

# Brief History of Jolly Pond Dam

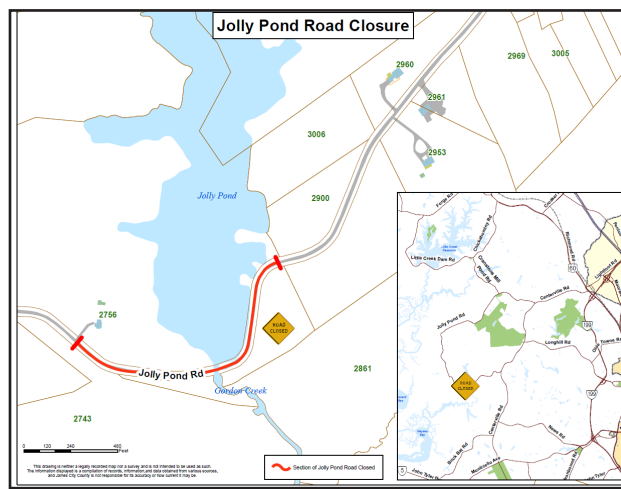
James City County (JCC) made the decision to close Jolly Pond Dam on May 23, 2019 after discussing safety concerns related to the dam with the Board of Supervisors on May 21, 2019. Safety concerns with the dam have been ongoing for many years. It is the JCC staff opinion that the dam should be repaired or the public maintenance of the roadway and right to cross the dam abandoned. The Board of Supervisors indicated a willingness to begin the abandonment process at their June 11, 2019 meeting that begins at 5 p.m. in the boardroom in Building F at 101 Mounts Bay Road.

JCC staff recognizes this is a significant inconvenience for folks who live near or use this section of roadway. It adds 15-20 minutes of travel time to many trips. The recommendation to the Board of Supervisors was not made without a lot of thought about the impact to residents and the potential for someone to be hurt crossing this section of Jolly Pond Road.

If you have specific questions, please call Rick Koehl, Capital Project Coordinator at 757-259-1443. I would like to provide a recount of the history that we hope would clarify why staff felt the dam was unsafe. While we have made efforts to ensure it is accurate, some of it is what we believe occurred during the 2006 to 2009 timeframe and it difficult to substantiate at this time.

Jolly Pond Dam is one of the oldest dams in James City County and is privately owned. The Virginia Department of Transportation (VDOT) maintained the roadway surface across Jolly Pond Dam until they abandoned it in 2012, at the request of JCC.

In 2006, tropical storm Ernesto damaged the dam. By 2007, the County was petitioning state officials to exempt the Jolly Pond Road dam from their requirements because of the cost of potential repairs. JCC had no role in maintaining or repairing the dam, but had an interest in the public's continued use of the roadway across it. Short term improvements were agreed upon in 2007, but no long term plan between the parties could be reached. By Jan. 31, 2009, VDOT closed the portion of Jolly Pond Road over the dam because of safety concerns due to the condition of the dam. VDOT made it clear that it was unable to maintain the roadway without control of the dam and funding to make the costly repairs associated with it. It did not appear that VDOT had any future plans to repair this dam and reopen the roadway.



In an effort to reopen this section of Jolly Pond Road, JCC petitioned VDOT to discontinue maintenance of the roadway portion of Jolly Pond Road that crossed the dam. VDOT discontinuing maintenance allowed JCC to assume the liability and maintenance responsibilities for the asphalt and bridge structures (not the dam). JCC worked with the property owner and was able to reopen Jolly Pond Road because of this action. There was hope that short-term fixes to the dam and working with the dam owner would lead to a long-term solution. Since reopening the roadway, JCC has maintained the roadway and bridge structures, as agreed. JCC does not have a road maintenance program and did not anticipate using local funding to repair or rebuild the private dam.

During a regular inspection of the dam in July 2018, a large void was discovered that extended under the asphalt of the road near the abutment of the concrete bridge. This void created an extremely dangerous condition, as it is hidden from view and a portion of the roadway itself is unsupported by soil beneath the asphalt. A vehicle driving over this unsupported asphalt could fall through unexpectedly and result in vehicular damage, personal injury, or worse. JCC placed some protective measures to help mitigate further damage to the embankment and closed the lane due to safety concerns for the traveling public.

A meeting was scheduled with the Virginia Department of Conservation & Recreation (DCR) Division of Dam Safety & Floodplain Management staff in the fall of 2018 to discuss the current conditions and what could be done to make the dam safe for vehicular traffic. DCR informed JCC that in order for any maintenance work to be performed on the dam itself, the owner must obtain an 'Operation and Maintenance Permit' from DCR.

While the dam owner has been very willing to work with JCC to keep the roadway open to traffic, they have not obtained an Operation

and Maintenance Permit from DCR. It is our understanding that to receive this permit would require the dam to meet current standards, which likely requires the trees to be removed, appropriate soils be installed, and would be a very expensive effort. JCC cannot compel the owner to obtain this permit or to repair the dam. The void under the roadway is still present and the roadway, bridge structures, and dam continue to deteriorate with vehicular traffic.

Without a thorough engineering analysis and permitting by DCR, JCC has exhausted all of the possible short-term fixes for the roadway over the dam. When this concern was shared with the Board of Supervisors on May 21, 2019, staff's recommendation was repair the dam or abandon the roadway. Due to the unsafe deteriorating condition of the dam, immediate closure was recommended while the future involvement of JCC in this roadway is being discussed.

While it may appear to be a sudden closure of the roadway, it is not an uncommon occurrence. Several times over the past years, this stretch has been closed for various safety related reasons. The uncertainty of the dam safety has been ongoing since the initial findings in 2006. Against the recommendations of transportation and engineering professional opinions at VDOT and DCR, JCC has worked with the dam owner to keep this roadway open since 2012.

While the decision to close the roadway seems sudden, the studies and conversations with DCR and dam owners have been taking place for months. Based on the current conditions, we don't see another alternative for JCC to help protect the traveling public until a final decision is made to abandon the public maintenance of the roadway and right to cross or repair the dam. Either option is likely to mean the existing roadway over the dam remains closed for a significant period of time while it is evaluated.

