



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: January 29, 2025  
Comment Deadline: February 28, 2025  
Corps Action ID Number: SAW-2023-02041

The Wilmington District, Corps of Engineers (Corps) received an application on January 16, 2025, from Helix Ventures, LLC seeking Department of the Army authorization to discharge dredged or fill material into potential waters of the United States, including potential wetlands, associated with the construction of the Helix Innovation Park at the Brickyard, in Sanford, Lee 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:** Jon Keener & Chris Pilz  
Helix Ventures, LLC  
3717 National Drive  
Raleigh, North Carolina 27614

**AGENT (if applicable):** Kate Hefner & Lauren Norris-Heflin  
Timmons Group  
5410 Trinity Road, Suite 102  
Raleigh, North Carolina 27607

## 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 overall project site (Site) is located at 3401, and 3613 Hawkins Avenue, south of the Deep River, north of Cotten Road and east of Iron Furnace Road in Sanford, Lee County, North Carolina. The Site is depicted on Figure 1 below.

Project Area (acres): ~887

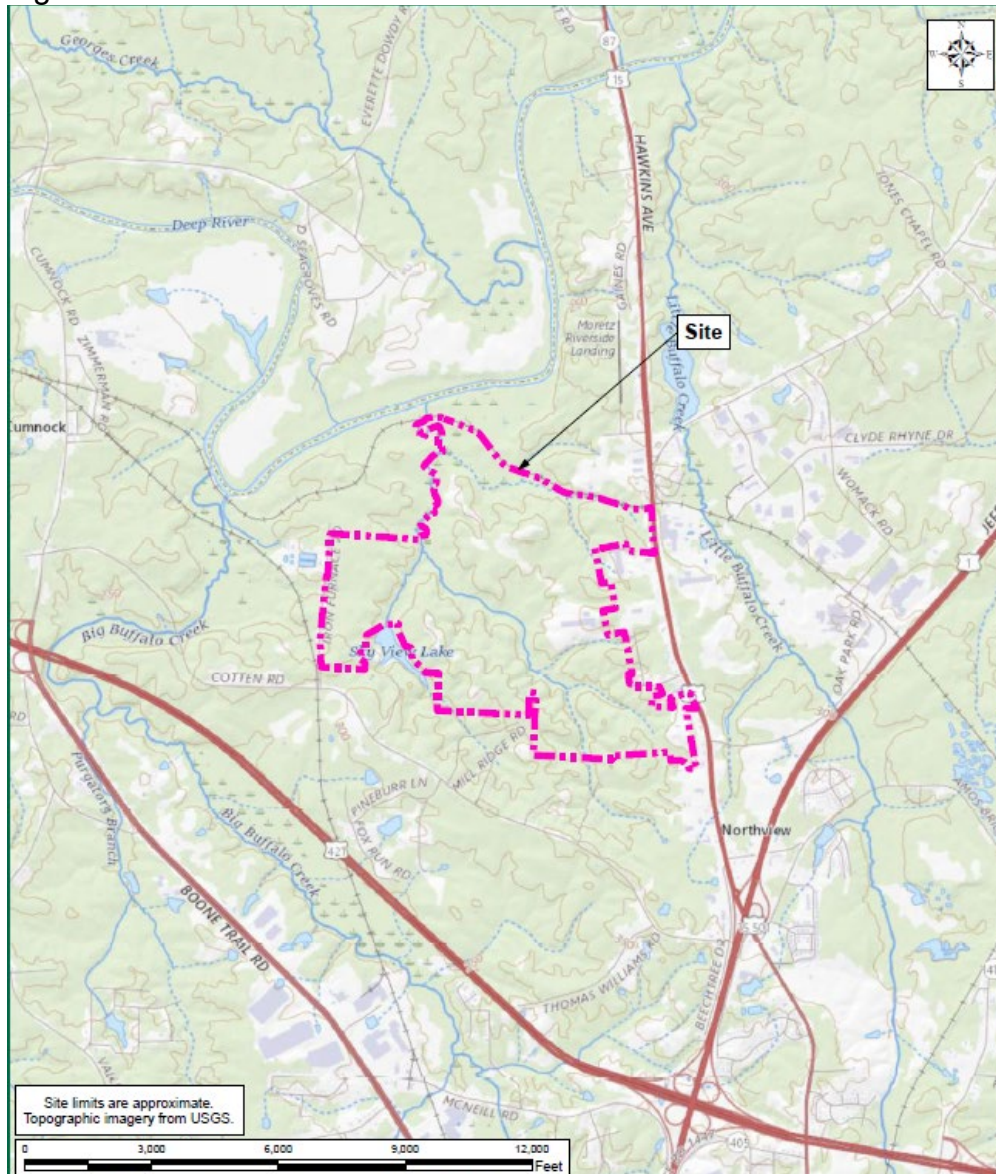
Nearest Town: Sanford

Nearest Waterway: Deep River

River Basin: Cape Fear

Latitude and Longitude: 35.544513 N, 79.202555 W

Figure 1.



## Existing Site Conditions

The Site is located within the Lower Deep River sub-watershed in the Cape Fear River Basin (Hydrologic Unit Code [HUC] 03030003). The Site drains to the Deep River (Stream Index: NC17-(38.7)), which is designated as a Class C water (Aquatic Life, Secondary Contact Recreation, Fresh Water) by the North Carolina Department of Environmental Quality (NCDEQ).

The Site consists of mixed hardwood and pine forested areas, open areas associated with silviculture, earthen roads, open areas associated with recreational use, light industrial areas, and Lee Boulevard. The Site is bounded by Hawkins Avenue and residential and light industrial areas to the east, residential and forested areas to the south, light industrial and forested areas to the West, and a railroad and forested areas to the north.

The mixed pine/hardwood forest community is comprised of a canopy of loblolly pine (*Pinus taeda*), white oak (*Quercus alba*), sweetgum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). This community has relatively open sub-canopy and shrub layers consisting of the same species. There is a sparse understory of herbaceous plants (i.e., plants with little to no persistent above-ground woody stem) and woody vines comprised of Japanese stilt grass (*Microstegium vimineum*), greenbrier (*Smilax rotundifolia*), and muscadine (*Vitis rotundifolia*).

Based on information obtained from the United State Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey for Wake County, the Soils within the Site are comprised of 7 soil series summarized in Table 1 below.

Table 1.

Map Unit Symbol	Map Unit Name
Ch	Chewacla silt loam, 0 to 2 percent slopes, frequently flooded
Cp	Congaree silt loam, 0 to 2 percent slopes, frequently flooded
MfB	Mayodan fine sandy loam, 2 to 8 percent slopes
MfD	Mayodan fine sandy loam, 8 to 15 percent slopes
PfB	Pinkston silt loam, 2 to 8 percent slopes
PfD	Pinkston silt loam, 8 to 15 percent slopes
PfF	Pinkston silt loam, 15 to 40 percent slopes

Approved Jurisdictional Determination and Preliminary Jurisdictional Determination requests were submitted to the Corps on October 23, 2023. The Site is described by the

applicant as containing thirty-two (32) potential non-wetland waters (streams), twenty-six (26) potential wetland waters (wetlands), one (1) potential non-wetland water (open water), and three (3) potentially non-jurisdictional waters (ponds constructed within uplands). A site visit to review the lateral limits of potential wetland and non-wetland waters was performed by the Corps on February 8, 2024. The Jurisdictional Determinations have not yet been issued.

Wetland hydrology indicators such as high water table, saturated soil, sediment deposits, and water-stained leaves were observed within wetlands. Soils within wetlands at the data form locations consisted of matrices of chroma 1 and 2 loamy/clayey soils with prominent redox concentrations, indicating a depleted matrix hydric soil indicator.

The wetland communities along the second and third order streams can be characterized as Bottomland Hardwood Forests that are dominated by plant species such as green ash (*Fraxinus pennsylvanica*), American sycamore (*Platanus occidentalis*), red maple, oaks (*Quercus spp.*), American hornbeam (*Carpinus caroliniana*), Chinese privet (*Ligustrum sinense*), sweetgum, shallow sedge (*Carex lurida*), lizards tail (*Saururus cernuus*), greenbrier, muscadine, and Japanese honeysuckle (*Lonicera japonica*) within the canopy and understory layers.

The wetland communities throughout the remaining portions of the Site can be characterized as Headwater Forests that are dominated by species such as sweetgum, American hornbeam, green ash, loblolly pine, red maple, oaks, black willow (*Salix nigra*), mockernut hickory (*Carya tomentosa*), winged elm (*Ulmus alata*), duck-potato (*Sagittaria latifolia*), netted chain fern (*Woodwardia areolata*), southern lady fern (*Athyrium asplenoides*), eastern poison ivy (*Toxicodendron radicans*), Virginia creeper (*Parthenocissus quinquefolia*), and Japanese stilt grass in the canopy and understory layers.

### **Applicant's Stated Purpose**

The basic project purpose as described by the applicant is to facilitate the construction of pharmaceutical and biotechnology facilities as part of the proposed "Helix Innovation Park at the Brickyard" industrial park in Sanford, North Carolina, as well as associated roadway infrastructure and utilities.

The overall project purpose as stated by the applicant is to meet the requirements of the surrounding life science and advanced manufacturing industries, offer features and infrastructure needed by companies in the region, and have the ability to fulfill their future expansion needs. The applicant stated that the associated roadway would improve the existing public transportation network for the area, facilitate the expansion of the wastewater treatment plant to support communities throughout the region, and provide access to currently inaccessible industrial development land. The proposed project calls for the development of the 887-acre property in order to meet the current

and future needs of the client's intention to provide a ready-made facility for multiple end users.

## **Project Description**

To achieve the stated purpose of the project, the applicant is proposing the construction of an industrial park and associated roadways and utilities, consisting of five (5) phases (Project). At the completion of all phases, the Project would consist of 20-30 buildings ranging from 25,000 to 250,000+ square foot (sq. ft.) areas. The proposed buildings would be for advanced manufacturing and support services associated with the manufacturing operations. Additionally, park amenities, including green space, natural preservation areas, and retail space would be constructed. The Project would include connection to public water and sanitary sewer utilities. Sanitary sewer would tie into an existing sewer line that would connect to the wastewater treatment facility directly west of the Site.

The Project would result in the permanent discharge of dredged or fill material into a total of 0.249 acre (ac) (2,080 linear feet [lf]) of stream channel and 0.120 ac of riparian non-riverine wetlands. The permanent discharge of dredged or fill material within wetlands and stream channels are associated with culvert installation, grading, and road fill required for the road crossings. Additionally, the Project would result in the temporary discharge of dredged or fill material within 0.002 ac (20 lf) of stream channel and 0.002 ac of wetlands for construction buffers. The Project would also result in the permanent discharge of fill material resulting in no-net-loss of 0.005 ac of stream channel for rip rap bank stabilization.

## **Avoidance and Minimization**

The Applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The applicant proposes to avoid and minimize impacts to potentially jurisdictional features to the maximum extent practicable by incorporating resourceful site planning, including utilization of the wetland/stream delineation to adjust the layout of the Site design.

The proposed feature crossings would use headwalls where possible, would be designed to avoid stream confluences and are proposed to use the straightest section of stream possible while taking into consideration traffic requirements and available land. Impacts to potentially jurisdictional features were further minimized during design by eliminating medians and sidewalks on one side of the road at crossing locations.

Additionally, the applicant is proposing voluntary riparian buffers to be implemented for the Project. The voluntary riparian buffers would consist of 100 feet (ft) buffers on all portions of stream located within 1,000-meters (m) of the Deep River and 50 ft buffers

along all other perennial and intermittent streams within the Federal Emergency Management Agency (FEMA) 100-year floodplain (Zone A). The buffers, along with other minimization plans would allow for more than 35-ac within the northern portion of the larger park, in proximity to the Deep River, to remain undeveloped. The buffer would include a double row of silt fence in impact areas in the immediate vicinity of the 100-year floodplain, citing silt fence outlets at least 50-ft from the top of bank of any stream within the 100-year floodplain, off-setting silt fence outlets for each row to provide additional retention of water and sediment in the outer row, designing stormwater systems to attenuate the 1-100-year storm, and designing the discharge outlet from stormwater infrastructure to avoid stream buffers.

Sedimentation and erosion control methods would be utilized during all phases of construction and installation as described in accordance with the requirements of the North Carolina Department of Environment and Natural Resources: Erosion Control Planning and Design Manual (May 2013) and local codes. All work would take place during dry conditions and would be facilitated from high, non-jurisdictional, stable ground. The contractor would install silt fence, inlet protection, sediment traps, division ditches, temporary coffer dams, tree protection, and clearing only as necessary to install devices. All erosion and sediment control measures would be checked for stability and operation following every runoff producing rainfall, but in no case less than once every week. Any needed repairs would be made immediately to maintain all measures designed. An erosion control inspections report is required and would be kept by the owner's representative.

Temporary seeding and permanent seeding plans were included to restore impacted areas. The Project would be required meet all relative Best Management Practices and Engineered Stormwater Control Structures as outlined through State and Local Stormwater Rules. Measures would be taken to prevent oil, tar, trash, debris, and other pollutants from entering adjacent jurisdictional features. Any excess excavated materials not utilized as back fill would be placed and contained within upland areas and permanently stabilized to prevent erosion into adjacent potentially jurisdictional features.

Stockpiling of excavated material within potentially jurisdictional waters would be prohibited as part of the construction of the Project. All project construction activities initiated within potentially jurisdictional waters would be carried to completion in an expeditious manner to minimize the period of disturbance.

### **Compensatory Mitigation**

The Applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Compensatory mitigation is proposed through the purchase of offsite mitigation credits from mitigation banks authorized to service the Site. All impacts would be mitigated at a 2:1 ratio. At this time, mitigation is only proposed for the 377 lf (754 credits) of permanent stream impacts associated with Phase 1 (Impacts 1A and 3A). The applicant

proposes a phased mitigation approach, providing mitigation for each impact prior to construction.

Based on preliminary calculations, it is anticipated impacts 4-14 would result in an additional 1,703 lf of stream loss, which would require mitigation at a 2:1 ratio (3,406 credits). Compensatory mitigation for wetland loss is not proposed. Compensatory mitigation for wetland loss may be required if cumulative wetland loss exceeds 0.10 ac or the threshold at the time of any modification.

### **Essential Fish Habitat (EFH)**

The Corps' determination is that the proposed project would not effect 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 SHPO and/or THPO.

The applicant conducted an archaeological survey of the property and submitted the findings to the State Historic Preservation Office (SHPO) via letter on November 15, 2023, stating that no areas of high archaeological potential were noted during the survey. In a letter dated January 12, 2024, the SHPO stated that there were no properties eligible for listing in the National Register of Historic Places (NRHP) and concurred that no further archaeological work was necessary in the proposed project area.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, 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:

- ☒ For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat: May Affect, Not Likely To Adversely Affect

☒ By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

The Applicant included the following effect determinations (presented in Table 2 below) for federally listed species within the Site according to the U.S. Fish & Wildlife Service (Service) Information for Planning and Consultation (IPaC).

Table 2

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Notropis mekistocholas</i>	Cape Fear Shiner	Endangered	Yes	May Affect, Not Likely to Adversely Affect
<i>Ptilimnium nodosum</i>	Harperella	Endangered	Yes	May Affect, Not Likely to Adversely Affect

The applicant provided the above biological conclusions to the Service via letter on September 13, 2023. The Service concurred with the above biological conclusions in a letter dated October 23, 2023.

Additionally, the Service recommended riparian stream buffers (see Avoidance and Minimization section above) to minimize potential impacts to the Cape Fear Shiner.

### 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](mailto: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, February 28, 2025. Comments should be submitted to Caitlin Westerfield, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at [Caitlin.s.westerfield@usace.army.mil](mailto:Caitlin.s.westerfield@usace.army.mil). The Corps Project Manager can be contacted at (919) 430-3690. Comments may also be submitted to [RaleighNCREG@usace.army.mil](mailto:RaleighNCREG@usace.army.mil).