

Newport News Suspends King William Reservoir Project

By Sabine Hirschauer, 247-4536, dailypress.com, May 1, 2009

The city is suspending the multimillion-dollar King William Reservoir project after the Norfolk district of the U.S. Army Corps of Engineers on Wednesday called City Manager Randy Hildebrandt and pulled the city's federal permit for the project. Responding to whether the city would try to restore the federal permit, Hildebrandt said the outlook for a successful reversal of the current status quo was "pretty grim." "There are not a lot of reasons to be optimistic," Hildebrandt said. "The patient is on life support and we are not sure if he will live."

Putting the controversial reservoir indefinitely on hold marks a potential dead end for an ambitious regional project that stretched over more than 20 years, dragged the city through years of legal battles with environmental groups, and cost Newport News' taxpayers and water customers more than \$50 million since 1987.

The Corps reacted to a District Court judge's recent ruling that the federal government "acted arbitrarily and capriciously" when it issued a construction permit for the controversial 13-billion-gallon King William Reservoir in 2005.

"There are two ultimate options. You either try to work with the Corps to resolve these issues or you eventually decide we cannot successfully get over this hurdle and any other hurdle," Hildebrandt said Thursday.

Suspending all activities on the project includes putting ongoing work, such as mitigation plans * including stream mitigations * on hold. "All this stuff has to come to a halt because of the Corps suspending the permit," said Hildebrandt. "We are stopping spending money on the project." City Council will receive a briefing on the issue during a closed meeting Tuesday.

"That is truly, truly great news," said Carl Castalow, chief of the Mattaponi tribe, which since 1996 fought the city's reservoir plan. The reservoir would flood 1,500 acres around Cohoke Creek in King William County and keep the reservoir full by drawing water from the Mattaponi River. "It was just such a destructive project," Castalow said. "I just regret that it has taken so long. It was a long and hard battle. We didn't want to lose the river. It is part of our heritage and part of our culture."

The reservoir would have been the largest permitted loss of wetlands in the mid-Atlantic region since the establishment of the Clean Water Act in the 1970s, environmentalists said.

"This is a project many, many citizens have fought for decades because of its overwhelming impact on our natural resources and the availability of lesser damaging alternatives," said Ann Jennings, the Virginia executive director for the Chesapeake Bay Foundation.

Newport News spent more than \$50 million since 1987 on the project, said Hildebrandt on Thursday, while up until recently city officials confirmed only \$33 million of actual money spent on the reservoir. The expended city dollars include \$10.2 million in legal fees for permits and for defending the reservoir in various courts since 1991, according to the most recent city information.

The King William Reservoir was projected to cost the city at least \$289 million by the time it would have come online in 2020. Cost estimates over the years ballooned from \$75 million in 1989 to \$250 million in 2006 and \$289 million at the end of 2007. So far, the city has bought about 20 percent of the needed land for the reservoir, Hildebrandt said Thursday.

Reservoir timeline

April 1993: Peninsula localities, headed by Newport News, endorse the reservoir as the preferred water supply source.

February 1994: An initial mitigation plan calls for restoring or creating one acre of wetlands to replace every acre destroyed. Later, officials realize the reservoir will destroy 653 acres of wetlands, and Newport News agrees to move a dam upstream.

August 1996: Newport News agrees to exceed the requirements of federal law by pledging to restore or create two acres of wetlands for every one acre destroyed.

July 2001: Col. Allan Carroll, who heads the Army Corps of Engineers' office in Norfolk, recommends denial of a federal permit. He says damage to wetlands and wildlife isn't justified because the area needs less water than originally projected.

October 2002: Brig. Gen. M. Stephen Rhoades, who heads the Army Corps' division office in New York, reverses the agency's opposition. Rhoades says the reservoir could help the Chesapeake Bay watershed by preserving several thousand acres from more intense development.

February 2005: The Army Corps closes a public comment period regarding a plan to restore or create 806 acres of wetlands to replace 403 acres lost to construction.

November 2005: The Supreme Court of Virginia unanimously rules that the State Water Control Board properly issued the permit for the estimated \$150 million, 12.2-billion-gallon reservoir on the Mattaponi River.

June 2006: The U.S. Supreme Court refuses to take up the Mattaponi Indian tribe's challenge of the reservoir.

September 2006: The State Water Control Board refuses to extend a permit for Newport News to work on the King William Reservoir.

October 2006: The Newport News City Council agrees to set aside \$3.76 million in bonds for the reservoir. Most of the money * at least about \$2.1 million * will go toward legal fees to defend the reservoir in court.

November 2006: Newport News asks the state to reconsider its decision not to extend a permit that the city needs to build the reservoir.

Dec. 11, 2006: The staff for the State Water Control Board recommends the board extend the permit to build the reservoir.

February 2007: Chesapeake Bay Foundation challenges State Water Control Board's permit extension.

2010: The city has to apply for a state Water Control Board permit.

At a glance

* 13 billion: reservoir's projected capacity in gallons

* \$289 million: projected cost

* 437: number of acres of wetlands that would have been destroyed