

**Subject:** Re: Response to Final EIS

**From:** D G BRISTOL <dgbristol@bellsouth.net>

**Date:** Tue, 9 Feb 2010 10:15:21 -0800 (PST)

**To:** "Wicker, Henry M JR SAW" <Henry.M.Wicker.JR@usace.army.mil>

**CC:** commissioners@co.wake.nc.us, council@townofcary.org, allcouncil@apexnc.org, dick.sears@hollyspringsnc.us, james.cobb@hollyspringsnc.us, tim.sack@hollyspringsnc.us, chet.vanfossen@hollyspringsnc.us, linda.hunt.williams@hollyspringsnc.us, parish.womble@hollyspringsnc.us, jholcombe@townofmorrisville.org, pmartin@townofmorrisville.org, llyons@townofmorrisville.org, sdiehl@townofmorrisville.org, ljohnson@townofmorrisville.org, mbroadwell@townofmorrisville.org, tmurry@townofmorrisville.org, rlk@mindspring.com, bobkelly@mindspring.com, NCDeerHunter29@aol.com

Dear Mr. Wicker: I would like to make an additional point regarding the final EIS. In App\_A12b\_Summary\_of\_comments\_responses, Response II.75, it states "The Partners do not own or have any legal rights to land condemned or acquired by Progress Energy for the Shearon Harris Nuclear Plant".

This is incorrect. NC General Statutes 40A-5 follows:

"Condemnation of property owned by other condemnors...."

"(b) Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(a), (b) or (c) may condemn the property of a private condemnor if such property is not in actual public use or not necessary to the operation of the business of the owner. Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(b) or (c) may condemn the property of a condemnor listed in G.S. 40A-3(b) or (c) if the property proposed to be taken is not being used or held for future use for any governmental or proprietary purpose."

I interpret this to mean the partners have the legal right to condemn Progress Energy property that is "not in actual public use or not necessary to the operation of the business of the owner". This is not much different that the same rights they used to condemn the Seymour property (site 14).

Sincerely,

David Bristol

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**From:** "Wicker, Henry M JR SAW" <Henry.M.Wicker.JR@usace.army.mil>

**To:** dgbristol@bellsouth.net

**Sent:** Tue, February 9, 2010 8:39:14 AM

**Subject:** FW: Response to Final EIS

Dear Mr. Bristol:

We are in receipt of your E-mail providing comment on the Final Environmental Impact Statement for the proposed Western Wake Regional Wastewater Management Facilities near New Hill, Wake County, North Carolina. Your comments are appreciated and will be fully considered in making a final permit decision. Should you have any questions about the proposed action and/or the Environmental Impact Statement you may contact me by telephone: (910) 251-4930.

Sincerely,

Henry Wicker  
Project Manager  
Wilmington District, US Army Corps of Engineers  
Regulatory Division

-----Original Message-----

From: dgbristol [mailto:[dgbristol@bellsouth.net](mailto:dgbristol@bellsouth.net)]

Sent: Monday, February 08, 2010 11:01 PM

To: Wicker, Henry M JR SAW

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Brook

Subject: Response to Final EIS

Dear Mr. Wicker:

Attached is my response to the final EIS. I appreciate your consideration of these concerns before a final decision is reached. I don't know what the legal requirements are regarding expressing concerns to the final EIS vs. earlier versions, so some of these comments are similar to ones I made in response to those earlier versions.

Sincerely,

David Bristol

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