

County of Henrico, Virginia



Buffer Management Plan

Cobbs Creek Regional Water Supply Reservoir

Task 2.1

August 21, 2013

Prepared By:

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Buffer Management Plan

Cobbs Creek Regional Water Supply
Reservoir

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County of Henrico, Virginia

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1. BACKGROUND

1.1 Cobbs Creek Reservoir Description

The Cobbs Creek Regional Water Supply Reservoir Project (Project) is being implemented by Henrico County to develop a pumped storage facility providing approximately 14.8 billion gallons of raw water storage within a 1,117-acre normal pool area. The raw water safe yield of the Project is estimated to be 47 million gallons per day. Raw water will be pumped to the reservoir from the James River when river flows are adequate, and controlled releases from reservoir storage will be made during drought and other periods when James River flows are inadequate to support regional demands and other in-stream ecological resources.

The reservoir will be located near the James River in northern Cumberland County near the Town of Columbia and approximately 40 miles from Henrico County's Woodman Road Operations Center (see Figure 1).

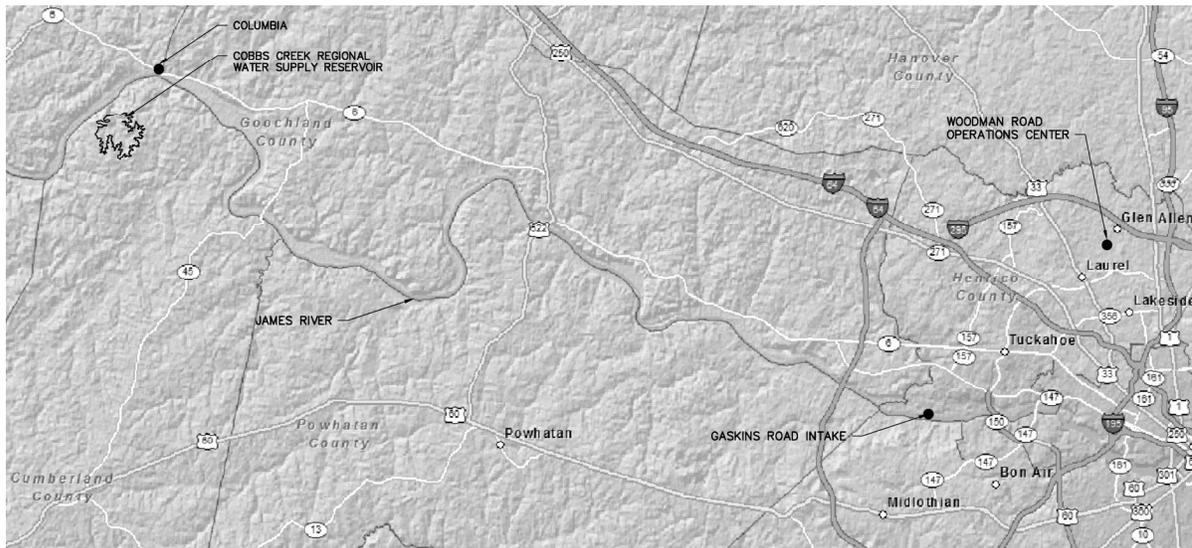


Figure 1. Reservoir Vicinity Plan

The Project will include construction of a main dam to impound Cobbs Creek, a saddle dam to raise a low area of the reservoir perimeter, and a river intake, raw water pump station, transfer pipeline, and inlet/outlet tower to convey water between the James River and the reservoir. The Project will also include construction of access roads around the reservoir site and relocation of an existing utility corridor. Figure 2 shows the reservoir project area including planned facility locations and the normal pool area which is shaded in blue and corresponds to elevation 345 feet.

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PRELIMINARY PROJECT PLANNING MAP

HENRICO COUNTY COBBS CREEK
REGIONAL WATER SUPPLY RESERVOIR

CUMBERLAND COUNTY, VIRGINIA
4/24/2013

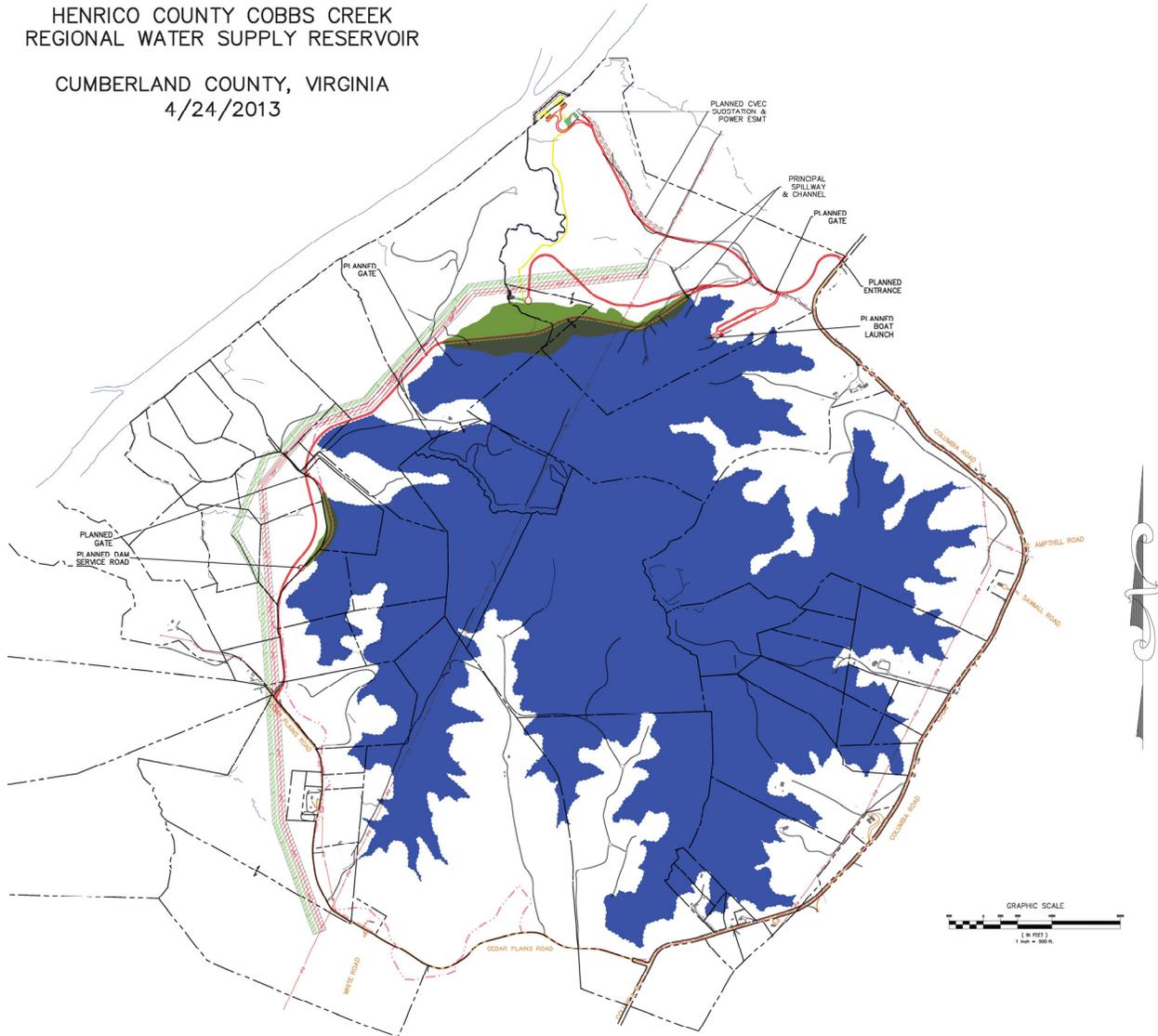


Figure 2. Reservoir Project Area

The Project area is surrounded by State Route 690 (Columbia Road) and State Route 686 (Cedar Plains Road). The existing site is mostly wooded with some open pasture for cattle and horses and a well-maintained petroleum pipeline and power easement, but is largely undeveloped. The entire Project site is contained within the watershed of Cobbs Creek, which has its origins near State Routes 690 and 686, and flows north to the James River.

1.2 Reservoir Buffer Purpose

This document has been prepared in fulfillment of the Virginia Department of Environmental Quality (DEQ) requirement that Henrico County submit a Buffer Management Plan (Plan) for DEQ approval. DEQ's stated purpose for this Plan is to achieve water quality protection and for controlling and abating the discharge of pollutants. Maintenance of vegetated buffers around a reservoir is an important factor in protecting and enhancing reservoir values. Buffers primarily filter runoff and can help reduce shoreline erosion when vegetation extends to the shoreline, thus helping to reduce sedimentation and protect water quality. Buffers also provide wildlife corridors and habitat.

1.3 Applicable Permit Conditions

Permit conditions relevant to the Cobbs Creek Reservoir Buffer Management Plan and associated site access for inspections are included in the following permits issued to Henrico County:

- DEQ Virginia Water Protection Individual Permit No. 05-0852 (Special Condition C.22 and General Condition E)
- United States Army Corps of Engineers (USACE) Permit No. 05-v0852/NAO-2006-6156 (Project Specific Conditions 8, 9 and 11)

The relevant DEQ and USACE permit language is presented in Appendix A. Should there be a need to modify any buffer management provisions in the future, Henrico County will submit proposed changes to DEQ and USACE for review and approval.

1.4 Buffer Boundaries and Ownership

Henrico County intends to maintain a 150-foot wide reservoir buffer in accordance with the relevant DEQ and USACE permit conditions. Cobbs Creek Reservoir project planning maps are included in Appendix B which show the reservoir buffer area shaded in yellow and the outer buffer boundaries as a purple cornered line surrounding the inner blue line which represents the reservoir normal pool area. The mapped boundaries result in an estimated total reservoir buffer area of approximately 295 acres as compared to the 1,117-acre reservoir normal pool area.

In some areas, the buffer may extend more than 150 feet back from the edge of the reservoir as a result of tributary streams that feed into the reservoir and must also be protected by the buffer. In other areas, the buffer width will be less than 150 feet. For example, in some areas, Columbia Road functions as the approximate watershed boundary for Cobbs Creek. Consequently, providing additional reservoir buffer east of Columbia Road would not be expected to provide additional reservoir water quality protection. Two such buffer variance areas with less than 150 feet of width are on the southeast side of the reservoir along Columbia Road. A third buffer variance area is in the northwest corner of the reservoir

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where existing topography limits the options for the site access road alignment and Colonial Pipeline and Dominion utilities corridor realignment. Variances for each of these buffer encroachments were requested of both DEQ and USACE and subsequently approved. Other buffer requirement exceptions noted under the DEQ permit are for the main dam and the saddle dam where the constructed downstream slopes of the dams will carry runoff away from the reservoir.

The property acquisition process is underway for the Project. When this process is complete, Henrico County will own the entire reservoir normal pool area up to elevation 345 feet as well as the surrounding property up to at least elevation 350 feet which approximates the simulated high water elevation under dam design storm conditions. In some cases, Henrico County ownership will extend above elevation 350 feet because of site access roads to be owned by Henrico County and some instances of property owners who wish to sell additional property above elevation 350 feet. Acquisition will include the purchase of complete parcels of land, the purchase of portions of parcels, and the purchase of utility easements and/or restrictive use easements across parcels. In total, Henrico County plans to purchase property and/or acquire easements on a total of 44 parcels from 21 different owners.

The reservoir buffer will usually extend above elevation 350 feet. Consequently, some portions of the buffer will be owned by Henrico County and other portions will be retained by private property owners. In cases where private property owners will retain ownership of buffer lands, Henrico County will obtain restrictive use easements on those portions of privately owned land that fall within the reservoir buffer boundary. The specific restrictive use easement language to be used in the property acquisition process is included in Appendix C.

When accessing the reservoir buffer through adjacent private property, it will be Henrico County's intent to minimize any potential property impacts and to use existing driveways, private roads or trails whenever practicable in achieving such access.

2. BUFFER MANAGEMENT PROVISIONS

2.1 Prohibited Uses

The following activities are prohibited throughout the entire buffer area. In some cases, there are special exceptions to these general prohibitions which are listed separately in Section 2.2.

1. Construction of new buildings, structures, fences, roads or utilities (see special exceptions 1, 2 and 3).
2. Industrial or commercial activities (see special exception 5).
3. Storage of compost, manure, fertilizers, chemicals, machinery or equipment outside of existing buildings and structures (see special exception 6).
4. Burning, harvesting timber or otherwise removing any vegetation (see special exceptions 7 and 8).
5. Tree removal to provide for sight lines and vistas (see special exception 9).
6. Mowing, plowing, cultivating or landscaping (see special exception 10).
7. Grading, blasting, mining, or performing other earth-disturbing activities (see special exception 11).
8. Damming, impounding, capturing, or diverting flowing water.
9. Dumping or depositing waste machinery, equipment, other waste materials, household refuse, lawn clippings, woody debris, leaves or fill material.
10. Erecting or installing any billboards, signs, towers, playground equipment or recreational fields (see special exception 12).
11. Operating any motorized vehicles (see special exceptions 13 and 14).
12. Pasturing or grazing any livestock or poultry (see special exception 15).

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2.2 Special Exceptions

The following activities are allowed within the buffer area.

1. Public use areas designated by Henrico County provided the locations are approved by DEQ and any activities conducted there will not contravene water quality protection goals.
2. Facilities supporting the water supply project.
3. Expansion, repair or relocation of septic or drinking water systems when required by Virginia Department of Health law or regulation.
4. Reconstruction of existing buildings, structures, fences, roads or utilities damaged by natural events if the original dimensions and location are maintained.
5. Industrial or commercial activities authorized within existing buildings and structures where no material alteration to the external appearance occurs and where no discharge of materials occurs.
6. Storage of compost, manure, fertilizers, chemicals, machinery or equipment within existing buildings and structures.
7. Burning, harvesting timber or otherwise removing vegetation when necessary for safety purposes or for fire, pest or invasive species control. Prior approval from Henrico County will be required before a private landowner undertakes any burning, harvesting or removal of vegetation. Hazardous trees will be considered those trees that are damaged (wind thrown, main trunk broken, or otherwise damaged) and present a danger to human life or immediately adjacent structures. Trees with natural cavities or rotten areas will not be considered hazardous trees unless they pose a danger as noted above. Forest pests will include non-native species capable of damaging individual trees or entire stands of trees. Naturally occurring wildlife species will not be considered pests. Suspected damage to trees and shrubs within the buffer resulting from forest pests will need to be verified by the Virginia Department of Forestry.
8. Burning, harvesting timber or otherwise removing vegetation for water supply project-related activities approved by DEQ and for which a restoration plan is submitted and approved by DEQ.
9. Tree pruning to provide for sight lines and vistas, subject to the following conditions: (1) pruning is conducted by a certified arborist with the intent that pruned trees survive, (2) maximum

pruning area on a single property is a single pruning corridor up to 100 feet wide through the restrictive use easement area in a corridor roughly perpendicular to the reservoir shoreline, and (3) a pruning plan is prepared by the property owner, submitted to Henrico County and approved by the U.S. Army Corps of Engineers before the pruning occurs.

10. Mowing of existing lawn areas adjacent to existing buildings and cemeteries.
11. Grading, blasting, mining, or performing other earth-disturbing activities for upland borrow activities for construction of the water supply project.
12. Installing billboards, signs or towers necessary for operation of the water supply project.
13. Operation of motorized vehicles used for traveling on existing roads or for the mowing of existing lawn areas adjacent to existing buildings and cemeteries.
14. Operation of motorized vehicles necessary for the operation, maintenance or protection of the water supply project.
15. Pasturing or grazing livestock or poultry within an existing fenced or otherwise enclosed area that is already being used for such activity.

2.3 Docks and Boat Ramps

Henrico County is planning to construct a boat launch area on the northeast side of the reservoir, between the Columbia Road entrance and the main dam as shown in the map in Appendix B. Public access to the boat launch area will be provided via a gravel driveway leading to the perimeter access road.

Landowners adjoining Henrico County owned reservoir property who wish to install a dock or boat ramp at the reservoir will first need to obtain a New Dock Permit or New Boat Ramp Permit from Henrico. The permit application will need to include photographs documenting the current condition of the buffer. The permit process will include a site visit with a Henrico representative to the location of the proposed dock or boat ramp site. The Henrico representative will mark and record the approved location of the facilities. The location for the dock or boat ramp will be based on a variety of factors, including depth of water, topography of the surrounding buffer, vegetation within the buffer, and other factors. This effort will be intended to ensure that the dock or boat ramp is sited so that it is accessible, while limiting potential impacts to the buffer.

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If approved, docks will have to be constructed and maintained from the water or constructed off-site and floated to the approved dock location to avoid damage to the buffer. An exception to this rule would be if an existing road could be used to access the dock construction site without requiring the extension of an existing road or construction of a new road. In addition, the complete footprint area of approved docks will have to be within the reservoir normal pool area and not encroaching into the surrounding reservoir buffer. Henrico County may establish specific design and construction guidelines for docks on the reservoir; however, such criteria are outside the scope of this Buffer Management Plan.

If approved, private boat ramps will have to be accessible from an existing road. Extension of an existing road or construction of a new road will not be allowed to provide access to a private boat ramp. Henrico County may establish specific design and construction guidelines for boat ramps at the reservoir; however, such criteria are outside the scope of this Buffer Management Plan.

A landowner wanting to construct a dock or boat ramp will also be responsible for ensuring that any required permits from other federal, state or local agencies are obtained, such as but not limited to bank stabilization, minor dredging or discharge activities within Cobbs Creek Reservoir.

2.4 Enforcement

DEQ and the USACE are expecting Henrico County as the permittee to take necessary steps to implement the provisions of this Buffer Management Plan. Consequently, the buffer restrictions and allowances specified in the permits will be up to Henrico County and Cumberland County to enforce on the buffer lands that Henrico will fully own as well as on the privately-owned land within the buffer where Henrico will acquire restrictive use easements.

Landowners adjoining Henrico County owned reservoir property will need to obtain a Landowner Access Permit from Henrico to access reservoir shoreline areas contiguous with their property through Henrico owned buffer property. The Landowner Access Permit will be issued at no cost and will grant landowners, their families, and guests the non-exclusive right to the passive use and enjoyment of the buffer land contiguous with their property as well as access to the reservoir. By accepting the Landowner Access Permit, landowners will be agreeing that they, their families and guests will respect the terms of this Buffer Management Plan. The permit will also require landowners to be responsible for any costs, damages, or penalties that result from violations of the Buffer Management Plan. Unless terminated earlier by either party, the Landowner Access Permit will remain in force so long as the permittee owns the adjacent property.

Pursuant to conditions 7 and 8 of the August 10, 2010 Memorandum of Understanding between the two counties, Cumberland must adopt a Watershed Protection Plan and Ordinance in consultation with Henrico that will ensure no degradation of reservoir water quality. Cumberland has also agreed to take

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all lawful steps to enforce provisions of the Watershed Protection Plan and Ordinance to allow Henrico to operate the reservoir safely and efficiently. Cumberland further agreed to enforce “no trespassing” areas on the reservoir identified by Henrico as being necessary for the operation and maintenance of the reservoir and its associated infrastructure and facilities.

In recent discussions between the staff of both counties, it has been agreed that Cumberland will develop its Watershed Protection Plan and Ordinance to be consistent with the Buffer Management Plan. In addition, the Watershed Protection Plan and Ordinance will include provisions for enforcement, allowing Henrico to notify Cumberland should it become aware of a buffer violation, and Cumberland then having responsibility to enforce this as a zoning violation.

All departments, officials and public employees of Cumberland County which are vested with the duty or authority to issue permits or licenses will conform to provisions of this Buffer Management Plan as duly reflected in the Watershed Protection Plan and Ordinance (Ordinance) to be developed by Cumberland County. Cumberland County will issue permits for uses or purposes only when they are in harmony with provisions of the Ordinance. Any person, whether as principal, agent or otherwise, violating, causing or permitting the violation of any of the provisions of the Ordinance will be guilty of a misdemeanor and upon conviction may be fined.

Cumberland County will also have authority to give notice to property owners to take action to remedy Ordinance violations. Property owners within the reservoir buffer, within 30 days of receiving notice from the Cumberland County Zoning Administrator, will be required to remove any unauthorized structures or to initiate restoration of any unauthorized damage to vegetation. Cumberland County, through its own agents or employees, may enjoin any violation or attempted violation of the Watershed Protection Plan and Ordinance. It may also, upon order of a court of competent jurisdiction, enter upon the property to remove any unauthorized structures or initiate restoration of damaged vegetation with the cost of any such removal or restoration chargeable to the property owner as a lien on the property.

Cumberland has additional enforcement authority under Section 34-37 of Cumberland County’s Erosion and Sediment Control Ordinance. The purpose of this existing ordinance is to prevent degradation of properties, stream channels, waters and other natural resources of Cumberland County by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff.

Henrico County will also have the authority to enforce the terms and conditions of the buffer easement it has acquired from property owners adjacent to the reservoir. Should a landowner whose property is burdened by such an easement violate, or threaten to violate, the terms of such an easement, Henrico County may bring an action in Circuit Court to cure such violations. The court action could take the form of an injunction or, if the easement is being physically invaded in violation of the terms, an action may be brought for unlawful entry and detainer or ejectment.

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Additionally, Henrico County shall have responsibilities for dealing with non-compliance issues that may arise with respect to terms of any permits that Henrico County issues to adjacent property owners for landowner access, new docks or new boat ramps. These permits will require property owners to be responsible for any costs, damages, or penalties that result from their violation of the Ordinance within Henrico County owned property. Henrico County will first make reasonable efforts to work with and provide information to permittees and adjacent property owners to avoid or resolve non-compliance. However, if a resolution acceptable to Henrico County cannot be reached through this coordination, then Henrico County will take additional steps to ensure compliance. It is currently envisioned that Henrico County's compliance options will include assessments for costs and damages, permit revocation or denial, or prohibiting access to Henrico County owned property. If these compliance options still do not result in a satisfactory resolution of the issue, then Henrico County could bring legal action against a permittee for damages and costs arising out of a violation of the terms and conditions of the easement agreement or any other agreement between the County and the landowner.

Cumberland County and Henrico County will maintain records of buffer-related enforcement activities, such as buffer violations reported to Cumberland County as well as permit issuance or non-compliance issues associated with landowner access, new dock or new boat ramp approvals granted by Henrico County. Henrico County will submit a listing to DEQ by January 31st of each year documenting these buffer-related activities in the previous calendar year.

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Cobbs Creek Regional
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Appendix A

Relevant DEQ and USACE Permit
Language

Special Condition C.22 of the DEQ permit details the reservoir buffer requirements as follows:

“The permittee shall establish a buffer of at least 150 feet around the perimeter of the reservoir, measured landward from the normal pool elevation of 345 feet above mean sea level, unless otherwise approved in writing by DEQ, for the purposes of water quality protection and controlling and abating the discharge of pollutants. For the purpose of this permit condition, the buffer does not include the Cobbs Creek Dam or the West Saddle Dam.

The following activities shall be prohibited, when conducted outside of a designated public use area but within the reservoir buffer, except where authorized by this permit for the construction of the water supply project:

- a. Construction of new buildings, structures, fences, roads, or utilities, except as follows:
 - i. maintenance or reconstruction of existing buildings, structures, fences, roads, or utilities damaged by natural events, provided the original dimensions and location are maintained, unless otherwise required by Virginia law or regulation;
 - ii. expansion or relocation of existing septic or drinking water systems when required by Virginia Department of Health law or regulation; or
 - iii. facilities supporting the water supply project, as authorized by this permit.
- b. Industrial or commercial activities, except those conducted within existing authorized buildings and structures where no material alteration to the external appearance occurs, and where no discharge of materials occurs.
- c. Storage of compost, manure, fertilizers, chemicals, machinery or equipment, except within existing authorized buildings and structures.
- d. Removal, burning or pruning of timber and vegetation, except as follows:
 - i. project-related activities for which a restoration plan is submitted consistent with the DEQ approved Buffer Management Plan;
 - ii. human health and safety purposes;
 - iii. fire, pest, or invasive species control measures, or
 - iv. pruning to provide sight lines and vistas conducted consistent with the DEQ approved Buffer Management Plan.
- e. Plowing, cultivation, landscaping, and mowing, except mowing of areas that have historically been maintained as lawn adjacent to existing buildings and cemeteries.
- f. Grading, blasting, mining, earth-moving, or other earth-disturbing activities, except for upland borrow activities for construction of the water supply project and those activities authorized by this permit.
- g. Damming, impounding, capturing, or diverting flowing water, except as authorized by this permit.
- h. Dumping or depositing waste machinery, equipment, or other waste materials; household refuse; lawn clippings; woody debris; leaves; and fill material, except as authorized by this permit, or as authorized by separate permits.

- i. Permanent billboards, signs, towers, playground equipment, or recreational fields, except those necessary for operation or protection of the water supply project or permitted activities.
- j. Motorized vehicles, except those necessary for the operation, maintenance, or protection of the water supply project or permitted activities.

The permittee may designate public use areas within the reservoir buffer, provided the location of which are approved by DEQ. Any activities conducted therein shall not contravene the protection of water quality under this permit and shall be subject to any applicable state or federal permits.

After allowing for public input, the permittee shall submit a buffer management plan for DEQ approval, which shall be submitted by the permittee prior to activities commencing in surface waters. The plan shall describe what measures will be taken by the permittee to implement the plan, including but not limited to, the prohibited and authorized activities listed in this permit.”

General Condition E of the DEQ permit describes inspection and entry requirements as follows:

“E. Inspection and Entry

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.”

Project specific conditions 8, 9 and 11 of the USACE permit include additional reservoir buffer and related access requirements as follows:

“8. The landward and channelward extent of the 150-foot wide upland buffer on this property must be clearly marked in the field, using silt fencing, construction fencing, or barrier fencing prior to commencing work in wetlands to ensure that these buffers and their associated wetlands are not inadvertently impacted during clearing and construction. The buffer begins at the ordinary high water shoreline of the reservoir, elevation 345 (NAVD), and extends landward for 150 feet along the entire perimeter of the reservoir. This buffer is required along any stream tributaries which flow into the reservoir to the extent of Corps jurisdiction.

9. A drawing accurately depicting the location and extent of the onsite buffer lands (remaining wetlands and associated upland buffers) must be submitted to this office at least 90 days prior to construction.

11. The real estate instruments used to ensure preservation of onsite preservation areas (150-foot buffer around perimeter of lake and tributaries) and offsite compensatory mitigation areas shall allow the Corps and/or its designated representative access to the site for monitoring purposes.”

Appendix B

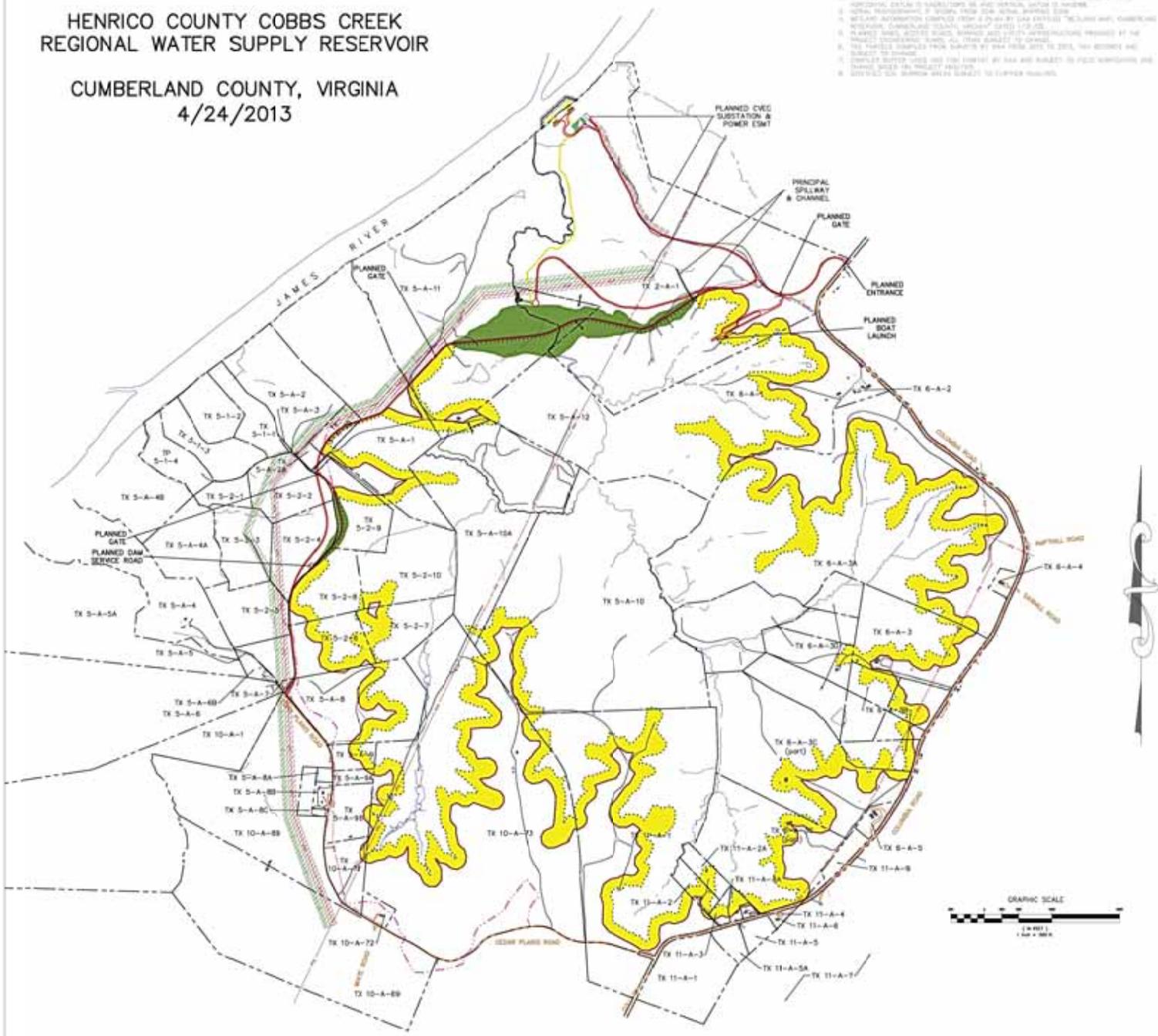
Project Planning Maps with Buffer
Area Shaded in Yellow and Purple
Line Showing Outer Buffer Boundary

PRELIMINARY PROJECT PLANNING MAP

HENRICO COUNTY COBBS CREEK REGIONAL WATER SUPPLY RESERVOIR

CUMBERLAND COUNTY, VIRGINIA
4/24/2013

- NOTES
1. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DECISIONS.
 2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT AREA AND HAS OBSERVED THE PROJECT AREA FROM THE AIR AND FROM THE GROUND.
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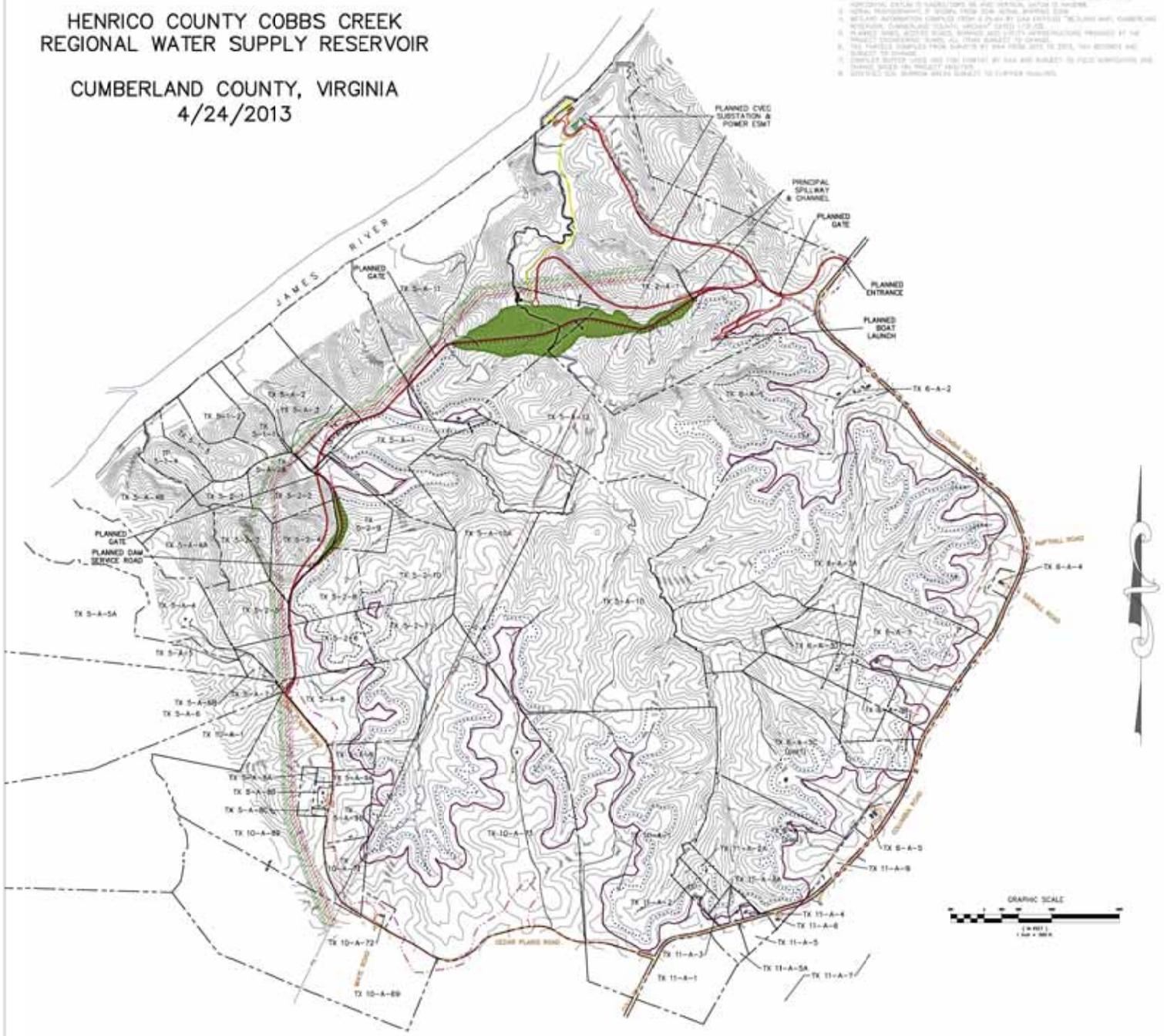
- WETLANDS ABOVE NORMAL POOL
BORINGS-LEVEL 9 PRIORITY 1 AREA
BORINGS-LEVEL 9 RIM INVESTIGATION PRIORITY 1 AREAS
BORINGS-LEVEL 9 PRIORITY 2 AREA
WATERSHED
NORMAL POOL 345'
RESERVOIR BUFFER LIMITS
RESERVOIR BUFFER AREA
TAX PARCEL LINES
PLANNED UTILITY RELOCATION CORRIDOR
PLANNED INTAKE PIPES
PLANNED INTAKE BED
PLANNED EARTHEN DAM
PLANNED ACCESS ROADS
10' or 5' CONTOUR
2' or 1' CONTOUR
IDENTIFIED SOIL BORROW AREAS
AERIAL MAPPING MAY NOT MEET MAPPING STANDARDS
CONTOURS SCALED FROM USGS QUAD MAPS
ARCHAEOLOGY SURVEY AREAS
- EXISTING SURVEY CONTROL POINTS
PLANNED FISH HABITAT - STANDING TIMBER
PLANNED BUILDING

PRELIMINARY PROJECT PLANNING MAP

HENRICO COUNTY COBBS CREEK
REGIONAL WATER SUPPLY RESERVOIR

CUMBERLAND COUNTY, VIRGINIA
4/24/2013

- NOTES
1. THIS MAP WAS PREPARED BY DRAPER ADEN ASSOCIATES, INC. FOR THE USE OF THE COMMONWEALTH OF VIRGINIA AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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- WETLANDS ABOVE NORMAL POOL
- BORINGS-LEVEL 9 PRIORITY 1 AREA
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- BORINGS-LEVEL 9 PRIORITY 2 AREA
- WATERSHED
- NORMAL POOL 345'
- RESERVOIR BUFFER LIMITS
- RESERVOIR BUFFER AREA
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- PLANNED INTAKE PIPES
- PLANNED INTAKE BED
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- PLANNED FISH HABITAT - STANDING TIMBER
- PLANNED BUILDING

Buffer Management Plan

Cobbs Creek Regional
Water Supply Reservoir

Appendix C

Restrictive Use Easement Language
for Acquisition of Buffer Easements

...Restrictive Use Easement, subject to the following conditions and restrictions:

1. Grantor shall not construct any new buildings, structures, fences, roads, or utilities, except for the expansion, repair or relocation of septic or drinking water systems when required by Virginia Department of Health law or regulation.
2. Grantor shall not reconstruct any existing buildings, structures, fences, roads, or utilities damaged by natural events unless the original dimensions and location are maintained.
3. Grantor shall not conduct industrial or commercial activities except those authorized within existing buildings and structures where no material alteration to the external appearance occurs and where no discharge of materials occurs.
4. Grantor shall not store any compost, manure, fertilizers, chemicals, machinery or equipment, unless within existing buildings and structures.
5. Grantor shall not burn, harvest timber or otherwise remove any vegetation except when necessary for safety purposes or for fire, pest or invasive species control. Prior approval from Henrico County shall be required before Grantee may undertake any burning, harvesting or removal of vegetation.
6. Grantor shall not remove trees to provide for sight lines and vistas, but may prune trees for this purpose subject to the following conditions: (1) pruning is conducted by a certified arborist with the intent that pruned trees survive, (2) maximum pruning area on a single property is a single pruning corridor up to 100 feet wide through the restrictive use easement area in a corridor roughly perpendicular to the reservoir shoreline, and (3) a pruning plan is prepared by the property owner, submitted to Henrico County and approved by the U.S. Army Corps of Engineers before the pruning occurs.
7. Grantor shall not mow, plow, cultivate or landscape except the mowing of existing lawn areas adjacent to existing buildings and cemeteries.
8. Grantor shall not grade, blast, mine, or perform other earth-disturbing activities.
9. Grantor shall not dam, impound, capture, or divert flowing water.

10. Grantor shall not dump or deposit waste machinery, equipment, other waste materials, household refuse, lawn clippings, woody debris, leaves, or fill material.

11. Grantor shall not erect or install any billboards, signs, towers, playground equipment or recreational fields.

12. Grantor shall not operate any motorized vehicles, except for traveling on existing roads or for the mowing of existing lawn areas adjacent to existing buildings and cemeteries.

13. Grantor shall not erect or install any boat dock or boat ramp without a permit issued by Henrico County, and any necessary permits from federal, state and local agencies. Any boat dock approved by Henrico County must be constructed and maintained from the water or constructed off-site and floated to the dock site, unless an existing road could be used to access the dock construction site without requiring the extension of an existing road or construction of a new road. Any boat ramp approved by Henrico County must be accessible from an existing road. Extension of an existing road or construction of a new road will not be allowed to provide access to a private boat ramp.

14. Grantor shall not pasture or graze any livestock or poultry except within an existing fenced or otherwise enclosed area that is already being used for such activity.

15. Grantee, its successors and assigns shall have the right of ingress to and egress from the easement over the property of Grantor which lies between public or private roads and the easement for monitoring purposes.

If, in the exercise of the right of ingress and egress, damage is done to Grantor's property outside the boundaries of the easement, and Grantor gives written notice within 180 days of such damage, Grantee shall, at its option either repair the damage or pay to Grantor the reasonable cost to repair damages.