



**EASEMENT ENCROACHMENT AGREEMENT &
PERMANENT MAINTENANCE EASEMENT FOR
BANDERA FARMS PARK**

Parcel # 149515 and # 149332

Prepared by and return to:
Justin Snyder
Town of Summerfield
PO Box 970
Summerfield, NC 27358

**STATE OF NORTH CAROLINA
COUNTY OF GUILFORD**

THIS EASEMENT ENCROACHMENT AGREEMENT FOR BANDERA FARMS PARK (this "Agreement") is made as of this 16th day of January, 2026, by **GUILFORD COUNTY**, a North Carolina body politic and corporate organized under the laws of North Carolina (the "Grantor") to **TOWN OF SUMMERFIELD**, a North Carolina body politic and corporate (the organized under the laws of North Carolina "Grantee").

STATEMENT OF BACKGROUND

WHEREAS, Grantee owns that certain real property described in Deed Book 8636, Pages 1010-14, Office of the Register of Deeds of Guilford County, and located at 5448 and 5366 A Bunch Road, Summerfield, Guilford County, North Carolina, being further identified as Guilford County Parcel(s) Identification Number 149515 and 149332 (the "Grantee's Tract"); and

WHEREAS, Grantor holds an Open Space Easement and Right of Way (“Easement”) over a portion of Grantee’s Tract, with said easement and purpose being described in Deed Book 8378, Pages 150-60, Office of the Register of Deeds of Guilford County; and

WHEREAS, included in the Easement is a Watershed Protection Easement consisting of Three Hundred and Twenty-Five (325) feet in the northern boundary within Grantee’s Tract that is restricted from being developed without written approval of the County;

WHEREAS, Grantee has applied to the U.S. Army Corp of Engineers under Permit SAW-2021-02015 and North Carolina’s Division of Water Resources under Permit DWR#20251137 for approval to do site improvements within the Watershed Protection Easement area;

WHEREAS, Grantee has requested that Grantor authorize Grantee to encroach into the Watershed Protection Easement for the purpose of grading and installation of improvements (hereinafter “Improvements”) on Grantee’s Tract as described in **Exhibit A**, attached hereto, in accordance with the terms and conditions set forth herein;

WHEREAS, Grantee has requested that Grantor grant a temporary construction and permanent maintenance easement for the purpose of grading, installation, and perpetual maintenance of improvements on Grantee’s Tract within the Grantor’s watershed protection easement in accordance with the terms and conditions set forth herein;

WHEREAS, Grantor and Grantee agree that this Agreement shall not prevent, modify, interfere with or limit the existing Greenway Trail Easement that has been recorded in Deed Book 8378, Pages 150-60, Office of the Register of Deeds of Guilford County; and

WHEREAS, this Agreement has been approved by the governing boards of Grantor and Grantee, in accordance with N.C.G.S. § 160A-274.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Watershed Protection Easement Encroachment. Grantor hereby grants and conveys to Grantee the right to encroach into the Watershed Protection Easement for the limited purpose of grading and installation of Improvements on Grantee’s Tract as described in **Exhibit A** as have been approved by the Grantor.

2. Location of Encroachment. The encroachment is described and shown in the location on **Exhibit A**, attached hereto.

3. Grant of Temporary Construction Easement. Grantor hereby grants and conveys to Grantee a temporary, non-exclusive construction easement (the “Construction Easement”) over and upon Grantee’s Tract within an area and width of the Grantor’s Watershed Protection Easement, as shown on **Exhibit A** attached hereto to the extent authorized under the U.S. Army Corp of Engineers Permit SAW-2021-02015 and North Carolina’s Division of Water Resources under Permit DWR#20251137. The Construction Easement shall be for the purpose of moving and storing construction materials, access by vehicles and all

other activities necessary or appropriate in connection with the installation of the Improvements described in **Exhibit A**. The foregoing Temporary Construction Easement shall terminate upon the final completion of the installation of the improvements.

4. Grant of Permanent Maintenance Easement. Grantor hereby grants and conveys to Grantee a permanent, non-exclusive Maintenance Easement (the "Maintenance Easement") over and upon Grantee's Tract within an area and width of the Grantor's Watershed Protection Easement, as shown on **Exhibit A** attached hereto to the extent that said maintenance remains consistent with Exhibit A and the U.S. Army Corp of Engineers under Permit SAW-2021-02015 and North Carolina's Division of Water Resources Permit DWR#20251137. The Maintenance Easement shall be for the purpose of perpetual maintenance and upkeep of all installed improvements as described in **Exhibit A**, and for no other purposes.

5. Greenway Trail Easement. Grantor and Grantee acknowledge that the Grantor's intent is to develop a greenway path or trail upon Grantee's Tract and agree that this Agreement does not in any way affect or compromise the Greenway Trail Easement.

6. Indemnification. Grantee agrees to defend and indemnify, at Grantee's own cost and expense (without prejudice to the right of Grantor to defend at the reasonable expense of the Grantee if the Grantor elects), Grantor and its commissioners, agents, employees, and representatives from and against any and all claims, suits, actions or proceedings arising out of the construction, maintenance, presence, and/or repair of the Improvements, including but not limited to all attorney's fees and other costs of defense thereto.

7. Grantor's Ownership. The Grantor makes no warranty, express or implied, as to the title to the Grantee's Tract, including the land to be occupied by the Construction Easement and Maintenance Easement.

8. Counterparts. This Agreement may be executed by the parties hereto in multiple counterparts with the same effect as if all parties hereto had signed the same document. All counterparts shall be construed as and shall constitute one and the same agreement.

9. Miscellaneous. This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina. The rights and obligations herein shall run with the Grantor's Tract and Grantee's Tract, and shall be binding upon Grantor, Grantee and their respective successors and assigns. This Agreement may not be modified except by written agreement signed by both parties. This Agreement shall be recorded in the Office of the Register of Deeds of Guilford County.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

[SIGNATURES BEGIN ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal as of the date and year first above written.

**GUILFORD COUNTY
GRANTOR**

Signature:

Attestation:

Victor Isler Date
Guilford County Manager

Robin B. Keller Date
Guilford County Clerk to Board

(Corporate Seal)

Notarial Acknowledgement:

I, _____, Notary Public in the County of _____, certify that Robin Keller personally came before me this day and acknowledged that she is the appointed Clerk to Board of Guilford County Government, and that by authority duly given and as the act of the body politic, the foregoing instrument was signed in its name by its County Manager, Victor Isler, sealed with its corporate seal, and attested by herself as its Clerk to Board.

Witness my hand and official seal, this the _____ day of _____,

(Notary Seal)

Eric Hilton
Guilford County Facilities Director

[SIGNATURES CONTINUE ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal as of the date and year first above written.

GRANTEE:
TOWN OF SUMMERFIELD

Signature

Attestation:

Charles Rollins Date 12/10/2025
Charles Rollins
Town Manager

Jennifer Kelley Date 12/10/2025
Name: Jennifer Kelley
Title Finance Officer

(Corporate Seal)



Notarial Acknowledgement:

STATE OF NORTH CAROLINA
COUNTY OF _____

I, Jeanette Lynn Dockery Notary Public in the Town of Summerfield, certify that the following person Charles Rollins personally appeared before me this day and acknowledging to me that he/she is the appointed Town Manager of Town of Summerfield, and that by authority duly given as the act of the body politic and corporate, the foregoing instrument was signed in the name by its Town Manager, Charles Rollins, sealed with its corporate seal, and attested by himself/herself as its

Witness my hand and official seal, this the 10th day of December.

(Official Seal)

My commission expires: April 6, 2030

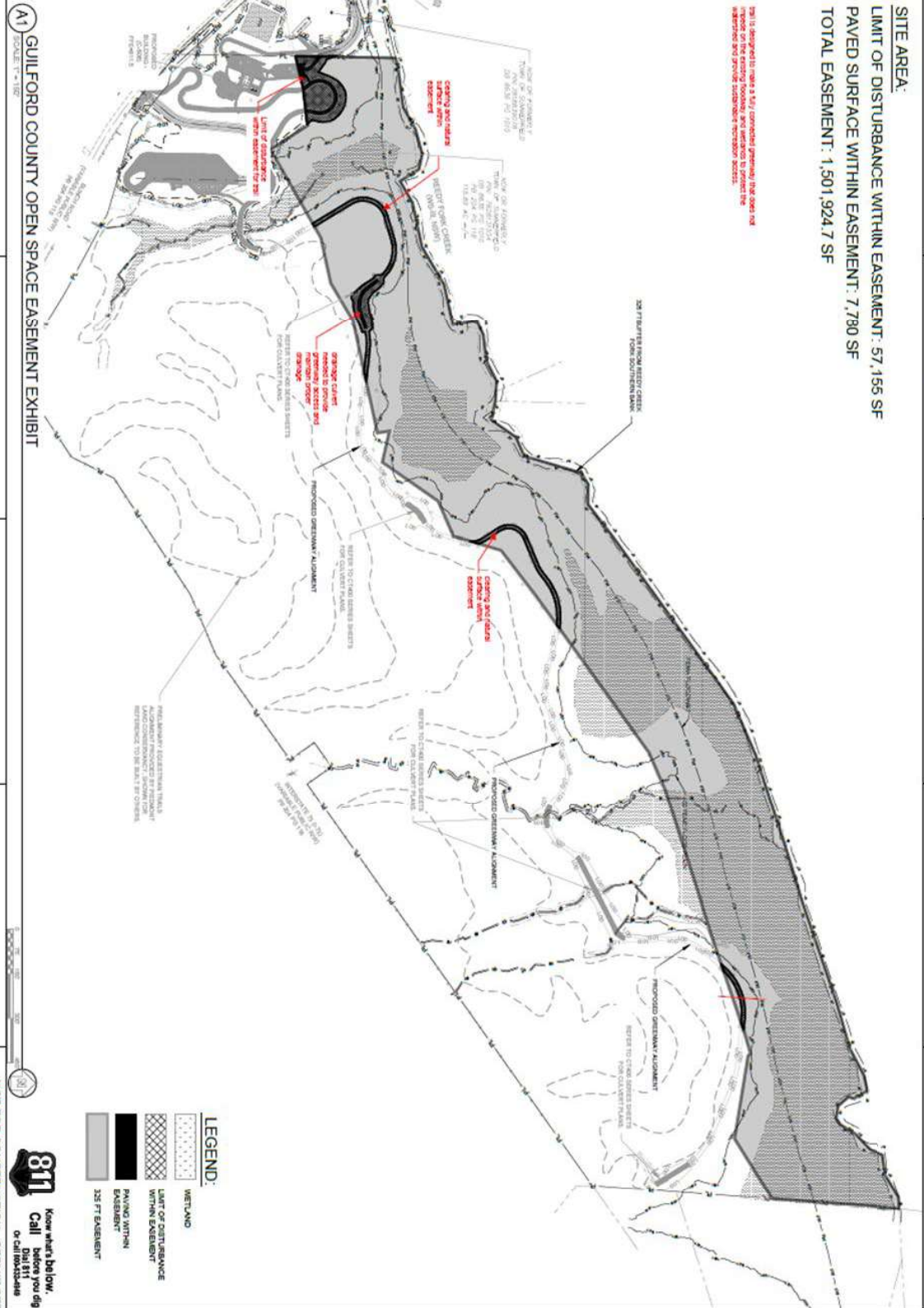
JEANETTE LYNN DOCKERY
NOTARY PUBLIC
Guilford County
North Carolina
My Commission Expires April 6, 2030

EXHIBIT A

FILE PATH: X:\FY2019\20060007 CAD\DWG\2019\0007_EXHIBIT_PLOT.DWG PLOTTED BY: HERBELL, ERICA DATE: 6/30/20

SITE AREA:
LIMIT OF DISTURBANCE WITHIN EASEMENT: 57,156 SF
PAVED SURFACE WITHIN EASEMENT: 7,790 SF
TOTAL EASEMENT: 1,501,924.7 SF

This is designed to create a fully landscaped area, that does not include the existing building and setbacks to protect the watershed and provide additional recreation access.



GUILFORD COUNTY OPEN SPACE EASEMENT EXHIBIT
SCALE: 1" = 100'

LEGEND:

- WETLAND
- LIMIT OF DISTURBANCE WITHIN EASEMENT
- PAVED WITHIN EASEMENT
- 325 FT EASEMENT

811 Know where below. Call before you dig or call 811-444

NOT FOR CONSTRUCTION - PERMIT SET

POND
4100 Davidson Street
Charlotte, NC 28213
704.375.1234
www.pond.com

CLIENT INFORMATION
BANDERA FARMS PARK
5445 BUNCH RD
SUMMITFIELD, NC 27158

DRAWING SHEET
SHEET NUMBER: 1
DATE: 6/30/20
DRAWN BY: [Name]
CHECKED BY: [Name]
DESIGNED BY: [Name]
PROJECT #

SITE PLAN
SHEET TITLE

JOSH STEIN
Governor
D. REID WILSON
Secretary
RICHARD E. ROGERS, JR.
Director



November 17, 2025

DWR #20251137
Guilford County

Town of Summerfield
Attn: Justin Snyder
4117 Oak Ridge Road
Summerfield, NC 27358

Delivered via email to: planningdir@summerfieldnc.gov

Subject: Approval of Individual 401 Water Quality Certification
Bandera Farms Park
USACE Action ID. No. SAW-2021-02015

Location: 36.173826, -79.944929
5448 Bunch Road, Summerfield, NC

Dear Mr. Snyder:

Attached hereto is a copy of Certification No. WQC008468 issued to Justin Snyder and Town of Summerfield, dated November 17, 2025. This approval is for the purpose and design described in your application.

This Water Quality Certification does not relieve the Permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

Upon the presentation of proper credentials, the N.C. Division of Water Resources (DWR) may inspect the property.

This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Water Quality Certification for the project and may also result in criminal and/or civil penalties.



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336.776.9800

This approval and its conditions are final and binding unless contested [G.S. 143-215.5].

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) within sixty (60) calendar days. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

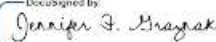
A party filing a Petition must serve a copy of the Petition on:

Dan Hirschman, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

If the party filing the Petition is not the Permittee, then the party must also serve the recipient of the Certification in accordance with N.C.G.S. 150B-23(a).

This letter completes DWR's review under Section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Seren Homer at 336-776-9698 or seren.homer@deq.nc.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:

DEQ20250120 10:04:50

Jennifer F. Graznak
Assistant Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources, NCDEQ – WSRO

Electronic cc: Lucy Beck, Pond & Company
Charles Rollins, Summerfield Town Manager
Alexi Archer, USACE SAD Technical Regional Execution Center
Lyle Phillips, USACE Raleigh Regulatory Field Office
Olivia Munzer, NC Wildlife Resources Commission
DWR 401 & Buffer Permitting Branch Electronic File



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NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

CERTIFICATION #WQC008468 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina's Regulations in 15 NCAC 02H .0500 and 15A NCAC 02B .0200, within the Reasonable Period of Time pursuant to 40 CFR Part 121.6, to Justin Snyder and Town of Summerfield, who have authorization for the impacts listed below, as described within your application received by the N.C. Division of Water Resources (DWR or Division) on August 28, 2025 and subsequent information received on October 21, 2025, and by Public Notice issued by the Division on August 28, 2025.

The State of North Carolina certifies that this activity will comply with water quality requirements and the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

The following impacts are hereby approved. No other impacts are approved, including incidental impacts [15A NCAC 02H .0506(b)].

Site / Feature ID	Type of Impact	Amount Approved Permanent	Amount Approved Temporary	Mitigation Amount Required
Perennial Streams				
S1 / Stream PS 2	Dewatering	0 linear feet	10 linear feet	0 credits
S2 / Stream PS 2	Rip Rap	32 linear feet	0 linear feet	0 credits
S3 / Stream PS 2	Culvert	9 linear feet	0 linear feet	0 credits
S4 / Stream PS 7	Dewatering	0 linear feet	14 linear feet	0 credits
S5 / Stream PS 7	Rip Rap	30 linear feet	0 linear feet	0 credits
S6 / Stream PS 7	Culvert	48 linear feet	0 linear feet	0 credits
	Totals:	119 linear feet	24 linear feet	0 credits
Intermittent Streams				
S7 / Stream IS 8	Dewatering	0 linear feet	6 linear feet	0 credits
S8 / Stream IS 9	Dewatering	0 linear feet	10 linear feet	0 credits
S9 / Stream IS 9	Rip Rap	27 linear feet	0 linear feet	0 credits
S10 / Stream IS 9	Culvert	31 linear feet	0 linear feet	0 credits
	Totals:	58 linear feet	16 linear feet	0 credits
Riparian Wetlands				
W1 / Wetland WL4	Culvert (Trail crossing)	0.063 acres	0 acres	0 credits
W2 / Wetland WL4	Clearing/Grading	0 acres	0.032 acres	0 credits
	Totals:	0.063 acres	0.032 acres	0 credits

This approval requires you to follow the conditions listed in the certification below.



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CONDITIONS OF CERTIFICATION [15A NCAC 02H .0507(c)]:

1. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division, and you may be required to submit a new application package with the appropriate fee.

If the property is sold, the Permittee shall provide the new owner with a copy of this Water Quality Certification and all plans and specifications incorporated by reference. The Permittee may transfer this Water Quality Certification to the new owner by submitting a letter to the Division with the following statement: *"At the time the property is transferred, the terms and conditions of this 401 Individual Water Quality Certification, including the responsibility to ensure compliance, are binding on the new owner(s) of the property."* The letter shall be signed and dated by both the transferee and the new owner.

Citation: 15A NCAC 02H .0507(d)(2)

2. Any final construction plans for this project must include or reference the application and plans approved by the Division under this authorization letter and certification. The applicant will also be required to evaluate all acquired permits to ensure that they are consistent, and all relative impacts are accounted for and shown on the construction plans. Any additional impacts to streams and/or wetlands within the project may be considered cumulative to impacts approved in this Certification and may require a modification of this 401 Water Quality Certification approval.

Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)

3. If the Permittee becomes aware of any inability to comply with any of the conditions of this Water Quality Certification, they must notify the DWR Winston-Salem Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the Permittee becomes aware of the circumstances. The Permittee may be required to submit a new application package with appropriate fee to initiate modification of this authorization, and/or to conduct corrective actions as determined by the Division.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

4. The Permittee shall report to the DWR Winston-Salem Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the Permittee became aware of the non-compliance circumstances.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

5. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the approved impacts (including temporary impacts).

Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)

6. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)



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7. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur.

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *North Carolina Department of Transportation Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

8. Sediment and erosion control measures shall not be installed in wetland or waters except within the footprint of temporary or permanent impacts otherwise authorized by this Certification. If placed within authorized impact areas, then placement of such measures shall not be conducted in a manner that results in dis-equilibrium of any wetlands, streambeds, or streambanks. Any silt fence installed within wetlands shall be removed from wetlands and the natural grade restored within two (2) months of the date that DEMLR or locally delegated program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

9. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

10. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit



conditions, including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping, and reporting requirements, is required.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

11. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the NC Sediment and Erosion Control Manual, or the NC Department of Transportation Construction and Maintenance Activities Manual, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200

12. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. If the width of the culvert is wider than the stream channel, the culvert shall include multiple boxes/pipes, baffles, benches and/or sills to maintain the natural width of the stream channel. If multiple culverts/pipes/barrels are used, low flows shall be accommodated in one culvert/pipe and additional culverts/pipes shall be installed such that they receive only flows above bankfull.

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life. If the culvert outlet is submerged within a pool or scour hole and designed to provide for aquatic passage, then culvert burial into the streambed is not required.

For structures less than 72" in diameter/width, and topographic constraints indicate culvert slopes of greater than 2.5% culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross-vanes, sills, baffles etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 30 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required, provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 30 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or



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336.776.9800

other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

15. All proposed and approved temporary fill and culverts shall be removed, and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross-sectional dimensions, planform pattern, and longitudinal bed profile. All temporarily impacted sites shall be restored and stabilized with native vegetation.

Citation: 15A NCAC 02H.0506(b); 15A NCAC 02H .0507(c)

16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams or wetlands shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original streambed elevation and streambank contours are restored and maintained and shall consist of clean rock or masonry material free of debris or toxic pollutants. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or be installed in a manner that precludes aquatic life passage.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)



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18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows, and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0201

19. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

20. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance and compaction.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231

21. In accordance with 143-215.85(b), the Permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.

Citation: 15A NCAC 02H .0507(c); N.C.G.S. 143-215.85(b)

22. The Permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

23. The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this certification in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Water Quality Certification. A copy of this Water Quality Certification shall be available at the project site during the construction and maintenance of this project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

24. This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as



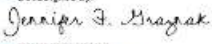
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336.776.9800

a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit that is current at the time this Certification is issued. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

This, the 17th day of November 2025

DocuSigned by:

20251117 10:48:58

Jennifer F. Graznak
Assistant Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources, NCDEQ – WSRO



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JOSH STEIN
Governor
D. REID WILSON
Secretary
RICHARD E. ROGERS, JR.
Director



November 17, 2025

DWR #20251137
Guilford County

Town of Summerfield
Attn: Justin Snyder
4117 Oak Ridge Road
Summerfield, NC 27358

Delivered via email to: planningdir@summerfieldnc.gov

Subject: APPROVAL of JORDAN RIPARIAN BUFFER AUTHORIZATION CERTIFICATE WITH ADDITIONAL CONDITIONS
Bandera Farms Park

Location: 36.173826, -79.944929
5448 Bunch Road, Summerfield, NC

Dear Mr. Snyder:

You have our approval for the impacts listed below for the purpose described in your application dated and received by the Division of Water Resources (Division) on August 28, 2025, with subsequent information received on October 21, 2025 and November 14, 2025. These impacts are covered by the Jordan Buffer Rules and the conditions listed below. This Buffer Authorization does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and/or Stormwater regulations.

The following impacts are hereby approved, provided that all of the Conditions listed below, and all of the conditions of the Jordan Buffer Rules are met. No other impacts are approved, including incidental impacts. [15A NCAC 02B .0267(11)]

Site / Feature ID	Type of Impact	Buffers – Zone 1	Buffers – Zone 2
Amount Approved (units)			
B1 / PS 1	Road impact (other than perpendicular crossing)	207 (square feet)	5,515 (square feet)
B2 / PS 2	Greenway Trail	3,913 (square feet)	2,568 (square feet)
B3 / PS 7	Greenway Trail	3,846 (square feet)	815 (square feet)



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This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Authorization Certificate. If you change your project, you must notify the Division, and you may be required to submit a new application package. If the property is sold, the new owner must be given a copy of this Authorization Certificate and is responsible for complying with all conditions [15A NCAC 02B .0267(11)].

If you are unable to comply with any of the conditions below, you must notify the Winston-Salem Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Winston-Salem Regional Office any noncompliance with the conditions of this Authorization Certificate and/or any violation of state regulated riparian buffer rules [15A NCAC 02B .0267]. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the applicant became aware of the circumstances.

Additional Conditions:

1. Mitigation must be provided for the proposed impacts as specified in the table below. The attached Compensatory Mitigation Responsibility Transfer Form (Form) shall be completed and provided to the Division prior to *any* impacts occurring. If the Mitigation Provider specified on the attached Form(s) for the proposed impacts changes after issuance of this Certificate, then the Permittee shall request a revised Compensatory Mitigation Responsibility Transfer Form from the Division prior to conducting any impacts. [15A NCAC 02B .0295; 15A NCAC 02B .0267(13)]

	Compensatory Mitigation Required	River and Subwatershed
Jordan Lake Buffer	8,894 square feet (credits)	Cape Fear River/ Haw River Sub-watershed

2. Buffer impact areas outside of the permanent road/trail footprints and shoulders shall be restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation immediately after construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 2B .0295(n). [15A NCAC 02B .0267(9)]

This approval and its conditions are final and binding unless contested. [G.S. 143-215.5] Upon the presentation of proper credentials, the Division may inspect the property.

This Authorization Certificate can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

A party filing a Petition must serve a copy of the Petition on:



North Carolina Department of Environmental Quality | Division of Water Resources
Winston-Salem Regional Office | 450 W. Hanes Mill Rd, Suite 300 | Winston-Salem, North Carolina 27105
336.776.9800

Dan Hirschman, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

If the party filing the Petition is not the permittee, then the party must also serve the recipient of the Authorization Certificate in accordance with N.C.G.S. 150B-23(a).

This Authorization Certificate neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Authorization Certificate does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person, nor does it create any prescriptive right or any right of priority regarding any usage of water. This Authorization Certificate shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Authorization Certificate to possess any prescriptive or other right of priority with respect to any other consumptive user.

This Authorization shall expire when the corresponding 401 Water Quality Certification Approval DWR#20251137 (WQC008468) expires.

This letter completes the Division's review under the Jordan Riparian Buffer Rules as described in 15A NCAC 02B .0267. Please contact Seren Homer at 336-776-9698 or seren.homer@deq.nc.gov if you have any questions or concerns.

Sincerely,

Digitally signed by
Jennifer F. Graznak
DN: cn=JENNIFER F. GRAZNAK

Jennifer F. Graznak
Assistant Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources, NCDEQ – WSRO

Electronic cc: Lucy Beck, Pond & Company
Charles Rollins, Summerfield Town Manager
Alexi Archer, USACE SAD Technical Regional Execution Center
Lyle Phillips, USACE Raleigh Regulatory Field Office
Olivia Munzer, NC Wildlife Resources Commission
DWR 401 & Buffer Permitting Branch Electronic File



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COMPENSATORY MITIGATION RESPONSIBILITY TRANSFER FORM

November 17, 2025

Permittee: Town of Summerfield / Justin Snyder

DWR Project #20251137

Project Name: Bandera Farms Park

County: Guilford

The Division has received a Statement of Availability (SOA) from Wildlands Holdings, VI, LLC for the Twin Burros Mitigation Site (Mitigation Provider) to satisfy the mitigation requirements set forth in the Buffer Authorization Certificate issued to the Town of Summerfield and Justin Snyder, dated November 17, 2025, as provided in the table below.

	Compensatory Mitigation Required	River and Subwatershed
Jordan Lake Buffer	8,894 square feet (credits)	Cape Fear River/ Haw River Sub-watershed

The Permittee must provide a copy of this form to the Mitigation Provider specified above who will then sign the form to verify receipt of payment and the transfer of the mitigation responsibility. Once the Mitigation Provider has signed this form, it is the Permittee's responsibility to ensure that a signed copy of this form and the mitigation transfer certificate is submitted to DEQ.WR.401MRT@deq.nc.gov before conducting any of the authorized impacts.

The Mitigation Provider verifies that the mitigation requirements (credits) shown above, have been released and are available at the identified bank site(s). By signing below, the Mitigation Provider is accepting full responsibility for the identified mitigation.

Signature Authority Name (print): _____

Signature: _____ Date: _____



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