

A WID REFRESHER FOR TIMBERLAKE NEWCOMERS AND THOSE WHO FORGOT”

By the WID Trustees

If you lived on Timberlake before the flood of the lake, sediment was filling the coves and water lilies were choking the surface. Burgeoning, urbanization had inflicted what hydrologists simply term E and S, erosion and sedimentation. Erosion took soil from the watershed and transferred it to Timberlake. Except for the lake's main body, boating, swimming, and fishing were impaired and in some areas impossible. Even the passive pleasure of simply viewing the lake view had suffered. Two events in the watershed had aggravated the siltation by dumping massive loads of sediment into the lake, prompting the Peaks View Corporation (owner of the lake at that time) to seek redress by lawsuit. In 1982, the corporation filed suit against the builders of the Windcrest Subdivision for negligent release of about 90 cubic yards of sediment into the two north coves. The suit was dismissed by the court. Dredging would have to wait. Then in 1989 Peakview filed suit against the State of Virginia for the massive release of soil into the Buffalo Creek cove during construction of the 460 bypass, which was alleged to have created Turtle Island. After repeated delays trial was held in May 1992. Despite photographic evidence the jury was evidently more convinced by the State's attorney claiming that siltation in a lake is inevitable. And so the silt accumulation continued and dredging had to be again on hold. Prior to the lawsuits a group of Timberlake homeowners began a campaign for the dissolution of the Peaks View Corporation, with ownership of the lake to be transferred to a new organization, the Timberlake Homeowners Association. In May, 1990 Peakview deeded Timberlake to THA. THA formed a Dredge Committee that began by doing an exhaustive study of the applicable types of dredging. In 1993 the Committee issued a comprehensive report recommending hydraulic dredging and the formation of a Watershed Improvement District, or WID. The 1956 law that authorizes the establishment of a WID states: Whenever it is found that soil and water conservation or water management within a soil and water district will be promoted by the construction of improvements to check erosion, provide drainage, collect sediment, or stabilize the runoff of surface water, a small watershed improvement district may be established within its soil and water conservation district ". We are in the Robert E. Lee Soil and Water Conservation District, one of 47 in Virginia, and representing Campbell, Arnhurst, Appomattox counties, and Lynchburg. A WID is governed by its soil and water directors who are elected, two from each county or city at the November general election for a term of four years. The WID law was not utilized until 1972 when Hurricane Agnes destroyed the Lake Barcroft dam in Northern Virginia. Its 990 property owners very quickly petitioned their soil and water directors to authorize a WID election, which passed overwhelmingly, assuring that all owners shared the rebuilding cost. About twenty years later the THA dredge committee, with Lake Barcroft as a very cooperative mentor, recognized the Will as an equitable and effective program to restore Timberlake to its former value to all its owners. Not every property owner favored a WID and their opposition, lobbying to the soil and water directors, prolonged the approval of an election referendum. Then in 1995 when the lake was lost, when a WID would have equitably distributed the restoration costs to all of Timberlake's beneficiaries, the restoration became a debatable issue. THA converted their Finance Committee to the Timberlake Restoration Fund, which incorporated as a nominally independent board, and then applied to the IRS for non-profit 501 (c)3 status. Contributors to the restoration could then file their contributions as charitable deductions. Owners were assessed as they would have been had there been the WID. If a property's real estate assessment equaled one half of one percent of the total Timberlake real estate assessment then that property's restoration assessment was one half of one percent of the total lake restoration cost. The important difference, however, was that payment of the assessments was totally voluntary. Most of the owners contributed. 30 did not. The bonus that softened the pain was that dredging, with the water gone, could now be combined with the dam

rebuilding at a cost lower than otherwise possible. Timberlake was restored to its fully pristine potential but the effort to establish a WID continued, having experienced its value by the lack of it. In 1998 it was finally possible to hold a referendum election. But, in contrast to the only other WID election in Virginia, the ballot did not ask for approval to assess property owners for the cost of lake conservation and maintenance. This question was postponed by a five year moratorium, in recognition of the expense of restoration that owners had just borne. The moratorium ended at the close of 2003. For the WID to be available for the cost of major needs, such as the inevitable dredging, dam upgrading to meet tighter regulations, or forebay construction the postponed election must be held, and two thirds of the property owners must approve.