

**Virginia Scenic River Board
October 20, 2011
Richmond, Virginia**

DRAFT MINUTES

Virginia Scenic River Advisory Board Members Present

Patricia A. Jackson, Chair
David A. Johnson, DCR Director
Jay Garner, III
Cameron Palmore
Porcher L. Taylor, Jr.
Richard G. Gibbons, Advisor

Edward A. Mullen, Vice Chair
James G. Council
Mary Lily Nuckolls
Christopher B. Rivers

Virginia Scenic River Advisory Board Members Not Present

Henry R. Broaddus
Brian Ewald
Cardell C. Patillo, Sr.
Wendell Walker

Linda Crandell
Nicholas J. Graham
Ellen Shepard

DCR Staff Present

Jeb Wilkinson, Chief Deputy Director
David Dowling, Director of Policy and Planning
Michael Fletcher, Board and Constituent Services Liaison
Danette Poole, Director, Division of Planning and Recreation Resources
Lynn Crump, Environmental Programs Planner

Call to Order and Introductions

Ms. Jackson called the meeting to order. A quorum was declared present. She welcomed Cameron Palmore as a new member of the Board.

Ms. Jackson noted that new members Brian Ewald and Linda Crandell were unable to attend the meeting. She asked the remaining members and staff to introduce themselves.

Approval of Agenda and Minutes

Ms. Jackson reviewed the agenda for the meeting and asked for additions or comments. There were none.

MOTION: Mr. Taylor moved that the minutes of the May 4, 2011 meeting of the Virginia Scenic River Advisory Board be approved as submitted.

SECOND: Mr. Garner
DISCUSSION: None
VOTE: Motion carried unanimously

Chairman's Remarks

Ms. Jackson noted that she was new to the role as Chairman. She also welcomed Edward Mullen as the new Board vice chair.

Ms. Jackson said she had the opportunity earlier in the week to speak to the Kiwanis Club in Ashland. She spoke regarding the Scenic River program and used the PowerPoint presentation that had been prepared by staff. She said that she was able to address the misconceptions of the program, how many sections there are, the process to nominate and the criteria.

Ms. Jackson said that she chose to present regarding the Scenic River program because the Board and staff have been working towards the goal of having all ten river basins in the Commonwealth included in the program. She said that at this point the York and the New River basins do not have designations. She noted that the North Anna, the South Anna and the Pamunkey are in parts of Hanover County and flow into the York basin.

Ms. Jackson said that in Hanover there was a push to promote tourism. She said she was able to speak to how other localities were using the Scenic River designation as a catalyst to promote ecotourism.

Ms. Jackson said that she would encourage Board members to take the opportunity to present regarding the program. She noted that staff would work with them regarding the specific presentation.

Ms. Crump said that she recently gave a presentation to the Middle Peninsula Garden Club to talk about the program for the same reason. She said that in March she had also given a presentation in King and Queen County, but met with quite a bit of resistance.

Ms. Crump said that she also had another presentation to give regarding the Tye River. She said that if Board members chose to follow Ms. Jackson's suggestion that she would be available to accompany the Board member and to tailor the presentation to the specific region.

Ms. Crump shared a map of river designations across the state. Ms. Jackson suggested that copies of the map be provided to members. Ms. Crump said that she would follow up and provide copies to be mailed.

Mr. Mullen asked about the section of the Mattaponi in King and Queen County and whether this was the upper or lower section.

Ms. Crump said that the original request was the entire river. She said that her recommendation was to select a section that the supporters believed to be the most pristine and that had the greatest support from adjacent property owners. She said that they had chosen a 6-mile section in the middle.

Mr. Council said that it would be helpful if new members could be briefed regarding how to begin the process.

Ms. Crump said that there were a number of ways to present the program. She said that in some instances presentations can be made to local staff, planning departments or county administrators. She said that often there is confusion among local boards because they believe they need to pass a resolution of support prior to the study. Rather, they need to request the study. Once the study is complete it is then appropriate for the Board to pass a resolution of support.

Ms. Crump said that another option to get to know the program would be coming up in the spring. She said that staff had been asked to consider the section of the Meherrin River between Lunenburg and Mecklenburg Counties. This would be an extension to the section already designated in Brunswick County. She said that she had also been requested to do a presentation regarding the Nelson River and that she anticipated receiving a request regarding the Tye River.

Ms. Jackson said that it would be good for staff to periodically review the presentation with the Board.

Mr. Dowling noted that members had been provided copies of the Scenic River Brochure and that more were available upon request.

Mr. Palmore said that he noted that a lot of rivers span multiple jurisdictions. He asked about the level of cooperation between counties and board. He also asked if just one side of a river could be designated.

Ms. Crump said that both sides of the river need to be included in the study and designation. She said that the Blackwater River is an example of a river that flows through four jurisdictions.

Mr. Dowling said that in rare cases through legislative action, one side can be designated.

Ms. Jackson said that over 41 years of the program the interest in river designation has shifted from citizens and groups to local governments embracing the designation as a positive thing. She said that has helped in terms of the actual process.

Ms. Jackson said that it was important to make sure this was a partnership. She said that was an emphasis of the 40th Anniversary looking at how to encourage participation.

Director's Report

Mr. Johnson gave the director's report.

Mr. Johnson said that DCR had an engaging summer and fall. He said that one of the main things was looking at DCR divisions and addressing how to make DCR into an organization with one mission.

Mr. Johnson said that for Scenic Rivers it was good to look at the scenic nature of the rivers, but also important to look at the banks and tributaries to ensure that the beauty is preserved. He said that the various missions of the agency were complimentary. He said that he would like to enlist the support of the Board for these programs.

Mr. Johnson said that it was often easier to maintain a good quality scenic river if a significant portion of the lands that touch the river are in a conservation easement. He said that would make it less likely that the land would be developed. He said that he would encourage members to look at their home rivers for opportunities for conservation easements.

Mr. Johnson said that along the same line that DCR was very engaged in the efforts regarding stormwater management. He said that recently two divisions were combined into the Division of Stormwater Management. He said that rain carries a measure of pollution into streams. He said that the goal was to mitigate the opportunities for polluting.

Mr. Johnson noted that the remnants of Hurricane Lee in the northeast had released tons of sediment in Pennsylvania which was dumped into the Chesapeake Bay. He said that obviously detracts from the scenic value.

Mr. Johnson said that the recent storms had caused extensive damage at Westmoreland State Park and Pocahontas State Park. There was damage at the eastern parks, but not the extreme eastern parks. Kiptopeke, First Landing and False Cape did not suffer major damage.

Mr. Johnson noted that in June, DCR had celebrated the 75th Anniversary of Virginia State Parks. The main celebration was an event held at Hungry Mother State Park but events and promotions were held at all the parks across the Commonwealth.

Mr. Johnson noted that October was the 25th anniversary of the Natural Heritage Program. He encouraged members to visit the Natural Area Preserves as well as State Parks. He noted that the Natural Area Preserves were open, but not staffed.

Presentation of Certificates of Appreciation

Ms. Jackson and Mr. Johnson presented certificates of appreciation.

Ms. Jackson recognized Mr. Gibbons as the outgoing chair. Mr. Gibbons will continue to serve as an advisor. He has worked with the program for numerous years as a staff member and later as a Board member. He has been very instrumental in the success of the program.

Ms. Jackson said certificates were prepared for Christy Williams and Ruth Dickerson who have also served on the Board. Ms. Williams and Ms. Dickerson were unable to be present.

A certificate of appreciation was also presented to Hirschler Fleischer for hosting the meeting.

National River Inventory

Ms. Crump noted that a copy of the National River Inventory had been provided in member packets. A copy is available from DCR.

Ms. Crump said that she wanted to provide this to members because there is sometimes a misunderstanding regarding which rivers are in the Scenic River program. She noted that there are rivers on the National River Inventory that are not state designated scenic rivers.

Ms. Crump said that for a river to be designated Wild and Scenic River under the federal program an extensive process is conducted before it goes to congress for designation. There are no rivers with that designation in the Commonwealth.

Local Committee Reports

Ms. Crump gave reports on behalf of the local committees. She said that there are currently three local committees, the Falls of the James, the Goose Creek and the Catoctin Scenic River Advisory Committees.

Ms. Crump noted that when the program began 41 years ago there was a requirement for a designation of a local committee to monitor and manage a river. In 2003 there were 19 separate committees that were largely inactive. These committees were disbanded by legislation and the State Scenic River Board was formed.

Ms. Crump said that earlier in the year the Board had recommended the designation of the Catoctin Creek Scenic River Advisory Committee. She noted that Goose Creek also expanded to create a subcommittee for the section in Fauquier County.

Ms. Crump said that the Falls of the James committee was working to expand the trail system along the river in Richmond. They have spearheaded some of the land conservation efforts, worked for boat access and worked with zoning to protect the view shed. The group is also working with the stakeholder group on the Mayo Bridge improvements. The committee was very helpful with the celebration of the 40th Anniversary held on the James.

The Goose Creek committee meets every other month. In Loudoun County the group is very influential with regard to development along Goose Creek. They have worked hard to keep development at least 300 feet back from the river. The Catoclin Creek committee is creating a data base regarding open space along the river. Ms. Crump has been serving as a technical advisor to the committee.

Mr. Mullen asked if DCR had oversight over the committees.

Ms. Crump said that the committees function independently, but that she serves as a technical advisor.

Scenic River Studies Update

Ms. Crump said that there were no requests for scenic studies this year with the exception of the Meherrin. Staff was unable to perform the field work for that study. She said that a request for a study on the Tye River is forthcoming. Also there is interest in the Bannister River in the Roanoke River watershed.

Ms. Crump noted that the request for a study must be for a minimum of a five mile segment.

Scenic River Signage Update

Ms. Crump noted that previously when a river was designated the locality would ask VDOT to provide a sign. She provided a list of signs that had been paid for from a transportation enhancement grant. She said that the signs now had to be paid for and there is a yearly maintenance fee of \$100.

She said that hopefully the signs would be placed within the next few months. She said that initially the hope was to post 30 signs, but that funding had limited the signage to only 8.

Ms. Nuckolls expressed a concern over the cost of the signs and asked if they had to be procured from VDOT. She said there were artisans who could provide the signs at a much reduced cost.

Mr. Johnson said that he would discuss the matter with VDOT.

Mr. Council asked if signs could be sponsored.

Ms. Jackson said that in the past Historic Resources had been able to pull together local funding to pay for signs.

Mr. Council said that he wouldn't want to tell a locality up front that the signage would cost \$20,000.

Ms. Crump said that the designation could occur without the sign. She said that she is often asked if a cost is associated with the study, there is not.

Update on the New River effort

Ms. Crump noted that there is not a lot of new information. She said that she had spent about a month on the New River doing evaluation from North Carolina to Giles County. She said that for the most part the river does qualify. She said the issue is garnering support. She said that the Committee for the New River based in North Carolina will help with the effort.

Ms. Nuckolls said that the intent was to ask for designation of a section in Grayson County from the North Carolina border to the Town of Fries.

Richmond River Planning Issue

Mr. Gibbons said that there are two major planning efforts underway for the river and the Richmond area that will have an impact on the river.

Mr. Gibbons said that the first issue was the riverfront plan that is being studied by the City of Richmond. This is basically a master plan for downtown Richmond with the river as a major foundation.

Mr. Gibbons said that the other issue is the Route 5 corridor study that will address the Route 5 entrance into Richmond from the east.

Jackson River Trespass Issue

Mr. Wilkinson gave the report on the Jackson River Trespass Issue.

Mr. Wilkinson referred to a July 31, 2011 article in the Roanoke Times. He said that the article regarded three gentlemen kayaking on the Jackson River in the western part of the state. They decided to get out of their kayaks to fish. Several days later they were issued warrants for trespassing. The warrants were dropped but the men are now faced with a

civil suite from the landowners. This matter is pending in the courts. The Attorney General has declined to intervene because this is between two private parties.

Ms. Jackson said that this had been ongoing for some time. This issue goes back to the King's Grant. If a landowner can show that their land is from an original grant from the king, the river bottom is likely designated as part of the property. Generally river bottoms are considered in the public domain.

Virginia Outdoors Plan

Ms. Poole gave the following update regarding the Virginia Outdoors Plan. A full copy of her presentation is available from DCR.

The Virginia Outdoors Plan is:

- Commonwealth's official conservation outdoor recreation and open space plan.
- Required by the NPS for states to be eligible to receive federal LWCF funds
- Guides all levels of government and the private sector

- Virginia has produced a VOP approximately every five years since 1966.
- Plan development takes approximately 2 years

Planning process for 2013 VOP

- Conduct Virginia Outdoors Survey, analysis and needs assessment (2011)
- Update statewide inventories of outdoor recreation facilities (2011)
- Develop technical advisory committee and hold series of public input meetings (2011-2012)
- Staff develops plan from information gathered (2012-2013)
- Update website to make VOP web-based
- Complete VOP by March 2013

Public Comment

There was no public comment.

New Business

There was no additional new business.

Suggested 2012 Meeting Dates

Tentative meeting dates for 2012 are April 26 and October 11.

Mr. Taylor offered to make meeting arrangements at either Virginia State University or the Historic Train Station in Petersburg.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Patricia A. Jackson
Chair

David A. Johnson
DCR Director