

MEMORANDUM

TO: THE ALBEMARLE COUNTY BOARD OF SUPERVISORS

FROM: THOMAS L. FREDERICK, EXECUTIVE DIRECTOR, RIVANNA WATER AND SEWER AUTHORITY

SUBJECT: COMMUNITY WATER SUPPLY PLAN – SELECTION OF MITIGATION PLAN

DATE: DECEMBER 6, 2006

As you are aware, in May 2006 the Albemarle County Board of Supervisors (“County”) approved the recommendation of the Rivanna Water & Sewer Authority (“RWSA”) to select the Ragged Mountain Reservoir alternative for the community’s 50-year water supply plan. This recommendation was also approved by the other local boards, and on June 30, 2006, the RWSA submitted a water protection permit application to the U S Army Corps of Engineers (“COE”) and the Virginia Department of Environmental Quality (“DEQ”). This application provided all of the support documents required for the agency reviews *except for specific plans for the mitigation of wetland and stream losses quantified to result from the expansion of the Ragged Mountain Reservoir.*

On October 23, 2006, after several weeks of negotiations, the RWSA Board of Directors approved an option to acquire 13.44 acres of land from Franklin Street Land Trust, with a closing date on or prior to August 15, 2007, for the construction of 4.0 acres of new wetlands. On November 2, 2006 RWSA presented a complete mitigation plan to the public and received comment. In addition to the wetlands, RWSA proposes stream mitigation by placing into conservation easements a vegetated buffer along 75,500 linear feet of natural stream within the Buck Mountain Creek watershed in Albemarle County, all on land already owned in fee simple by RWSA (the land was originally purchased in the 1980s and early 1990s for a Buck Mountain Reservoir, before it was determined through environmental investigations that such a reservoir could not satisfy the requirements of the National Environmental Policy Act and the federal Threatened and Endangered Species Act). This project also includes re-establishing approximately 200 acres of vegetation within the proposed stream buffers and approximately 500 linear feet of streambank repairs to re-establish bank vegetation to prevent erosion. This project establishes conservation on a very large scale, improves water quality on a tributary of the South Fork Reservoir as a benefit to all water customers, and meets the mitigation criteria of the regulatory agencies. Earlier in the screening process RWSA had considered other stream mitigation alternatives, but it became very clear through informal consultations with regulatory agencies that the other options would not be as compliant with the regulatory criteria as the Buck Mountain proposal and could further complicate the Ragged Mountain permitting approval process.

The proposed mitigation plan was well received by the public at the November 2 meeting, which included the endorsement of the plan by the Nature Conservancy, the Rivanna Conservation Society, the Charlottesville Area Chamber of Commerce, and the Thomas Jefferson Soil & Water Conservation District. No organizations have spoken in opposition to the plan. A few individuals who currently lease tracts of the Buck Mountain land from RWSA have raised concerns about how the mitigation plan will personally affect their continued tenancy, and RWSA staff has actively encouraged meetings with any interested individual to understand those issues better. The staff has also expressed an interest in developing proposals that would accommodate as many of the concerns as are compatible

with the water quality goals of vegetated buffers, while expressing that such proposals would be subject to the approval of the RWSA Board of Directors and the approval of the regulatory agencies as a part of approving the mitigation plan.

The PowerPoint presentation used by the RWSA staff at the November 2 meeting is available for review at www.rivanna.org. Graphics of the two mitigation sites, taken from this presentation, are attached for convenience.

RWSA staff respectfully recommends the Albemarle County Board of Supervisors authorize the RWSA to submit this mitigation plan to the COE and DEQ for approval. The Albemarle County Service Authority Board of Directors approved this plan on November 16, 2006, and RWSA will be requesting similar authorization from the City Council on December 4 and the RWSA Board on December 18. If all Boards act favorably, the plan can be submitted to COE and DEQ before the Christmas holidays and we can anticipate Ragged Mountain permit approval by next summer.

cc: Mr. Robert W. Tucker, Jr., County Executive

Attachments – *Stream Mitigation Plan*
Wetland Mitigation Plan

