



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: August 4, 2023
Comment Deadline: September 4, 2023
Corps Action ID Number: SAW-2021-02316

The Wilmington District, Corps of Engineers (Corps) received an application on July 27, 2023, from Ted Kakambouras, Welcome Venture Park, LLC, seeking Department of the Army authorization to discharge fill material into 0.069 acre of wetlands, 0.024 acre (149 linear feet) of stream channel, and 0.279 acre of open water (a pond) associated with construction of a road crossing and grading necessary to construct an additional phase of the Welcome Venture Park, and referred to by the applicant as Northern Durham Parkway Phase 2, in Durham County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Mr. Ted Kakambouras
Welcome Venture Park, LLC
5858 Westheimer Road Suite 800
Houston, Texas 77057

AGENT (if applicable): Mr. Rick Trone
WithersRavenel
115 MacKenan Drive
Cary, North Carolina 27511

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344)
- ☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

Location Description: The Welcome Venture Park industrial park includes four parcels on approximately 160 acres located approximately three miles north of Interstate Highway 85/US Highway 15 and two miles east of US Highway 501 in northeast Durham County (Figure 1). The project area is a subset of the Welcome Venture Park within two parcels (PIN: 0843-09-55-1980 and 0833-98-68-0826) and includes an alignment that begins at Hamlin Road and runs northwest where it would terminate at the existing CSX railroad located southeast of Old Oxford Road and northwest of Hamlin Road (Figure 2).

Figure 1.

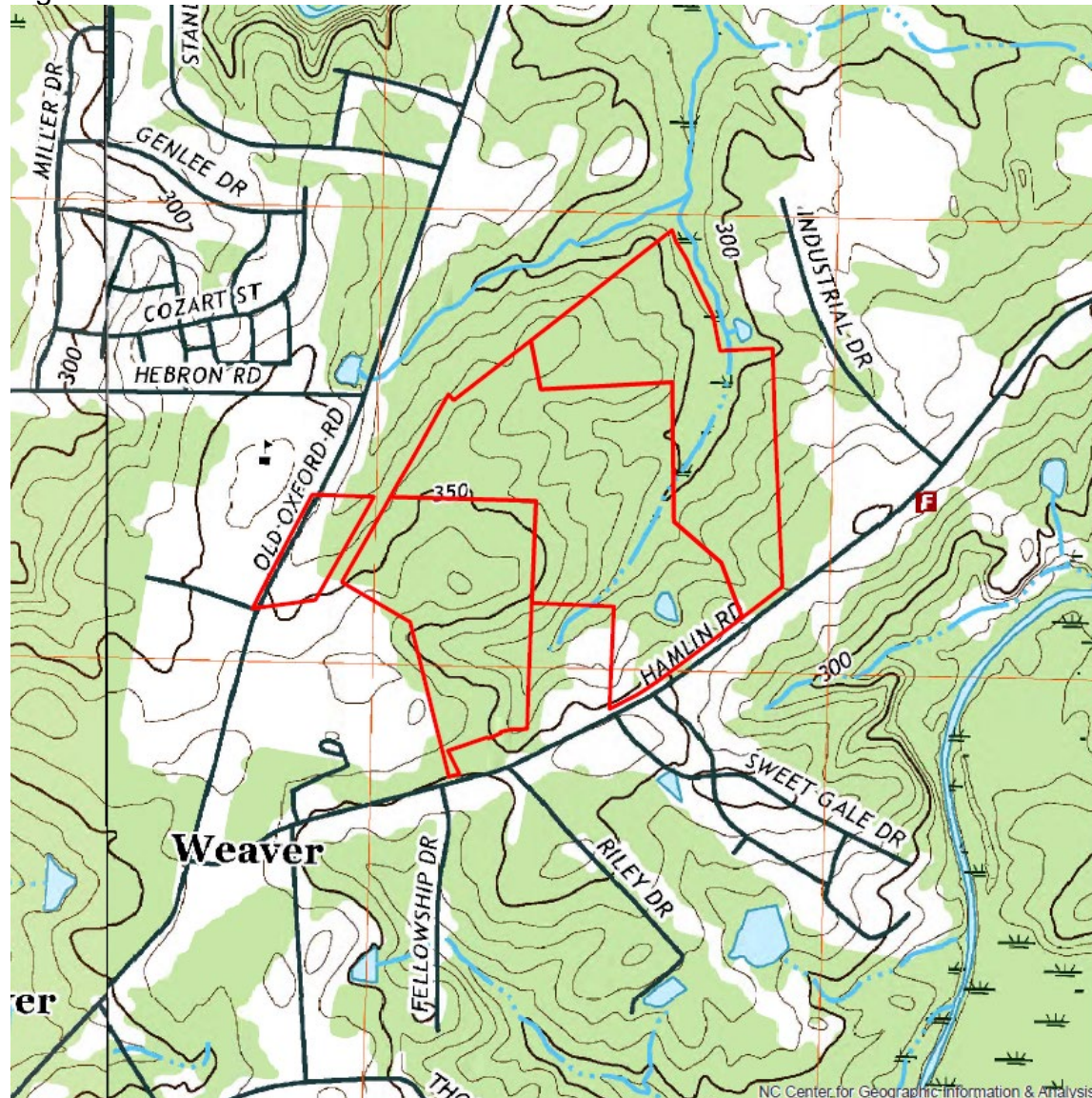
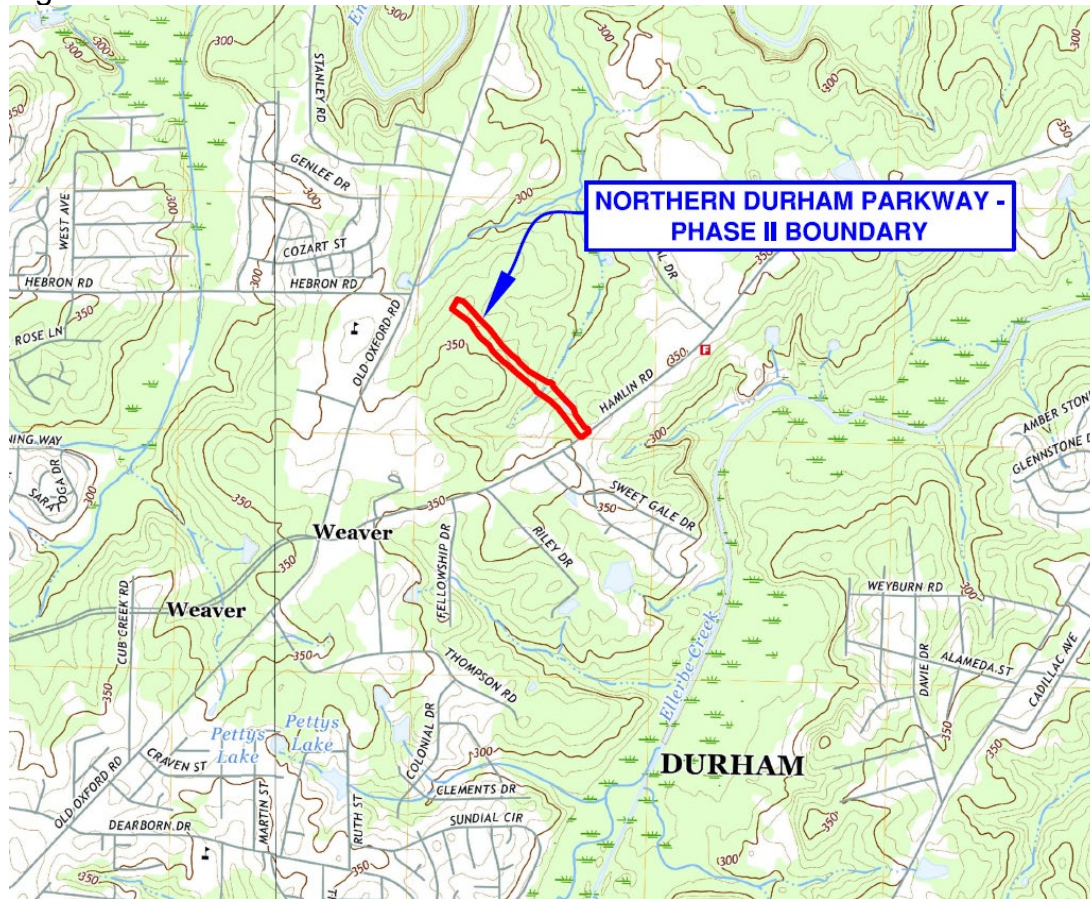


Figure 2.



Project Area (acres): approximately 9
Nearest Town: Durham
Nearest Waterway: Unnamed Tributary to Eno River
River Basin: Neuse
Latitude and Longitude: 36.055084 N, -78.862090 W

Existing Site Conditions

The site was historically used for farming/pasture and forestry/logging and is undeveloped and partially wooded with a mixture of pine-hardwood forest. The site is currently being cleared and timbered in preparation for construction of Phase 1 of the industrial park. A sanitary sewer line is located within the site. General land use in the vicinity consists of both commercial and residential with some agricultural use.

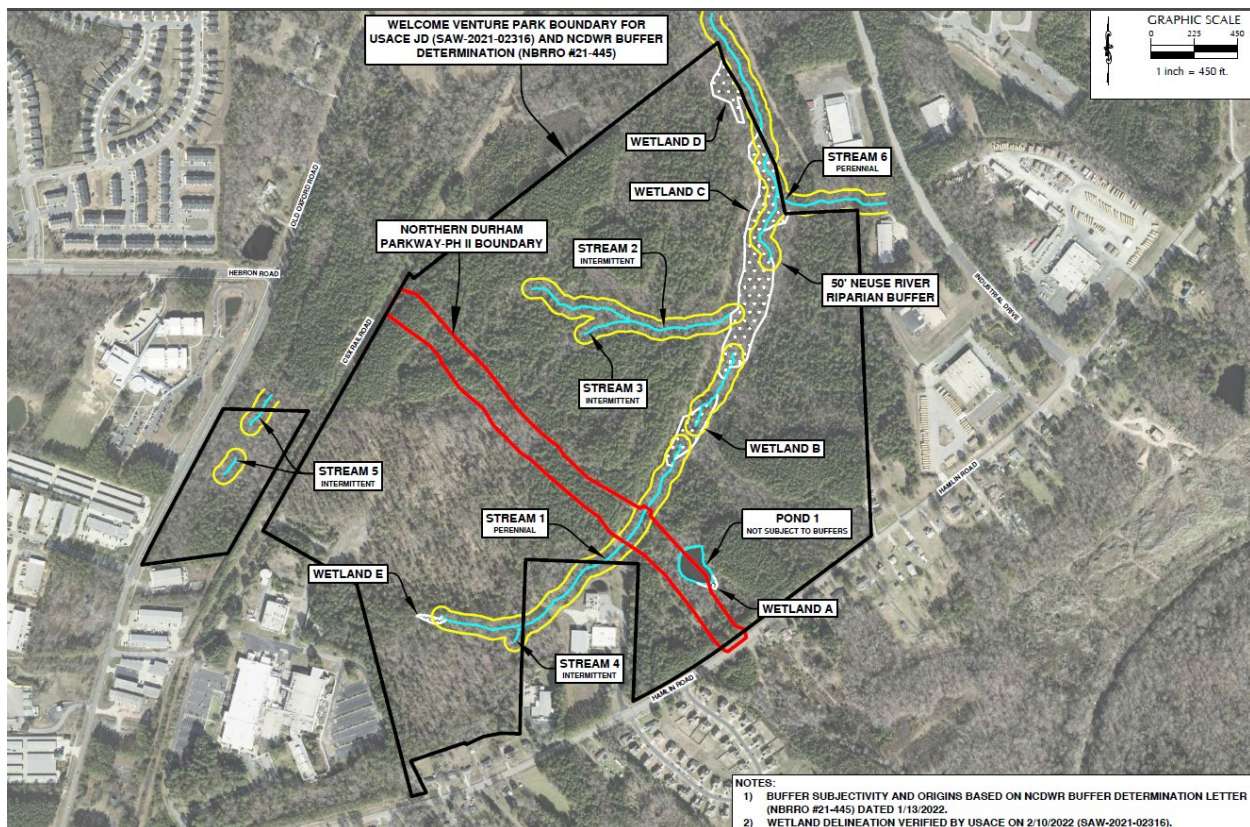
The site is situated in the Piedmont Physiographic Province, consisting of gently rolling hills with side slopes primarily ranging from 10 to 15 percent. Elevations range from 300 to 340 feet above mean sea level. Soils classified within the site include:

- MfB – Mayodan sandy loam – 2 to 6 percent slopes
- MfC – Mayodan sandy loam – 6 to 10 percent slopes

The site is in the Neuse River basin and onsite waters drain to the Eno River. The Water Quality Classification for the Eno River is: WS-IV; NSW and the Stream Index Number is: 27-2-(19.5). The cataloging unit for the site is 03020201.

A FEMA designated 100-year floodplain is present within the project area (FEMA FIRM Panel: 3720084300K; effective October 9, 2018).

The project area contains a portion of one perennial stream (Stream 1), one wetland (Wetland A), and one pond (Pond 1). WithersRavenel (WR) completed a wetland delineation for the Welcome Venture Park project area on September 30, 2021, and submitted a Preliminary Jurisdictional Determination Request to the Corps on October 25, 2021, (SAW-2021-02316), that includes the current project area. The Corps confirmed concurrence with the delineation and Wetland Sketch Map (see below) on February 10, 2022. The project area contains 0.024 acre (159 linear feet) of stream channel, 0.069 acre of wetlands, and 0.279 acre of open water pond.



Applicant's Stated Purpose

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The project purpose, as stated by the applicant, is to construct a road from existing Hamlin Road to provide access to the Welcome Venture Park. The proposed project would provide the primary access from Hamlin Road to the Welcome Venture Park, including developable uplands in the northern portion of the industrial park. Eventually,

the proposed roadway would be part of the future Northern Durham Parkway, which is a component of the Durham - Chapel Hill - Carrboro Comprehensive Transportation Plan evaluated as North Carolina Department of Transportation (NCDOT) State Transportation Project U-4721. Once completed, Northern Durham Parkway would provide an alternate route between Raleigh and Durham. However, the City of Durham has not developed the full design of Northern Durham Parkway nor secured the necessary right of way needed to construct the entire roadway, which would likely take five years or more.

Project Description

Proposed Project Description

The applicant proposes to construct an additional phase of the Welcome Venture Park, referred to by the applicant as Northern Durham Parkway Phase 2 (Project). The Corps is evaluating the Project as an additional phase of the Welcome Venture Park single and complete project. Phase 1 of the Welcome Venture Park was authorized via a Nationwide Permit (NWP) 39 verification issued on November 17, 2022, (Corps Action ID: SAW-2021-02316). The Project has been designed as a two-lane road for access within Welcome Venture Park. However, this section of roadway would be proposed in the future as a four-lane median divided road with public right-of-way (ROW); impacts necessary to expand this section of road would require future permitting by the City of Durham or NCDOT.

The proposed road would extend through an existing pond and wetland and cross a perennial stream. A 10-ft by 10-ft reinforced concrete box culvert is proposed for a single stream crossing of Stream 1. The culvert bottom would be installed a minimum of 12-inches below the streambed to allow for aquatic life passage. A riprap dissipator would be constructed below the downstream end of the culvert to dissipate energy and prevent erosion. During construction, work would be completed “in the dry” by constructing a temporary dam (sheet pile, coffer dam, etc.) around the area, and water would be pumped out of the area during construction. Downstream flow would be maintained by pumping water around the work area during construction. Once construction is complete, the temporary dam would be removed, and the area restored to natural grade and temporarily seeded.

The applicant has provided additional information including an Alternatives Analysis available at <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Impacts have been minimized to only those necessary for a single road crossing to construct the road and access developable uplands. The road has been designed to cross Stream 1 perpendicularly at a straight segment of stream channel. Additionally, wing walls would be used to stabilize

road fill at the culvert rather than traditional backslopes. The dissipator pad downstream of the access road culvert would be constructed such that the riprap matches the pre-construction contours of the natural stream bed, allowing for the passage of aquatic life and preventing a loss of stream function. Upon completion of construction, the temporarily impacted stream channel would be restored to pre-construction conditions and grades, and temporarily stabilized with biodegradable matting and seeded to provide temporary stabilization until natural regeneration of native vegetation permanently stabilizes the stream banks. No matting would be placed in the stream bed.

The Project alignment was designed to match the proposed alignment of Northern Durham Parkway in Durham's future transportation plan. Additionally, the proposed alignment is necessary to avoid existing buildings and homes. To avoid additional stream and buffer impacts on the site, impacts to a small pond and adjacent wetland are unavoidable. Impacts to Pond 1 and the wetland are due to road grading and a portion of the roadway itself. Approximately one-half of the existing pond was authorized to be filled by the NWP 39 verification issued for Welcome Venture Park Phase 1. Construction techniques used to avoid or minimize impacts include installation of erosion and sediment control devices prior to construction activities and construction access occurring from uplands.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Cumulative impacts to aquatic resources for both phases of the Welcome Venture Park would be below the compensatory mitigation thresholds typified in NWP General Condition 23(c) or NWP Regional Condition B.7; as such the applicant does not propose compensatory mitigation for this project.

Essential Fish Habitat (EFH)

The Corps' determination is that the proposed project would not affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- ☒ No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently

requests concurrence from the North Carolina State Historic Preservation Office (SHPO).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- ☒ The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR):

- ☒ The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office
Attention: Stephanie Goss, 401 and Buffer Permitting Branch
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

- ☒ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings

shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, September 4, 2023. Comments should be submitted to Julia Tillery, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at Julia.A.Tillery@usace.army.mil. The Corps Project Manager can be contacted at (919) 440-1951. Comments may also be submitted to RaleighNCREG@usace.army.mil.