

Wake County Agricultural Advisory Board
Public Hearing Recommendations & Public Comments
9/13/2024

Advisory Board Recommendation: An environmental impact study must be conducted to ensure that appropriate measures are taken to avoid damage to sensitive wetland areas on the impacted parcels.

Town Response: An environmental study was submitted as part of 401/404 permitting application process administered by NCDEQ and USACE. Permit approval is pending. Please see the [Environmental Study Memorandum](#).

Advisory Board Recommendation: The Town of Apex should assume liability for matter relating to the easement area and any changing circumstances encountered by the VAD or EVAD landowners from the construction and future maintenance of the force mains.

Town Response: While each situation is unique, generally, the party who negligently creates the hazardous situation resulting in an injury may be held liable.

Advisory Board Recommendation: Landowner questions and concerns should be addressed prior to any condemnation or construction. In addition, the board requests a finalized justification of route choice with complete documentation of alternatives.

Town Response: Landowner questions and concerns have been reviewed and addressed. Please refer to [Easement Questions \(8.19.2024\)](#). Technical Memorandum 4 provides an evaluation summary of the [force main alternatives](#) considered and the recommended route.

Public Comments (1): [Elizabeth Stitt Public Comment](#)

Town Response: The project advertised for bids for RXR LEN OWNER, LLC and titled “Big Branch 1 Force Main & Water line (Apex, NC)” is not the project which impacts the VAD/EVAD properties. The Big Branch 2 Force Main project is a separate project. It is the Big Branch 2 Force Main project which was the subject of the Wake County Agricultural Advisory Board hearing and is a town project.