

# Cougar Run Dam

Summary and Background Information

By Roger Bolick, 06/13/2016

**Summary** (as published in the July 2016 issue of the NWACA newsletter)

Cat Creek Valley may soon have a new visual feature, a “Dam Ramp,” running to the Cougar Run Dam. The 40-foot dam blocks dry Cat Creek, forming a detention pond. The Austin Watershed Protection Department (WPD) proposes to build an elevated roadway from Far West Boulevard across Cat Creek to enable access by WPD to the dam. There is a need for one-time renewal and yearly maintenance.

The approach being proposed appears to be excessive in cost, disturbs a large area of the environment, and requires the taking of two parcels of private property (one of them my lot and one a property of the Marbry’s Ridge HOA).

Issues with the approach have been raised with WPD and Sheri Gallo’s office, in a meeting I attended on May 24, along with NWACA President Chris Hajdu and a Marbry’s Ridge representative. Results were not conclusive, with answers still needed regarding when the project might be done (it’s not considered a critical project), what rights the City has to gain access from Far West through HOA property, and how the area residents will be apprised of plans for the work. Another meeting is planned in 30 days with more information.

Meanwhile, if you would like to see more about the status or history of this situation, please search for the article on Cougar Run Dam on the NWACA web site, [www.nwaca.org](http://www.nwaca.org) If you have any information about prior history of this dam or maintenance of its ponds, or if you want to participate in a discussion about this effort, please send email to [nwacainfo@gmail.com](mailto:nwacainfo@gmail.com)

## **Background information**

The proposed access road is intended to be an elevated, paved roadway (15ft wide) with 10-20ft concrete support walls and guardrails. It is intended for one-time dam renewal and yearly maintenance. This roadway cost is projected to be \$2.1M. Austin City Engineering intends to build the access road, then figure out the dam repair scope and cost!

Issues I see with the Austin Watershed Protection Department (WPD) on this:

1. Lack of transparency – stakeholders are city employees (no area owners invited thus far).
2. It creates an eyesore in our backyards – ugly, expensive, adds impervious coverage.
3. Government over-reach - “modernization” project vs. Repairs, in inspection report(s).
4. Waste of tax dollars – chose most expensive of 3 priced routes, 8 alternates not priced. (ignored option of using lighter equipment with no pavement...)
5. Taking of private property – claims city can take property without paying for it. (Really?)
6. Concern that this might not be an isolated case, but a systemic problem with a specific group or department. May be the right time to identify and cure.

Interfacing with WPD personal, I became painfully aware of multiple mistakes, arrogant behavior, intimidation, and bullying. As this is my first time dealing directly with city government, I am not impressed. As designed this approach takes 2 parcels of private property, my lot and some Marbry’s Ridge HOA property for the “dam ramp...”, ridiculous, expensive, overkill, and a legal nightmare.

Please help me “stop the dam ramp.”

There is a no pavement alternative.

The dam inspection report issues can be rectified via light equipment which does not require a wide

paved roadway. Extend the Ladera Norte dam access road to the upper dam via a wooden bridge crossing Cat Creek near the 18" outflow pipe. Light equipment can travel to the upper dam from Ladera Norte (equipment stored on-site to minimize in and out travel). This uses city property and existing easements, avoids heritage tree removal, and the wooden bridge may provide future pedestrian access to the "dam park." This approach adds a needed fire break for the homes on the north side via a canopy gap along Cat Creek. Also, this saves \$2.1M of tax dollars.

### Dam history

Blankenship Developments Inc. agreed to construct, inspect, and maintain a 2 pond regional storm water control facility in return for City of Austin (COA) approval for development of the north side of Cat Creek basin. The obligation is tied to the 2 parcels of Cat Creek property transferred to COA in 1986. Included is all of Cat Creek and the north shore with access to 3 major roads.

The original access road and easement was "lost" when COA approved the NCM section 3A re-plat. (Dam was complete, but adjacent area was still undeveloped, ~1983)

Ladera Norte Dam was re-done ~10 years ago and under COA yearly maintenance.

Cougar Run Dam was accepted in 1982 and inspected in 2001, 2006, 2009, and 2012. Inspection reports show a debris-blocked 18" inflow pipe, an unwanted pond at the 18" outflow, unwanted scrub cedars on top, and untended spillways at each end. Spillways are similar to a narrow rocked driveway which in this case needs rock removal, re-grading, and rock re-installation.

Cougar Run Dam has had no maintenance in 35 years and is still functioning!

### Notes from the May 24, 2016 Meeting

District 10 City council office – Six from WPD, Chris Hajdu from NWACA, Marby's Ridge representative, Roger Bolick, Taylor Smith (District 10)

The WPD spokesperson was Roxanne. She said Cougar Run Dam is non-critical, thus "may" be delayed by reallocation of \$\$ to critical projects. Roxanne answered most questions by changing to a general topic and addressing it. I specifically discussed the history and basis for the dam, the original access point and its loss via City approval and the "owner" of maintenance responsibility, etc. I also broached the topic of no legal basis for any access via Far West Blvd. Serious question, zero response.

Roxanne was open to the various HOA's in the area doing the maintenance work with the City's assistance, i.e. we cut trees, City chips the wood on-site or nearby. I wonder... If we satisfy the inspection report deficiencies, does it kick the can another 35 years?

Marby's Ridge broached the subject of the City having no rights to cross the HOA property; once again no response.

The 500-foot project notice requirement was discussed as a great means of advising residents of project status. I was somewhat confounded by this rationale, as a 500-foot radius around the dam would only be a few homes. In a dense neighborhood this may be effective, but in this case, likely not.

Chris Hajdu asked the last question and it was clearly answered yes, no, maybe.

Another meeting is to occur in 30 days for more pointed discussion.

Property Affected

Property directly involved: Cat Creek Basin bordered by Ladera Norte, Valburn Drive, Greystone, West Rim, Far West Blvd. Cougar Run Dam is a regional flood control facility. All the houses built in this basin are dependent on this facility for platting, and therefore may have a financial relationship.

Property legally involved: North Cat Mountain sections 1, 2, 3, 4 and other property included in the 55.934-acre and 96.316-acre T. J. Chambers grant (north of Cat Creek). Marbry's Ridge and other property included in the 280.153-acre T. J. Chambers grant (south of Cat Creek).  
(see 6579-1623 Dam Cat Creek Agreement – construction & maintenance of dams)

Property indirectly involved: all property or persons within viewing distance of the southern half of Cat Creek Basin or using the area for transportation and recreation.