

BURKE CENTRE CONSERVANCY
ADMINISTRATIVE AND POLICY RESOLUTION NO. 6C-9
POND MANAGEMENT POLICY
DRAFT January 18, 2024

WHEREAS, as set forth in Article IV, Section 1 of the Declaration of Covenants and Restrictions, the Burke Centre Conservancy, hereinafter referred to as “the Conservancy”, was established to preserve and protect the physical environment of the community; and

WHEREAS, Article VI, Section 8 of The Conservancy By-Laws empowers the Board of Trustees to promulgate and enforce rules and regulations governing the operation and use of the common area; and

WHEREAS, the Board of Trustees has determined that a policy resolution is necessary to address various issues concerning the care, management and maintenance of Bass Pond, Bryce Pond, Burke Pond, Lynch Pond, Meadow Pond, and Spring Pond, hereinafter referred to as “the Ponds”, which are located on the Properties within the Conservancy.

NOW THEREFORE, BE IT RESOLVED THAT the following text be adopted as the Conservancy Pond Management Policy, and included in the Rules and Regulations of the Conservancy; and

BE IT FURTHER RESOLVED THAT this resolution shall supersede all previously published Conservancy policies, rules and guidelines relative to the ponds within the community.

I. General

A. This policy sets forth the general maintenance responsibilities for the Ponds located on the Properties within the Burke Centre Conservancy, however it cannot anticipate every situation that may occur involving these impoundments, and in those cases, this policy shall serve as a guide for decisions made by the Conservancy Staff, or its governing bodies with respect to Pond related issues.

B. Aside from their inherent beauty as landscape features, wildlife habitat and recreational amenities, the Ponds were established as an important part of the Conservancy’s stormwater management facilities. As such, the Ponds serve to control stormwater runoff, trap sediment, and help prevent flooding and pollution in the community, as well as in the local streams, rivers, and Chesapeake Bay. Accordingly, the Ponds are subject to County and State regulations for managing these facilities and impoundments. Currently known County and State regulations have been considered in the development of this management policy. As these mandates are subject to change, this policy may be amended from time to time as necessary to incorporate current regulations and best management practices.

C. The Conservancy recognizes that Bryce Pond, Burke Pond, Meadow Pond, and Spring Pond are located in Resource Protection Areas (RPA's) established by Fairfax County to protect corridors of environmentally sensitive land that lie alongside or near waterways which drain into the Potomac River and the Chesapeake Bay. Accordingly, any development or land disturbing activity in these areas generally requires approval from Fairfax County. This includes the removal of trees and other vegetation as may be called for in this policy.

D. As stormwater management facilities that serve multiple Burke Centre Clusters and as an amenity open for recreational activities such as catch and release fishing by all Conservancy Members, the Ponds are considered Conservancy Common area as defined in the Declaration of Covenants, Conditions and Restrictions. The maintenance responsibility, therefore, belongs to the Conservancy, and not the individual Cluster where each Pond happens to be located. This fact was confirmed by a legal opinion issued by Conservancy General Counsel to the Board of Trustees in October 2006.

E. The Conservancy may utilize in-house Staff, contractors, industry professionals and volunteers to execute this policy. The use of volunteers to work on Pond maintenance projects will be limited to only those activities that can reasonably be accomplished by lay-persons and which do not present safety concerns or liabilities as determined by the Conservancy Staff. Volunteer projects must be coordinated and approved in advance by the Conservancy. Examples of appropriate volunteer activity may include general clean-up efforts such as litter control, the removal of deadfall, planting of native Virginia plant species and the installation of bio-logs to control shoreline erosion.

F. Conservancy Staff are responsible for scheduling and supervision of any in-house Staff or contractors performing work in or around the Ponds and for communicating, when appropriate, work-related activity to the Cluster and/or Membership.

G. Staff will endeavor to communicate in advance with Cluster leaders and Members when major maintenance projects are undertaken. Major maintenance shall include heavy tree trimming, in-water pond work such as cattail control, dredging, replacement of infrastructure, certain wildlife control activities, and chemical applications. Communication will be in the form of written or verbal notification via emails, phone communications, and/or electronic alerts using Conservancy media platforms and other established communication tools and methods.

H. Routine maintenance activity will not ordinarily be communicated by Conservancy Staff to Cluster leaders or Members. Routine maintenance shall include grass mowing, deadfall removal, scheduled tree/shrub trimming, trash/debris removal, perimeter invasive plant removal and other similar activities performed on a routine basis.

II. Perimeter Landscaping Management

A. Funding

1. Funding for perimeter landscape management shall be from the Conservancy Operating accounts funded through the General Assessment.

B. Mowing

1. Mowing of turf grass around the perimeter of the Ponds shall occur on a seven (7) to ten (10) day cycle during the growing season which is typically during the months of April through October.

2. A three (3) foot “no mow zone”, where applicable, shall be maintained around each Pond from the water’s edge outward to encourage growth of a vegetative perimeter which will help prevent erosion, deter access for Canadian geese, improve water quality and provide wildlife habitat. In areas where a pathway is within three (3) feet of the water’s edge, mowing will take place on the outside of the pathway only, and not in the vegetative perimeter between the pathway and the water’s edge.

3. Mowing of dam faces shall occur periodically as necessary during the growing season in order to maintain grass height at approximately eight (8) inches.

4. Mowing operations are considered routine maintenance.

C. Pruning

1. Pruning of understory and midstory plants in the three-foot vegetative perimeter, including but not limited to grasses, flowers, and native shrubs such as alder bushes, dwarf holly and sweet pepper etc... shall occur two (2) times during the growing season, usually during the months of May and November, in order to maintain the plants to an approximate height of no more than forty-eight (48) inches.

2. Pruning of upperstory trees shall occur as necessary to encourage the overall health of the tree, maintain visual sight lines into the pond, remove dead, diseased or structurally unsound limbs that present a safety concern or impede access on adjacent pathways.

3. Pruning operations are considered routine maintenance.

D. Removal of Invasive Plants

1. Invasive plant species, including but not limited to, Poison Ivy, Grape Ivy, English Ivy, Porelain Berry, Bittersweet, Honeysuckle, Sweet Briar, Phragmites and Bamboo that develop anywhere in the perimeter landscaping, will be removed throughout the growing season upon discovery.
2. Removal of invasive plants is considered routine maintenance.

E. Removal of Prohibited Vegetation from Dam Embankments

1. In accordance with Section 10.1-609.2.A of the Virginia Dam Safety Act, trees and other woody vegetation will not be permitted to grow upon dam slopes or crests, emergency spillways and within a distance of twenty five (25) feet from the toe of the dam.
2. Trees or other woody vegetation as stated above in E.1. will be removed throughout the growing season upon discovery.
3. Removal of prohibited vegetation from dam embankments is considered routine maintenance.

F. Integrated Pest Management Practices

1. The Conservancy's landscaping maintenance contractor shall follow an integrated pest management (IPM) plan to minimize the application of pesticides and fertilizers to Common areas surrounding the Ponds. The plan shall dictate that pesticides are only used as needed and only applied to trouble spots, and that no chemical applications of any kind shall be made when rainfall is forecast within forty-eight (48) hours of the application.
2. Integrated pest management practices are considered routine maintenance, however the contractor must notify Conservancy Staff of any treatment in advance.

III. Aquatic Vegetation and Water Quality Management

A. Funding

1. Funding for aquatic vegetation and water quality management shall be from the Conservancy Operating accounts funded through the General Assessment.

B. Contract Services

1. The Conservancy shall contract with a well-qualified, licensed, and insured consultant that specializes in providing pond and lake management services to provide water quality monitoring, treatment for weeds and algae and to provide consulting services for problems associated with the Ponds that may occur from time to time.

2. The contract will provide for monthly inspections by the consultant in May, June, July, August and September to monitor conditions at the Ponds and to apply vegetation control material as necessary in order to treat noxious aquatic vegetation.
3. The Consultant will be on call as needed during the contract period to address issues that may arise between scheduled visits.
4. Treatments for filamentous algae and noxious macrophytes will be conducted on an as needed basis.
5. Control of emergent wetland grasses such as Typha, commonly referred to as cattails, that extend more than fifteen (15) feet from shore, or more than thirty (30) feet in length will occur once annually, in **October**.
6. Vegetation control materials employed in the program will be applied using the Consultant's distribution equipment by employees of the Consultant. All materials will be applied in accordance with the manufacturer's guidelines for each product.
7. The materials employed in the program for vegetation control will be registered for aquatic usage with the Environmental Protection Agency and the Commonwealth of Virginia. Material Safety Data Sheets (MSDS) for all materials used by the Consultant on the Ponds will be provided to the Conservancy Facilities and Resources Department prior to the application of any such material. Treatments will be performed in strict adherence with regulations set forth by the Commonwealth of Virginia and will be conducted by a Virginia State certified commercial applicator.
8. The Consultant will obtain and process all necessary permits for the treatment of the Ponds, including any specific RPA requirements.
9. Chemical applications at the Ponds are considered major maintenance.

IV. Impoundment and Perimeter Infrastructure Management

A. Funding

1. Funding for impoundment and perimeter infrastructure management shall be from the Conservancy Capital Reserve accounts funded through the General Assessment.

B. Impoundment Infrastructure

1. Impoundment infrastructure shall consist of all improvements designed to hold and control the flow of water into, through and out of the Ponds. This infrastructure includes, but is not

limited to, dam embankments, emergency spillways, inflow and outflow pipes, risers, trash racks, valves, orifices, aerators, and concrete structures.

2. All impoundment infrastructure will undergo a visual inspection, to the extent possible, conducted by Conservancy Staff on an annual basis to check for any obvious signs of deterioration, damage, or malfunction.

3. All impoundment infrastructure shall be inventoried and inspected every five years as part of the Conservancy Capital Reserve Plan updates by a Community Associations Institute Reserve Specialist hired by the Conservancy in compliance with the Virginia Property Owners' Association Act. Repair, replacement, and maintenance protocols contained in the plan will be scheduled and undertaken as called for in the plan, or as conditions dictate. Additionally, emergency drain valves shall be exercised once every five (5) years **at a minimum, or annually if practicable**, in accordance with State and County requirements.

4. All impoundment infrastructure will undergo a comprehensive inspection and analysis once every ten (10) years by a civil engineering firm or consultant with expertise in pond and lake management and appurtenant structures. The engineer or consultant shall issue a report to the Conservancy containing any appropriate repair or replacement recommendations based upon their findings.

5. The Conservancy will cooperate with and undertake recommended repairs as the result of periodic inspections of the Ponds conducted by Fairfax County authorities.

6. All impoundment infrastructure will be adequately funded for future repair and replacement through the Conservancy Capital Reserve Fund.

7. Replacement of impoundment infrastructure is considered major maintenance.

C. Perimeter Infrastructure

1. Perimeter infrastructure shall consist of all improvements and appurtenant structures unrelated to impoundment infrastructure that has been installed upon common area adjacent to, or on, the Ponds. This infrastructure includes, but is not limited to, pathways, bridges, pavilions, fishing piers, benches, trash receptacles, lifesaving stations, fencing, windmills, and signage.

2. All perimeter infrastructure will undergo a visual inspection, to the extent possible, conducted by Conservancy Staff on an annual basis to check for any obvious signs of deterioration, damage, or malfunction.

3. All perimeter infrastructure shall be inventoried and inspected every five (5) years as part of the Conservancy Capital Reserve Plan updates by a Community Associations Institute Reserve Specialist hired by the Conservancy in compliance with the Virginia Property Owners'

Association Act. Repair, replacement, and maintenance protocols contained in the plan will be scheduled and undertaken as called for in the plan, or as conditions dictate.

4. Certain perimeter infrastructure will undergo a comprehensive inspection and analysis once every ten (10) years by a civil or structural engineering firm. This infrastructure includes all bridges that cross bodies of water, pavilions, and fishing piers. The engineer or consultant shall issue a report to the Conservancy containing any appropriate repair or replacement recommendations based upon their findings.

5. All perimeter infrastructure will be maintained in accordance with best management practices as outlined in the Conservancy Capital Reserve Plan for each component.

6. All perimeter infrastructure will be adequately funded for future repair and replacement through the Conservancy Capital Reserve Fund.

7. Windmills shall be maintained as an aesthetic feature only, and not as functional pumps to replenish Pond water or provide aeration.

8. Replacement of perimeter infrastructure is considered major maintenance.

V. Erosion Control

A. Funding

1. Funding for erosion control projects shall be from the Conservancy Capital Reserve accounts funded through the General Assessment.

B. Shoreline Erosion

1. Shoreline erosion is primarily controlled through maintenance of the vegetative perimeter, where it exists.

2. Shoreline erosion that develops in areas where the vegetative perimeter is lacking, absent, or simply ineffective may be addressed with shoreline stabilization methods such as biologs which decompose over time and encourage deep root growth of plant material. In cases of extreme shoreline erosion, armoring slopes with riprap and similar materials may be necessary. Shoreline erosion projects that occur in Ponds located within an RPA must receive Fairfax County approval prior to the work being performed.

C. Channel Erosion

1. Channel erosion that develops in or around inflow and outflow structures will be assessed on a case-by-case basis and may require advice and recommendation from a civil engineer.

VI. Dredging

A. Funding

1. Funding for dredging related professional studies and dredging projects shall be from the Conservancy Capital Reserve accounts funded through the General Assessment.
2. The Conservancy shall contract for professional services to conduct a bathymetric survey of the ponds once every twenty (20) years for the purpose of calculating approximate sediment fill volumes and to make a recommendation concerning the removal of sediment from each Pond in order to ensure an appropriate amount of freeboard and that the spillway design flood (SDF) capacities are maintained.
3. The Conservancy Capital Reserve Plan anticipates dredging activity to occur once every twenty-five (25) years, however dredging activity may occur sooner if Pond conditions warrant, based upon the bathymetric study and professional recommendations.
4. Dredging operations are considered major maintenance.

VII. Wildlife Management

A. Funding

1. Funding for wildlife management initiatives, including fish restocking, shall be from the Conservancy Operating accounts funded through the General Assessment.

B. General

1. Specific recommendations for wildlife management issues that arise may be made from time to time by the Wildlife Committee and/or the Open Space Committee.
2. Nuisance animals may be controlled in consultation with Fairfax County Animal Control.
3. Wildlife management activity is considered major maintenance.

C. Burrowing Animals

1. Burrowing animals, including but limited to groundhogs, ground squirrels, snakes and rats must be promptly controlled when they inhabit any part of a dam structure. The use of a licensed trapping professional or other pest control professional following State guidance for

control of these animals is required. Animal burrows discovered anywhere on or near a dam structure must be filled with compacted soil and monitored to ensure the burrowing activity has ceased.

D. Waterfowl

1. Nuisance resident geese populations may be controlled through annual egg addling activities conducted through cooperation with Fairfax County, and/or lawful harassment activity such as through the use of canines specially trained to perform these services under the supervision of a licensed contractor.

E. Beaver

1. Nuisance beaver populations may be controlled through licensed trapping professionals following State guidance for control of these animals.

F. Fish

1. Fishing is permitted in the Ponds by Burke Centre members and their guests. The Conservancy encourages a “catch and release” policy to ensure healthy fish populations for the control of unwanted insects and other ecological benefits.

2. The Conservancy will contract for a fish survey to be conducted by trained professionals utilizing electrofishing techniques to estimate fish populations in the Ponds and to make any restocking recommendations once every ten (10) years, or sooner if Pond conditions warrant.

G. Insects

1. Nuisance insects may be controlled through the use of licensed contractors using an integrated pest management (IPM) plan to minimize the application of pesticides to Common areas surrounding the Ponds.

2. Nuisance mosquito populations are controlled primarily by maintaining healthy fish populations in the Ponds, however aerial pesticide applications (fogs), performed by licensed contractors may be utilized to control mosquitoes from time to time as conditions may dictate.

IN WITNESS WHEREOF, for the purpose of recording the Burke Centre Conservancy Pond Management Policy as duly adopted by the Board of Trustees on _____ 2024, we, the undersigned, have executed this Policy this _____ day of _____, 2024.

BURKE CENTRE CONSERVANCY

By: _____

Marc Flaster, President

ATTEST: _____
Lee Schmidt, Secretary

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