



## Waynesboro City Council Agenda Briefing

<b>Meeting Date:</b>	October 26, 2020	<b>Staff/Council Member(s):</b>
<b>Agenda Item #</b>	8	
<b>Resolution#</b>	Scenic Rivers Nomination	
<b>Department:</b>	Parks and Recreation/City Manager	
<b>Subject:</b>	Virginia Scenic River Designation	

### Background:

At the April 22, 2019 regular business meeting, City Council unanimously passed a resolution supporting the nomination of a 6.5 mile segment of the South River, beginning at S. Oak Lane and terminating at Hopeman Parkway, for Virginia Scenic River Designation. Administered by the Department of Conservation and Recreation, DCR, the Virginia Scenic Rivers Program's objectives are to identify, designate, and protect rivers and streams which possess outstanding scenic, recreational, historic, and natural characteristics of statewide significance. The program's focus is recognition and conservation of the stream and its corridor. Designation does not impose strict limitations on the river or remove authority from the locality.

The Department of Conservation and Recreation qualifies streams for this designation through a rigorous field evaluation involving fourteen distinct criteria. The evaluation of the nominated Waynesboro segment of the South River was completed on August 18, 2020 by DCR staff with assistance from Parks and Recreation staff, and citizen, river-advocates, David Hennel and Phil Crider. On September 22, 2020, DCR notified the City of the successful nomination.

The next steps in the designation process include: City Council adopts a resolution of support for extending the designation to the South River; DCR prepares a report regarding the recommended designation; the Board of Conservation and Recreation considers the nomination; finally, the General adopts legislation codifying the designation. Delegate Avoli has agreed to patron the bill.

**City Manager's Recommendation:** Continued support of the nomination and adoption the resolution.

**Suggested Motion(s):** Move adoption of the resolution supporting the South River's designation as a Virginia Scenic River.

### Attachments:

Resolution

Virginia's Scenic Rivers Program brochure. <https://www.dcr.virginia.gov/recreational-planning/document/scenrivbro.pdf>

Scenic Rivers Program "Does and Does Not" Pamphlet

April 22, 2019 Agenda Briefing and Resolution

CITY COUNCIL OF WAYNESBORO, VIRGINIA



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RESOLUTION (R20-1)

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**RESOLUTION OF SUPPORT**

**FOR THE VIRGINIA SCENIC RIVER DESIGNATION OF THE SOUTH RIVER FROM S. OAK LANE TO HOPEMAN PARKWAY**

Whereas, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and,

Whereas, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and,

Whereas, staff from the Virginia department of Conservation and Recreation visited the South River and evaluated its eligibility for Scenic River designation; and,

Whereas, the Virginia Department of Conservation and Recreation completed its evaluation of the portion of the South River from S. Oak Lane to Hopeman Parkway and determines it qualifies as a Virginia Scenic River; and

Whereas, the Virginia Board of Conservation and Recreation supports the endorsement for designation or this section of the South River as a Scenic River.

NOW, THEREFORE, BE IT RESOLVED, that the City of Waynesboro City Council does hereby support the designation of the South River from S. Oak Lane to Hopeman Parkway as Virginia Scenic River; and,

BE IT FURTHER RESOLVED that the Waynesboro City Council will contact our General Assembly representatives to request that they serve as patrons for the legislation that will codify the Scenic River designation.

ADOPTED this 26<sup>th</sup> day of October, 2020

ATTEST:

CITY OF WAYNESBORO

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Clerk of Council

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Mayor

## VIRGINIA SCENIC RIVER DESIGNATION

### Does

- ✓ Allow riparian landowners to continue using their land as they did before the designation.
- ✓ Give riparian landowners, local citizens and local governments a greater voice in the planning and implementation of federal and state projects that might affect the river.
- ✓ Require all state agencies to consider the visual, natural and recreational values of a scenic river in planning and permitting processes.
- ✓ Require General Assembly authorization for the construction, operation or maintenance of a dam, or similar structure, that would impede the natural flow of the river.
- ✓ Require the Federal Energy Regulatory Commission to use the scenic river report when considering the impact of proposed hydropower or related projects on a designated scenic river.



## VIRGINIA SCENIC RIVER DESIGNATION

### Does Not

- ✗ Impose any land-use controls or regulations. Land-use controls are the jurisdiction of the locality. DCR provides technical assistance to localities to help protect river corridors, though any such measures are implemented at the discretion of local government.
- ✗ Affect a riparian landowner's right to use the river or its banks for grazing, irrigation, fishing, etc.
- ✗ Impose any restrictions on fishing or boating on the river or adjacent lands.
- ✗ Give the general public the right to use privately owned riparian lands. Landowners maintain all lawful rights, including the right to post their property against trespass.
- ✗ Promote increases in recreational use of the river.
- ✗ Bring any federal or state control, rules or regulation.
- ✗ Provide for the use of eminent domain, which is specifically prohibited by the Scenic River Act.
- ✗ Affect tributary streams or branches.

Photos by Steve Ball & Audrey for members of Virginia Scenic Rivers Corp. used by David LaFang, under rights reserved by Steve J. Ball



## Virginia Scenic Rivers PROGRAM

50 YEARS  
1970-2020

### For more information

804-786-5054

[www.dcr.virginia.gov/scenicrivers](http://www.dcr.virginia.gov/scenicrivers)

Full text of the Virginia State Scenic River Act is in the Code of Virginia, Sections 10.1-400 through 418.





Seven of Virginia's major river basins contain at least one state-designated scenic river. Exceptions are the York and New basins.

**The intent** of the Virginia Scenic Rivers Program is to identify, recognize and provide a level of protection to rivers with significant scenic, historic, recreational and natural values. The program began in 1970 when the General Assembly passed the Virginia State Scenic River Act. Since then, more than 700 river miles have received state scenic river designation. The Virginia Department of Conservation and Recreation administers the program.

*"The Virginia Scenic Rivers Program brings awareness and protection to our quality water resources. The designation ensures we have opportunities to experience beautiful landscapes, a variety of plant and animal life, and a serenity that is only found in nature."* — Byron Carmean, River Enthusiast

**What is a scenic resource?**

Scenic resources are visually or aesthetically pleasing and reflect healthy natural areas or attractive historical or cultural landscapes. They define our sense of place — where we live, work and recreate. — Virginia Outdoors Plan

**STUDY REQUEST**

Before a river or river segment can be designated, DCR staff must conduct a study to determine if it qualifies for scenic river status. Studies are usually initiated at the request of local governments.

For a river segment to be studied, it must:

- Be at least 5 miles long.
- Be publically accessible or listed in a standard canoeing guide.
- Have identifiable start and end points.

**EVALUATION PROCESS**

Upon receiving a request, DCR conducts a river evaluation that includes a map survey and literature review. DCR staff and a team of local residents then canoe or boat the stretch of river to rate its scenic characteristics. Each river or river segment is evaluated on 14 criteria. These were established to provide a uniform gauge by which all waterways are measured.

**Virginia Scenic Rivers Program Evaluation Criteria**

- Stream corridor vegetation
- Streambed and stream flow modifications
- Human development of visual corridor
- Historic features
- Landscape
- Quality of fishery
- Rare, threatened or endangered species
- Water quality
- Parallel roads
- Crossings
- Special features affecting aesthetics
- Recreational access
- Land conservation
- Overall aesthetic appeal

**QUALIFICATION PROCESS**

If a river qualifies for scenic status, the local governing body would show support for designation by approving a resolution. The final step is for the General Assembly to pass a bill designating the waterway a state scenic river.

**ADMINISTERING AGENCY**

As the administering agency for the program, DCR periodically assesses conditions along each scenic river segment and comments on projects that may impact a designated scenic river.





Virginia Department of Conservation & Recreation  
Virginia Department of Conservation & Recreation  
Planning and Recreation Resources

600 East Main Street, 24<sup>th</sup> Floor  
Richmond, Virginia 23219

Since the inception of the Scenic River System program in 1970, 33 river segments totaling 860 miles of river have been added to the System.

### **WHAT SCENIC RIVER DESIGNATION DOES**

- Designation encourages protection and preservation of the river.
- Designation declares the protection of a river's scenic values to be a beneficial purpose of water resource policy.
- Designation allows for a local administering committee that can be appointed by the Director of Department of Conservation and Recreation (DCR).
- Designation requires the Board of Conservation and Recreation (BCR), whose members are appointed by the Governor, to advise the Director of DCR on the federal, state or local plans that impact the designated river segment and to give local citizens a voice in river-related issues.
- After designation, the General Assembly must approve construction of any dam that would result in an impediment to the natural flow of the river.
- For properties along designated scenic rivers, a special tax assessment may be given to reduce the tax liability, as valued by the State Land Evaluation Advisory Council, if adopted by the locality.
- The Federal Energy Regulatory Commission (FERC) recognizes Virginia's designated Scenic River System. This acknowledgement of the program ensures that the qualities of the designated river are considered during licensing or relicensing of federal projects on or crossing designated rivers.
- Designation allows for lands along designated corridors to receive grant funds.

### **WHAT SCENIC RIVER DESIGNATION DOES NOT DO**

- Designation does not give the state control over land use.
- Designation carries with it **no** land use controls.
- Designation does not give the public any right to use privately owned land.
- Virginia does not commercially promote its scenic rivers.

In a nutshell, Scenic River designation constitutes official recognition of the natural, scenic, historic and recreational values of some of Virginia's most valuable riverine resources and provides them with a measure of protection not afforded other rivers. In addition, it gives riparian landowners and other local citizens a stronger voice in any government action or decisions that have the potential to impact 'their' river.

Planning and Recreation Resources

Lynn M. Crump, CLA, ASLA, Environmental Programs Planner

(804) 786- 5054 fax (804) 371-7899 [Lynn.Crump@dcr.virginia.gov](mailto:Lynn.Crump@dcr.virginia.gov)



## Waynesboro City Council Agenda Briefing

ITEM 8

<b>Meeting Date:</b>	April 22, 2019	<b>Staff/Council Member(s):</b> Michael G Hamp II, City Mgr.
<b>Agenda Item #</b>	8	
<b>Resolution#</b>		
<b>Department:</b>	Parks and Recreation	
<b>Subject:</b>	Virginia Scenic River Designation	

### Background:

Parks and Recreation is interested in pursuing **Virginia Scenic Rivers Designation for the South River from S. Oak Lane to Hopeman Parkway**- approximately 6.5 miles of river passing through the City.

The Virginia Scenic Rivers Program's intent is to identify, designate and help protect rivers and streams which possess outstanding scenic, recreational, historic, and natural characteristics of statewide significance.

The intent is on recognition and conservation of the stream and its corridor. Designation does not place strict limitations on the river or take any power away from the locality.

Parks and Recreation has spoken to several citizens with recreational, fishing, and paddling interest in the South River and the idea was met with general support.

The first step would be to request further study of the river segment by the Virginia Department of Conservation & Recreation, the program's managing entity, to determine the eligibility of the segment. DCR evaluates the river on 14 different criteria to determine eligibility.

There is no guarantee our section of the South River will be deemed eligible, but we have gotten encouragement on several occasions from Lynn Crump of DCR who heads up the program. She is familiar with our stretch of the river and feels it is worth pursuing.

If this section of the river is deemed eligible, then Council would need to accept DCR's report and pass a resolution endorsing it. A state legislator would then be needed to sponsor a bill to designate the section of the South River as a Virginia Scenic River.

If deemed ineligible, the City would have the DCR report to use as a guide for corridor improvements which could allow for eligibility in the future.

**City Manager's Recommendation:** Approval

### Suggested Motion(s):

Move to initiate the designation process by requesting the Virginia Department of Conservation & Recreation to study the river segment for consideration of the Virginia Scenic River Designation

### Attachments:

Virginia's Scenic Rivers Program brochure.

CITY COUNCIL OF WAYNESBORO, VIRGINIA



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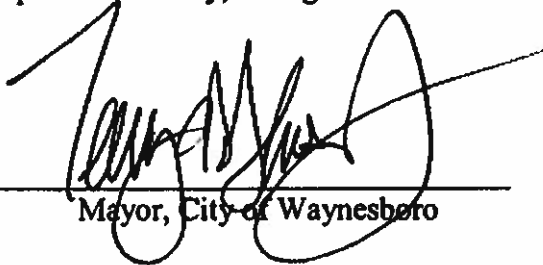
RESOLUTION (R19-06)

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**A RESOLUTION OF SUPPORT FOR  
REQUESTING A PORTION OF THE SOUTH RIVER IN WAYNESBORO, VA  
BE DESIGNATED  
A VIRGINIA SCENIC RIVER DESIGNATION**

**BE IT RESOLVED**, that the City Council of Waynesboro, Virginia hereby authorizes the staff to initiate the process of requesting the Virginia Department of Conservation and Recreation name a portion of the South River, from South Oak Lane to Hopeman Parkway, a Virginia Scenic Rivers Designation

Adopted this 22<sup>nd</sup> day of April, 2019.



\_\_\_\_\_  
Mayor, City of Waynesboro

ATTEST:



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Clerk of the Council



**TERRY R. SHORT, JR., MAYOR**

shorttr@ci.waynesboro.va.us  
503 W. Main Street  
Waynesboro, VA 22980  
CELL (540) 254-0777  
CITY HALL (540) 942-6669



April 22, 2019

**Mayor**

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(At Large)  
545 Chestnut Avenue  
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540-254-0777

**Vice Mayor**

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(Ward C)  
237 Jocelyn Lane  
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333 Shore Road  
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Elzena Anderson  
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Samuel Hostetter  
(Ward D)  
141 Huntington Place  
Waynesboro, VA 22980  
540-294-3201

Ms. Lynn Crump, Environmental Programs Planner  
Virginia Department of Conservation and Recreation  
203 Governor Street, Suite 326  
Richmond, VA 23219-2094

RE: Virginia Scenic River Designation – South River

Dear Ms. Crump:

In our April 22, 2019 regular session meeting, by unanimous vote, the City Council members directed me to officially request the Virginia Department of Conservation and Recreation to study a segment of the South River, beginning at South Oak Lane and ending at Hopeman Parkway, to determine if it qualifies for designation as a Virginia Scenic River pursuant to *The Virginia Scenic Rivers Act of 1970*.

Should we meet the criteria for designation, we are hopeful the report may be prepared and presented to the respective local governing bodies in sufficient time to obtain citizen input and request the introduction of legislation during the 2020 legislative session of the Virginia General Assembly.

Thank you in advance for consideration of our City's request and I look forward to your response.

Regards,

Terry R. Short, Jr.  
Mayor, City of Waynesboro

*Where Good Nature Comes Naturally*

[www.waynesborova.net](http://www.waynesborova.net)