

**Virginia Scenic River Advisory Board  
October 30, 2008  
VCU Rice Center  
Charles City, Virginia**

**Virginia Scenic River Advisory Board Members Present**

Richard G. Gibbons, Chair  
Henry R. Broaddus  
Patricia A. Jackson  
Amanda T. Macaulay  
Mary Lily Nuckolls  
K. Wayne Walton

Joseph H. Maroon, Director  
Ralph Hambrick  
Dennis Liberson  
Edward A. Mullen  
Christopher B. Rivers

**Virginia Scenic River Advisory Board Members Not Present**

Robert G. Harrison  
Cardell C. Patillo, Sr.  
Christy Williams

Ralph L. Moore  
Porcher L. Taylor, Jr.

**DCR Staff Present**

Lynn Crump  
David C. Dowling

John R. Davy  
Michael R. Fletcher

**Call to Order**

Chairman Gibbons called the meeting to order and declared a quorum present.

Mr. Maroon welcomed members and introduced Dr. Len Smock, Director of the VCU Rice Center.

Dr. Smock welcomed members and gave an overview of the Rice Center property and the building.

Mr. Maroon thanked Dr. Smock for the use of the building.

Chairman Gibbons asked members and staff to introduce them.

**Approval of Minutes from April 27, 2008**

MOTION: Ms. Macaulay moved that the minutes of the April 27, 2008 meeting of the Virginia Scenic River Advisory Board be approved as submitted.

SECOND: Mr. Liberson

DISCUSSION: None

VOTE: Motion carried unanimously

### **Director's Report**

Mr. Maroon gave the Director's report.

Mr. Maroon said that state government was facing the same economic issues as the business world. He said that each agency had been required to submit proposed budget cuts of 5, 10 and 15 percent. He noted that the Governor has the authority to cut up to 15% of an agency budget but greater amounts require General Assembly action.

Mr. Maroon said that DCR had sustained roughly a 13% cut. More reductions are anticipated in December. The Governor has not announced recommended reductions for 2010 but the expectation is that cuts will be greater.

Mr. Maroon said that collectively about 1,400 state positions were eliminated. DCR lost twelve full-time positions of which three were layoffs. In addition DCR will not be able to hire approximately 50 seasonal staff.

Mr. Maroon said DCR turned back over \$5 million to the General Fund. The anticipated target amount for 2010 is \$7 million. Additional cuts will have significant impacts on employees and major programs.

Mr. Maroon said that DCR will do everything possible to continue to provide quality services. He said in the future, state agencies may look quite different. He noted that unlike other years, agencies were not instructed to submit budget requests.

Mr. Gibbons asked if DCR was considering the use of volunteer groups to supplement services.

Mr. Maroon said that the Agency would have to have further discussion in that regard. He said that during the Warner Administration four State Parks were placed on caretaker status. Governor Kaine has made it clear that he does not want to close parks or scale back the operations of parks.

### **Chairman's Report**

Mr. Gibbons gave the Chairman's report. He noted that Agency Deputy Director Russ Baxter had been out recently on medical leave. Mr. Gibbons distributed a card for members to sign for Mr. Baxter.

Mr. Gibbons said that he had attended two meetings of the James River Advisory Council (JRAC). He said at the August meeting the Council reviewed the James River Day Cleanup activities. JRAC has developed a diversity report for the River.

The JRAC issues committee met on August 14. The committee came up with a procedure for carrying river issues to the full Council.

The Parade of Lights is scheduled for December 11, 2008. The parade begins in Richmond and moves down to the Varina-Enon Bridge.

Mr. Gibbons, Mr. Walton and Ms. Crump represented the Board at the Virginia Park and Recreation Society's Annual Conference held in conjunction with the Governor's Conference on Greenways and Blueways.

### **River Issues**

#### *Rivanna River Extension Update*

Ms. Crump gave an update on the Rivanna River extension. Nine people, including Mr. Mullen, participated in the evaluation trip. The River is currently designated up to the point where the Woolen Mills Dam was removed. The desire is to extend the designation of the river along the South Fork of the Rivanna up to the South Fork Rivanna River Reservoir Dam.

The evaluation found that section of the River to qualify. Resolutions of support from the County and City have been obtained. The local delegate has been requested to introduce legislation to designate this section in the next General Assembly Session.

Ms. Crump said there had been no other river studies since the last meeting.

#### *Historic Falls of the James*

The Historic Falls of the James Scenic River Committee has been working with the City of Richmond to upgrade access to the River as well as the Shockoe Retention Basin. The committee has expressed support for a conservation easement being placed over the City's James River Park System and has been discussing a scenic road designation for Riverside Drive.

Dr. Hambrick said the City had recently completed their downtown master plan which makes the river a major focus. He said the master plan addresses issues such as access and public use.

Mr. Maroon said that DCR had been working with the Capital Area Land Conservancy and the Richmond City Parks and Recreation Foundation. DCR has been in the lead with trying to place a conservation easement on the James River Park System in Richmond.

Mr. Maroon said the Richmond City Council initiated the idea because of a concern of the land being sold for development. A couple of City Council members have spearheaded the notion to put the park system under permanent easement.

Mr. Maroon said that most conservation easements are on open land for scenic purposes or on resource lands, not an urban park. He said that it had been a complicated task to develop what may be the first arrangement in the country to deal with an urban park in this manner.

Ms. Jackson said that it was an interesting scenario because parks are usually locally owned. She said that it was a wise move on behalf of the City Council to get to this point and not leave the issue to future members.

### *Goose Creek*

Ms. Crump said that the Goose Creek Scenic River Advisory Committee had been working with a private developer regarding a sports complex. The Committee has negotiated an easement with a 300 ft. setback. In addition the Committee has received an agreement that the complex would not build within 1000 ft. of the river's edge. The fields will be watered with recycled water and all stormwater will be treated on site. The developer is putting in a connector trail from their property to the Potomac Heritage Trail.

The Goose Creek Committee has also been working on a revision to their bylaws to include the Fauquier County section of the river.

Mr. Maroon said that the Goose Creek Committee had amended their bylaws to accept nine new members representing the Fauquier County portion of Goose Creek. Those letters of invitation have been mailed and appointments will be issued shortly.

### **Update on Relicensing**

Mr. Davy said DCR had been dealing with various licensing issues. He said these usually relate to large impoundments that have hydroelectric generating capacity. The most recent discussion involves the Smith Mountain Hydro Project. DCR has been working with DEQ, DGIF and others on the issue.

Mr. Davy said that on October 16 and 17 the State Water Control Board had two days of public meetings in Richmond and decided to accept the new protocol to control the water flow. He said the new protocol is based on rainfall forecasting. The process will allow the lake to hold water longer and will allow the release to occur over a longer period of time.

Mr. Davy said that the North Anna Nuclear Power project is looking at a third and possibly fourth reactor on the Lake Anna Reservoir. The first unit will use a standard

cooling tower. DCR will eventually offer a recommendation regarding the impact downstream.

Mr. Davy said the Claytor Lake Relicensing is coming up. The same protocol used at Smith Mountain Lake is being considered for Claytor Lake.

Mr. Davy said on the Philpot Reservoir the issue was the release of extremely cold water below the dam. He said engineers are looking at new kind of mixing tower. The water currently being released is too cold for brown trout and some recreational use.

Dr. Hambrick asked if there were any scheduled dam removals.

Mr. Davy said he was not aware of any scheduled dam removals.

### **Scenic River Study: Minimum Criteria**

Mr. Davy said that at a previous meeting staff had presented a slide show presentation regarding the scenic river program. He said that at the time the presentation did not include the minimum criteria for a river to become part of the Scenic River System. He said staff had outlined the current practices and developed the following:

#### Minimum Criteria for evaluation

- Minimum of 5 miles long, or part of another system
- Opportunities for public recreational use
- Identified in recognized published guides

#### Public/Recreational Use/Access

- Formal Access
  - Public docks
  - Public boat launches
  - Public lands
  - Public trails
- Informal Access
  - Public road crossings that are not developed but used
  - Private properties that allow the public to use for hiking, river access and fishing

Mr. Maroon said that staff was looking at establishing minimum criteria in order to be able to determine whether staff should proceed with an evaluation. He said the evaluation is necessary for the designation.

Ms. Jackson questioned the need for this. She noted that the program had been around for almost 40 years. She said that typically the work had been generated at the grassroots level by citizens who feel passionately about their river and who want to have that recognition at the state level. She said the law was fairly minimal in terms of requirements.

Ms. Jackson said that her goal would be to get more rivers in the system rather than setting up something that might hinder other rivers from coming in. She said that most of the rivers that have been identified have these qualities such as public access. However, she said there were some segments that she believed would qualify that do not currently have access but might in the future.

Ms. Jackson said that it was good to have the guidelines, but said she was not certain public access should be required.

Mr. Davy said that it did not have to be a public access facility. Informed access was sufficient as long as the rivers that staff looked at were truly of statewide significance.

Mr. Davy said that every river currently in the system met the minimum criteria.

Mr. Davy said that in the Outdoors Plan, public access to state waters was the most needed outdoor recreation opportunity.

Mr. Mullen asked about the purpose of the two slides.

Mr. Davy said that the purpose of the slides was to show the base criteria necessary to be met before the rest of the scoring criteria were considered. He noted that if staff could not obtain access to the section of a river, the river would not be evaluated.

Mr. Davy said that there were other ways to protect watersheds than through the Scenic Rivers Act. He said that the Act was not designated as a water protection mechanism.

Ms. Jackson said that the issue was more than recreational access.

Ms. Nuckolls said that staff was not saying that the section of the river had to have open public access but that the staff needed access to evaluate the river.

Mr. Broaddus asked if the five-mile section of the river would always be continuous.

Mr. Davy said that if the section of the river was less than five miles it must be part of another section.

Ms. Macaulay suggested using the term minimum public accessibility.

Ms. Jackson said that there were types of public benefit other than public recreational access. She noted that conservation easements do not require public access.

Mr. Maroon said that DCR had a similar issue with land conservation. He said landowners were asking for an easement under the scenic open space category yet the property could not be viewed.

Mr. Maroon said that DCR was not asking for additional public access but just noting that some recreational opportunity must exist in order for DCR to evaluate.

Mr. Liberson said that it troubled him with the example of Goose Creek where staff did not have access to evaluate the river at the headwaters.

MOTION: Mr. Rivers moved that the Board edit the minimum criteria to include some minimal opportunity for public access or use.

SECOND: Ms. Nuckolls

DISCUSSION: Ms. Jackson offered a substitute motion to say that the minimum criteria was at least five miles in length or contiguous to an existing scenic river and add to the designation criteria a 12<sup>th</sup> category which would be recreational use and public access.

Mr. Maroon said that he had concerns with both proposals. He said he would prefer to have staff develop language and come back to the next meeting.

The motion and the substitute motion were withdrawn.

MOTION: Mr. Rivers moved that staff take Board member comments under advisement and draft a new presentation for Board consideration at the next meeting.

SECOND: Mr. Walton

DISCUSSION: None

VOTE: No official vote was taken but the Board approved the motion by consensus.

### **40<sup>th</sup> Anniversary of Scenic Rivers Program**

Mr. Gibbons said that in 2009 the National Rivers program would be 40 years old. In 2010, the Virginia Scenic River Program will be 40 years old. He asked that members consider how to celebrate the 40<sup>th</sup> anniversary.

Mr. Maroon said that one possibility would be the designation of additional rivers. He said that DCR continued to work in the signage issue.

Mr. Maroon suggested members work through their localities to find sponsors for local events that could cumulatively operate under a statewide recognition program.

Mr. Gibbons said that he would like to appoint a subcommittee to address this issue prior to the next meeting.

Mr. Liberson suggested a scenic river photo contest.

Ms. Jackson said that it would be helpful to get a resolution from the General Assembly and the Governor, perhaps designating 2010 as the year of the river.

Mr. Gibbons appointed the following individuals to serve on the subcommittee; Ms. Jackson, Mr. Liberson, Mr. Mullen, and Dr. Hambrick.

### **Captain John Smith Trail**

Mr. Davy gave an update on the Captain John Smith Trail. He provided members with maps and displayed copies of the interpretive signs.

Similar trails have been developed on the James and the York Rivers. The intent was to be true to what John Smith actually would have seen.

Mr. Davy noted that Congress has created the Captain John Smith Chesapeake Bay National Historic Water Trail. The intent is to retrace the steps of the voyages of John Smith.

### **Public Comment**

There was no public comment.

### **Other Business**

Mr. Mullen said that he helped the James River Association with the first annual James River Runoff Rundown. The event raised about \$25,000 to support river clean up. There were paddlers from the headwaters down to Fort Monroe.

### **Next Meeting**

The next meeting of the Scenic River Advisory Board will be sometime in April 2009. Staff will work with Chairman Gibbons to determine a date.

Items to be covered will include the 40<sup>th</sup> Anniversary Celebration, the Virginia Trails Plan, and the Minimum Criteria.

**Adjourn**

There was no further business and the meeting was adjourned.

Respectfully submitted,

Richard G. Gibbons  
Chair

Joseph H. Maroon  
Director