service regulations – it is also the proper mechanism for the Forest Service to ensure compliance with NEPA and with the GWNF Forest Plan. The Forest Service is not absolved of NEPA obligations simply because it is not the lead agency for this project. Rather, if the Forest Service intends to rely on a lead agency to satisfy

NEPA, that document must contain the analysis needed to support the Forest Service's decision, including plan consistency and to the extent amendments are needed, planning rule compliance. The SUP process leads to the necessary evaluation of environmental effects, consideration of alternatives, and mitigation specific to National Forest lands. This is particularly important in light of the aging 1996 Corridor H EIS and the recent SEA, which does not address new and site-specific impacts on the forest (such as the alternate route through the Scenic Corridor).

Moreover, the Special Use Permit (SUP) process provides a formal framework for public involvement specifically tailored to the Forest Service's decision-making responsibilities. Public participation is both a procedural requirement and a substantive cornerstone of the National Environmental Policy Act (NEPA) and the Forest Service's special use regulations. If the Corridor H project were to proceed under a mere Letter of Consent instead of through the SUP process, the public and local stakeholders would have no formal opportunity to comment on the highway's impacts to their National Forest, nor would there be any assurance that Forest Service experts have fully evaluated the project's consistency with the Forest Plan's standards. Such a bypass of the SUP process would be an insufficient and unacceptable approach, especially given the magnitude of the project and the high level of public interest in the area.

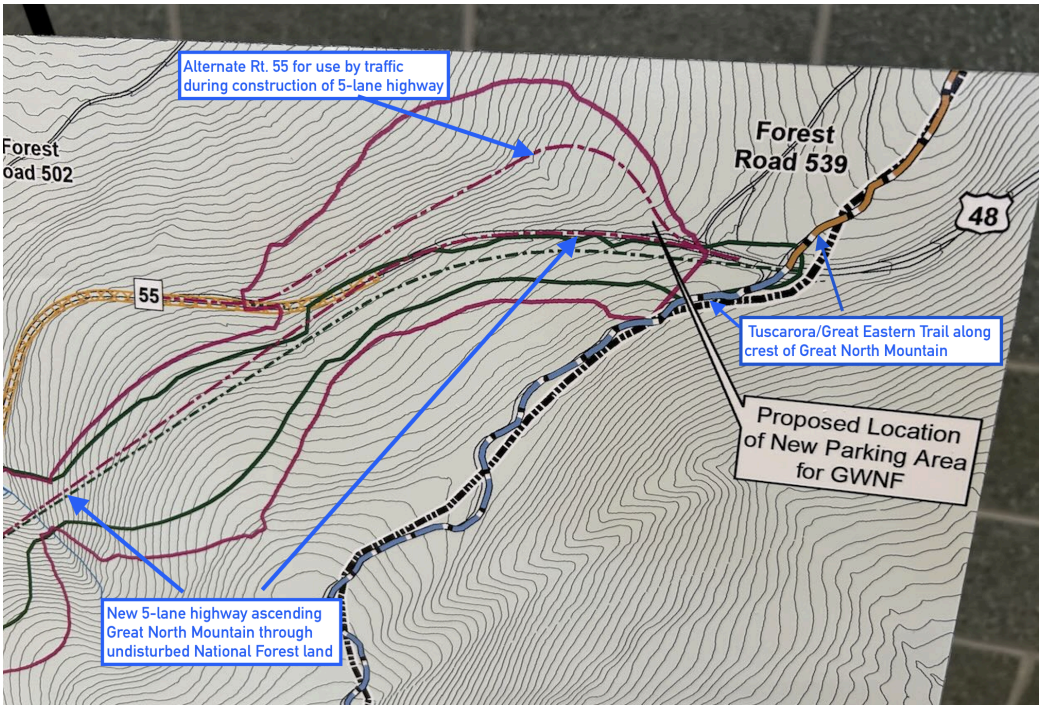


Photo of map provided by WVDOH and FHWA captured at the public hearing in Baker, WV on April 22, 2025. This map illustrates project refinements (not sufficiently described or analyzed in the 1996 Environmental Impact Statement or in the recently released Supplementary Environmental Assessment) that dramatically expand the footprint of Corridor H within the GWNF.

The increased impact of design changes, additional passing lane, and alternate route will severely degrade the Scenic Corridor Management Area portion on Great North Mountain. It is the Forest Service's responsibility to make sure that these impacts are analyzed. In addition to the procedural concerns, we have substantive major concerns about the effects of routing Corridor H through this portion of the GWNF, including but not limited to:

Inconsistency with Forest Plan guidance: Under the National Forest Management Act, any project on GWNF lands must be consistent with the Forest Plan. The proposed highway demonstrably fails this test, conflicting with numerous Forest Plan standards and management directives, including:

- **Water Quality and Soil Conservation:** The Plan mandates strict protection of water and soil resources. All management activities affecting soil or water must meet or exceed state Best Management Practices (FW-1). Projects must retain organic soil layers on at least 85% of the area and promptly revegetate disturbed sites within 5 years (FW-5), and they must be located or designed to avoid or mitigate potential erosion (FW-6). The Plan also prohibits driving heavy machinery on water-saturated soils to prevent severe compaction (FW-8). A 2.36-mile five-lane highway cut across steep forested slopes cannot meet these requirements. Extensive clearing, earthmoving, and likely wet-season construction would cause far more soil exposure, compaction, and sediment runoff than the Forest Plan allows, degrading water quality in headwater streams.

- **Ephemeral Stream Protection:** Forest Plan standards strictly limit disturbance in channeled ephemeral streams – the small intermittent drainages abundant on Great North Mountain. Management activities may expose *no more than 10%* mineral soil within a channeled ephemeral stream zone (FW-16). At least 50% of the basal area (forest cover) must remain intact in those ephemeral riparian areas (FW-17). The Corridor H design cannot comply: it would clear wide swaths through multiple ephemeral draws, far exceeding these limits by excavating and paving directly through stream channels and their buffers. Such violations of FW-16 and FW-17 would greatly destabilize soils and funnel sediment into downstream waters, in direct contradiction to the Plan's stream protection measures.

- **Invasive Species and Sensitive Wildlife:** The Plan requires that managers control invasive species where they threaten native flora and fauna, especially *if rare, threatened, or endangered species could be affected*. It explicitly forbids introducing or spreading non-native invasive organisms into such areas (FW-38). A major highway project will inevitably bring invasive plant seeds (on construction equipment, fill material, etc.) and create extensive disturbed ground for invasives to colonize, undercutting FW-38. Moreover, the affected project area provides habitat for the wood turtle (*Glyptemys insculpta*), a Regional Forester Sensitive Species currently under formal review for Endangered Species Act listing. The Forest Plan sets out specific measures to protect wood turtle habitat – for example, minimizing sedimentation, protecting nest sites, and even evaluating seasonal road closures to reduce vehicle threats in watersheds where the species occurs. By contrast, Corridor H would introduce high-speed traffic through

known wood turtle range, vastly increasing roadkill risk and sediment pollution in its streams. This outcome directly conflicts with the Forest Plan's overarching mandate to maintain viable populations of native species and avoid actions that would contribute to a trend toward federal listing. In short, the project's impacts to sensitive wildlife (wood turtles, migratory birds, etc.) and likely spread of invasives violate both the letter and spirit of the Plan's wildlife and biodiversity protections.

- **Scenic Integrity and Recreation (Prescription 7B – Scenic Corridor):** The highway would permanently mar a designated Scenic Corridor (Management Prescription 7B) on Great North Mountain. The Forest Plan's direction for 7B emphasizes *maintaining high scenic quality, abundant recreational opportunities, and wildlife habitat connectivity* in these areas. Human alterations must remain "subordinate" to the natural landscape character, ensuring that the scenery and recreational experience predominate. All new projects in a Scenic Corridor must meet the assigned Scenic Integrity Objectives (FW-182) – essentially preserving the existing visual character – and any roads must be designed to blend unobtrusively with the landscape's form, line, color, and texture (FW-187). The Corridor H proposal flouts these requirements. Instead of blending in, it calls for massive road cuts, fills, and a 200-foot-wide swath of clearing that would create a highly visible scar across the mountainside. Such an intrusive development cannot meet the "High" scenic integrity objective for this 7B area, nor can it preserve the natural-appearing views valued by motorists, hikers, and trail users. Indeed, the Tuscarora Trail/Great Eastern Trail – which crosses the existing Route 55 at the state line – is enjoyed for its wild scenic character. Placing a five-lane expressway terminus at that spot would degrade the visual and recreational experience in direct contravention of the Scenic Corridor prescription.

- **Special Use Authorization and Corridor Location:** The Forest Plan contains explicit standards for linear rights-of-way and utility corridors on NFS lands. New special use authorizations must be evaluated under strict criteria and are permissible only if the need cannot reasonably be met on non-NFS lands (FW-239). Even when a new use on NFS land is justified, the Plan directs the Forest Service to use or expand existing transportation or utility corridors to the greatest extent possible, rather than create new corridors (FW-243). The Corridor H proposal meets neither condition. A five-lane public highway is certainly not an intrinsic use of National Forest land – alternative alignments on private or state land are plausible but have not been seriously pursued. And rather than co-locating with an existing infrastructure corridor, the project would forge an entirely new route through undisturbed forest. Consequently, under Forest Plan standard FW-244, any decision to authorize this brand-new corridor would require a formal Forest Plan amendment to designate a utility/right-of-way management area (something akin to the Plan's 5B or 5C prescriptions). To date, no such amendment has been proposed or analyzed. Proceeding via a mere Letter of Consent not only evades public NEPA review – it sidesteps the Plan's requirement that the land be re-zoned via amendment for a use of this nature. This glaring inconsistency with FW-239, 243, and 244 underscores that the current alignment is not appropriate for NFS lands without a Plan-level decision process.

- **Cultural and Historic Resources:** Finally, the Forest Plan requires rigorous protection of cultural resources on public land. Projects must be designed to avoid, minimize, or mitigate any adverse effects on significant heritage sites (FW-200). *In-place protection* (e.g. leaving sites undisturbed) is the default management requirement until a site's significance can be determined. Furthermore, any project on NFS land must fully comply with the National Historic Preservation Act and related laws before implementation (FW-202). The decision record must document NHPA compliance, and if a project is not in compliance, the Forest Supervisor *must suspend the project*. These provisions ensure that historic sites, artifacts, or Native American interests are not simply paved over. At this point, it is unclear what level of cultural resource surveying or consultation (if any) the Forest Service has conducted for the Corridor H segment. Bypassing the Special Use Permit and NEPA process would effectively bypass the Section 106 review procedures that the Forest Plan makes mandatory. Simply put, the agency cannot allow highway construction to proceed on federal land without first identifying and addressing impacts to any cultural resources – yet a Letter of Consent would provide no such safeguards or documentation. This raises yet another legal compliance concern under both the Forest Plan and NHPA.

The Corridor H route as proposed is fundamentally inconsistent with the GWNF Forest Plan's standards for land use, resource protection, and management objectives. These conflicts alone compel the Forest Service to deny simple consent and instead require a SUP with a full, site-specific NEPA review (and Plan amendment) before any highway construction on National Forest lands can be considered. Only through that formal process can the project's inconsistencies with the Forest Plan be properly addressed – or the proposal rejected – in accordance with federal law and forest stewardship obligations.

Trail-user safety at the highway terminus. WVDOH now proposes to end the five-lane section roughly 100 feet farther west than shown in earlier drawings, but the plans remain vague: the engineering sheets do not specify precisely where the divided highway will taper to two lanes, and public maps suggest the transition will occur only a few yards west of Forest Road 539—still within the same blind curve where the Tuscarora Trail/Great Eastern Trail crosses Route 55. Moving the highway taper only about 100 feet west—roughly the length of two semi-trailers—still leaves the merge zone practically on top of the trail crossing, so the core safety hazard is unchanged. The design would still funnel vehicles decelerating from 65 mph into a constricted, winding mountain road at the exact spot used by hikers, backpackers, and equestrians. This crossing already ranks as one of the most dangerous points on either trail; adding high-speed merge traffic will sharply increase the risk to trail users, including participants in the annual Old Dominion 100-mile equestrian endurance ride. Without a grade-separated crossing or a substantial realignment, the project fails to meet even basic standards of recreation safety.

Inadequate trailhead accommodations: At the April 22 public hearing, WVDOH engineers conceded that their only recreation provision is a makeshift gravel pull-off—room for roughly five cars and a single horse trailer—tucked just downhill about .08 mile from the

Tuscarora/Great Eastern Trail crossing on Route 55. They further acknowledged that both the lot and any safe pedestrian or equestrian connection to the trail would be strictly *temporary*, slated for removal once Virginia extends Corridor H. Because Virginia has neither budgeted for nor endorsed such an extension, this approach effectively saddles the Commonwealth with an unfunded mandate to locate and finance a permanent trailhead, construct access roads, and build an expensive grade-separated overpass across a five-lane highway. In the interim, hikers, backpackers, and horseback riders would be forced to pick their way through an active construction zone and, later, negotiate a high-speed highway terminus—an arrangement that is unsafe, incompatible with Forest Plan objectives for quality recreation, and wholly inadequate for a corridor celebrated as a premier long-distance trail crossing.

Forest fragmentation and resource destruction: Constructing a new five-lane highway through a previously unfragmented section of the National Forest will permanently fragment wildlife habitat and disrupt a sensitive watershed. The Great North Mountain area serves as an important wildlife corridor and contains headwater streams supplying drinking water to communities (e.g. the Town of Wardensville's water comes from these mountains). The addition of a temporary bypass road (the alternate Route 55) winding through the forest will multiply these impacts – effectively creating two parallel disturbances across the mountainside and doubling the forest loss, even if the "temporary" road is later decommissioned and revegetated.

Lack of any Virginia extension or mitigation plan: Virginia has no intention or plan to extend Corridor H to Interstate 81. In October 2022, Shenandoah County and the Town of Strasburg both passed formal resolutions opposing any extension of Corridor H into Virginia, and the Virginia Department of Transportation (VDOT) has not allocated any funds or undertaken any planning for such an extension. This means the five-lane highway will dead-end at the state line indefinitely, dumping high volumes of traffic onto Virginia's two-lane Route 55 and adjoining local roads. The adverse impacts to the National Forest and surrounding communities would occur without any of the purported long-term transportation benefits, leaving a permanently damaged Scenic Corridor and a management problem for local authorities.

In sum, the Corridor H project as currently proposed represents a far larger and more impactful use of National Forest land than the recent Route 33 improvement for which a Special Use Permit was required. Corridor H will disturb nearly an order of magnitude more acreage, create lasting ecological and recreational damage, and introduce significant safety concerns – yet WVDOH has thus far proceeded without updating its environmental impact analysis or fully informing the public of these changes. Given these facts, we believe it is both warranted and necessary for the Forest Service to exercise its authority to require a Special Use Permit (and associated NEPA review) before any portion of Corridor H is allowed to occupy National Forest lands. A formal SUP process will ensure that this project receives the careful review, mitigation, and public scrutiny that it demands, in line with the Forest Service's stewardship obligations.

Thank you for the opportunity to share our concerns, and for your consideration of adjusting the Forest Service's oversight of this project on Great North Mountain. We would welcome further dialogue on this matter and look forward to your response.

Sincerely,

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