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FORSYTH COUNTY, NORTH CAROLINA

MEMORANDUM

TO: Aaron King, Assistant City Manager
FROM: Damon Sanders-Pratt, Deputy County Manager
RE: Brushy Fork Creek Post Remediation Work Maintenance
DATE: January 3, 2024

In response to City Council questions on post-Brushy Fork Creek remediation work maintenance, Airport Director, Mark Davidson, and I spoke to North Carolina Land & Water Fund Executive Director, Will Summer, and Restoration Project Manager, Steve Bevington. They offered a summary of how maintenance agreements work on remediation projects like at Brushy Fork Creek.

COUNTY PROPERTY MAINTENANCE

The County will enter a deed restriction on its own property whereby it agrees to comply with best management practices for maintenance of County-owned property within the boundaries of the corresponding easement area. This deed restriction is attached to the property even if there is a change in ownership.

PRIVATE PROPERTY MAINTENANCE

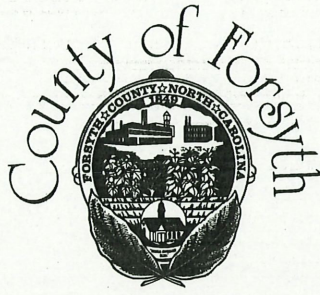
Private landowners who agree to participate in the Brushy Fork Creek remediation/restoration project will be required to enter a permanent conservation easement with Forsyth County. Similar to the deed restriction entered into by the County, property owners are agreeing to follow best management practices for property within the boundaries of the corresponding easement area. (This basically means, property owners may not remove trees, vegetation, riprap, or other devices used to preserve the integrity of the remediation work.)

REMEDICATION WORK INSPECTION

In summary, the County would enter deed restrictions on its impacted properties and hold the permanent conservation easements for the private properties involved. *(The State of North Carolina would be a 3rd party on the permanent conservation easements.)* The local North Carolina Soil & Water Conservation Office would provide annual review of the remediation work to confirm compliance.

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The North Carolina Land & Water Fund staff noted that after the remediation work, and plantings are established for approximately a year, a properly designed project will be able to withstand the existing hydrology.

Per the North Carolina Land & Water Fund staff, when impacted properties comply with deed restrictions and conservation easements, property owners are expected to have uninterrupted "quiet enjoyment" of their property. The remediation work should accommodate the existing hydrology in "perpetuity."