

## Type III Categorical Exclusion Action Classification Form

STIP Project No.	U-5108
WBS Element	42370.1.1
Federal Project No.	TBA

A. Project Description:

Project U-5108 proposes to extend Northcross Drive on new location from N.C. 73 (Sam Furr Road) in Huntersville to Westmoreland Road in Cornelius, Mecklenburg County. The project is primarily located on new location (approximately 1 mile). The remaining proposed alignment utilizes existing Northcross Drive on the south end of the project (0.5 miles) and existing Eagleridge Way Lane (0.2 miles) on the north end of the project. (See **Figures 2A-2F**) The new location portion of the project includes a 110-foot bridge over McDowell Creek which will require a realignment of the existing McDowell Creek Greenway (See **Figure 2B**). A single-lane roundabout is proposed at the intersection of Eagleridge Way Lane and Westmoreland Road as part of this project (See **Figure 2A**).

The proposed typical section (see **Figures 3A-3B**) on the new location portion of the project is a two-lane roadway with 11-foot lanes which widen to 14.5-foot lanes at the existing Eagleridge Way Lane. A 10-foot wide multi-use path is proposed between Westmoreland Road and the Westmoreland Athletic Park entrance on Eagleridge Way Lane. A 5-foot sidewalk, two 11-foot travel lanes, and a 10 to 11-foot wide center left-turn lane are proposed on the existing Northcross Drive between NorthPointe Executive Park Drive and the beginning of the new location portion of Northcross Drive. The remaining portion of Northcross drive will be re-surfaced.

The estimated project costs, based on 2017 prices for the preliminary designs, are \$1.5 million for right of way and \$11 million for construction, totaling \$12.5 million for project.

B. Description of Need and Purpose:

The purpose of this project is to improve the roadway connectivity within the surrounding area by providing an alternate north-south route for local traffic parallel to Interstate 77, U.S. 21 (Statesville Road), N.C. 115 (Old Statesville Road), and West Catawba Avenue (S.R. 5544). Existing north-south routes that run through the Town of Cornelius and Town of Huntersville are congested and used primarily by through traffic and commuters to Charlotte and Statesville.

C. Categorical Exclusion Action Classification: Type III

D. Proposed Improvements: Not applicable

## E. Special Project Information:

*Alternatives Analysis:* Two alternative alignments were initially studied in addition to the preferred alignment. The two eliminated alternatives differed from the preferred alternative in how they crossed through the undeveloped property (Cooke property) adjacent to I-77. The eliminated alternatives crossed through the property further to the west, and would have resulted in additional division of the property. Several residents in Stratford Forest also expressed concern about potential noise impacts of the alternatives that crossed further to the west that were closer to the neighborhood. Based on the costs, impacts, and input from the community and Town of Cornelius, NCDOT recommended the alternative that is closest to I-77 and further from the Stratford Forest neighborhood.

*Jurisdictional Resources:* Four streams (SA, SB, SC, and SD), one wetland (WA), and one pond (PA) were identified in the *Final Natural Resources Technical Report* (March 2018). An additional two streams (Caldwell Station Creek and SD-I-5715), one wetland (WE), and two ponds (PA-I-5715 and PD) were identified within the U-5108 study area in the *Natural Resources Technical Report* (May 2016) for STIP Project No. I-5715 which overlapped with the U-5108 study area. A Section 404 Nationwide Permit (NWP) 23 and Section 401 Water Quality Certification (WQC) are anticipated based on the level of anticipated impacts to jurisdictional resources.

Impacts to jurisdictional resources were calculated using a 25-foot buffer of the proposed slope stakes. Impacts to stream SA (McDowell Creek) are anticipated to be less than 50 feet since the design proposes a bridge crossing at this location. A new 60-inch reinforced concrete pipe is proposed for stream SB where it crosses under the proposed roadway. Approximately 250 feet of impacts to stream SB are anticipated with the construction of this pipe. Stream SD currently travels under the existing McDowell Creek Greenway; approximately 80 feet of impacts are anticipated at this location due to the realignment of the existing greenway underneath the proposed roadway bridge.

The wetlands and ponds identified within the study area (shown on Figures 2A through 2F) are all located at least 100-foot outside of the proposed slope stakes, and therefore are not expected to be directly impacted by construction of the proposed project.

*Threatened and Endangered Species:* There are six federally protected species listed by the United States Fish and Wildlife Service (USFWS) for Mecklenburg County (Updated June 27, 2018): Michaux's sumac, Schweinitz's sunflower, smooth coneflower, Carolina heelsplitter, rusty-patched bumble bee (RPBB), and Northern long-eared bat (NLEB). Suitable habitat for Michaux's sumac, Schweinitz's sunflower, and smooth coneflower were found within the study area. Due to a lack of recorded occurrences and a lack of observed individuals in the project study area, it has been determined that the proposed project will have "No Effect" on these species. A "No Effect" determination was made for the Carolina heelsplitter since suitable habitat is not present within the study area. A biological conclusion is not required for the RPBB because the USFWS does not and will not require surveys for RPBB in North Carolina since the USFWS assumes the state is unoccupied by RPBB.

There is suitable roosting habitat for the NLEB within the study area; however, there are no known hibernacula or roosting sites within Mecklenburg county. In addition, Mecklenburg County is not identified by the USFWS Asheville Field Office as a county where incidental take may be a special consideration for NLEB. A review of the North Carolina Natural Heritage Program (NCNHP) records updated February 2018, indicates no known roosting sites or hibernacula within 1.0 mile of the study area. Based upon the presence of potentially suitable habitat but the lack of known occurrences, hibernacula, or roosting sites, the biological conclusion of "May Affect, Not Likely to Adversely Affect" has been rendered for NLEB for this project.

In accordance with the Bald Eagle and Golden Eagle Protection Act, a desktop-GIS assessment and field survey of the project study area, as well as the area within a 1.13-mile radius (1.0 mile plus 660 feet) of the project limits, was performed in February 2017. One water body (Lake Norman) large enough or sufficiently open to be considered a potential feeding source was identified. No known occurrences within 1.0 miles of the study area were documented and no nests or individuals were observed. Due to the lack of known occurrences, and the lack of observed individuals or nests, it has been determined that the proposed project will not affect this species.

*Local Transit:* The Charlotte Area Transit System (CATS) operates two bus routes, Route 97 and Route 77X, which use N.C. 73 and/or Northcross Drive as well as the Huntersville-Northcross Park and Ride facility along the project corridor. During construction, lanes on the existing section of Northcross Drive will remain open and all properties will be accessible, but travel time could be affected temporarily. Buses must be provided adequate room for turning around on Northcross Drive and Eagleridge Way during construction.

*Public Involvement:* Two public meetings were held for the subject project on February 13, 2017 and December 7, 2017 with approximately 75 and 33 people in attendance, respectively. The February public meeting presented three alternative alignments. Citizens generally preferred the alignment that has now been selected as the preferred alignment by the NCDOT. The second public meeting presented a more detailed design of the preferred alternative. Comments received from the public at this meeting were positive in nature.

Several members of the Alexander Chase neighborhood expressed concern about increased cut-through traffic and other impacts. During the public meeting and two additional neighborhood meetings in March and December 2017, residents provided specific suggestions for the design of Eagleridge Way Lane, such as restricting access through the neighborhood, creating a buffer between the roadway and the neighborhood, and a pedestrian crossing at Westmoreland. Since those meetings, the design has been modified to add a single-lane roundabout with pedestrian crossing at Westmoreland Road, as well as a 200-foot long median on Eagleridge Way Lane which will convert Arrowhead Place Lane to right-in right-out access.

F. Project Impact Criteria Checklists:

<u>Type III Actions</u>		Yes	No
1	Does the project involve potential effects on species listed with the US Fish and Wildlife Service (USFWS) or National Marine Fisheries (NMFS)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Does the project involve substantial residential or commercial displacements or right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Does the project include a determination under Section 4(f)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Is a project-level analysis for direct, indirect, or cumulative effects required based on the NCDOT community studies screening tool?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Is a project level air quality Mobile Source Air Toxics (MSAT) analysis required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the project impact waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Does the project include Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a no effect, including archaeological remains? Are there project commitments identified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve hazardous materials and/or landfills?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	Does the project require work encroaching and adversely effecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Type III Actions (continued)</u>		Yes	No
21	Does the project impact federal lands (e.g. USFS, USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP or the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP) (where applicable)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Is the project considered a Type I under the NCDOT's Noise Policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
29	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Are there other issues that arose during the project development process that effected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. Additional Documentation as Required from Section F

1. There is suitable roosting habitat for the NLEB within the study area; however, there are no known hibernacula or roosting sites within Mecklenburg county. In addition, Mecklenburg County is not identified by the USFWS Asheville Field Office as a county where incidental take may be a special consideration for NLEB. A review of the North Carolina Natural Heritage Program (NCNHP) records updated February 2018, indicates no known roosting sites or hibernacula within 1.0 mile of the study area. Based upon the presence of potentially suitable habitat but the lack of known occurrences, hibernacula, or roosting sites, the biological conclusion of "may affect, not likely to adversely affect" has been rendered for NLEB for this project.

6. Right-of-way and temporary construction easements are required within the Robbins Park/Westmoreland Regional Park, a potential Section 4(f) resource. The proposed road alignment through the park is consistent with previously approved plans. NCDOT has coordinated with the Town of Cornelius and Mecklenburg County officials to determine that the proposed construction will not adversely affect the park's activities, features, and attributes that qualify it for protection under Section 4(f). This agreement provided basis for a *de minimis* impact conclusion.

The project also may require temporary use of the McDowell Creek Greenway, a potential Section 4(f) resource, during construction, and may require that the greenway is briefly closed for bridge construction. NCDOT will coordinate with Mecklenburg County to designate and sign a temporary detour route for the McDowell Creek Greenway during construction of the realigned portion of the greenway, using existing trail and sidewalk facilities.

7. The project is anticipated to alter travel patterns through this area and reduce travel times for north-south traffic. It will improve access to the undeveloped Cooke property, which is bounded by I-77 on the east, McDowell Creek on the west, and development to the north and south. The Cooke property is the only remaining undeveloped property along or near to the corridor. By providing access to the Cooke property, this project may affect the timing or type of development on that property. The Cooke property is identified as "Corporate Office" in the Cornelius Land Use Plan, though no specific development has been proposed.

The other properties adjacent to the Cooke property and along the proposed corridor include commercial development to the south, residential development to the north, and a park to the west. These properties are all built out and unlikely to redevelop. A separate qualitative Indirect and Cumulative Effects (ICE) report will be prepared prior to submittal of the permit application to provide additional information on the Cooke property as part of the permit application.

8. The project is in Mecklenburg County, which is within the Charlotte maintenance area for the prior 1997 ozone National Ambient Air Quality Standard (NAAQS) as defined by the EPA. This area was designated moderate nonattainment under the 1997 ozone NAAQS on June 15, 2004 and due to improved air quality in the region was re-designated maintenance on January 2, 2014. The Charlotte area was designated for the 2008 ozone NAAQS resulting in the 1997 ozone NAAQS being revoked on April 6, 2015. On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* ("South Coast II," 882 F.3d 1138) held that transportation applies for the revoked 1997 ozone NAAQS areas. Transportation conformity for plans and TIPs for the 1997 Ozone NAAQS can be demonstrated without a regional emissions analysis pursuant to 40 CFR 93.109(c).

The project is in Mecklenburg County, which is within the Charlotte maintenance area for the 2008 ozone NAAQS as defined by the EPA. The Charlotte area was designated marginal nonattainment under the 2008 ozone NAAQS on July 20, 2012 and due to improved air quality in the region was re-designated maintenance on August 27, 2015. Section 176(c) of the CAAA requires that transportation plans, programs, and projects conform to the intent of the state air quality implementation plan (SIP). The current SIP does not contain any transportation control measures for Mecklenburg County. The Charlotte Region Transportation Planning Organization 2045 Metropolitan Transportation Plan (MTP) and the 2018-2022 Transportation Improvement Program (TIP) conform to the intent of the SIP. The USDOT made a conformity determination on the MTP on December 3, 2018 and the TIP on December 3, 2018. The current conformity determination is consistent with the final conformity rule found in 40 CFR Parts 51 and 93. There are no significant changes in the project's design concept or scope, as used in the conformity analyses.

16. This project is not anticipated to increase the level or extent of upstream flood potential for insurable structures. The NCDOT project team has coordinated with the NCDOT Hydraulics group to follow the Memorandum of Agreement between the NCDOT Hydraulics group and the NC Floodplain Mapping Program. It is anticipated that this project will result in a Conditional Letter of Map Revision (CLOMR).

28. The *U-5108 Traffic Noise Report* (October 2018) identified one noise barrier which meets the preliminary feasible and reasonable criteria found in the NCDOT Traffic Noise Abatement Policy. Noise barriers found to be feasible and reasonable during the preliminary noise analysis may not be found to be feasible and reasonable during the final design noise analysis due to changes in proposed project alignment and other design considerations, surrounding land use development, or utility conflicts, among other factors. Conversely, noise barriers that were not considered feasible and reasonable may meet the established criteria and be recommended for construction.

H. Project Commitments

**Mecklenburg County  
Extension of Northcross Drive on New Location from N.C. 73 (Sam Furr Road) in  
Huntersville To Westmoreland Road in Cornelius  
Federal Project No. TBA  
WBS No. 42340.1.1  
TIP No. U-5108**

**Division 10 Construction**

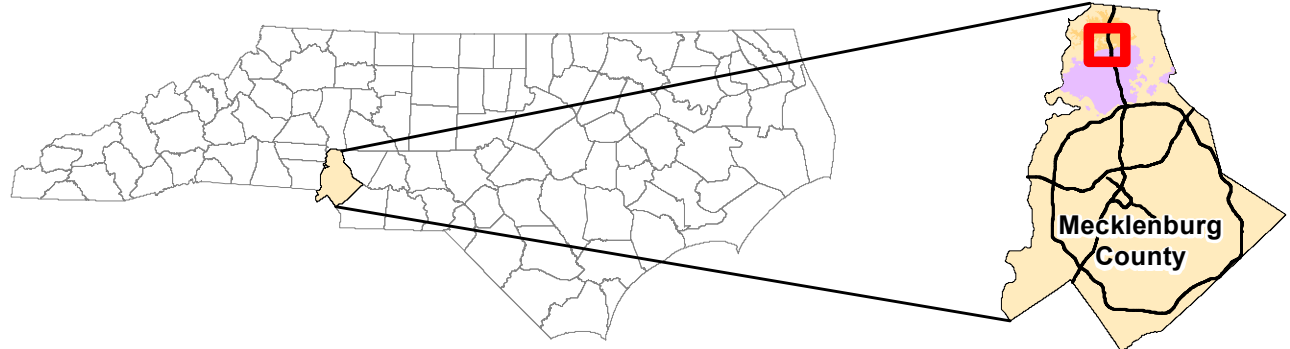
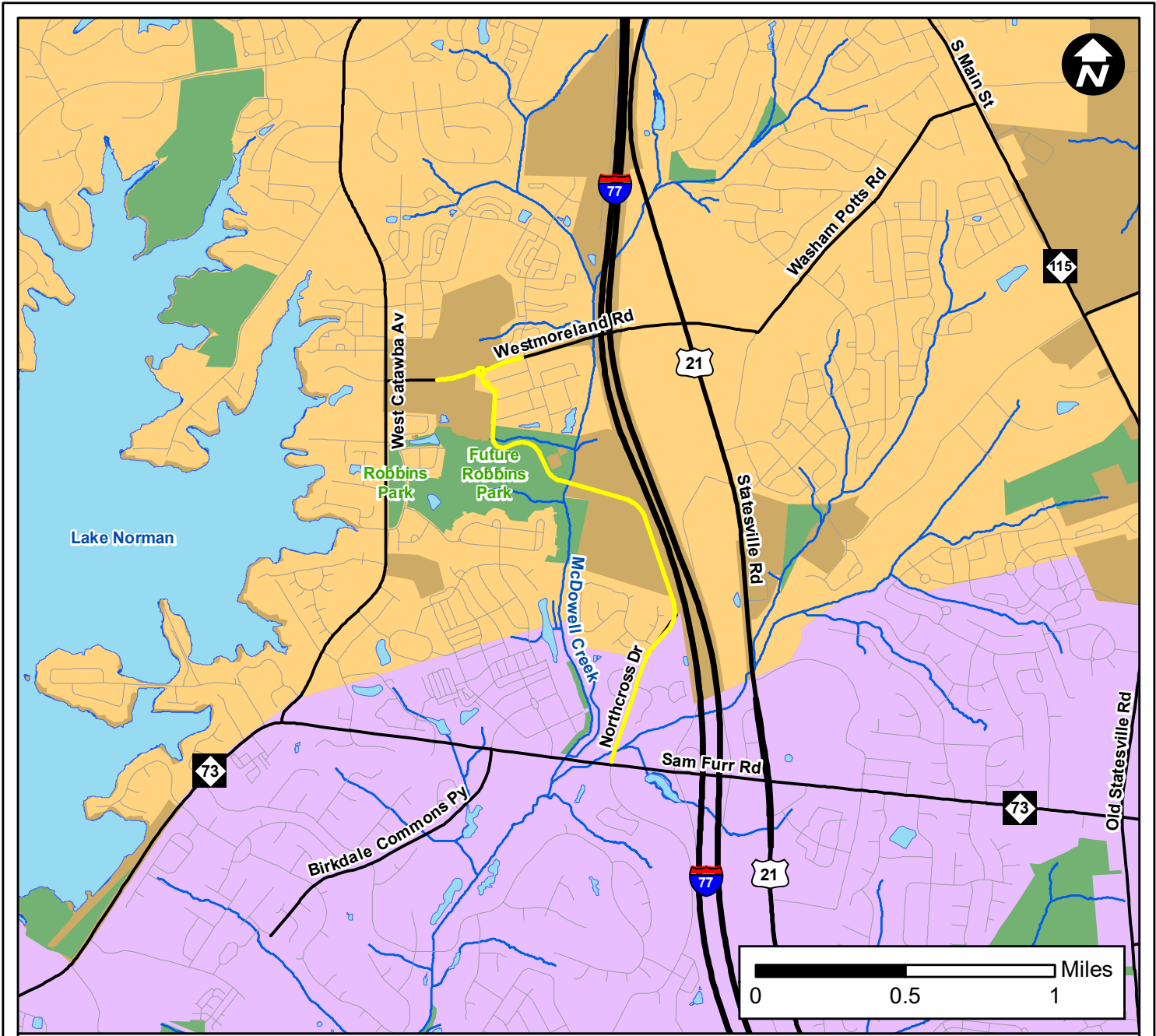
NCDOT will coordinate with Mecklenburg County to designate and sign a temporary detour route for the McDowell Creek Greenway during construction of the realigned portion of the greenway, using existing trail and sidewalk facilities.

**Community Studies Group**

NCDOT will prepare an Indirect and Cumulative Effects study prior to submittal of the permit application.

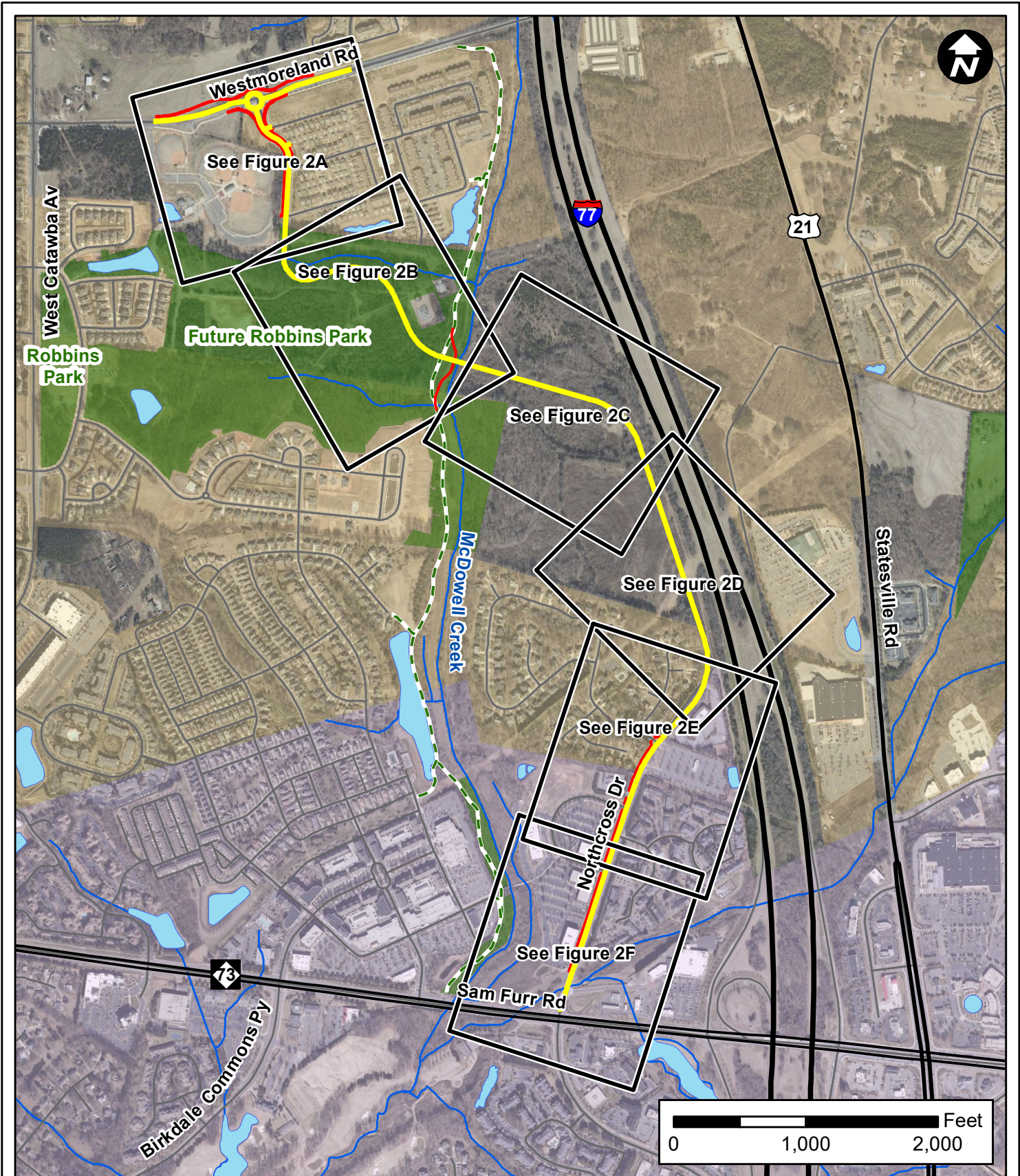






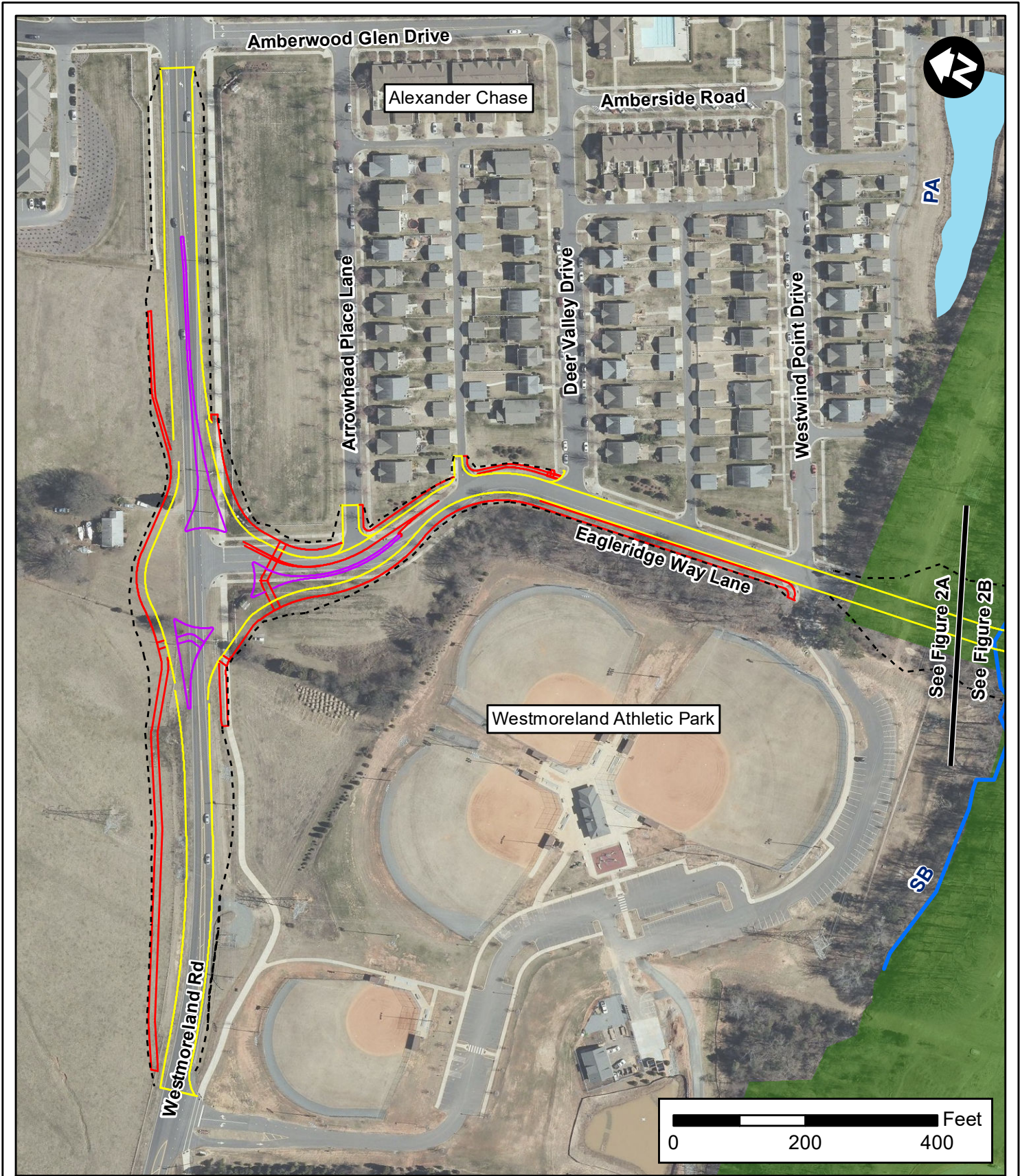
- Preferred Alignment
- Streams
- Lakes and Ponds
- Parks
- Town of Cornelius
- Town of Huntersville
- Mecklenburg County

**Figure 1**  
**Vicinity Map**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County



- Preferred Alignment
- Proposed Sidewalk and Multi-use Trail
- Existing McDowell Creek Greenway
- Streams
- Lakes and Ponds
- Town of Cornelius
- Town of Huntersville
- Park

**Figure 2  
Design Map**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County



- Proposed Sidewalk and Multi-use Trail
- Proposed Island
- Proposed Edge of Travel
- - - Slope Stakes
- Existing McDowell Creek Greenway
- Delineated Streams
- Delineated Ponds
- Delineated Wetlands
- Floodway
- 100-Year Floodplain
- Park

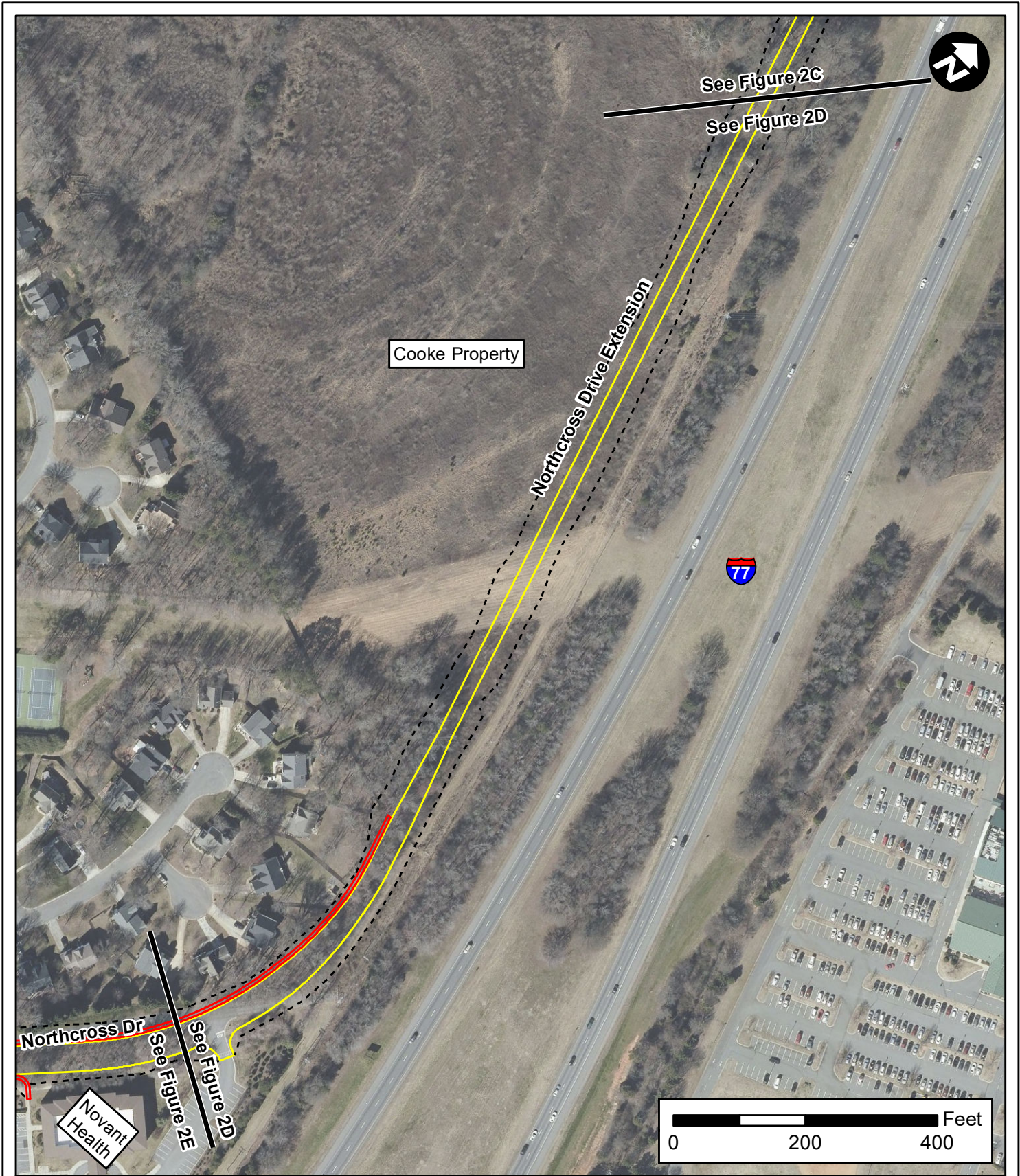
**Figure 2A**  
**Detailed Design Map**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County





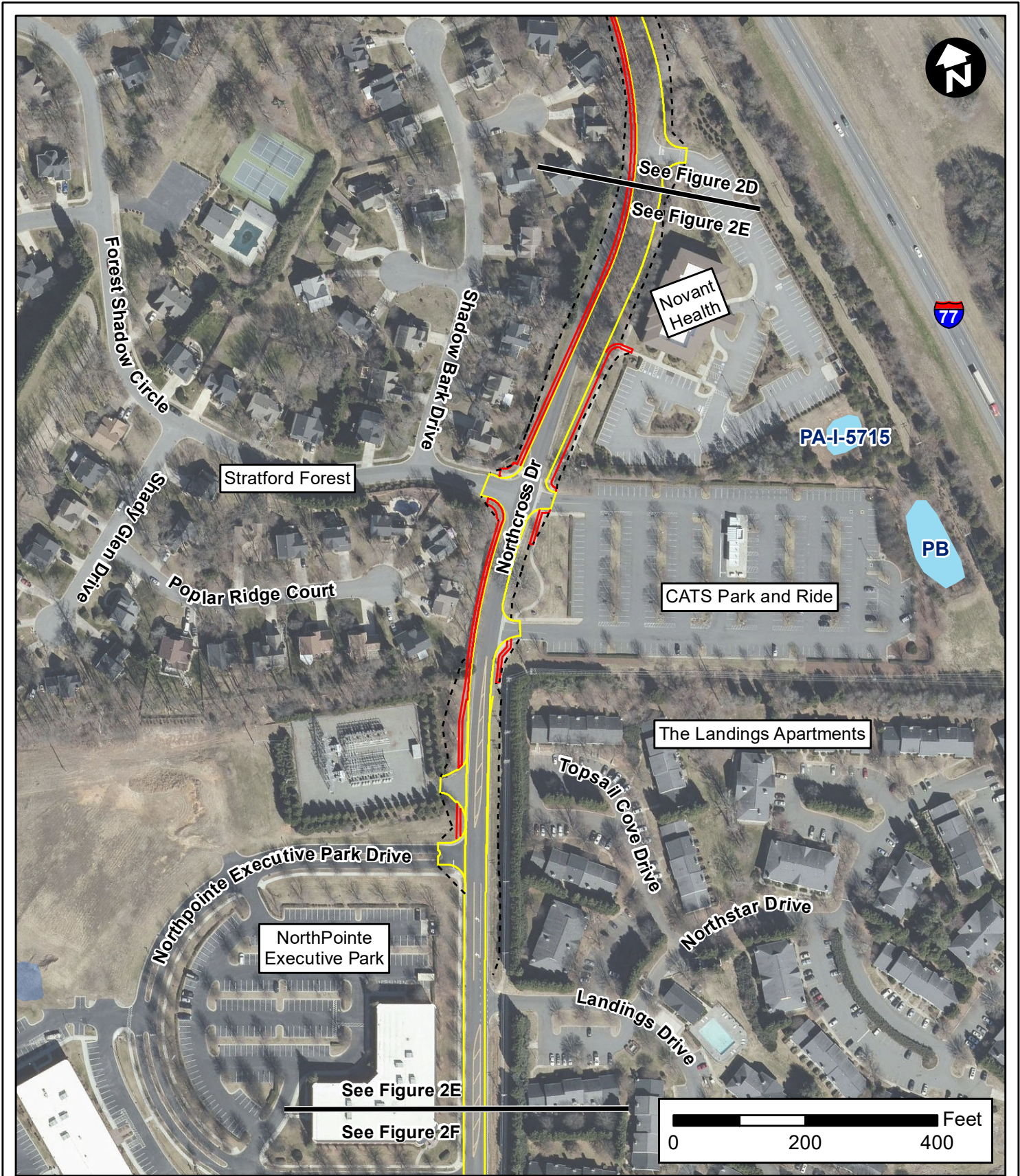
- Proposed Edge of Travel
- Proposed Roadway Bridge
- - - Slope Stakes
- Existing McDowell Creek Greenway
- Delineated Streams
- Delineated Ponds
- Delineated Wetlands
- Floodway
- 100-Year Floodplain
- Park

**Figure 2C**  
**Detailed Design Map**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County



- Proposed Sidewalk and Multi-use Trail
- Proposed Edge of Travel
- - - Slope Stakes
- Existing McDowell Creek Greenway
- Delineated Streams
- Delineated Ponds
- Delineated Wetlands
- Floodway
- 100-Year Floodplain

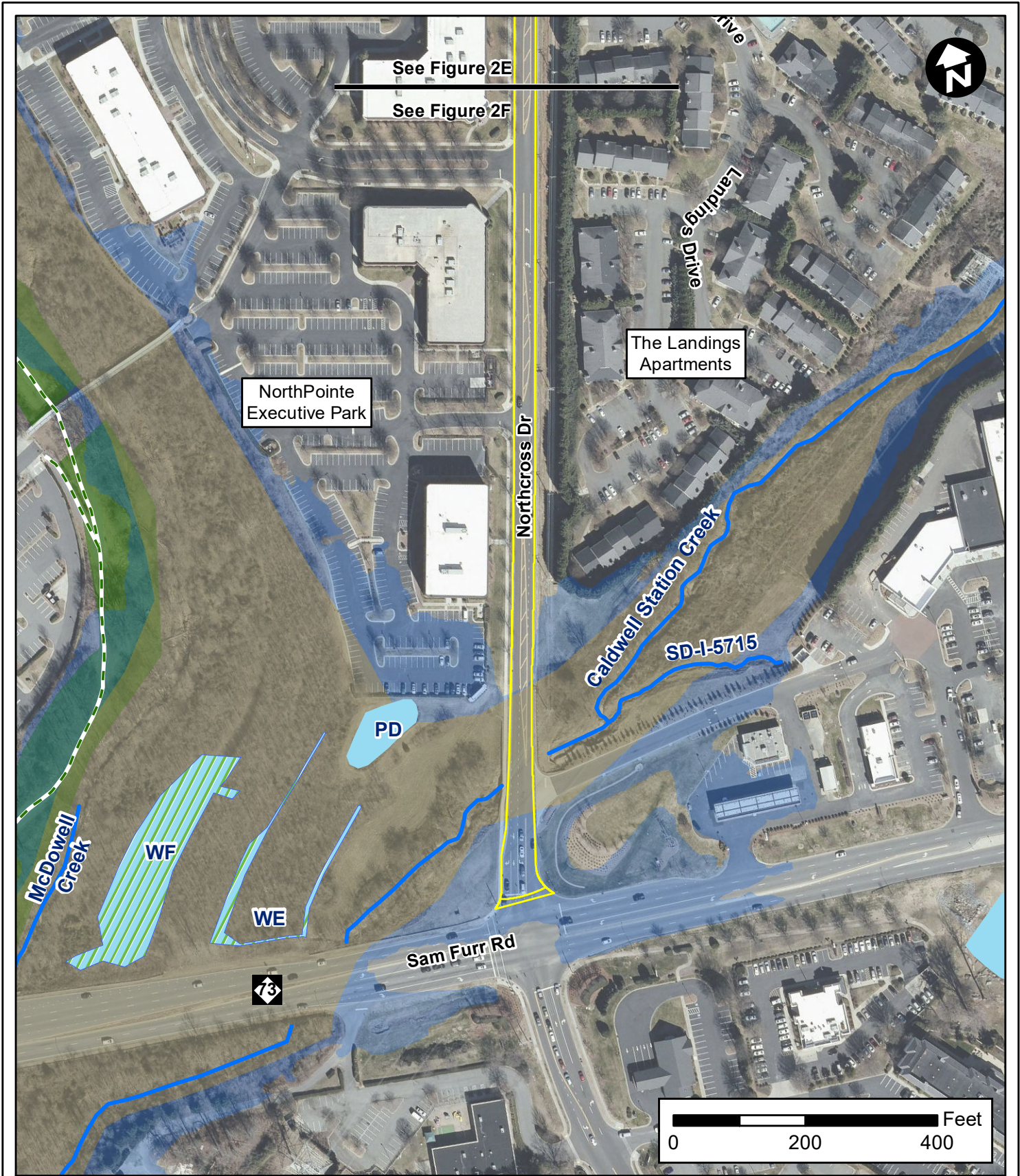
**Figure 2D**  
**Detailed Design Map**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County



- Proposed Sidewalk and Multi-use Trail
- Proposed Edge of Travel
- - - Slope Stakes
- Existing McDowell Creek Greenway
- Delineated Streams
- Delineated Ponds
- ▨ Delineated Wetlands
- ▨ Floodway
- ▨ 100-Year Floodplain

**Figure 2E**  
**Detailed Design Map**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County





See Figure 2E

See Figure 2F

NorthPointe Executive Park

The Landings Apartments

Northcross Dr

SD-1-5715

PD

WF

WE

Sam Furr Rd

73

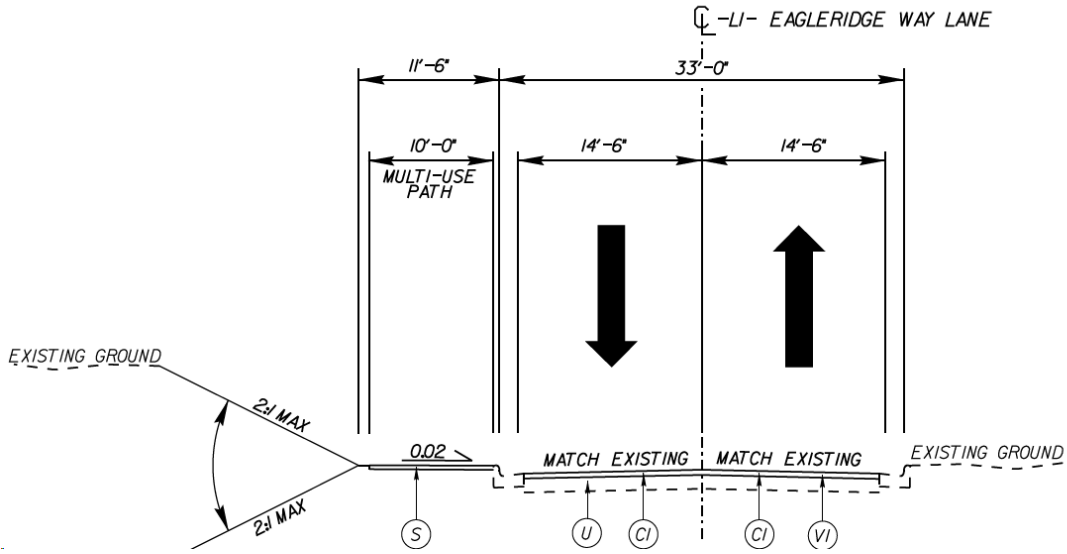
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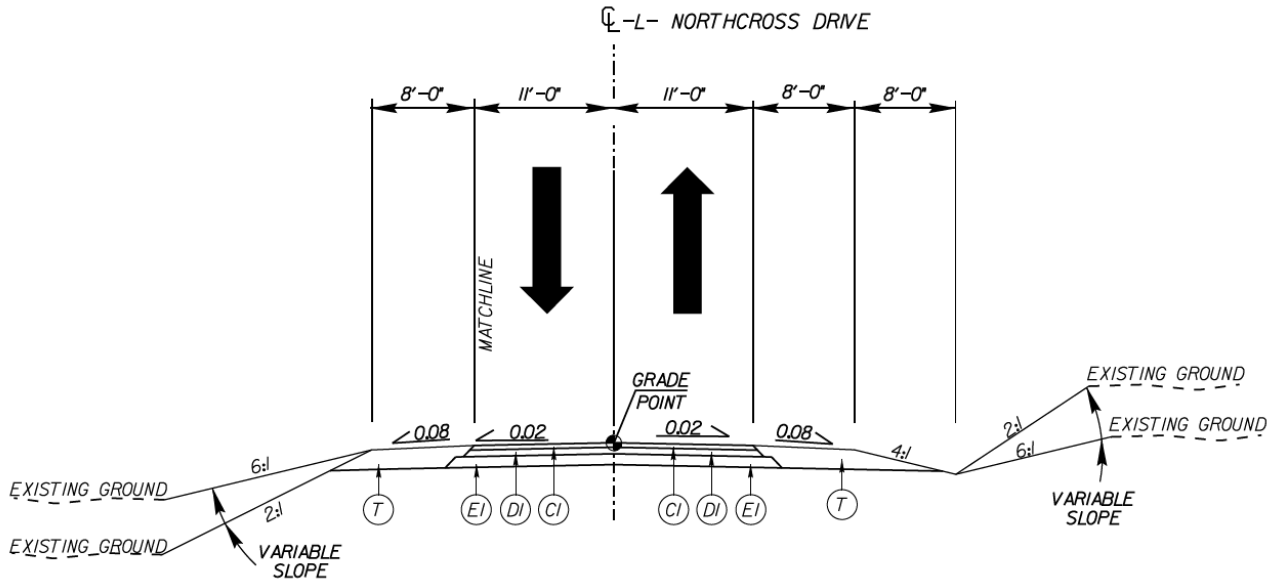
- Proposed Edge of Travel
- - Existing McDowell Creek Greenway
- Delineated Streams
- Delineated Ponds
- ▨ Delineated Wetlands
- Floodway
- 100-Year Floodplain
- Park

**Figure 2F**  
**Detailed Design Map**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County

### Eagleridge Way Lane

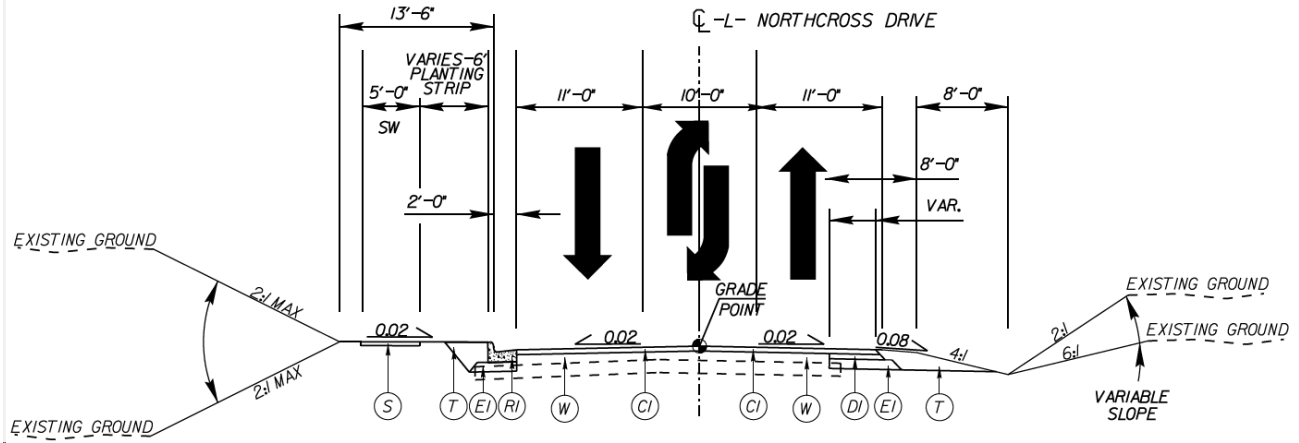


### Northcross Drive Extension - New Location

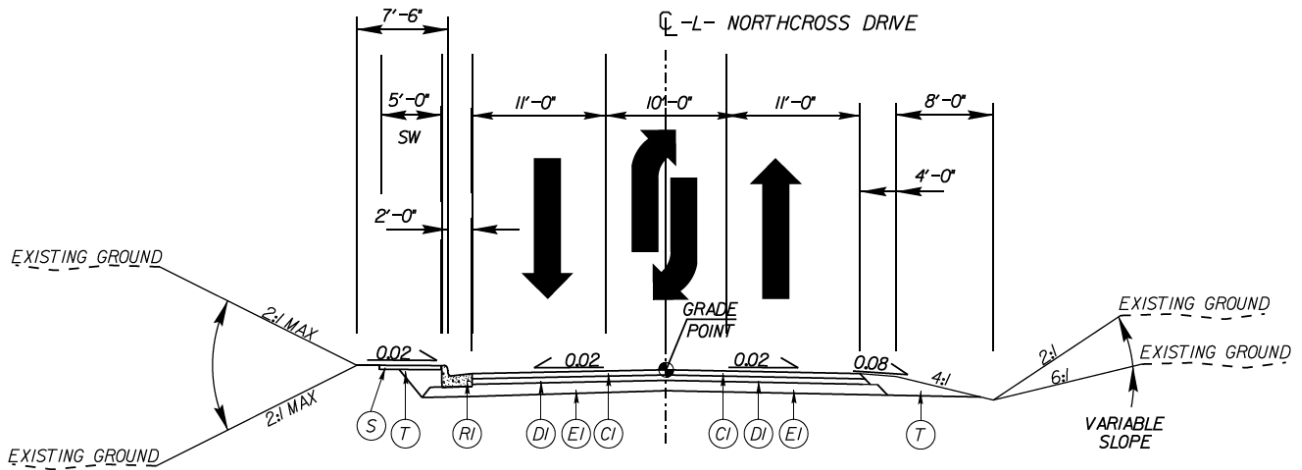


**Figure 3A**  
**Typical Sections**  
 NCDOT Project No. U-5108  
 Northcross Drive Extension  
 Mecklenburg County

### Northcross Drive (Northpointe Executive Park Drive to Forest Shadow Circle)



### Northcross Drive Forest Shadow Circle to Northcross Drive New Location Roadway



**Figure 3B**  
**Typical Sections**  
NCDOT Project No. U-5108  
Northcross Drive Extension  
Mecklenburg County



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

August 25, 2017

Mr. Troy Fitzsimmons  
Director, Parks, Arts, Recreation, & Culture  
Town of Cornelius  
21445 Catawba Avenue  
Cornelius, NC 28031

RE: NCDOT STIP Project U-5108: Section 4(f) Coordination for Westmoreland Regional Park

Dear Mr. Fitzsimmons,

The North Carolina Department of Transportation is proposing to construct the Northcross Drive Extension in Cornelius. The Northcross Drive Extension will construct a new location roadway between NC 73 and Westmoreland Road by connecting existing Northcross Drive and Eagle Ridge Way through Westmoreland Regional Park.

In order to construct the proposed project, NCDOT will need to acquire property from Westmoreland Regional Park, which is owned by Mecklenburg County Park & Recreation Department, leased to the Town of Cornelius, and subject to Section 4(f) of the U.S. Department of Transportation Act of 1966. Preliminary design indicates that the right-of-way needed will likely be 62-63 feet wide within the project limits. The project will include amenities such as bike lanes and a multi-use path. The project is not anticipated to impact amenities within the park. Attached is a figure detailing the approximate path of the alignment through the park and the proposed approximate right-of-way required through the park property. Temporary Construction Easement, Permanent Utility Easement (PUE), and Permanent or Temporary Drainage Easement (PDE/TDE) outside the proposed right-of-way will likely be necessary as well for relocating existing utilities and roadside ditches/drainage features. The approximate locations of the easements have not been finalized at this stage of preliminary design. NCDOT and FHWA believe that the proposed project will have no adverse effect on the activities, features, and attributes that qualify Westmoreland Regional Park for protection under Section 4(f). With your agreement, we would deem the impacts from the proposed project to be *de minimis*. NCDOT right-of-way agents will be in contact with Mecklenburg County Park & Recreation Department and the Town of Cornelius to appraise the right-of-way to be purchased for the project in late 2018 based on the current schedule.

If you concur that the proposed impacts to Westmoreland Regional Park, as described above and shown on the attached figures, will not adversely affect the park's access and use, NCDOT is requesting that you sign and date this letter in the spaces provided below, keep a copy for your files, and return a signed original to the address noted below. We will keep a copy of the letter in the project files.

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
716 WEST MAIN STREET  
ALBEMARLE, NC 28001

Telephone: (704) 983-4400  
Fax: (704) 982-3146

Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
716 WEST MAIN STREET  
ALBEMARLE, NC 28001

*As the Director of Parks, Art, Recreation, & Culture for The Town of Cornelius, and the official with jurisdiction over the Westmoreland Regional Park, I concur with the determination that the proposed project U-5108 as described in this letter and shown on the accompanying attachments will not adversely affect the activities, features, and attributes that qualify Westmoreland Regional Park for protection under Section 4(f) of the Department of Transportation Act as amended. I have been informed that, based on my concurrence, the FHWA intends to make a de minimis finding regarding impacts to Westmoreland Regional Park, thus satisfying the requirements of Section 4(f).*

Signed: \_\_\_\_\_

Troy Fitzsimmons, Director, Parks, Art, Recreation, & Culture  
Town of Cornelius  
Cornelius, North Carolina

Date: \_\_\_\_\_

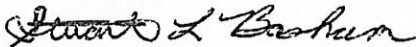
9-7-17

Upon signing and dating this letter, please return it to me within two weeks of the date of the letter by email at [slbasham@ncdot.gov](mailto:slbasham@ncdot.gov) and return a signed original to the following address:

North Carolina Department of Transportation  
Attn: Stuart Basham  
12033 East Independence Boulevard  
Matthews, NC 28105

NCDOT greatly appreciates your cooperation in making the U-5108 Northcross Drive Extension project possible. Should you have any questions or concerns, please contact me at 704-845-1151.

Sincerely,



Stuart L. Basham  
Division 10 Planning Engineer  
North Carolina Department of Transportation

SLB/  
Attachments

## Frosch, Colin

---

**From:** Troy Fitzsimmons <tfitzsimmons@cornelius.org>  
**Sent:** Monday, September 24, 2018 11:14 AM  
**To:** Frosch, Colin; lee.jones@mecklenburgcountync.gov; Andrew Grant; dena.diorio@mecklenburgcountync.gov  
**Cc:** Gresham, Teresa; Gibilaro, Carl; Epperson, Sean M; Spacek, Tony  
**Subject:** RE: NCDOT Project U-5108 Section 4(f) Coordination

**Categories:** External

Yes, on behalf of Town of Cornelius

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**From:** Frosch, Colin [mailto:Colin.Frosch@kimley-horn.com]  
**Sent:** Friday, September 21, 2018 9:55 AM  
**To:** lee.jones@mecklenburgcountync.gov; Troy Fitzsimmons <tfitzsimmons@cornelius.org>; Andrew Grant <Agrant@cornelius.org>; dena.diorio@mecklenburgcountync.gov  
**Cc:** Gresham, Teresa <Teresa.Gresham@kimley-horn.com>; Gibilaro, Carl <cgibilaro@ncdot.gov>; Epperson, Sean M <smepperson@ncdot.gov>; Spacek, Tony <Tony.Spacek@kimley-horn.com>  
**Subject:** NCDOT Project U-5108 Section 4(f) Coordination

Hello all,

On behalf of the Project team for NCDOT STIP Project U-5108, Proposed Extension of Northcross Drive on New Location from N.C. 73 (Sam Furr Road) in Huntersville to Westmoreland Road in Cornelius, I would like to provide you an update on proposed impacts to the Robbins Park/Westmoreland Regional Park which is a Section 4(f) resource. As you may already know, the previous design of the project (shown in attached "U-5108 Old Design" PDF) proposed a roundabout within the Future Robbins Park. After coordinating with local officials and stakeholders, the design in this section has been revised to instead construct a new roundabout at the intersection of Eagleridge Way Lane and Westmoreland Road, and maintain a curve without interruptions through the park (shown in attached "U-5108 New Design 09-20-2018" PDF).

We appreciate your past coordination with us on these proposed impacts to Robbins Park/Westmoreland Regional Park and have on file, and attached here, your concurrence that the proposed impacts to Robbins Park/Westmoreland Regional Park will not adversely affect the park's access and use. With the proposed change in design, we want to confirm with you that your previous concurrence still stands. A simple yes email response would be sufficient, an additional signature is not required.

Please contact us if you have any questions.

Thank you!

**Colin Frosch, E.I. (WV)** | Transportation Analyst  
**Kimley-Horn** | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601  
Direct: 919-677-2184 | Mobile: 304-365-1623  
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STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

March 13, 2018

Ms. Dena R. Diorio  
County Manager – Mecklenburg County  
600 East 4<sup>th</sup> St.  
Charlotte, NC 28202-2835

RE: NCDOT STIP Project U-5108: Section 4(f) Coordination for Robbins Park/Westmoreland Regional Park

Dear Ms. Diorio,

The North Carolina Department of Transportation is proposing to construct the Northcross Drive Extension in Cornelius. The Northcross Drive Extension will construct a new location roadway between NC 73 and Westmoreland Road by connecting existing Northcross Drive and Eagle Ridge Way through Robbins Park/Westmoreland Regional Park.

In order to construct the proposed project, NCDOT will need to acquire property from Robbins Park/Westmoreland Regional Park, which is owned by Mecklenburg County Park & Recreation Department and subject to Section 4(f) of the U.S. Department of Transportation Act of 1966. Preliminary design indicates that the right-of-way needed will likely be 62-63 feet wide within the project limits. The project will include amenities such as bike lanes and a multi-use path. The project is not anticipated to impact amenities within the park. Attached is a figure detailing the approximate path of the alignment through the park and the proposed approximate right-of-way required through the park property. Temporary Construction Easement, Permanent Utility Easement (PUE), and Permanent or Temporary Drainage Easement (PDE/TDE) outside the proposed right-of-way will likely be necessary as well for relocating existing utilities and roadside ditches/drainage features. The approximate locations of the easements have not been finalized at this stage of preliminary design. NCDOT and FHWA believe that the proposed project will have no adverse effect on the activities, features, and attributes that qualify Robbins Park/Westmoreland Regional Park for protection under Section 4(f). With your agreement, we would deem the impacts from the proposed project to be *de minimis*. NCDOT right-of-way agents will be in contact with Mecklenburg County Park & Recreation Department to appraise the right-of-way to be purchased for the project in late 2018 based on the current schedule.

If you concur that the proposed impacts to Robbins Park/Westmoreland Regional Park, as described above and shown on the attached figures, will not adversely affect the park's access and use, NCDOT is requesting that you sign and date this letter in the spaces provided below, keep a copy for your files, and return a signed original to the address noted below. We will keep a copy of the letter in the project files.


*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
12033 EAST INDEPENDENCE BLVD, STE F  
MATTHEWS, NC 28105

*Telephone:* (704) 845-1151  
*Fax:* (704) 982-3146  
*Customer Service:* 1-877-368-4968

*Location:*  
INDEPENDENCE TRANSPORTATION PARK  
12033 EAST INDEPENDENCE BLVD, STE F  
MATTHEWS, NC 28105

*Website:* [www.ncdot.gov](http://www.ncdot.gov)

*As the Manager of Mecklenburg County with jurisdiction over the Robbins Park/Westmoreland Regional Park, I concur with the determination that the proposed project U-5108 as described in this letter and shown on the accompanying attachments will not adversely affect the activities, features, and attributes that qualify Robbins Park/Westmoreland Regional Park for protection under Section 4(f) of the Department of Transportation Act as amended. I have been informed that, based on my concurrence, the FHWA intends to make a de minimis finding regarding impacts to Robbins Park/Westmoreland Regional Park, thus satisfying the requirements of Section 4(f).*

Signed:   
Dena R. Diorio  
County Manager  
Mecklenburg County, North Carolina

Date: 3/19/18

Upon signing and dating this letter, please return it to me within two weeks of the date of the letter by email at [slbasham@ncdot.gov](mailto:slbasham@ncdot.gov) and return a signed original to the following address:

North Carolina Department of Transportation  
Attn: Stuart Basham  
12033 East Independence Boulevard  
Matthews, NC 28105

NCDOT greatly appreciates your cooperation in making the U-5108 Northcross Drive Extension project possible. Should you have any questions or concerns, please contact me at 704-845-1151.

Sincerely,



Stuart L. Basham  
Division 10 Planning Engineer  
North Carolina Department of Transportation

SLB/  
Attachments



## Frosch, Colin

---

**From:** Johnson, Leslie <Leslie.Johnson@mecklenburgcountync.gov>  
**Sent:** Tuesday, October 30, 2018 2:48 PM  
**To:** Frosch, Colin  
**Cc:** Jones, Lee; McNeil, Jacqueline; Gresham, Teresa; Gibilaro, Carl; Epperson, Sean M; Spacek, Tony  
**Subject:** FW: [External]FW: NCDOT Project U-5108 Section 4(f) Coordination

**Categories:** External

Good Afternoon Colin,

Again, thanks for providing the County opportunity to comment on the revised design of NCDOT Project U-5108. Below please find comments from Park and Recreation.

Enjoy the rest of your day and have a blessed week.



### Leslie Johnson

Assistant County Manager  
Mecklenburg County Manager's Office  
600 East Fourth Street - 11th Floor  
Charlotte, NC 28202

(980) 314-2910 voice **NEW**

[Leslie.Johnson@MecklenburgCountyNC.gov](mailto:Leslie.Johnson@MecklenburgCountyNC.gov)

---

**From:** McNeil, Jacqueline  
**Sent:** Monday, October 29, 2018 10:27 AM  
**To:** Johnson, Leslie <Leslie.Johnson@mecklenburgcountync.gov>  
**Cc:** Jones, Lee <Lee.Jones@mecklenburgcountync.gov>  
**Subject:** RE: [External]FW: NCDOT Project U-5108 Section 4(f) Coordination

Hi Leslie,

Park and Recreation is disappointed that the bulk of the multi-use path along Northcross Drive Extension has been eliminated in the new design but is pleased that the roundabout has been removed. Apart from this, the department finds the impact of the new design to be de minimis. Reinstating the multi-use path from the main trail of McDowell to where it picks up on Eagleridge Way Lane in the new design is welcomed by the department.

### Jacqueline McNeil, AICP

Real Estate Manager  
Asset and Facility Management  
3205 Freedom Drive, Suite 101  
Charlotte, NC 28208

980.314.2511 (Phone)

[Jacqueline.McNeil@MecklenburgCountyNC.gov](mailto:Jacqueline.McNeil@MecklenburgCountyNC.gov)

[www.MecklenburgCountyNC.gov](http://www.MecklenburgCountyNC.gov)

---

**From:** Johnson, Leslie

**Sent:** Monday, October 15, 2018 12:00 PM

**To:** McNeil, Jacqueline <[Jacqueline.McNeil@mecklenburgcountync.gov](mailto:Jacqueline.McNeil@mecklenburgcountync.gov)>

**Subject:** FW: [External]FW: NCDOT Project U-5108 Section 4(f) Coordination

Hi Jacqueline,

As discussed, can you loop back with the team to see if there are any impacts with the revised design. Ideally, the consultant would like our comments in a couple weeks if at all possible.

Thanks and enjoy the rest of your day.



**Leslie Johnson**

Assistant County Manager

Mecklenburg County Manager's Office

600 East Fourth Street - 11th Floor

Charlotte, NC 28202

(980) 314-2910 voice **NEW**

[Leslie.Johnson@MecklenburgCountyNC.gov](mailto:Leslie.Johnson@MecklenburgCountyNC.gov)

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**From:** Frosch, Colin <[Colin.Frosch@kimley-horn.com](mailto:Colin.Frosch@kimley-horn.com)>

**Sent:** Monday, October 15, 2018 11:51 AM

**To:** Johnson, Leslie <[Leslie.Johnson@mecklenburgcountync.gov](mailto:Leslie.Johnson@mecklenburgcountync.gov)>

**Cc:** Gresham, Teresa <[Teresa.Gresham@kimley-horn.com](mailto:Teresa.Gresham@kimley-horn.com)>; Gibilaro, Carl <[cgibilaro@ncdot.gov](mailto:cgibilaro@ncdot.gov)>; Epperson, Sean M <[smepperson@ncdot.gov](mailto:smepperson@ncdot.gov)>; Spacek, Tony <[Tony.Spacek@kimley-horn.com](mailto:Tony.Spacek@kimley-horn.com)>

**Subject:** [External]FW: NCDOT Project U-5108 Section 4(f) Coordination

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Leslie,

Thank you for speaking with me on the phone regarding the U-5108 project which proposes the extension of Northcross Drive in Mecklenburg County. Please see the below email and the attached files as references for what we discussed today.

Please let me know if you have any additional questions.

Have a great day!

**Colin Frosch, E.I. (WV)** | Transportation Analyst

**Kimley-Horn** | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601

Direct: 919-677-2184 | Mobile: 304-365-1623

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**From:** Frosch, Colin

**Sent:** Monday, October 8, 2018 5:38 PM

**To:** [lee.jones@mecklenburgcountync.gov](mailto:lee.jones@mecklenburgcountync.gov); [dena.diorio@mecklenburgcountync.gov](mailto:dena.diorio@mecklenburgcountync.gov)

**Cc:** Gresham, Teresa <[Teresa.Gresham@kimley-horn.com](mailto:Teresa.Gresham@kimley-horn.com)>; Gibilaro, Carl <[cgibilaro@ncdot.gov](mailto:cgibilaro@ncdot.gov)>; Epperson, Sean M <[smepperson@ncdot.gov](mailto:smepperson@ncdot.gov)>; Spacek, Tony <[Tony.Spacek@kimley-horn.com](mailto:Tony.Spacek@kimley-horn.com)>

**Subject:** RE: NCDOT Project U-5108 Section 4(f) Coordination

Good afternoon Lee and Dena,

I wanted to touch base with you regarding the NCDOT STIP Project No. U-5108, Proposed Extension of Northcross Drive in Huntersville and Cornelius, and the anticipated impacts to Section 4(f) resources as described in the previous email. When you get an opportunity, could you please review the attached figures of the old and new designs for the northern most portion of the project which includes impacts to Robbins Park/Westmoreland Regional Park, a Section 4(f) resource? We had previously received the attached letter from you confirming that the impacts to the park would be considered *de minimis*. With the proposed change in design, we want to confirm with you that your previous concurrence still stands. A simple yes email response would be sufficient, an additional signature is not required.

We also would like to coordinate with you in regards to proposed construction activity which will occur along the McDowell Creek Greenway. The project proposes to re-align a portion of the greenway which will pass underneath the proposed bridge along the Northcross Drive Extension. Unfortunately the project team anticipates that the McDowell Creek Greenway will need to be closed at this location during construction of the bridge for approximately six months. For purposes of including a commitment in the environmental document, we would like your input on how you would prefer we proceed. We believe committing to communicate to the public the closure of a portion of the greenway and the timeline associated with it, will be the most effective. We could also designate an alternative route if you would prefer.

Please let us know if you have any questions.

Thanks and have a great rest of the week!

**Colin Frosch, E.I. (WV)** | Transportation Analyst

**Kimley-Horn** | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601

Direct: 919-677-2184 | Mobile: 304-365-1623

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---

**From:** Frosch, Colin

**Sent:** Friday, September 21, 2018 9:55 AM

**To:** [lee.jones@mecklenburgcountync.gov](mailto:lee.jones@mecklenburgcountync.gov); [tfitzsimmons@cornelius.org](mailto:tfitzsimmons@cornelius.org); [agrant@cornelius.org](mailto:agrant@cornelius.org); [dena.diorio@mecklenburgcountync.gov](mailto:dena.diorio@mecklenburgcountync.gov)

**Cc:** Gresham, Teresa <[Teresa.Gresham@kimley-horn.com](mailto:Teresa.Gresham@kimley-horn.com)>; Gibilaro, Carl <[cgibilaro@ncdot.gov](mailto:cgibilaro@ncdot.gov)>; Epperson, Sean M <[smepperson@ncdot.gov](mailto:smepperson@ncdot.gov)>; Spacek, Tony <[Tony.Spacek@kimley-horn.com](mailto:Tony.Spacek@kimley-horn.com)>

**Subject:** NCDOT Project U-5108 Section 4(f) Coordination

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Please contact us if you have any questions.

Thank you!

**Colin Frosch, E.I. (WV)** | Transportation Analyst  
**Kimley-Horn** | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601  
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