Albemarle County

Legislation Details (With Text)

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On agenda:	5/17/2023			**Final action:**	
Title:	Beaver Creek Dam Supplemental Watershed Plan Agreement.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Att.A - Beaver Creek Dam Watershed Work Plan Agreement (1960), 2. Att.B - Beaver Creek Dam Supplemental Watershed Plan Agreement Amendment (2023)				

Date	Ver.	Action By	Action	Result

AGENDA DATE: 5/17/2023

TITLE:
Beaver Creek Dam Supplemental Watershed Plan Agreement

SUBJECT/PROPOSAL/REQUEST: Approval of proposed Beaver Creek Dam Supplemental Watershed Plan Agreement

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Rosenberg, Herrick, Stewart

PRESENTER (S): Lance Stewart, Andy Herrick

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Rivanna Water & Sewer Authority (RWSA) operates the Beaver Creek Dam (the Dam) and Reservoir (the Reservoir) as the sole drinking water supply for the Crozet Area. The Dam, located on Albemarle County property, was constructed in 1963 under the authority of the Watershed Protection and Flood Prevention Act and was administered by the Natural Resources Conservation Service (NRCS). The project was sponsored at that time by the Thomas Jefferson Soil & Water Conservation District (TJSWCD) and the Albemarle County Board of Supervisors. The 1960 Watershed Work Plan Agreement and 1963 Supplemental Watershed Work Plan Agreement (Supplement No. 1) (collectively, Attachment A) designate these two sponsors as “Sponsoring Local Organizations” (SLO’s or sponsors).

In the years since the Dam was completed, RWSA has assumed rights and responsibilities for operation and maintenance of the Dam and pumping facilities. Albemarle County retains ownership of the property surrounding the Reservoir and Dam. Changes to the Virginia Department of Conservation and Recreation (DCR) Impounding Structures Regulations prompted a change in hazard classification of the Beaver Creek Dam from Significant Hazard to High Hazard. With this change in hazard classification, the Dam now requires

an upgrade to increase the capacity of the Dam's spillway. To address this requirement, with funding and support from NRCS, the RWSA has developed a Supplemental Watershed Work Plan-Environmental Assessment (Plan-EA) for the rehabilitation of the Dam. The draft Plan-EA is currently under review by the NRCS.

STRATEGIC PLAN: Quality Government Operations - Ensure County government's capacity to provide high quality service that achieves community priorities

DISCUSSION: RWSA expects final approval of the Plan-EA by the NRCS in May of 2023. A Supplemental Watershed Plan Agreement Amendment (Attachment B) is included in the Plan-EA and must be executed by the Sponsoring Local Organizations of the original agreement. Approval of an amendment is necessary in order for RWSA to seek additional funding to support continued design and subsequent construction. If so authorized, RWSA would be responsible for the execution of the project, as well as all associated design, construction, and operating costs. RWSA has submitted a funding request for final design of the Dam and spillway improvements which, if approved, would cover 100% of design costs. Under the current project schedule, final design will be completed in early 2025, with construction to begin later that year.

The proposed Supplemental Agreement notes that TJSWCD and the County are signatories for the sole purpose of substituting RWSA for them as Sponsoring Local Organizations. Neither TJSWCD nor the County bear any responsibility or liability pursuant to the Supplemental Agreement. Furthermore, neither TJSWCD nor the County will be a party to any future supplement to the Watershed Work Plan Agreement unless by mutual agreement.

BUDGET IMPACT: All costs of this project not funded by grants will be fully borne by the RWSA.

RECOMMENDATION:
Staff recommends that the Board approve a Supplemental Watershed Plan Agreement, and authorize the Chair to sign such an Agreement once approved as to form and substance by the County Attorney.

ATTACHMENTS:
A - Beaver Creek Dam Watershed Work Plan Agreement (1960)
B - Beaver Creek Dam Supplemental Watershed Plan Agreement Amendment (2023)