

**11.17.2022**

**To:** City of Raleigh  
ATTN: Bradley Kimbrell

**From:** Michael Vampran, RLA; McAdams

**RE:** Project 540 North & Capital Blvd  
Comprehensive Transportation Plan & Environmental Permitting  
PIN 1727742742 & 1727838941

The two parcels with PINs 1727742742 and 1727838941, located at the intersection of 540 North and Capital Blvd were recently rezoned to CX-5-CU. In conjunction with the rezoning, a Comprehensive Transportation Plan Amendment was approved to change Triangle Town Blvd extension from a previously planned Avenue 4-Lane Divided Road section to an Avenue 2-Lane Divided Road section, and to remove a Neighborhood Street connection crossing Perry Creek and the stream's associated floodway and non-encroachment area.

The Comprehensive Transportation Plan requires an extension of Triangle Town Blvd from the intersection of I-540 to Capital Blvd, and a frontage road to run north parallel with Capital Blvd. These Comprehensive roads collectively necessitate impacts to jurisdictional streams near Capital Blvd, and the crossing of Perry Creek.

It is the intent of the project team to petition the City of Raleigh to be the applicant on a "Nationwide Permit 14 Linear Transportation Project" for the comprehensive plan roads, and for the project team to be the applicant for any additional stream or wetland impacts associated with the development via a Nationwide Permit. The project team intends to submit all necessary environmental permitting documentation, take on all liability for the road construction and environmental permitting, and take on all regulatory coordination and mitigation requirements associated with stream and wetland impacts.

1. If the City of Raleigh is willing to be the applicant for the Comprehensive Plan Road improvements, the project team would most likely be eligible to submit other stream and wetland impacts associated with residential uses as a Nationwide Permit, vs an Individual Permit (pending USACE review and approval of this approach).

An Individual Permit has a significant delay on the project entitlement schedule, resulting in longer review times and longer times for residential uses to be available on the open market.

- > A Nationwide Permit takes approximately 2 – 4 months once the application is submitted, as long as there are no major concerns with avoidance/minimization or public controversy.
- > An Individual Permit takes approximately 6 months to 1.5 years and is a difficult application preparation process that includes a lot of information that a Nationwide Permit does not. An IP would delay the project by approximately 2 months to 1 year.

2. The City of Raleigh would be the applicant on a Nationwide 14 Linear Transportation project.
  - > The project team would submit two separate applications for stream and wetland impacts, one associated with the Comprehensive Plan Roads and one for any additional stream and wetland impacts proposed by the residential uses.
  - > If USACE agrees to permit them as separate impacts, then the applications would be two separate sets of maps, exhibits and applications.
3. Has the project team worked on a project where Raleigh was the applicant?
  - > S&EC (the environmental consultant) has previously worked with Tansy Hayward, with the City of Raleigh being the applicant on a commercial project where Raleigh was the applicant for a linear transportation project that involved a street extension.
4. How does Raleigh screen themselves from liability?
  - > Indemnification is not covered under USACE applications and would be an agreement that the developers would need to work on with the City. It is typically called an Indemnification Agreement. If the Corps agrees to separate, then the City would be the permittee for the road portion of the project, which includes any compensatory mitigation requirements and any risk associated with construction mishaps. A legal agreement would ensure the developers bear all responsibility for compensatory mitigation and construction mishaps.

Kind Regards,  
Michael Vampran, RLA; McAdams