

## APPENDIX F COOPERATING AGENCIES CORRESPONDENCE



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**North Carolina Division** 310 New Bern Avenue, Suite 410  
Raleigh, NC 27601  
(919) 856-4346  
(919) 747-7030  
<http://www.fhwa.dot.gov/ncdiv/>

July 24, 2012



In Reply Refer To:  
HDA-NC

Ms. Yvette G. Taylor, Ph.D.  
Regional Administrator  
Federal Transit Administration  
230 Peachtree Street, NW, Suite 800  
Atlanta, GA 30303

Dear Ms. Taylor:

This is in response to your June 27- letter to our office inviting the Federal Highway Administration (FHWA) to be a Cooperating Agency for the Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina. We accept your invitation to be a Cooperating Agency because the proposed light rail transit project alignment contains a section that runs parallel to I-40 and subsequently crosses Interstate I-40 on an aerial structure west of the interchange of I-40 and US 15-501 in Durham County. Protecting the integrity of the I-40 highway corridor is our main interest in this project.

We appreciate the opportunity to participate in this project. If you have any questions or comments regarding this response, please contact Clarence Coleman, Director of Preconstruction and Environment for the NC Division Office, at (919) 747-7014. For the environmental document, Mr. Felix Davila, Preconstruction and Environment Engineer, will be acting as the designated contact and can be reached at (919) 747-7021 or [felix.davila@dot.gov](mailto:felix.davila@dot.gov).

Sincerely,

For John F. Sullivan, III, P.E.  
Division Administrator

cc: Brian C. Smart, Environmental Protection Specialist, FTA



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

Brian:  
FYI

July 26, 2012

Regulatory Division

SUBJECT: Action ID. 2012 00957, Durham-Orange Light Rail Transit Project

Ms. Yvette G. Taylor, Ph.D.  
Federal Transit Administration  
230 Peachtree Street NW, Suite 800  
Atlanta, GA 30303



Dear Ms. Taylor:

Reference your letter dated June 27, 2012, in which you invited us to participate as a Cooperating agency in the development of the Environmental Impact Statement (EIS) for the proposed Durham-Orange Light Rail Transit Project located on new linear alignment from UNC Hospitals in Chapel Hill, Orange County, North Carolina, to Austin Avenue in Durham, Durham County, North Carolina. In addition, you have also requested that we participate as a Participating Agency pursuant to Section 6002 of SAFETEA-LU.

In accordance with the Council on Environmental Quality, (40 CFR 1501.6 Cooperating Agencies), we agree to participate as a Cooperating Agency. It is our intention to formally adopt the Federal Transit Administration (FTA) National Environmental Policy Act (NEPA) document, in whole or in part, provided it meets our requirements relative to Section 404 of the Clean Water Act and NEPA when the Record of Decision (or Finding of No Significant Impact, as appropriate) is completed.

Please note that other program commitments will preclude us from funding or writing any portion of the subject document. However, it is our intention to fully participate in the development of the necessary document throughout the NEPA process. It is also our intention that at the end of this process, our requirements pursuant to Section 404 of the Clean Water Act, including our Public Interest Review, and Section 10 of the Rivers and Harbors Act would be fully satisfied. Regarding these identified regulatory requirements, please reference our letter to you dated June 19, 2012. This letter responded to your request for comments concerning your scoping review of the identified project. Please be aware that as a cooperating agency, we would have the same concerns that were identified in our June 19<sup>th</sup> letter including, but not limited to, the evaluation of alternatives which may have less environmental impact. In the event that your NEPA analysis does not adequately address our program responsibilities, a supplemental NEPA document may become necessary.

Finally, we also agree to Participating Agency status, pursuant to Section 6002 of SAFETEA-LU, and will provide you with issues of concern regarding environmental or socioeconomic

impacts as early as possible in the planning process that could substantially delay or prevent our agency from granting a permit for the project.

Thank you for your time and cooperation. Questions or comments may be addressed to Mr. James Lastinger, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Wake Forest, North Carolina, 27587, or telephone 919-554-4884, extension 32.

Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our web-site at <http://per2.nwp.usace.army.mil.survey.html> and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you interact with our office.

Sincerely,

A handwritten signature in black ink that reads "Jean B. Gibby". The signature is written in a cursive style with a large initial "J" and "G".

Jean B. Gibby  
Acting Chief, Regulatory Division

Copy Furnished:

Mr. Michael Hosey  
B. Everett Jordan Dam and Lake  
P.O. Box 144  
Moncure, NC 27559



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

July 27, 2012

Mr. Brian Smart  
Transportation Planner  
Federal Transit Administration, Region IV  
230 Peachtree Street NW, Suite 800  
Atlanta, Georgia 30303

**SUBJ: Cooperating Agency Request for the Durham-Orange Light Rail Transit Project, Durham and Orange Counties, North Carolina**

Dear Mr. Smart:

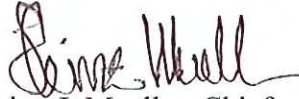
The U.S. Environmental Protection Agency (EPA) received your letter on July 12, 2012, offering this Agency an opportunity to be a cooperating agency for the subject EIS. Scoping has been initiated on the project and a scoping meeting was held on May 2, 2012. The cooperating agency request document includes a scoping information booklet and maps. The document also provides a reference to project background and details including the Alternatives Analysis Final Report.

The proposed Durham-Orange Light Rail Transit Project involves light rail transit and station planning in a 17-mile corridor in Durham County and Orange County, North Carolina. The purpose of the proposed transit investment in the Durham-Orange County (D-O) Corridor is to provide solutions that address the need to enhance mobility, expand transit options between Durham and Chapel Hill, serve populations with high propensity for transit use and foster compact development

EPA accepts Federal Transit Administration's (FTA's) offer to act as a cooperating agency. EPA will provide NEPA comments, early review for key environmental sections of the document, and we can also participate in teleconferences or meetings with stakeholders to discuss important milestones, as appropriate. It should also be noted that our status as a cooperating agency has no effect on our review responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) or Section 309 of the Clean Air Act.

We appreciate your coordination with us. EPA will submit comments on the project as a follow-up to this letter. The NEPA contacts will be Ntale Kajumba (404/562-9620) of my staff in the NEPA Program Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz Mueller". The signature is written in a cursive style with a large initial "H".

Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management