DEC 04 2015

GO Triangle

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November 20, 2015

Via First Class U.S. Mail **CIN: 150707**

Mr. Than Austin, Associate Director
UNC Department of Transportation & Parking
CB 1600 Public Safety Bldg., 285 Manning Drive
Chapel Hill, North Carolina 27599-1600

Re: Durham-Orange Light Rail Transit Project
Section 4(f) *De Minimis* Impacts Determination
University of North Carolina Properties – UNC Coker Pinetum, UNC Finley Golf Course and Athletic Fields, UNC Open Space, and the planned UNC Central Park South

Dear Mr. Austin,

The Research Triangle Regional Public Transportation Authority d/b/a/ Triangle Transit d/b/a GoTriangle (Triangle Transit), on behalf of the Federal Transit Administration (FTA), seeks the concurrence of the University of North Carolina at Chapel Hill (UNC), as the official/entity with jurisdiction over the UNC Coker Pinetum, UNC Finley Golf Course and Athletic Fields, UNC Open Space, and the planned UNC Central Park South, with the *de minimis* impacts determinations made by the FTA for these public park properties pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, codified at 23 U.S.C. § 138 and 49 U.S.C. § 303, (Section 4(f)) and implemented in 23 C.F.R. Part 774.

Proposed Project

Triangle Transit, in coordination with the FTA, is proposing to construct the Durham-Orange Light Rail Transit (D-O LRT) Project, a transportation improvement in the Research Triangle region within the Durham-Orange (D-O) Corridor between Chapel Hill and Durham.

As explained in the Draft Section 4(f) Evaluation published with the Draft Environmental Impact Statement (DEIS), the National Environmental Policy Act (NEPA) Preferred Alternative for the D-O LRT Project would generally follow NC 54, I-40, US 15-501, and the North Carolina Railroad (NCRR) Corridor into downtown Durham and east Durham. The alignment would begin at UNC Hospitals, parallel Fordham Boulevard, proceed east along NC 54, travel north along I-40, parallel US 15-501 before turning east toward the Duke University campus along Erwin Road, and then follow the NCRR Corridor parallel to NC 147 through downtown Durham, before reaching its eastern terminus near Alston Avenue.

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The alignment would consist of at-grade alignment, fill and cut sections, and elevated structures and would include 17 stations and one Rail Operations and Maintenance Facility (ROMF). The D-O LRT Project and its relationship to the UNC Coker Pinetum, UNC Finley Golf Course and Athletic Fields, UNC Open Space, and the planned UNC Central Park South are shown in the attached Figures 1-4, which are specifically incorporated herein by reference.

UNC Coker Pinetum

The Coker Pinetum is a 25-acre park located at 240 Manning Drive in Chapel Hill and is owned by UNC. The boundaries are Round Hill Road (north), US 15-501/Fordham Boulevard (east), Manning Drive (south), and Ridge Road (west). Bicycle/pedestrian access is provided from multiple access points, but there are no parking lots. The Coker Pinetum was deeded to the NC Botanical Garden with the stipulation that the property should be used only as a botanical garden and park area. The Coker Pinetum is a natural wooded area featuring a collection of conifers that are used for scientific study, and includes a natural trail that connects the NC Botanical Gardens with the UNC campus. Mountain biking and hiking are also permitted within the Orange Water and Sewer Authority easement within Coker Pinetum. The D-O LRT Project NEPA Preferred Alternative would require a permanent easement of approximately 0.2 acres of land from the Coker Pinetum. The permanent easement would constitute a Section 4(f) use of the property. (Figure 1)[1]

The NEPA Preferred Alternative would be constructed adjacent to US 15/501 along the southeast portion of the Coker Pinetum. While the alignment would be visible from the Coker Pinetum, it would not result in a substantial change that would adversely affect the users of the property. Operational noise impacts from the project are not anticipated given the close proximity of the property to the existing highway.

Construction of the D-O LRT Project NEPA Preferred Alternative would result in temporary increases in noise levels that could be considered a nuisance for users of the Coker Pinetum. However, the property is not considered to be a noise sensitive receptor; therefore, the temporary increase in noise would not adversely affect the protected activities, features, or attributes of the property. Construction activities would likely be visible from the eastern end of the property; however, this would not adversely affect the recreational features of the Coker Pinetum and would be temporary in nature. Access to the facility would not be affected by construction or operation of the alternative. Therefore, there would be no adverse effects on the activities, features, or attributes that qualify the Coker Pinetum for protection under Section 4(f). Based on this assessment, FTA intends to make a determination that the impacts to the Coker Pinetum would be *de minimis*.

UNC Finley Golf Course and Athletic Fields

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[1] The *Durham-Orange Light Rail Transit Project Draft Environmental Impact Statement and Draft Section 4(f) Evaluation* reflected an aerial easement of 0.1 acres plus a temporary construction easement of < 0.01 acres. The aerial easement would have extended approximately two feet outside the structure and to the bottom of bridge deck but not to ground level. Subsequent to the circulation of the DEIS, this was changed to a permanent easement 16 feet from the centerline of track and extending to ground level. This change has doubled the area of the easement to approximately 0.2 acres but has eliminated the need for a construction easement.

The UNC Finley Golf Course and Athletic Fields is a 256-acre facility along Finley Golf Course Road and is owned by UNC. The site's boundaries are NC 54/Raleigh Road (north), Friday Center (east), Old Mason Farm Road (south), and US 15-501/Fordham Boulevard (west). The site is surrounded by UNC's mixed land uses and features a golf course (including a driving range), outlying athletic fields, and pedestrian trails. Parking lot access is provided by Old Mason Farm Road on the site's south side. The athletic fields are located on the east side of the golf course, just north of Old Mason Farm Road. The driving range is on the southern end of the property. The facility has modest entry/user fees and is open to the public.

The D-O LRT Project NEPA Preferred Alternative would require approximately 2.6 acres of permanent easement from the UNC Finley Golf Course and Athletic Fields. (Figure 2) This permanent easement would cross the UNC Finley Golf Course and Athletic Fields in the vicinity of Hole 17 where the impacted area consists of cart paths, tee boxes, vegetation, and trees. Construction of the NEPA Preferred Alternative would require cart paths and tee boxes to be re-located and vegetation to be cleared. This permanent easement would result in a Section 4(f) use of the property.

The golf course is considered to be a sensitive noise receptor. The removal of vegetation required for the construction of the D-O LRT Project NEPA Preferred Alternative would result in increased noise at Hole 17, which could adversely impact the golfers' experience. However, the NEPA Preferred Alternative would not result in noise impacts to the golf course. Visual changes, such as clearing vegetation, would result in adverse impacts to the recreational features.

The D-O LRT Project NEPA Preferred Alternative would also require a 0.3-acre temporary construction easement. This temporary construction easement would be of a short duration (less than the total time needed to construct the entire project), would not result in a change in ownership of the property, and would result in minimal impacts to the recreational features of the golf course that qualify it for protection under Section 4(f). The area to be used for the temporary construction easement would be restored to the condition it was in before construction or better. Therefore, the temporary occupancy would not result in a Section 4(f) use.

The users of the property would not be affected by the operation of the D-O LRT Project NEPA Preferred Alternative and no noise or visual impacts are anticipated, given the wooded area through which the NEPA Preferred Alternative would traverse. Construction activities may be seen and heard by users, but these impacts would be temporary in nature and would not adversely affect the features of the public golf course that qualify it for protection under Section 4(f). Triangle Transit would work with UNC to minimize construction-related effects and maintain access to the public properties during construction.

Triangle Transit has committed to the implementation of mitigation measures such as landscaping and tree buffers placed along the alignment to increase privacy and minimize noise impacts to users of this Section 4(f) property in accordance with the *Finley Golf Course Design Concept Plan* (April 2014) and *Construction Cost Estimates* (April 2014), by Fazio Golf Course Designers, Inc. Triangle Transit will coordinate with UNC to minimize disruption to the golf

course users and staff. With the implementation of these proposed mitigation measures, and continued coordination with UNC, the use of the public UNC Finley Golf Course and Athletic Fields associated with the D-O LRT Project NEPA Preferred Alternative will not adversely affect the activities, features, and attributes that may qualify the property for protection under Section 4(f).

Though the D-O LRT Project NEPA Preferred Alternative would require Triangle Transit to obtain a permanent easement from UNC, the impacts would be minimal and the construction and operation of the D-O LRT would not adversely impact the activities, features, and attributes that may qualify UNC's Finley Golf Course for protection under Section 4(f). Based on this assessment, FTA intends to make a determination that the impacts to the UNC Finley Golf Course and Athletic Fields would be *de minimis*.

UNC Open Space

The UNC Open Space property is comprised of 120 acres of undeveloped wooded land featuring trails and forest lands. The open space property is owned by UNC and is on the south or east side of US 15-501/NC 54 adjacent to the UNC Finley Golf Course. The property features gravel paths that are used for cross country running and informal recreation. Bicycle/pedestrian access is provided from multiple access points, but there are no parking lots. Access is not restricted and the area is open to the general public.

The D-O LRT Project NEPA Preferred Alternative would require the acquisition of approximately 0.8 acre of the 120-acre UNC Open Space property. (Figure 3) The permanent acquisition of land would result in a Section 4(f) use. The NEPA Preferred Alternative would primarily cross undeveloped wooded land, relocate a UNC Athletics cross country trail, and direct users to a short segment of the golf course cart path to avoid crossing the proposed D-O LRT alignment at-grade. There will be temporary construction noise within the Open Space; however, this will not impact the recreational features of this property, as cross running and biking are not a noise sensitive sports and the impacts would not preclude casual recreational users from using the paths.

Triangle Transit is committed to working with UNC to relocate the cross country trail, implement mitigation measures as appropriate, and coordinate with UNC to minimize disruption to the UNC Open Space. Public access would be affected during construction of the transitway; however, this effect would only be of a short duration. Triangle Transit will notify UNC at least 48 hours in advance as to when the paths will be temporarily closed and will coordinate closely with UNC to communicate the closure to users to minimize impacts to the recreational and athletic uses of the UNC Open Space during construction. With the continued coordination with UNC, the use of the UNC Open Space associated with the D-O LRT Project NEPA Preferred Alternative will not adversely affect the activities, features, and attributes that may qualify the property for protection under Section 4(f). Based on this assessment, FTA intends to make a determination that the impacts to the UNC Open Space would be *de minimis*.

In addition to the permanent acquisition described above, approximately 1.0 acre of UNC Open Space would be acquired as a temporary construction easement. The temporary construction easement or occupancy would be for a short duration (less than the total time needed to construct the entire project), would not result in a change in ownership of the property, and would result in minimal impacts to the recreational features of the UNC Open Space that may qualify it for protection under Section 4(f). The area to be used for the temporary construction easement would be restored to the condition it was in before construction or better. Thus, the preliminary determination is that the temporary occupancy would not result in a Section 4(f) use of UNC open space.

UNC Central Park South (Planned)

Central Park South is a planned 13.7-acre park that would be constructed on the UNC campus south of William Blythe Drive and north of Mason Farm Road in a wooded area west of the Kenan-Flagler Business School. The park is planned by UNC and is identified in the UNC Campus Master Plan (2006). Central Park South is planned to be a park for passive recreation.

The D-O LRT Project NEPA Preferred Alternative would require acquisition of approximately 0.9 acres of permanent easement of the 13.7 acres of UNC land designated for the future development of Central Park South. (Figure 4) The NEPA Preferred Alternative would cross the planned park both at-grade and on an elevated guideway. Construction of the D-O LRT Project NEPA Preferred Alternative would not preclude future development of Central Park South. In addition, access to the future park would not be affected by the project, and access within the park would be possible beneath the planned guideway. The parcels on which Central Park South would be constructed are undeveloped, and currently, there is no funding or schedule for construction of this planned park. However, the permanent acquisition of land would constitute a Section 4(f) use of Central Park South.

The introduction of the new visual feature (i.e., the at-grade and elevated guideways) and noise increases as a result of operation of the D-O LRT Project NEPA Preferred Alternative are not anticipated to adversely affect the planned use of the planned Central Park South. The existing trees in the area planned for the park would provide a visual barrier to the D-O LRT Project and thereby minimize the visual impacts to future users of the park. Noise impacts from the construction and operation of the D-O LRT Project NEPA Preferred Alternative are not anticipated to impede the future recreational use of the planned park given the current ambient traffic noise and the proposed uses of the park.

Should Central Park South be built prior to the construction of the D-O LRT Project NEPA Preferred Alternative, construction activities may be seen and heard from the park; however, this will not adversely affect the use of the planned park by the public as construction activities would be temporary in nature. During construction and operation, access to the planned Central Park South would be maintained.

A review of the D-O LRT Project impacts as described above indicates the implementation of the NEPA Preferred Alternative would not adversely affect the activities,

features, or attributes that make the planned Central Park South eligible for protection as a resource under Section 4(f). Based on this assessment, FTA intends to make a determination that the impacts to the planned Central Park South would be *de minimis*.

Concurrence with *De Minimis* Determinations

Pursuant to 23 C.F.R. § 774.5, if UNC concurs with FTA's findings set forth in this letter, we must receive concurrence from UNC **in writing** in order for FTA to approve the use of the Section 4(f) properties for the D-O LRT Project NEPA Preferred Alternative as discussed above. A concurrence clause is included at the end of this letter and may be used for that purpose. If, however, UNC objects to FTA's findings, or if comments raise new concerns about the proposed Section 4(f) use and *de minimis* impacts determination, FTA may be required to conduct a formal Section 4(f) evaluation.

We respectfully request your reply to this letter by **December 15, 2015**. Should you have any questions or need additional information, please feel free to contact Stan Mitchell at the FTA Region IV office at 230 Peachtree Street, Suite 1400, Atlanta, Georgia 30303, by phone at (404) 865-5643, or by email at stanley.a.mitchell@dot.gov. Concurrence regarding this matter should also be directed to Triangle Transit via Tammy Bouchelle at P.O. Box 530, Research Triangle Park, North Carolina 27560 or tbouchelle@gotriangle.org.

We look forward to continuing to work with UNC as the D-O LRT Project moves forward.

Sincerely,

David A. Charters
Manager of Engineering and Design
Triangle Transit

Attachments: Figures 1-4

cc: Yvette G. Taylor, Ph.D., Administrator, Region IV, FTA
Stanley A. Mitchell, Environmental Protection Specialist, Region IV, FTA
Jeffrey G. Mann, General Manager, Triangle Transit
Tammy A. Bouchelle, Associate General Counsel, Triangle Transit

As the official/entity with jurisdiction over the UNC Coker Pinetum, UNC Finley Golf Course and Athletic Fields, UNC Open Space, and the planned UNC Central Park South, the University of North Carolina at Chapel Hill concurs in the determination that the proposed D-O LRT Project NEPA Preferred Alternative as described above in this letter and shown on the accompanying attachments would not adversely affect the activities, features, or attributes of these park properties that make them eligible for protection under Section 4(f). Therefore, the University of North Carolina at Chapel Hill agrees that the D-O LRT Project NEPA Preferred Alternative's proposed permanent use of portions of the UNC Coker Pinetum, UNC Finley Golf Course and Athletic Fields, UNC Open Space, and the planned UNC Central Park South meet the criteria for *de minimis* impacts determinations under Section 4(f) of the USDOT Act of 1966 (23 U.S.C. § 138 and 49 U.S.C. § 303 and implemented in 23 C.F.R. Part 774). The University of North Carolina at Chapel Hill has been informed that, based on its concurrence, the FTA intends to make these *de minimis* impacts determinations regarding the UNC Coker Pinetum, UNC Finley Golf Course and Athletic Fields, UNC Open Space, and the planned UNC Central Park South, thus satisfying FTA's requirements under Section 4(f) with respect to those certain resources.

ON BEHALF OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Signature: _____

Name: Matthew M. Fajack

Title: Vice Chancellor for Finance and Administration

Date: 12/16, 2015

Figure 1: D-O LRT Project at UNC Coker Pinetum

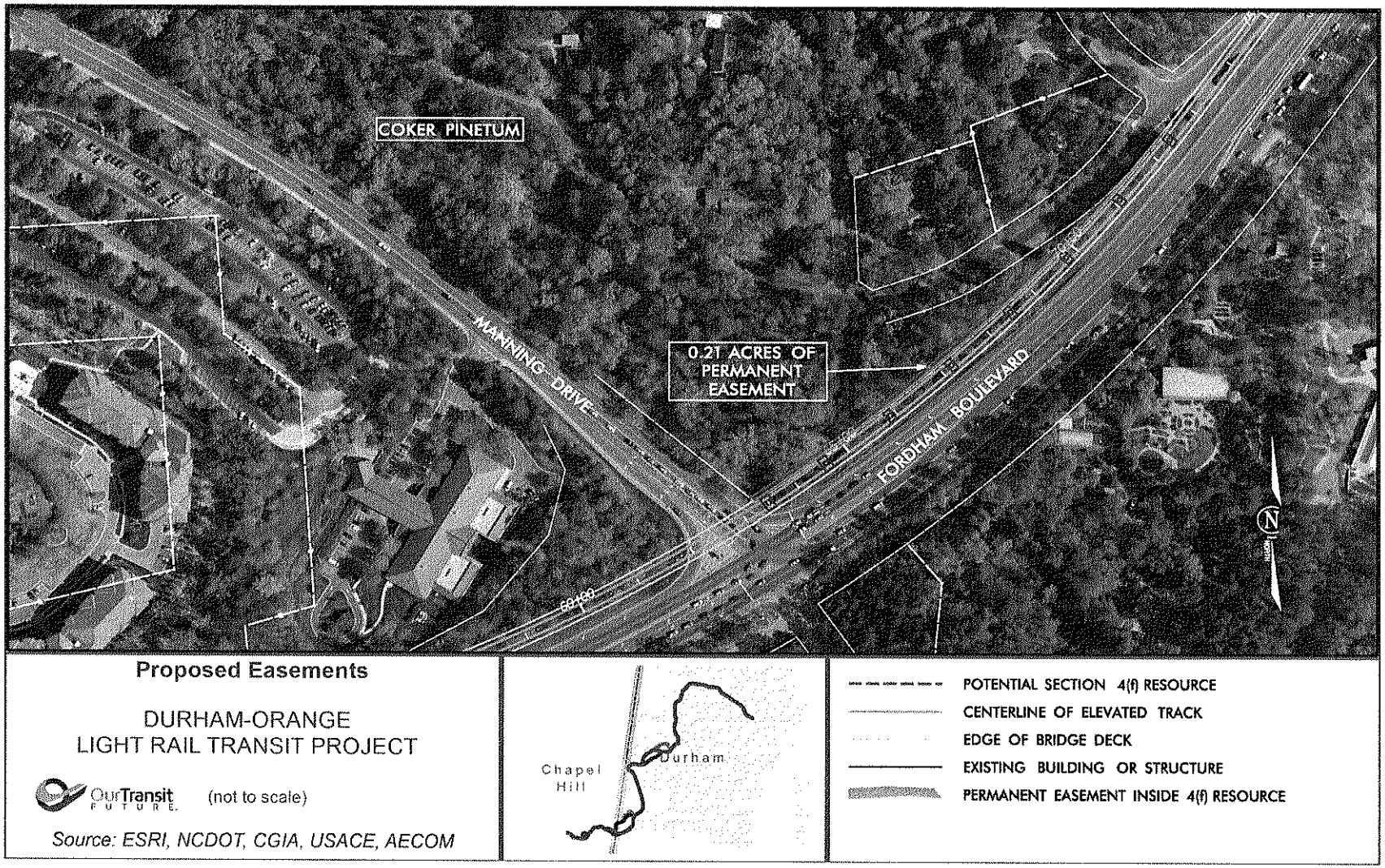

Figure 2: D-O LRT Project at UNC Finley Golf Course and Athletic Fields

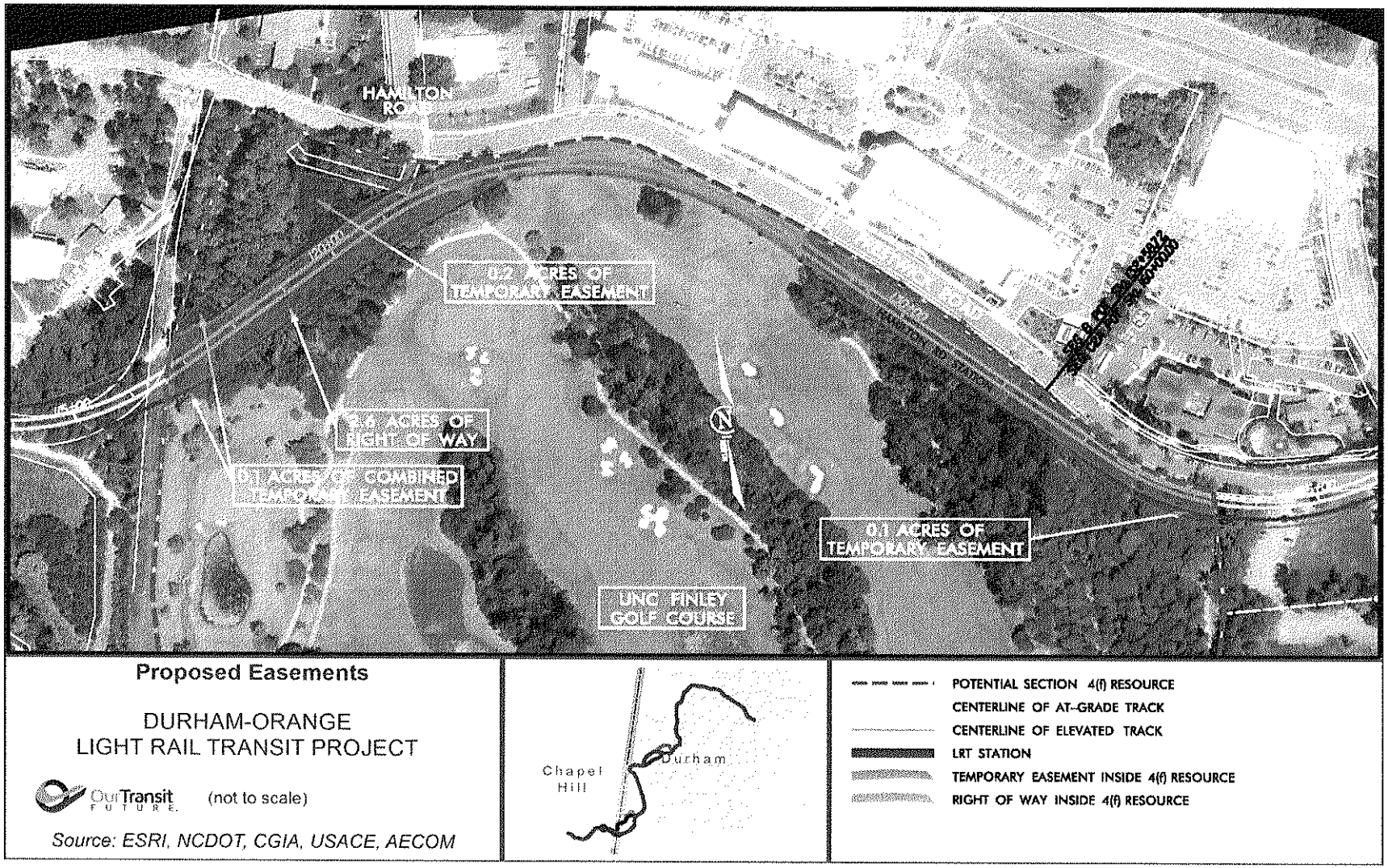

Figure 3: D-O LRT Project at UNC Open Space

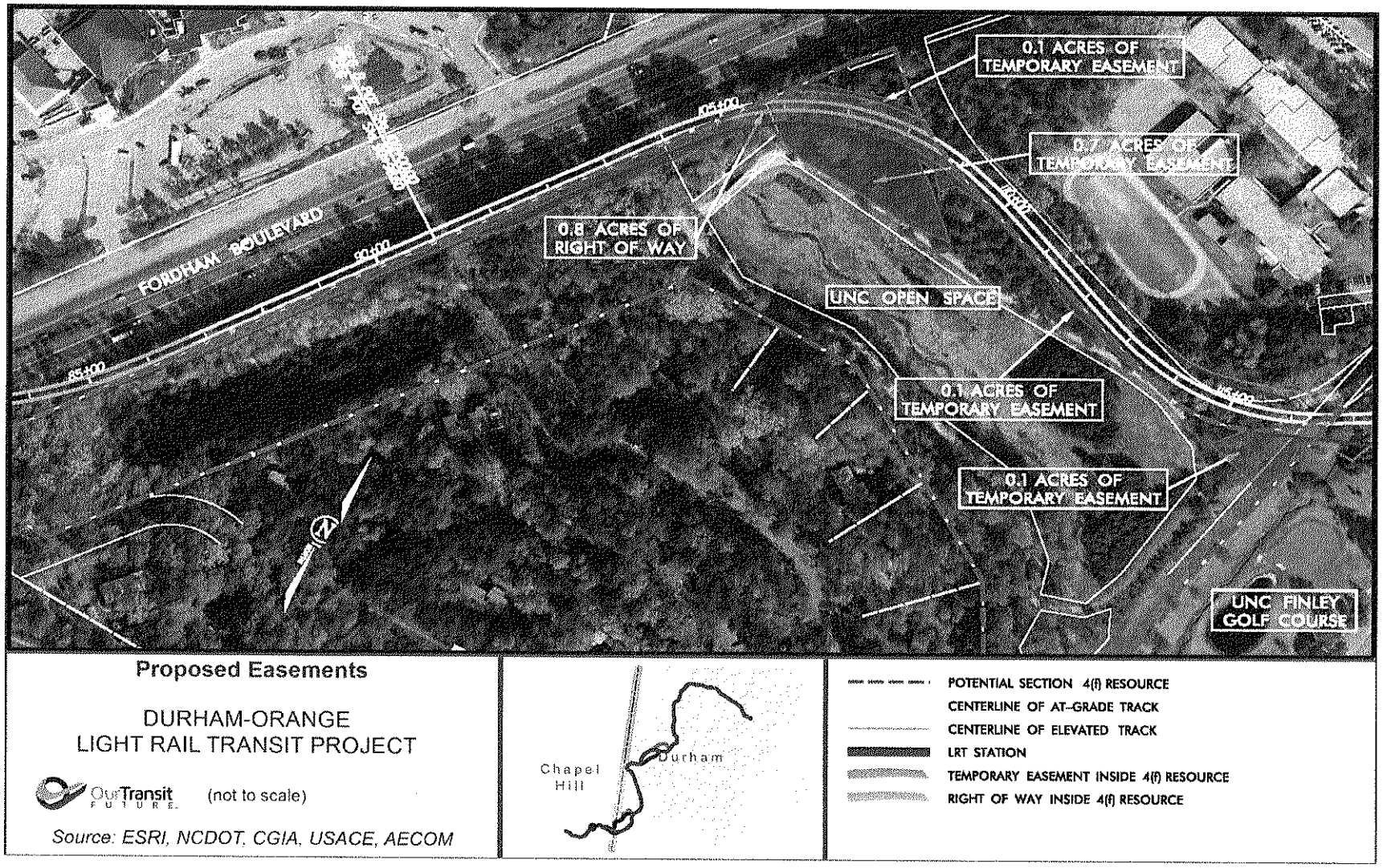
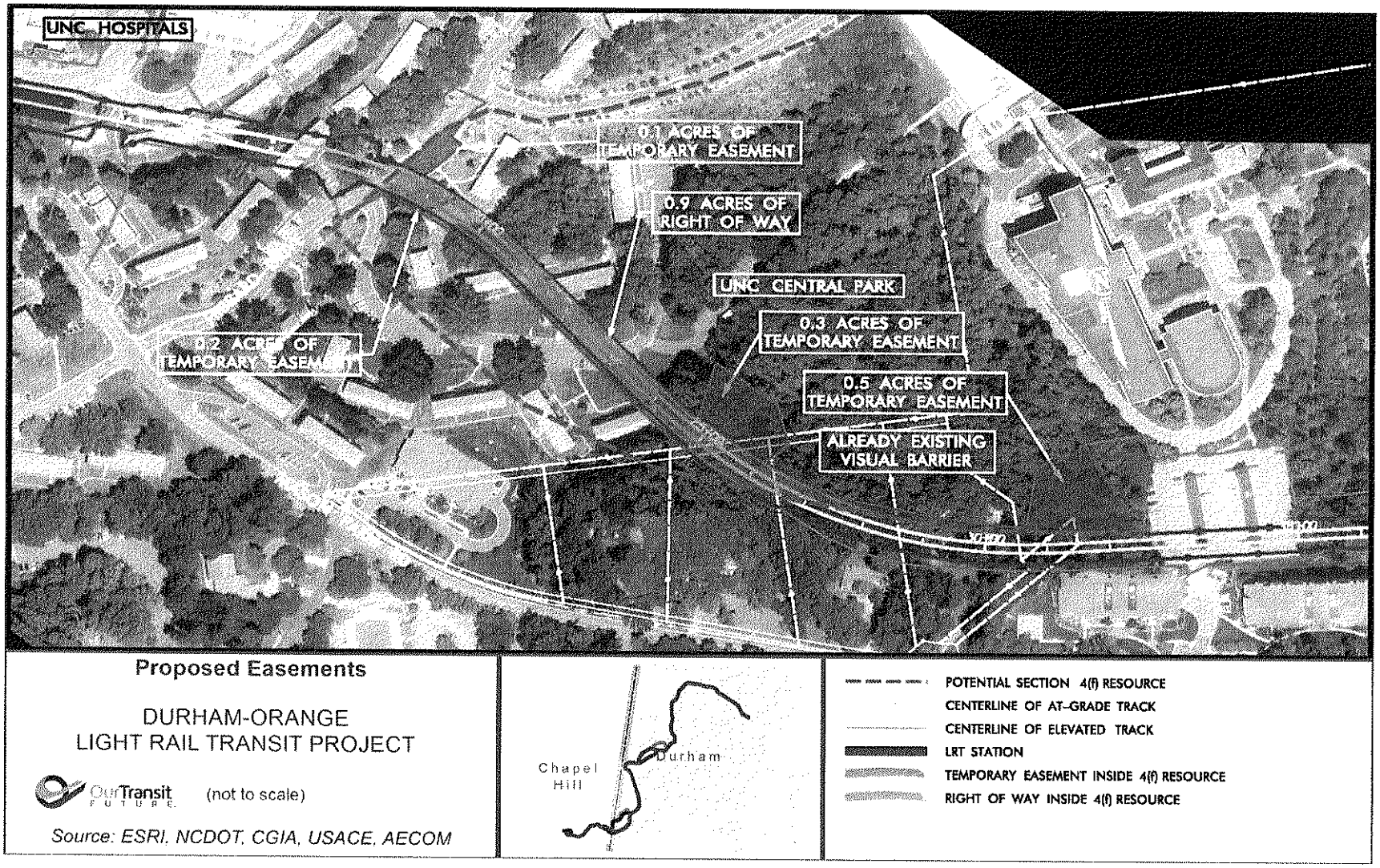
Figure 4: D-O LRT Project at UNC Central Park South (Planned)