



## HAYWOOD COUNTY BOARD OF COMMISSIONERS

James W. "Kirk" Kirkpatrick, III

37 Branner Avenue  
Waynesville NC 28786  
[kirk@jwklaw.net](mailto:kirk@jwklaw.net)

Telephone (828) 452-0801  
Fax (828) 452-1869

April 30, 2010

James D. Simons, Director  
Division of Land Resources  
N.C. Department of Environmental and  
Natural Resources  
1612 Mail Service Center  
Raleigh, NC 27699-1612

COPY

MAY 5 2010

RE: Application of Harrison Construction Company  
Division of APAC Atlantic, Inc.  
Permit for Modification of Mining Permit

Dear Mr. Simons:

I am writing to you in reference to a permit application from Harrison Construction Company, Division of APAC Atlantic, Inc., dated April 7, 2010, for the purpose of adding "mining land" to an existing mining permit. The present mine is located southwest of the Town of Waynesville on Allen's Creek Road in Haywood County, North Carolina.

On April 19<sup>th</sup>, a group of more than 30 Haywood County Citizens attended the regular meeting of the Haywood County Board of Commissioners and spoke in opposition to the proposed permit modification. Several speakers stated that only a few adjacent property owners had received notification of the permit application by letter and that the letters had not arrived until Friday, April 16<sup>th</sup>. The citizens brought up several issues of concern but not limited to the issues set out under N.C.G.S. 74-51(d). The concerns presented included that the proposed operation would have unduly adverse effects on potable ground water supplies and wildlife, that the operation will violate standards of air quality, service water quality, and ground water quality, that the operation will constitute a direct and substantial physical hazard to public health and safety which includes neighboring dwelling houses and a public recreation facility located adjacent to the proposed mining area. There were also several comments at the meeting regarding illnesses and deaths which may be related to the present mining process and the extension of said mine could contribute further to that problem.

Based on the responses of the citizens and the issues mentioned, the Haywood County Board of Commissioners requests that the Division of Land Resources hold a Public Hearing on the Permit Application by Harrison Construction, in accordance with N.C.G.S. 74-51(c). I further offer our County Commissioner Meeting Room as a proposed site for the Hearing. It can seat 300 or more and is set-up for video recording if necessary.

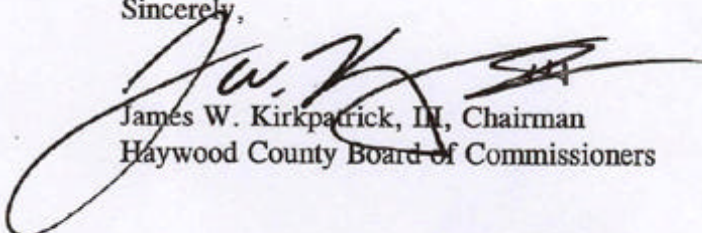
Mr. Simons  
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I urge you to clarify the exact actions that Harrison Construction Company is going to undertake. There seems to be some confusion in our community as to their intended use of the proposed additional land for mining or only repair.

I have enclosed names of the citizens appearing at the meeting and I am also forwarding this request to Senator Joe Sam Queen's office as well as Representative Heath Shuler's office.

If you have any questions or concerns, you may contact me at [kirk@jwklaw.net](mailto:kirk@jwklaw.net) or 828-452-0801 which is my office located at 37 Branner Avenue in Waynesville, or Marty Stamey, the Assistant County Manager for Haywood County at 828-452-6625, email [mstamey@haywoodnc.net](mailto:mstamey@haywoodnc.net). I sincerely appreciate your consideration and look forward to your response.

Sincerely,



James W. Kirkpatrick, III, Chairman  
Haywood County Board of Commissioners

cc: Bill Upton, Commissioner  
8 Pasadena Street  
Canton, NC 28716

Charles "Skeeter" Curtis, Commissioner  
2 Forest Hill Drive  
Canton NC 28716

Kevin Ensley, Commissioner  
170 Yates Cove Road  
Waynesville NC 28786

Mark Swanger, Commissioner  
1257 Poplar Cove Road  
Clyde NC 28721

Janet Boyer, Engineer  
Asheville Regional Office  
2090 US Highway 70  
Swannanoa NC 28778

Michael Rogers  
100 Nettie Drive  
Waynesville NC 28786

Representative Heath Shuler  
205 College Street, Suite 100  
Asheville NC 28801

Senator Joe Sam Queen  
71 Pigeon Street  
Waynesville NC 28786

NAME	ADDRESS	E-MAIL	PHONE#
Lee & Mona Crapanzano	81 Auld Rock Rd		456-3448
Susan Dressel	25 Nettie Dr	<a href="mailto:susan.dressel@gmail.com">susan.dressel@gmail.com</a>	452-9444
Nancy Williams	1325 Lickstone Rd.	<a href="mailto:leapyeargirl@mac.com">leapyeargirl@mac.com</a>	456-3498
Bud Conner	213 Royal Crest Hgts.		316-7708
Nancy McCurdy	1093 Lickstone Rd	<a href="mailto:docmccurd@aol.com">docmccurd@aol.com</a>	561 351-6780
Perry Buchanan	22 Princess Place		734-5925
Jerry & Leslie Smith	286 Shadowood Ln		452-2233
Charles & Kaye Talman	963 Lickstone Rd	<a href="mailto:cccars5484@gmail.com">cccars5484@gmail.com</a>	456-8595
Cody Talman	963 Lickstone Rd	<a href="mailto:codytalman@gmail.com">codytalman@gmail.com</a>	316-9037
Vicky Hooper	255 Royal Crest Hgts.		452-9112
Earl Lanning	292 Lickstone Rd	<a href="mailto:Earl1932@gmail.com">Earl1932@gmail.com</a>	
Kristy Thompson	70 Princess Place		400-8916
Ed & Polly Leatherwood	11 Royal Crest Hgts.		246-2664

Jim & Patsy Ferrel	68 Royal Crest Hgts.	456-4456
Don & Alyssa Sinyard	66 Grandview Cr	400-4120
Ronnie & Loretta DeWeese	167 Royal Crest Hgts.	456-6689
Michael & Myra Rogers	100 Nettie Dr	734-0359
Tim & Beverly Scott	36 St Andrews Rd.	452-7174
Johnny & Cheryl Gunter	45 Coy Drive	452-3530
Jackie Gunter	80 Coy Drive	456-6615
Frances Gunter	331 Lickstone Rd.	456-8124
David & Suzanne Hendrix		<a href="mailto:suzannehendrix@att.net">suzannehendrix@att.net</a>
David Shuler	164 Leisure Lane	456-5665
Loye Trantham	25 Nut Cracker Dr.	452-4838
Donna Parton	118 Marretta Ln	456-8890

