REPORT OF THE DEPARTMENT OF CONSERVATION AND RECREATION

Feasibility Study for a State Park on the Mayo Rivers in Henry County
and
Mayo Scenic Rivers Study Henry County, Virginia

TO THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA

HOUSE DOCUMENT NO. 35

COMMONWEALTH OF VIRGINIA
RICHMOND
NOVEMBER 2007

L. Preston Bryant, Jr.
Secretary of Natural Resources

Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

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November 30, 2007

The Honorable Timothy M. Kaine
Governor, Commonwealth of Virginia
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

Members of the Virginia General Assembly
General Assembly Building
Richmond, Virginia 23219

Dear Governor Kaine and Members of the General Assembly:

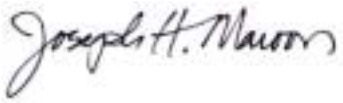
I am pleased to submit this report, *Feasibility Study for a State Park on the Mayo Rivers in Henry County and Mayo Scenic Rivers Study*, in accordance with provisions of House Joint Resolution 709. The Resolution directs the Department of Conservation and Recreation "to study the feasibility of establishing a state park along the South Mayo and North Mayo Rivers in Henry County". The Department was also requested to examine the feasibility and advantages of designating the South Mayo and North Mayo Rivers as scenic rivers under the Scenic Rivers Act (§ 10.1-400 et seq. of the Code of Virginia). The impetus behind the study is that North Carolina is establishing its own park on the Mayo River just below the Virginia border.

The study found that the areas surrounding the Mayo Rivers in Henry County contain a unique combination of natural, scenic, and recreational assets that would make it an attractive tourism destination. The report identifies several alternative approaches for capitalizing on that potential. The alternatives presented include development of park sites that could be managed by local or regional governments or as a state park.

Additionally, sections of both the North Mayo River and the South Mayo River were found to meet the criteria for scenic river designation and are good candidates for addition to the Virginia State Virginia Scenic River system. Accomplishing this would require legislation.

A new park and additional designated miles of scenic rivers in Henry County could be a great enhancement to the local economy and an attractive place for Virginians and our guests to enjoy an exciting outdoor recreation experience and to learn about the region's significant natural history. We at DCR look forward to assisting Governor Kaine, the General Assembly and the leaders and citizens of Henry County and the region to help implement the study alternative that best meets the needs of the region and the citizens of the Commonwealth.

Respectfully submitted,



Joseph H. Maroon
Director

cc: The Honorable L. Preston Bryant, Jr.

PREFACE

This study was requested by the 2007 General Assembly in House Joint Resolution 709, which directed the Virginia Department of Conservation and Recreation (DCR) to "…study the feasibility of establishing a state park along the South Mayo and North Mayo Rivers in Henry County. The Department is also requested to examine the feasibility and advantages of designating the South Mayo and North Mayo Rivers as scenic rivers under the Scenic Rivers Act (§ 10.1-400 et.seq. of the *Code of Virginia*)." During the course of this study, the DCR staff coordinated with the Henry County Administrator, members of the Henry County Board of Supervisors that represent the western portion of the county, and other local officials. On March 15, 2007, DCR staff met with local landowners to answer their questions and describe the study process for this feasibility study. Approximately 30 local landowners attended this meeting. The staff have also met with the North Carolina State Park Superintendent and the park designer as well as other local organizations and interested residents. Other Virginia state agencies have also provided valuable information about cultural, historic, and natural resources in the study area.

On June 21, 2007, DCR staff, in cooperation with Henry County Administrator, Benny Summerlin, and Horsepasture District Supervisor, Honorable Debra Parsons Buchanan, participated in an open house/public meeting at the Horsepasture Ruritan Club Building west of Martinsville to review the study process, provide initial findings, and answer citizens' questions. Approximately 75 people from the area participated in this meeting.

The Dan River Basin Association (DRBA) hosted the field investigations and provided additional valuable information about the resources. They were also helpful in identifying landowners in the study area. DCR staff were then able to contact these landowners by mail before the study process started. Volunteers from the DRBA provided canoes for the river evaluations, served as guides, and shared a wealth of information about the area's historic and natural resources.

The Department of Conservation and Recreation wishes to thank representatives of Henry County, the Dan River Basin Association, and all the Virginia state agencies that provided input into this study.

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EXECUTIVE SUMMARY

The 2007 General Assembly of Virginia passed House Joint Resolution 709 requesting the Virginia Department of Conservation and Recreation (DCR) to study the feasibility of establishing a state park on the Mayo Rivers in Henry County. The Resolution also requested that DCR evaluate the North and South Mayo Rivers for possible State Scenic River designation. This report is divided into two sections (Part A and Part B) to address the resolution's two requests.

An impetus for this study is the development of a North Carolina State Park on the Mayo River in that state (beginning at the Virginia-North Carolina state line). As of July 2007, the North Carolina Division of State Parks has purchased 1,922 acres of the 3,000 acres they hope to acquire. They have indicated that they are interested in cooperating with DCR, Henry County, or others in resource management should public facilities be established on the Mayo Rivers in Virginia. Since the Mayo River in North Carolina is the centerpiece of that state park, many people in Virginia's Henry County believe that similar development in the Commonwealth would complement North Carolina's park and provide improved recreational opportunities for all park visitors, additional protection for the important natural resources along the river, and increased eco-tourism.

This study concluded that a state park on the Mayo Rivers in southwestern Henry County is feasible, and that there are two other viable park alternatives. The three options are as follows:

- Adequate undeveloped and sizable tracts of land exist which could meet the 600-acre minimum park size recommendation for a state park. The area of primary focus should be south of Route 695, the "lands between the rivers." A large parcel of land that fronts on both rivers and controls the critical confluence of the rivers is apparently available from a willing seller. There do not appear to be any site limitations that would preclude the development of facilities usually found at a Virginia State Park, although some steep slopes would have to be considered in facility location. No significant historic or cultural resources were identified that might limit normal developments. The presence of the rivers on two sides of the land would add to the importance and diversity of the site. There are a number of other large land parcels contiguous to this tract that could, if owners are willing, be acquired to reach the desired state park size. There would be a unique opportunity to partner with the North Carolina state park system to enhance recreational offerings and protect a valuable natural resource.

- Henry County or the Regional Recreation Facilities Authority could acquire the key property at the confluence and partner with the North Carolina State Parks system to create a cooperative arrangement for a park in Henry County that would complement the North Carolina site. This would create a significant regional park for the area, and it would not need to meet the 600-acre minimum for a state park. This too would contribute significantly to the area economy, offer enhanced resource and recreational opportunity, and would be less costly to acquire and develop than a state park.

- ❖ Henry County could acquire smaller tracts at the Route 695 bridge crossings and create a reliable public access sites program to improve access to the rivers. It would also be advisable to acquire a small interim site between the bridges and the state line on each river to create additional day-use stops for river users. This option would also complement the developments in North Carolina, increase local tourism, and provide valuable recreational opportunities for Henry County residents and visitors to the area. The development of this public access in the vicinity of the Route 695 bridge crossings is not only significant in its own right, but it would also be a significant contributor to any of the alternatives. This would be the least expensive of the three options.

In addressing the Scenic River possibilities, portions of the North and South Mayo Rivers in Henry County meet the adopted criteria for scenic river designation and are good candidates for addition to the Virginia State Virginia Scenic River system. It is recommended that:

1. The North Mayo River between Route 695 and the Virginia - North Carolina state line, a distance of approximately 7.1 miles, and the South Mayo River from the Patrick County - Henry County line to the Virginia - North Carolina border, a distance of approximately 6.9 miles, be considered for Virginia Scenic River Designation;
2. The Department of Conservation and Recreation should be appointed the Administering Agency.

Part A

Feasibility Study for a State Park

On the Mayo Rivers in Henry County

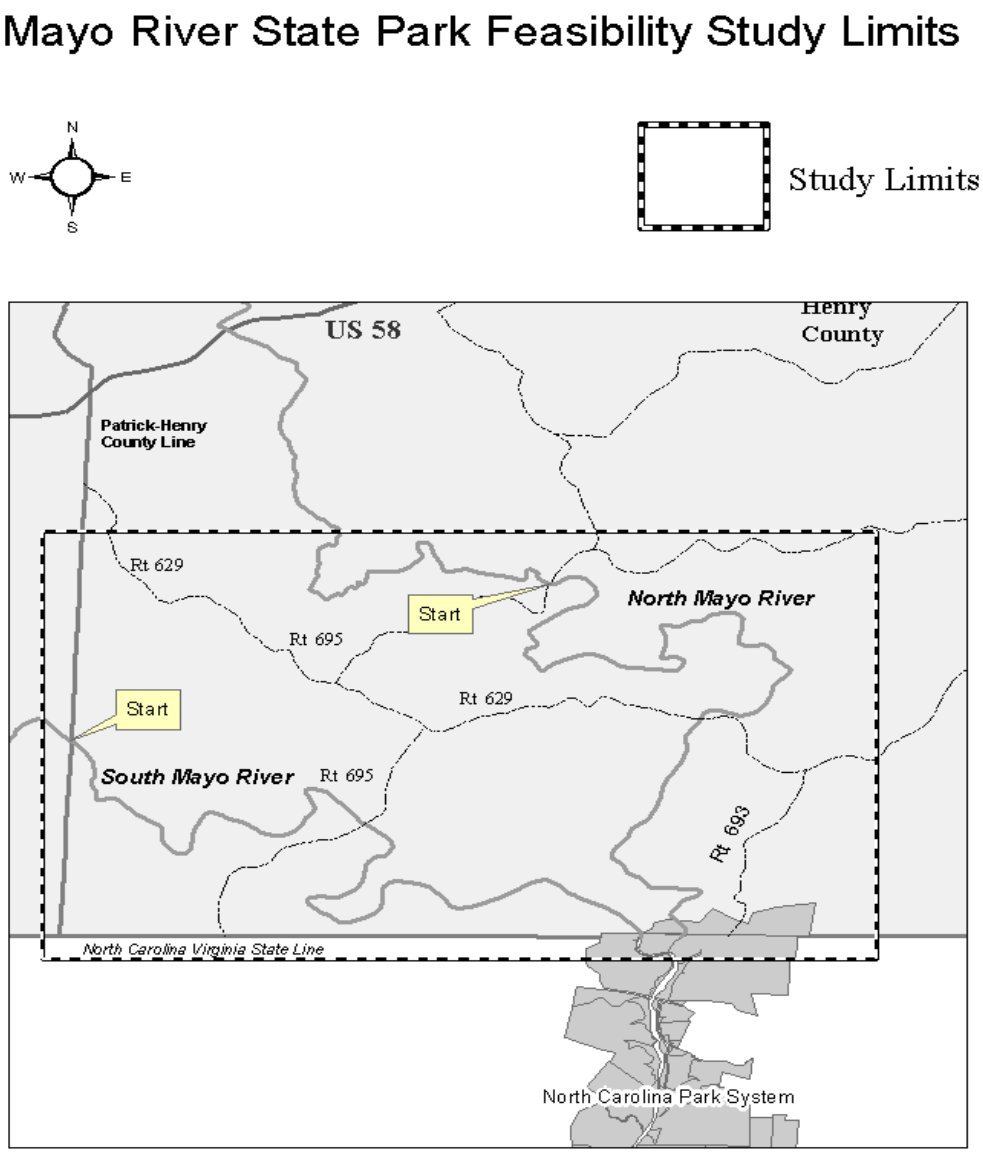
I. Process and Scope of the Study

For the purposes of this report, "the study area" covers the southwestern quadrant of Henry County. Primarily, this includes the areas along the North and South Mayo Rivers. The study area lies within the Horsepasture Magisterial District, and its boundaries can be described as the area south of Route 58, west of Route 220, north of the Virginia - North Carolina state line and east of the Henry - Patrick County line. The Study Limits Map on page 3 depicts the area described above.

Beginning early in 2007, Department of Conservation and Recreation (DCR) staff met with representatives of Henry County as DCR prepared to fulfill the requests made by the General Assembly through House Joint Resolution (HJR) 709. On March 15, 2007, DCR staff made an initial visit to the area and spoke with local officials and landowners to describe the study process and answer any questions. On June 19 and 20, DCR staff, with the assistance of representatives from local governments and organizations, made field trips on both the North and South Mayo Rivers in the study area. On June 21, an open house/public meeting was held in the Horsepasture Magisterial District to answer questions and to provide the public with initial study findings.

On July 20 and August 1, 2007, DCR staff made further visits to the area for research and investigation. In addition, staff conducted research and worked on report development in the DCR offices in Richmond.

II. Study Limits Map



III. DESCRIPTION OF THE RESOURCES

The Mayo Rivers rise from the slopes of Bull Mountain on the eastern face of the Blue Ridge Mountains in Patrick County before entering the western portion of Henry County. The North and South Mayo Rivers flow generally southeast and traverse the southwestern section of Henry County before converging to form the Mayo River about 1/4 mile south of the Virginia – North Carolina state line in North Carolina. The Mayo flows several miles through North Carolina before it joins the Dan River, which ultimately flows back into Virginia east of Danville where it enters Buggs Island Lake. The Mayo Rivers, major tributaries in the Dan River system, drain portions of Patrick and Henry Counties.

A. Vegetation

The North and South Mayo Rivers meander through a predominantly forested corridor accented by steep forested bluffs, massive rock formations or outcrops, and occasional open pastures, or row crop fields. The predominate agricultural activities in the study area are timber, beef cattle, corn and hay. In most cases there is a buffer between the fields and the river's edge, although occasionally it is less than 100 feet. Streamside vegetation is prevalent throughout the corridor with overhanging branches providing plenty of shade, especially in the western section of the study area.

Forest cover in the study area is generally comprised of Virginia Piedmont deciduous and coniferous forest complexes. The bottomland canopy tends to be a mixture of mesophytic trees such as American beech, river birch, southern sugar maple, white ash, tulip tree, and oak. Black walnut is also present in a few locations. Stands of mountain laurel dominate the understory of many of the north facing steep slopes and provide spectacular displays when in bloom. Other understory trees may include hop hornbeam, eastern redbud, dogwood and paw-paw. The herb layer is dense and very diverse with black bugbane, beggar lice, horse-balm, common eastern brome grass and many other species often represented.

Few evergreen species are found near the rivers. However, numerous stands appear on the upper slopes and ridges above the stream corridors. The dominant coniferous species seen in the study area include Virginia pines, red cedars and loblolly pines (usually in tree farms).

B. Views

Some recent timber harvests, along with pastures of low herbaceous plants, create open views beyond the riverbanks, especially on the South Mayo River and the upper reaches of the North Mayo River. The vegetation along the corridor provides interesting views with a variety of forms, textures, sizes and colors. This variety provides year-round changes in the cover and 'views' from and along the river. Scenery is especially attractive in the fall when the varieties of vegetative types show individual colors.

From the uplands, viewsheds vary greatly depending on the vegetative cover of the particular area. Ridge tops usually afford views to the next ridgeline or to open fields in lower elevations. Within the study area, there are probably many locations that could afford excellent views from the higher elevations to the rivers.

C. Geology

According to the Henry County Comprehensive Plan, the county lies within the upper Piedmont Plateau. The entire study area is underlain by igneous and metamorphic rock, mostly of the Precambrian crystalline variety. Granite, gneiss, hornblende and greenstone are among the most common examples observed. These formations are frequently exposed on the steep slopes or cliffs that extend to the river bottom, resulting in magnificent outcrops along the steep slopes and boulder fields in the rivers. Economically productive mineral deposits are found in the county, including gneiss for road stone and concrete aggregate, dimensional stone, sand and railroad ballast. There are two stone quarries that serve the local demands of Henry County. Both of these operations are outside the study area.

D. Slopes and Soils

Elevations in the study area range from about 800 feet to almost 1,000 feet. The Henry County Comprehensive Plan, 1995-2010, uses four slope classifications, which suggests appropriate land use, based on the severity of the slopes. In summary, the slopes within the study area fall within all four of these classifications and are as follows.

1. 0 to 7 percent, which the county has determined to be appropriate for many types of development. However, any of these lower flatter areas may be susceptible to periodic flooding and /or poor drainage.
2. 8- 16 percent slopes are classified as hillside and are considered to be appropriate for small-scale development nodes that do not require large amounts of ground disturbance. The county considers these lands as well suited for pasture, forest production or orchards.
3. 17-24 percent is classified as steep hillsides and generally has only limited suitability for development, based on site-specific topographic limitations. The county considers that construction of water and sewer facilities on these slopes is generally cost-prohibitive. These areas are suitable for pastures, forest production, and orchard operations.
4. 25+ percent gradients are classified by Henry County as extremely steep or critical slopes and are generally unsuitable for any type of intensive development or cultivation. The comprehensive plan recommends that conservation practices be enforced in these critical areas and permanent vegetative cover be established. The plan also notes that these areas are suitable for wildlife management, recreation, and watershed protection.

Within the study area, there are numerous areas that could easily support the normal range of developments found in a local or state park facility. The USDA Natural Resource Conservation Service's Henry County Soils map indicates that other than steep hillsides and severe slope areas could be found that would support trails, campgrounds, picnic areas, playgrounds and other low intensity developments normally associated with these activities.

According to the Henry County Comprehensive Plan, there are eight general soil types in the county. The southwestern quadrant of Henry County appears to have all these soil types present. The table below is excerpted from the Comprehensive Plan, however, much more detailed information is also available from the USDA Natural Resource Conservation Service Soils Maps for Henry County.

Soil Types

Association	Description / Characteristics
1. Madison-Cecil	Very deep, well drained, gently sloping to very steep soils that have clayey formed in residuum from mica, schist, mica gneiss, or granite gneiss.
2. Wilkes-Enon-Cullen	Shallow to very deep, well drained, gently sloping to very steep soil that have Loamy to clayey subsoils; formed in residuum from mafic rocks or mixed acidic And mafic rocks
3. Toccoa-Chewacla	Very deep, well drained to somewhat poorly drained, nearly level to gently sloping soils that have loamy subsoils; formed in alluvial deposits.
4. Bethlehem-Cecil-Madison	Moderately deep to very deep, well drained, gently sloping to very steep soils that has clayey subsoils; formed in residuum from sillimanite schist, mica schist, mica gneiss, or granite gneiss.
5. Hiwassee-Toccoa-State	Very deep, well drained, gently sloping to moderately steep soils that have loamy to clayey subsoils; formed in terrace and flood plain alluvial deposits.
6. Cullen Madison	Very deep, well drained, gently sloping to very steep soils that have clayey subsoils; formed in residuum from mafic or mixes acidic and mafic rocks.
7. Tatum-Nason	Shallow to deep, excessively to well drained, gently sloping to very steep soils that have clayey or loamy subsoils; formed in residuum from graphite schist, sericite schist or mica schist.
8. Mayodan	Very deep, well drained, gently sloping to very steep soils that have clayey subsoils; formed in residuum from Triassic-age shale and sandstone, or acidic rock.

Within southwestern Henry County, all the soil types described in the table above are in evidence. The slopes range from almost flat to over 50 percent depending on location. In some areas the soils are considered to be highly erodible, while other soils are considered to be relatively stable.

E. Water Quality

1. Surface Water

The Virginia Department of Environmental Quality office in Roanoke Virginia provided information on the water quality of the North and South Mayo Rivers in Henry County. This data was obtained from the 2004 Water Quality Assessment Integrated Report with additional data from the 2006 Integrated Report. In summary, both the North and South Mayo Rivers fully support the established criteria for aquatic life, wildlife and fish consumption, and public water supply. The information did note, however, that the rivers do not fully support primary contact recreation during periodic periods of high bacteria (Escherichia coli and fecal coliform) levels. These exceedences do not preclude swimming but rather provide the public with information on making a decision as to swim or not.

2. Ground Water

The information about ground water quality is from the Henry County Comprehensive Plan and is summarized below.

In 1980, William C. Overman Associates performed a groundwater study as a part of its Comprehensive Water and Sewer Study for the County. Records on 140-drilled wells in the County indicate that, although total depths ranged from 40 to 900 feet, in 90 percent of the cases water was reached at depths of less than 200 feet. Although 80 percent of these wells had yields less than 20 gallons per minute (GPM), a few have yields in excess of 100 GPM. In general, the yields of wells in the lowlands usually doubled those on ridges. The well water was generally hard and tended to be corrosive in some areas.

In 1979, The State Water Control Board prepared a document entitled Groundwater Resources of Henry County, Virginia. This document seemed to reach different conclusions on the county's potential for groundwater development, stating that resources were both abundant and fairly high quality. However, the county has traditionally disregarded groundwater as a reliable drinking water source and opted to develop surface water resources instead (See Water and Sewer Section [of Comprehensive Plan]) Officials of the Henry County Public Service Authority (PSA) state that this is due partially to groundwater *availability*, but mainly to groundwater quality problems. Complaints from water well users often center on high iron content in groundwater, attributable to the County's pervasive red clay soils. (Although not a health hazard, iron in groundwater can reduce water clarity, stain laundry, etc.)

Most of the study area is outside any of Henry County's Public Water Supply Districts, therefore any development within the area that requires a water supply source will be dependent upon drilled wells, and there will need to be detailed studies before selecting well location(s).

F. Wildlife and Fisheries

1. Wildlife

A variety of wildlife types exist in the study area, and most management efforts have concentrated on white tailed deer and wild turkey. The Virginia Department of Game and Inland Fisheries (DGIF) is attempting to stabilize an increasing deer herd. Over the past 10 years, the county's turkey population has been increasing. However, according to DGIF biologists, the turkey growth rate remains low compared to other nearby localities. Bear sightings are incidental, with most observations involving animals that are moving through the area. A variety of small game and non-game animals and upland birds are known to inhabit the fields and woodlands within the southwestern section of the county. All lands within the study area are privately owned and some are managed for trophy deer.

2. Fisheries

The Department of Environmental Quality's 2004 Water Quality Assessment on the North and South Mayo Rivers identified populations of redbreast sunfish, red horse suckers, and smallmouth bass in both streams. In 2002, a rainbow trout population was also reported on the North Mayo near Route 629.

G. Natural Heritage Resources

The Department of Conservation and Recreation's Biotics Data System was searched for occurrences of natural heritage resources within the study area. The Natural Heritage Data Explorer files identified a population of vascular plants within the corridor of the North Mayo River from upstream of Horse Pasture Creek to near the Virginia-North Carolina state line. The plant, smooth azalea, is ranked (G4G5S2) as rare in Virginia.

According to the Department of Game and Inland Fisheries (DGIF), the federally and state Endangered James spinymussel has been documented in South Mayo River. The South Mayo River has been designated a Threatened and Endangered Species Water due to the presence of this species. Additionally, the state Threatened orangefin madtom, and several federal species of concern (rustyside sucker, riverweed darter and Roanoke hogsucker) have been documented in North Mayo River.

H. Historic Resources

Henry County was formed from a part of Pittsylvania County about 1776 when the area's settlers decided to establish a new jurisdiction named after Patrick Henry, who served had served as governor of Virginia. Mr. Henry had a home, "Leatherwood," in the eastern part of the county.

Originally known as Henry County Courthouse, Martinsville was established in 1791 and became the Henry County Seat in1793. In 1873, Martinsville became an Independent City. The Henry County Government offices were subsequently relocated to Collinsville.

Fort Mayo, a French and Indian War stockade, was constructed in the southwestern part of Henry County and was manned in 1756. The precise location is not known, however, it is believed to have been near the North Mayo, south of Route 58. There is an official historic marker on Route 58 describing the site.

William Byrd II led a party of Virginia Commissioners on a colonial survey of the Virginia - North Carolina boundary. In October 1728, they reportedly camped at a site on the North Mayo River known as Byrd's Ledge at the location of the present state line. There is an entry in his journal describing the plentiful game and beautiful scenery of the area. The Mayo River was named in honor of William Mayo, who was the surveyor of the state boundary through Henry County about 1728.

The Great Wagon Road was an 18th century wagon road that followed ancient warrior paths through the region. This backwoods trail brought tens of thousands of settlers into the backcountry from Pennsylvania to present-day Southern Virginia and the Carolinas. It is considered as one of the most important backcountry migration routes in the southern colonies. Traces of the original route are still in evidence, roughly paralleling Route 695 through the study area.

On Crooked Creek, just upstream of the South Mayo River, there is an impressive concrete arch bridge spanning the stream that dates to the early part of the 20th century. This structure is visible from the present day Route 695 bridge and may be on a part of the Great Wagon Road described above.

Moore's Mill, a water-powered gristmill, was operated on the North Mayo River from around 1850 until 1918. Foundations of the mill and related structures are still visible on the site just upstream of the Route 629 Bridge.

Virginia Department of Historic Resources' files identified an archaeological site on the North Mayo River below Route 58. There appears to have been an Indian village dating from the late Woodland Period, 1000-1450 at this site; it was excavated during the time period 1969 to1991.

There is also a documented Woodlands period site on the South Mayo River downstream of the Route 695 Bridge. Known as the Dallas Hyton Site, this location was excavated between 1968 and1973, and it also dates to about 1000-1450.

Dr. Lindley Butler identified at least two additional fish weirs on the South Mayo River between the Henry County Line and Route 695 during the course of this study.

IV. LAND USE

The following description of land use in the southwestern section of Henry County is excerpted from the County of Henry Comprehensive Plan, 1995-2010.

A. Existing Land Use

Development in the southwestern portion of the County has traditionally been limited. However, improvements to Route 58 will increase the growth potential of this area. .

Very little commercial land use exists in the planning area. Scattered businesses are located along Route 58. Routes 683, 630 and 793 also have individual commercial sites located along them.

Residential strip development along state secondary roads comprises much of the site-built housing in the area. However small subdivisions do exist along Route 58 and the Route 220 Bypass. These include Greenbriar Park, Carver Estates, John Spenser Court, and Lakewood Forest. The area has several manufactured home parks with the larger ones located on or near Route 58. Manufactured homes placed on individual lots near Route 687 and north of Route 58 constitute most of the residential growth in the area since 1986. There is one multi-family complex in the planning area, located near the intersection of Route 58 and Route 630.

Horsepasture Growth Area [The Route 58 and 220 Bypass corridors] is described in the Comprehensive Plan as: Following Route 220 Bypass, encompassing Carver Estates and Greenbriar Park. Following Route 58 west to Spencer; encompassing Blue Ridge Airport, Jordan Creek and Bassett Branch form [the] northern boundaries.

This is the area where Henry County anticipates that most of the future development in the Horsepasture District will occur. They anticipate that water and sewer service could be extended into the growth area as future development materializes.

Pine Products Company, the only industrial use in the growth area, is located at the intersection of Route 58 and Route 684

The areas near the primary transportation corridors of Route 58 and 220 Bypass (Horsepasture Growth Area) is where most of the development has occurred and is proposed. The remainder of the southwestern section of the county is committed to agricultural and forestry uses. County wide, the average farm size is less than 175 acres. Farmers seem to harvest “feed” crops such as hay and silage. They raise more beef cattle than any other type of livestock. While most types of farm activity declined during the1980s and 1990s, the number of orchards has doubled to more than 110.

During the last two decades of the 20th century, the total number of farms in the county decreased. This is often attributed to the general aging of the farmer population and an over-all perception that their children do not seem to be interested in continuing the family farming operation.

B. Rural Areas

Quite simply, all remaining areas of the County not designated as growth areas by this plan [County of Henry Comprehensive Plan 1995-2010] are classified as rural areas. A rural area is not equivalent to a non-growth area. Rather, this plan allows for certain types of development to occur in these areas consistent with the county's goals regarding rural use.

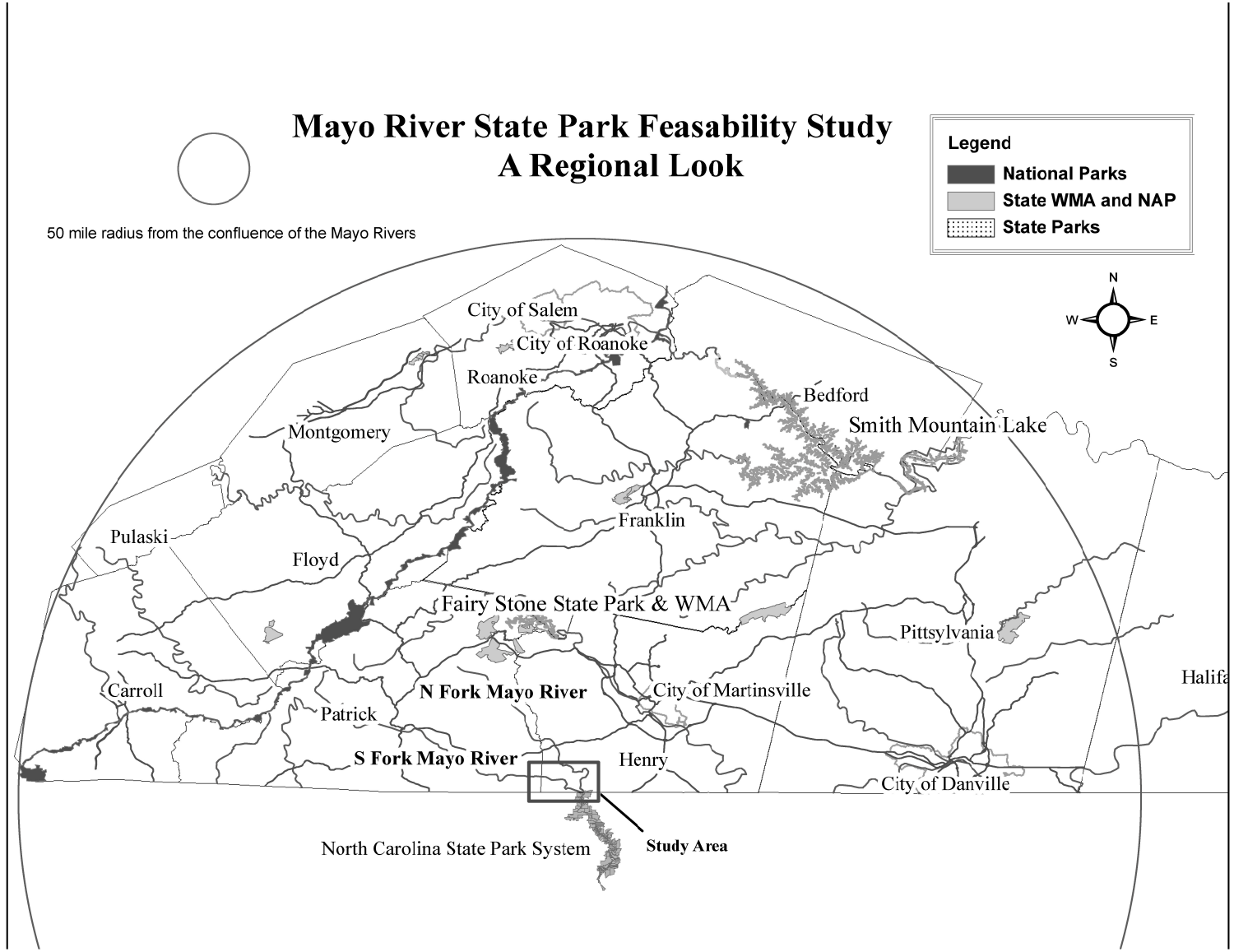
A primary reason for establishing "Rural Areas" involves maintaining rural character in these areas where it is appropriate. A loss of the county's traditional rural character has accompanied the decline of agricultural activity discussed in previous chapters [of the Comprehensive Plan]. The county recognizes the need for new approaches to promote more attractive and sustainable land development.

V. DEMOGRAPHICS

Since the 1940s, Henry County has evolved from a rural to a largely urban/suburban county. The county grew slowly during the first thirty years of the 20th century, from a 1900 population of 19,625 to 20,088 in 1930. The second thirty years saw rapid growth, as the County's population grew to 40,335 by 1960. This represented a population increase of 100.8 percent, despite the loss of approximately 5,200 persons through several annexations by Martinsville. Between 1960 and 1970, the county experienced a 26 percent increase -- larger than any of the surrounding localities -- and bringing the total population to 50,901. Population increased between 1970 and 1980 by 13.3 percent to 57,654. The following decade was unique in that the County's population decreased by 1.2 percent.

According to U. S. Census Bureau statistics from the last census, the county's population reached 57,930 by 2000, then declined to about 56,208 by 2006. The downward population trend experienced in Henry County is similar to the situation in other localities in Southern Virginia. Beginning in the 1990s, the manufacturing sector gradually scaled back or closed operations throughout the region. It has been estimated that as many as 50,000 manufacturing and related jobs have been lost in the region during the past two decades.

Henry County's Census Tract 107 includes the Horsepasture and Spencer communities and the rural lands of southwestern Henry County [also, the study area for this report]. The 1990 population for the district was 3,772. This represented about 6.6 percent of the county's total population at that time. There has been little change in the existing land use patterns in most of the Horsepasture District since the 2000 census. The population here, as in other sections of the county, remains steady at best or has declined during the first decade of the current century.


Mayo River State Park Feasability Study
A Regional Look
50 mile radius from the confluence of the Mayo Rivers
Legend
National Parks
State WMA and NAP
State Parks
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City of Salem
City of Roanoke
Roanoke
Bedford
Smith Mountain Lake
Montgomery
Franklin
Pulaski
Floyd
Fairy Stone State Park & WMA
Pittsylvania
Carroll
N Fork Mayo River
City of Martinsville
Patrick
S Fork Mayo River
Henry
City of Danville
North Carolina State Park System
Study Area

VI. RECREATIONAL ASSESSMENT

In conducting a recreational assessment for a potential state park, it is necessary to consider a larger area than Henry County. The normal area of consideration includes an area of about a 50-mile radius from the proposed facility. In this case, almost all of localities within the West Piedmont Planning District are within 50 miles of Martinsville and southwestern Henry County. (See the Mayo River Feasibility Study Region Map on the previous page.) The study area includes the rapidly expanding communities of Roanoke and Salem, Bedford and Franklin Counties and their exploding developments around Smith Mountain Lake, as well as the Greensboro, North Carolina, metro area. According to information provided by the planning district, there are more than 1.5 million people within this area.

The following resources were consulted in order to assess the recreational resources of the area and arrive at a conclusion related to the feasibility of a state park in Henry County: the *2007 Virginia Outdoors Plan* (final draft), the North Carolina State Parks plans for a Mayo River Park, and the Henry County Comprehensive Plan 1995-2010, plus information provided by the Henry County staff.

A. Local Parks and Recreation

Henry County currently owns six parks that are managed by their Parks and Recreation Department. Fisher Farm Park, the county's largest, contains about 127 acres and is located near the Smith River east of Ridgeway in the south-central section of the county. This site provides a wide range of facilities for the citizens. Collinsville-Jaycee Park is a 27-acre, mostly-wooded site located in Collinsville. It contains tennis courts, picnic areas, trails and a playground. Jordan Creek Recreation Area contains 13 acres and is located in the Fieldale Community. It contains two ball fields and is heavily scheduled for baseball and softball. The county recently developed a new recreation area, Jack Dalton Park, which is adjacent to the County Administration Building in Collinsville. The 13-acre facility provides opportunities for active and passive forms of recreation and features a 0.6 mile lighted walking trail that is very popular with area residents. The county's newest park, Fieldale Park, is a 10-acre site with ball field, picnic shelter and nature area. Doe Run Park is described as a wildlife habitat with 1.5 miles of trail and excellent wildlife viewing opportunities.

Henry County Parks and Recreation Department also coordinates many recreational activities with other entities such as the county school system, and the department utilizes school recreational facilities for baseball, football, and other sports. The county has an excellent local parks and recreation program, providing a variety of opportunities for close-to-home activities. They also own and maintain a number of small public access sites on the Smith River and are constantly looking for opportunities to expand this segment of their program. However, many of their programs and activities are operating at or near maximum capacity, and the staff is constantly looking for creative ways to expand its offerings. The 237 acres of local parkland described above provides about 4.2 acres per thousand population. The 2007 VOP suggest that localities need about 10 acres of local parks and open space per thousand population in order to meet the citizen needs.

The City of Martinsville has five local parks totaling about 93 acres. The city also relies on city public school facilities to help meet its open space and recreational facilities needs. According to

the VOP Recreation Planning Standards, the city's population of about 15,000 needs another 57 acres in order to meet the 10 acres per thousand of population.

In 2006, Henry County and Martinsville entered into an agreement to create a Recreation Facilities Authority to better meet the recreational needs of area citizens. The regional authority has received at least two large grants from the Harvest Foundation to build a large ballfield complex and an arena/multi-purpose facility that will house basketball games, concerts and other indoor activities for citizens of the area. The foundation has also assisted with public access sites on the Smith River, multi-use trails, and other recreational opportunities.

While Henry County and Martinsville have strong parks and recreation departments and provide a variety of facilities and offerings, available local facilities are sometimes not adequate to meet local demand.

B. Other Park and Recreational Facilities

All area residents benefit from state and federally-owned areas, primarily in the northern study area. Fairy Stone State Park and Fairystone Wildlife Management Area (WMA) in Franklin County, Patrick County, and the northwest corner of Henry County consist of several thousand acres providing swimming, camping, hiking, picnicking, fishing, and hunting (on the WMA lands) opportunities for area residents and visitors. Philpott Reservoir, operated by the U. S Corps of Engineers, encompasses over 3,000 acres and has more than 110 miles of shoreline. The Corps lands support a variety of public recreational opportunities, including camping, fishing, boating, hiking and biking. Releases from the dam help to support a significant trout fishery and recreational boating on sections of the Smith River below the reservoir. Recent budget cuts have forced the Corps to consider reducing services and closing some of their resources to public use.

Turkeycock Mountain Wildlife Management Area, managed by the Department of Game and Inland Fisheries, contains over 2,650 acres of hunting and hiking opportunities in Franklin County and northeastern Henry County.

Public participation in recreation is high in the West Piedmont Planning District and the 2006 *Virginia Outdoors Survey* recorded brisk demand for most activities. These figures did not include imported demand generated by visitors. The needs analysis indicates a shortage of bicycle trail miles, campsites, playgrounds, swimming pools and hiking trails. Facilities for all other "close-to-home" activities were found to be adequate, especially near urban areas. In more rural areas, planning and funding are needed to create additional park facilities, especially developed facilities.

Tourists place considerable additional demand on recreational resources, which creates shortages of trails, camping and water-based recreation opportunities. When tourism is factored in, shortages are indicated in other activities. In the more rural areas, there is a need for additional developed recreation facilities.

The list below contains recommendations found in the final draft of the 2007 *Virginia Outdoors Plan* (VOP) that relate to the parks and open space picture in Henry County.

- ❖ Blueways and water access are critical in a water rich state such as Virginia. Water access should be a high priority for public acquisition.
- ❖ The navigable rivers of the state should be managed as blueways or watetrails**.** Public access areas and support facilities should be developed at appropriate intervals along these rivers.
- ❖ The Mayo River system has the potential to become a full service recreational resource. With park development occurring on the North Carolina portion of the river, opportunities arise to extend the range of services and facilities into Virginia.

C. State Parks

The Virginia State Parks System began when its first six state parks opened at the same time in 1936. In 2006, the Virginia Department of Conservation and Recreation (DCR) managed more than 66,000 acres of state parks lands, which had grown in size to include 34 state parks and associated historic and natural sites. Many existing sites have expanded in acreage and several have received historic or natural area preserve designation. In addition, as of January of 2007, DCR had acquired and land-banked property for five new state parks. Attendance at Virginia State Parks in 2006 exceeded seven million people, as compared to 91,000 in 1936 and 6.3 million in 2000. The following discussions detail the parks system's role in meeting the demand in the Commonwealth for outdoor recreation opportunities and open space.

The following findings are extracted from the discussion of State Parks found in the 2007 *Virginia Outdoors Plan*:

1. Attendance at Virginia State Parks has continued to increase, exceeding seven million people in 2006. Most recent estimates are that approximately 40% of visitors come from outside the Commonwealth.
2. State parks visitors provide an estimated $157 million to the state's tourism industry. This is particularly important for many of the rural communities in which several state parks are located.
3. From 2002 to 2006, state park acreage in Virginia increased by 6,900 acres, including land acquired for five future parks.
4. There is a need for an additional 12,000 acres of parkland to meet the standard for state park acreage based on the population projection for 2010.
5. To meet the challenges of changing demographics of park users, Virginia State Parks should continue to explore new park management opportunities that will encourage and facilitate the safe enjoyment and protection of state parks resources and facilities by all visitors.

D. North Carolina Plans

Through its New Parks for a New Century initiative, the North Carolina Division of State Parks and Recreation began to develop plans to establish a number of new state parks in early 2003. About the same time, the Dan River Basin Association, Rockingham County in North Carolina, and other groups expressed strong interest in development of a park site on the Mayo River that would also help to protect the unique resources of the river corridor. The concept was approved, and North Carolina began to plan for a site that would protect several thousand acres on the Mayo River between the Virginia – North Carolina border and the Town of Mayodan near the

confluence with the Dan River. In 2002-2003 funds were appropriated from the North Carolina State Parks Trust Fund, and acquisition was initiated on a core park of more than 3,000 acres. As of July 2007, it is understood that about 1,922 acres had been acquired, and several more parcels are in various stages of purchase negotiation. In their planning process, the N.C. Division of State Parks envisions a fully developed park, with day-use as well as camping opportunities. The developments will focus on the unique resources of the Mayo River, which is widely known for its outstanding white water rapids and fishery.

In 2007, the North Carolina Mayo River State Park staff opened offices in rented space in Mayodan, N.C., and began to actively manage and maintain existing resources and plan for future developments. Their initial focus is to establish park boundaries and develop a park presence on the river. During DCR staff discussions with the N.C. Park Superintendent, Adrienne Wallace, she expressed strong interest in an arrangement with Virginia to partner on holistic management of North Carolina resources with any development in Virginia to maximize beneficial resource management and appropriate public use.

E. Need for an Added State Park

The official methodology for identifying the need for additional land for state parks is based on the national standard for state parks, initially developed by the National Recreation and Parks Association, which is 10 acres of state park land per 1,000 people. This standard has been used in Virginia since 1999, in response to a legislative directive to develop an overall standard for Virginia State Parks. Based on this standard and projected population growth of 7.8 million people (figures from the 2000 Census), there will be a need for more than 12,000 acres of additional state park land by 2010. By 2020, the state's population is expected to increase by more than one million, creating additional demands on available facilities and a need for almost 20,000 additional park acres.

Another consideration for identifying additional park land and facilities is the amount of time a user would be willing to spend in getting to a site. At the time the state released *Virginia's Common Wealth* in 1965, the goal was to have a state park located within an hour's drive of major population centers. While coming close to achieving this goal, other factors now appear to impact Virginians' ability to access state parks. In the 2000 and 2006 *Virginia Outdoors Survey*, the travel distance from home and a lack of time ranked as the second and third reasons for not going to a state park. In the future, consideration may need to be given to acquiring state parks within a half hour to an hour's travel time from major populations, in part because of rising automobile fuel costs.

It is noted that in the process of developing the 2007 *Virginia Outdoors Plan*, the public identified, among other locations across Virginia, the Mayo Rivers in Henry County as a desirable site for a future state park.

VII. MAYO STATE PARK STUDY CONCLUSIONS

Based on the analysis described in the previous sections of this report, a state park on the Mayo Rivers in southwestern Henry County is feasible. The North Carolina State Park site is already under development, and there is an outstanding opportunity for a cooperative effort to provide enhanced recreational use of the river, protect valuable natural resources, and supplement the local economy. The area between the North and South Mayo Rivers and south of Route 695 would seem to be the best location for park property acquisition. The lands near the confluence of the two rivers at the state line are critical to the development of a viable state park. There are, however, at least three feasible park Alternatives that could be considered. They are:

- A state park could be developed in the confluence area between the rivers south of Route 695. There are thousand acres of land, mostly in large blocks that could be suitable for a state park. Presently, there is very limited development, and the land is primarily in large tracts of forest or farm. The North and South Mayo Rivers would be a natural enhancement to a park site. The adjacent North Carolina park would allow for a greatly expanded area of resource projection and recreational opportunity. The minimum standard of 600 acres for a state park site could be acquired if there are enough willing sellers and funds are appropriated.

- Henry County or the Regional Recreational Facilities Authority could acquire the key property at the confluence and partner with the North Carolina State Parks system to create a cooperative arrangement for a park in Henry County that would complement the North Carolina site. This would create a significant regional park for the area, and it would not need to meet the 600-acre minimum for a state park. This too would contribute significantly to the areas economy, offer enhanced resource and recreational opportunity, and would be less costly to acquire and develop than a state park.

- Henry County could acquire smaller tracts at the Route 695 bridge crossings and create a reliable public access sites program to improve access to the rivers. It would also be advisable to acquire a small interim site between the bridges and the state line on each river to create additional day-use stops for river users. This option would also complement the developments in North Carolina, increase local tourism, and provide valuable recreational opportunities for Henry County residents and visitors to the area. The development of this public access in the vicinity of the Route 695 bridge crossings is not only significant in its own right, but it would also be a significant contributor to options A and B. This would be the least expensive of the three options.

Part B

North and South Mayo Rivers Scenic Rivers Study

Henry County, Virginia

I. BACKGROUND AND PURPOSE OF THE SCENIC RIVER STUDY

The 2007 General Assembly passed House Joint Resolution 709 requesting the Department of Conservation and Recreation (DCR) to study the feasibility a State Park on the Mayo River in Henry County and evaluate the North and South Mayo Rivers to determine if they qualify for designation as State Scenic Rivers under the Scenic Rivers Act.

The Scenic Rivers Act, found in Title 10.1, Chapter 4, §10.1-400 through §10.1-418.1 of the *Code of Virginia*, was enacted in 1970 as one means of protecting the Commonwealth's scenic rivers and their immediate environs. The Act directs DCR to conduct studies of river sections and to recommend to the Governor and General Assembly the segments that qualify be considered for designation as State Scenic Rivers. In order to be eligible for scenic river designation, a river, or section thereof, must contain substantial natural, scenic, recreational and historical attributes. At the request of the General Assembly or a locality, DCR does an evaluation and determines if the river qualifies for designation. Since the passage of the Act, 22 river segments, totaling more than 500 miles, have received Scenic River Designation.

Scenic river evaluations involve a map survey, a related literature review and a field study to validate existing land use information and rank the river according to its relative uniqueness or quality. Each segment is evaluated on 12 different factors or criteria, which provide a uniform gage by which all studied rivers are measured. Field evaluations include canoeing or boating the stretch of river being evaluated and rating the characteristics of the resource. The evaluation criteria are: River Corridor Vegetation, Riverbed and/or River Flow Modifications, Human Development of Visual Corridor, Historic Features, Landscape, Quality of Fishery, Special Natural Fauna, Water Quality, Parallel Roads, Crossings, and Special Features Affecting River Aesthetics. A summary of the evaluation results is included in Section IV, Environmental Analysis.

A. Benefits of Designation

The Virginia Scenic River designation would accomplish the following: it requires the Federal Energy Regulatory Commission (FERC) to consider the impact of proposed hydropower or related projects on a designated scenic river using the scenic river report developed in the qualification process, it requires all state agencies to consider visual, natural and recreational values of a scenic river in their planning and permitting process (§10.1-402), it gives 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 (§10.1-406), it requires authorization by the General Assembly for the construction, operation and/or maintenance of any structure, such as a dam, that will impede the natural flow of a scenic river (§10.1-407), and it allows riparian landowners to continue using their land as they did before designation, §10.1-408, except for the §10.1-407 provision.

II. SUMMARY AND FINDINGS

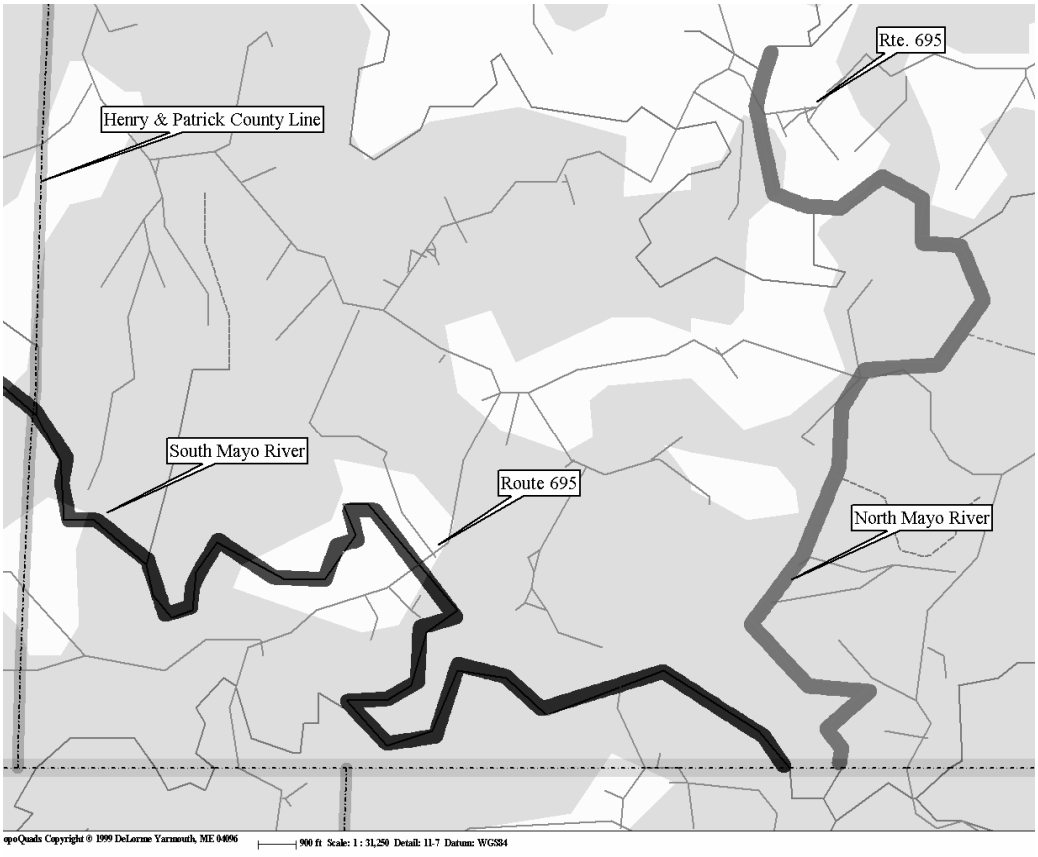
The North and South Mayo Rivers originate in Patrick County and generally flow southeast, converging just south of the Virginia - North Carolina state line and then emptying into the Dan River, which eventually flows into Albemarle Sound in North Carolina. For the purposes of this

report, the focus will be on the sections in Henry County. The North Mayo River includes the reach from Route 695 to the Virginia - North Carolina state line, about 7.1 miles in length, and the South Mayo River from the Patrick - Henry County line to the Virginia - North Carolina state line, about 6.9 miles in length.

The evaluation conducted by DCR, with the assistance of other state agencies, Henry County, and interested organizations, indicates that the above sections of the North and South Mayo Rivers in Henry County are eligible for inclusion into the Virginia Scenic Rivers System and recommends that they be designated as Virginia Scenic Rivers. It is further recommended that DCR be the administering agency.

III. CORRIDOR MAP

Not to Scale



IV. ENVIRONMENTAL EVALUATION CRITERIA

In order to determine whether the segments of the North and South Mayo Rivers are eligible for scenic river designation, personnel from the Division of Planning and Recreation Resources of the DCR conducted an in-house and field analysis of the river corridors. DCR staff, interested citizens, members of the Dan River Basin Association and North Carolina State Parks staff conducted the field investigations on June 19 and 20, July 20, and August 1, 2007. Following is a description of the qualities and conditions of the resource that makes them candidates for the Virginia Scenic Rivers System based on the evaluation criteria.

For the purposes of this report, all of the information is the same for both river segments, except where specifically described.

A. River Corridor Vegetation

The Mayo River corridors meander through forests and agricultural land accented by cliffs and rock gardens in many locations. The existing land use along the corridor is primarily agricultural, with timber, hay production, and minor pasture component. While most agricultural areas have some forested buffer between the fields and the water's edge, many of the buffers are less than the 100 feet that is recommended for visual quality protection.

Figure 1 Tree canopy of the North Mayo

Streamside vegetation with overhanging branches shades much of the streams. In a few spots, downed trees have fallen in both rivers, creating minor bank erosion. However, none of the "blow-downs" have impaired the stream flow.

Forest cover in the study area and along the river corridors is generally comprised of Virginia Piedmont deciduous and coniferous forest complexes. The bottomland canopy tends to be a mixture of mesophytic trees such as American beech, river birch, southern sugar maple, white ash, tulip tree, and oak. Black walnut is also present in a few locations. Stands of mountain laurel

dominate the understory of many of the north facing steep slopes and provide spectacular displays when in bloom. The understory species includes trees such as hop hornbeam, eastern redbud, dogwood and paw-paw.

Few evergreen species are found near the rivers. However, numerous stands of pines and cedars are visible near the ridge tops. Tree farms of mostly loblolly pines appear on the upper slopes and ridges above the river corridor. The dominant coniferous species seen in the study area include Virginia pine, red cedar and loblolly pine.

Between 15% and 25% of the North Mayo River corridor is disturbed by grazing, hay production and evidence of recent timbering, leaving buffers of less than 100 feet. In some instances there is only a one-tree buffer visible adjacent to the stream. No row crops were visible from the North Mayo River. The percentages of unforested corridor adjacent to the South Mayo River are a little higher and there is more visible open land adjacent to the river. These lands are primarily planted in hay and/or recent plantings of tree seedlings, thereby providing more generous buffers in some of the areas. No row cropland was visible from the South Mayo River.

B. Riverbed and/or River Flow Modifications

The river sections are free flowing and meandering with some gravel bars, rock gardens, and a good balance of pool/riffles, which created paddling interest for boaters. Both rivers flow, in part, through narrow valleys. Agricultural use of the immediate corridors is concentrated along the flatland areas. Both river segments flow through a series of rock gardens, usually followed by placid pools of slower moving water. Several old fish weirs, apparently dating from the Woodland Indian period, can be seen. None of these remains is considered an impediment to the normal flow of the rivers.

C. Human Development of Visual Corridor

The North Mayo River corridor is nearly devoid of human development. There are no towns or hamlets along its corridor. The Route 629 bridge and only a couple of houses or other farm buildings can be seen from the river for the entire length of the study area. Two or three private fishing or hunting sites are visible along the corridor. Other evidence of human activity consists of a few small areas that have been cleared for private use and are maintained as open space by the property owners.

Figure 2 One of the few indications of settlement along the river corridor

No urban or suburban development is found along the South Mayo River corridor. The Route 695 bridge, one local power distribution line, and two or three buildings that are apparently hunting cabins can be seen in the South Mayo River study area.

D. Historic Features

Although there are several sites within the study corridors that could have some historic significance, none are currently listed by the Department of Historic Resources as being of state or national significance. Local historians have knowledge of several fishing weirs on both river corridors that contribute to the interpretive interest of the corridor. The fishing weirs indicate that Native Americans lived along both rivers hundreds of years ago.

There is a documented Woodlands period site on the South Mayo River downstream from the Route 695 Bridge. Know as the Dallas Hyton Site, this location was evacuated between 1968 and 1973, and dates back to 1000-1450.

A mill, Moore's Mill, on the North Mayo River was active from 1850 to 1918. Foundations of the mill and related structures are still visible on the site just upstream of the Route 629 Bridge.

The Great Wagon Road was an 18th century wagon road that followed ancient warrior paths through the region. This backwoods trail brought tens of thousands of settlers into the backcountry from Pennsylvania to present-day Southern Virginia and the Carolinas. It is considered as one of the most important backcountry migration routes in the southern colonies. Traces of the original route are still in evidence, roughly paralleling Route 695 through the study area.

On Crooked Creek, just up stream from the South Mayo River, there is an impressive concrete arch bridge spanning the stream that dates to the early part of the 20th century. This structure is visible from the present day Route 695 Bridge and may be on a part of the Great Wagon Road.

Figure 3 Possible fish weir

E. Landscape

The North and South Mayo Rivers flow from the upper Piedmont Plateau in Virginia before converging in North Carolina, then flowing into the Dan River and ultimately to the Albemarle Sound. Their path through southwestern Henry County has created interesting contrasts in landforms along their corridors. Rock outcroppings on the banks of both river corridors show vivid evidence of how the ancient landforms were altered by the force of the rivers. Scattered along both stream beds are many ledges and rock gardens that add to the interest and, depending on the water level, challenge the skills of novice paddlers.

Figure 4 Typical rock ledges

Figure 5 Rock outcroppings

Views beyond the river corridors are few due to the dense forests and moderate to steep topography. In the upper reaches of both corridors, longer views beyond the narrow buffers are created due to recent timber harvests and pasture operations. In several sections the steep slopes rise over 100 feet, allowing limited light into the corridor except during mid-day. The meandering and curving alignments of the river corridors keep the experience fresh and interesting.

Figure 6 Meanders and longer views along the river corridor

The landscape is moderately diverse containing a variety of interesting natural features. Due to the trough-like aspects of the rivers and vegetative cover, almost all of the views along the river corridors are limited to short and intimate views of less than a quarter of a mile. The longest views are downriver and can extend up to a half-mile.

F. Quality of Fishery

The Department of Game and Inland Fisheries has limited information about the current status on the recreational fishery and few recent studies have been conducted on either the North or South Mayo Rivers. However, the Water Control Board's recent water quality studies (2004-2006) indicated that moderate populations of Redbreast Sunfish, Red Horse Suckers, and Smallmouth Bass have been noted in both rivers. Rainbow Trout have been recorded in the North Mayo, primarily near the upper limits of this study area. Due to the rivers' inaccessibility, small size and fair water quality, neither river appears to receive heavy sport fishing pressure. There are no health advisory restrictions for fish from the rivers.

G. Special Natural Flora and Fauna

A number of factors combine to create a suitable environment for supporting a diversity of flora and fauna in the area. These include the presence of the river, the rural nature of the area, the mixture of forest and agricultural lands and the extensive edge effects that are created when these two land uses meet. The available data regarding the presence of rare, endangered, or threatened species is limited. The Division of Natural Heritage database indicates the presence of Smooth Azalea, which is ranked (G4- Apparently Globally Secure, G5 – Globally Secure, S2 – Imperiled state ranking) as rare in Virginia, along the North Mayo corridor. Since inventory data is limited, they have suggested that more detailed surveys be conducted in the future.

According to the Department of Game and Inland Fisheries (DGIF), the federally and state Endangered James spinymussel has been documented in South Mayo River. The South Mayo

River has been designated a Threatened and Endangered Species Water due to the presence of this species. Additionally, the state Threatened orangefin madtom, and several federal species of concern (rustyside sucker, riverweed darter and Roanoke hogsucker) have been documented in North Mayo River.

H. Water Quality

Water quality looks primarily at the turbidity of the water, and secondarily at the health aspects of the river. There is no visible pollution on either river. However, both streams are considered to be slightly turbid and become extremely muddy after rains, but clear quickly after storm events. In the study area, there are no sewage treatment facilities or other point source discharges that flow directly into either river.

According to the Department of Environmental Quality (DEQ) in their comment letter of July 2007, there is no indication of toxic pollution in the river corridors. This is to be expected, as there are no industries along either river. Both rivers are listed as occasionally impaired due to periodic high levels of bacteria. These exceedences do not however preclude swimming, but rather provide the public with information in making a decision to swim or not. Both river corridors do meet the criteria for fishability, wildlife and fish consumption and public water supply. Currently TMDL (Total Minimum Daily Load) plans are being completed and the results should provide increase water quality to the rivers.

I. Parallel Roads

No parallel roads are present within a half-mile of either side of the North or the South Mayo River for the entire study area.

J. Crossings

There is one bridge crossing (Route 629) in the entire 7.1-mile length of the North Mayo study area, which is an average rating in the scenic river evaluation criteria. Due to the meandering of the river the bridge is only visible for a short distance from up stream or down stream. There is one local power distribution line, which is virtually invisible due to dense vegetated banks adjacent to the right of way.

On the South Mayo there is one bridge crossing (Route 695) in the approximately 6.9- mile length of the study area. As a result, this has also been given an average rating in the evaluation criteria. Due to its location on a curve in the river, the crossing is only visible for about an eighth of a mile.

Figure 7 Route 695 bridge crossing the South Mayo River

K. Special Features Affecting the Aesthetics

A variety of natural features provide interest to the corridors. There are in-stream rock formations, some in conjunction with other rock ledges and some seemingly left behind by some other force. Rapids range from about one foot to over four feet. These sometimes-dramatic drops add a lot of interest and surprise to the river corridors. Outcroppings and bluffs add to the sense of remoteness along the corridors.

Figure 8 Boulders contrast the vegetation along the river

Most of the rock bluffs are not clearly visible during leaf-out and range in height from 15 to 60 feet, adding interest along the corridor. Different vegetation communities add diversity along both corridors.

The river corridors contain several large and small bends, or meanders, resulting in the creation of interesting visual perspectives and the anticipation of discovering what views or experiences may be 'just around the bend.' The water is fast- moving, allowing for ever-changing water patterns and light.

The largest ledge on either stream is called Byrd's Ledge and is found in the North Mayo River at the Virginia - North Carolina state line. This rock formation was named in honor of William Byrd who camped there while surveying the Virginia - North Carolina state line in 1728. The rapid resulting from this ledge is generally considered to be a Class II+ rapid.

Figure 9 Byrd's Ledge 6/07

V. LAND USE AND OWNERSHIP

Land use in the study corridors is devoted primarily to agricultural and forestry with a patchwork pattern of timber stands, fields and pastures in the upper sections. This gradually changes to forests and smaller lots as the rivers near the confluence of the two.

Local tax maps indicate that both corridors have short sections where smaller lot, "strip type" subdivisions have been platted. The section on the North Mayo has 10-14 lots north of the Virginia - North Carolina state line on the east side of the river and fronting on Route 693, which generally runs parallel to the river in that area. There are about 10 smaller lots on the south side of the South Mayo near the Virginia - North Carolina state line, which are accessed from a secondary road in North Carolina. No development was observed from the river in either of these sections. Henry County anticipates no additional development along the river corridors in the near future.

There are about 50 parcels along the North Mayo river corridor. Most are large lots and many are owned by the same person or family. There is also a small undeveloped subdivision of over 40 lots along a secondary road about a mile east of the river, only 17 have river frontage. The South Mayo River corridor consists of larger parcels, especially on the north side of the river.

VI. CONCLUSIONS AND RECOMMENDATIONS

The Department of Conservation and Recreation concludes that the North and the South Mayo Rivers in Henry County from Route 695 and the Patrick - Henry County line to the Virginia - North Carolina state line qualify for inclusion in the Virginia Scenic River System. Scenic River Designation is warranted because of the aesthetic qualities of the river sections, exceptional attributes, the environs and remoteness, the interesting flora and fauna, and the historic setting.

Flowing through agricultural and forested land, these attractive river segments possess a number of interesting aesthetic features including in-stream rock formations and ledges, sections of Class I and II rapids, and a meandering alignment with interesting and inviting downriver and bluff views. The adjacent landscape for both rivers consists of interesting natural elements, virtually no man-made features, and variations in terrain and vegetation. Human development visible along the river corridors is primarily limited to agricultural use with few visible structures.

Both river segments are currently moderately turbid streams with fair water quality. The qualified support of recreational use due to occasional bacteria impairment is a limiting factor to designation. However, as more and more farms convert to timber and best management practices are supported, it is anticipated that those warnings will be lifted.

Considering all aspects of the study corridors of the North and South Mayo Rivers, it is the finding of this study that both streams meet the adopted criteria for scenic river designation and are good candidates for addition to the Virginia Scenic River system.
It is recommended that:

1. The North Mayo River between Route 695 and the Virginia - North Carolina state line, a distance of approximately 7.1 miles, and the South Mayo River from the Patrick County/Henry County line to the Virginia - North Carolina state line, a distance of approximately 6.9 miles, be considered for Virginia Scenic River Designation;
2. The Department of Conservation and Recreation (DCR) should be appointed the Administering Agency;

VII. CONSERVATION PLAN

There are a variety of elements to the conservation plan for the North and South Mayo Rivers. These elements call for a minimum effort and specific actions on the part of the General Assembly, local and state units of government, and individual and riparian landowners.

Legislation establishing Virginia Scenic River designation for the sections of the North and South Mayo Rivers under consideration is the first element that must be implemented. In addition to clearly expressing the policy intent of the Commonwealth with regard to protection and conservation of the river corridors, designation will focus attention on the river corridors as natural resources of statewide significance. The increased attention will help ensure a greater scrutiny of plans or proposals that have the potential to significantly alter or destroy those resource qualities that make the rivers worthy of designation. The State Scenic River Advisory Board will give local residents an avenue for formal input into decisions that would impact the rivers.

A second element of the Conservation Plan involves the local government. Land use plans should reflect citizens' recognition, appreciation and concern for the rivers and the valuable role it plays in their community's quality of life. Such plans should be aimed in part at protecting the river corridors and the environs from potential development, or at least make sure that the development that does occur utilizes low impact development strategies as much as possible.

The final element of the Conservation Plan is the continued individual stewardship of local and riparian landowners. In general, this stewardship, along with the unique qualities of the rivers, has been good over the years. If not for this stewardship, the rivers might not still possess the characteristics necessary to qualify it for inclusion in the Virginia Scenic River System. Through continued stewardship efforts, the scenic and natural character of the river corridors can be protected.

Action by the General Assembly to designate the sections of the North and South Mayo Rivers and the carefully coordinated efforts of Henry County should combine to protect the natural and scenic qualities of the recommended sections of the North and South Mayo Rivers for the enjoyment of future generations. Proposed Legislation is provided in Appendix D.

VIII. ANTICIPATED COST OF DESIGNATION

The only anticipated direct costs, as a result of the designation, will be those incurred by the Department of Conservation and Recreation (DCR) as a result of its duties as administrator of the proposed river corridors. At present, these costs are estimated to be in the range of $2,000 per year.

IX. AGENCY COMMENTS/RESOLUTIONS

A draft report was circulated for review among the DCR Divisions, other state agencies, Henry County and The Dan River Basin Association, Inc. Their comments and support documents are to be included in the Appendix of this report.

APPENDICES

A. House Joint Resolution 709

B. Correspondence on Feasibility Study Request

C. Department of Game and Inland Fisheries List

D. Letters and Other Comment and Support Documents

E. Draft Legislation

A. House Joint Resolution 709

history

079161340

HOUSE JOINT RESOLUTION NO. 709

Offered January 10, 2007

Prefiled January 10, 2007

Requesting the Department of Conservation and Recreation to study the feasibility of establishing a state park along the South Mayo and North Mayo Rivers in Henry County. Report.

Patrons-- Hurt and Marshall, D.W.; Senator: Reynolds

Referred to Committee on Rules

WHEREAS, the Department of Conservation and Recreation is charged with the mission to conserve, protect, enhance, and advocate the wise use of the Commonwealth's unique natural, recreational, scenic, and cultural resources; and

WHEREAS, tourism is vital to the economy of Virginia, and it has been the Commonwealth's policy to encourage tourism and travel in Virginia; and

WHEREAS, in 2005, nearly seven million people visited state parks located within the Commonwealth; and

WHEREAS, North Carolina is currently developing a major state park along the Mayo River just across the border from the Commonwealth; and

WHEREAS, establishing a state park along the South Mayo and North Mayo Rivers in Henry County would complement the new park in North Carolina; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Conservation and Recreation be requested to study the feasibility of establishing a state park along the South Mayo and North Mayo Rivers in Henry County. The Department is also requested to examine the feasibility and advantages of designating the South Mayo and North Mayo Rivers as scenic rivers under the Scenic Rivers Act (§ 10.1-400 et seq. of the Code of Virginia).

In conducting its study, the Department of Conservation and Recreation shall seek and consider the views of local citizens, local governments, and regional organizations before making its final recommendations.

All agencies of the Commonwealth shall provide assistance to the Department of Conservation and Recreation for this study, upon request.

The Department of Conservation and Recreation shall complete its meetings by November 30, 2007, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2008 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

Legislative Information System

B. Correspondence on Feasibility Study Request

County of Henry

P.O. BOX 7
KING'S MOUNTAIN ROAD
COLLINSVILLE, VIRGINIA 24078-0007
www.co.henry.va.us

Board of Supervisors
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JIM McMILLIAN
COLLINSVILLE DISTRICT

FAX (276) 634-4781

January 3, 2007

Mr. Joseph H. Maroon, Director
Virginia Department of Conservation and Recreation
203 Governor Street, Suite 302
Richmond, VA 23219

Dear Mr. Maroon:

On behalf of Henry County, I am writing to request that a feasibility study be undertaken by the Virginia Department of Conservation and Recreation for a state park along the Mayo River in Henry County.

Land available along Virginia's North Mayo and South Mayo rivers offers Virginia a one-time opportunity for cross-border economic development to create a high-profile, bi-state river park system for Southern Virginia. This area of Virginia has suffered from the loss of its textile, furniture and tobacco industries, and development of a river park system would provide needed services to the local community while enhancing the region's economic development potential for tourism. It is vital that a feasibility study be undertaken as soon as possible for the following reasons:

- An opportunity exits now, to acquire land that is strategically located at the confluence of the North Mayo and South Mayo rivers, in Henry County, Virginia.
- This is the only site that enables Virginia to take advantage of the synergies offered by the adjacent North Carolina Mayo River State Park and the Mayo's most popular paddling route.

- This land can be developed for other purposes, and timing is important.
- A new state park, located in close proximity to Southern Virginia population centers, will offer healthful recreation and opportunities to reduce medical costs brought about by inactivity.
- This opportunity on Virginia's southern border creates the potential for recreation and tourism spending by North Carolinians as they come across the border to use the park's facilities.
- As a clean economic development initiative, a state park will enable Virginia to compete for users, both those who visit on ongoing basis as well as those traveling through the area looking for places to camp, paddle, picnic and hike.
- Located within driving distance of larger population centers, including Roanoke Virginia, and the Piedmont Triad of North Carolina, a state park will create jobs in this area.
- This park will highlight the rich cultural heritage associated with the region. Historical features include Byrd's Ledge, where William Byrd's surveying party crossed the North Mayo River in 1728. Byrd's activities on the site are described in his writings.
- A park at this site is supported by Henry County and North Carolina officials, and there is an opportunity to partner with visitor and tourism boards, chambers of commerce, other advocates to maximize the potential of this effort to take advantage of DCR's proven record of partnering with localities and a wide array of stakeholder groups.
- DCR has an award-winning park system in Virginia, and DCR is recognized for outdoor recreational planning, and this park will be a cornerstone of DCR's efforts in Southern Virginia.

Henry County has requested its legislative delegation in the General Assembly to introduce a study resolution authorizing the Department of Conservation and Recreation to conduct the feasibility study. Additionally, Henry County has committed up to $6,000 to help defray the cost.

Thank you for your assistance in this matter. Should you need additional information, please feel free to contact me.

Sincerely,

Benny Summerlin
County Administrator

/sb
Cc: Senator Reynolds
Delegate Armstrong
Delegate Hurt
Delegate Marshall
Katherine Mull
Katherine Hebert

. Preston Bryant, Jr.
ecretary of Natural
esources

Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street, Suite 302
Richmond, Virginia 23219-2010
Phone: (804) 786-6124 Fax: (804) 786-6141

January 25, 2007

Mr. Benny Summerlin
County Administrator
County of Henry
Post Office Box 7
Collinsville, Virginia 24078-0007

JAN 30 2007

Dear Mr. Summerlin:

Thank you for your letter of January 3, 2007, concerning Henry County's interest in a feasibility study for a state park on the Mayo River. It is particularly gratifying that the Henry County Board of Supervisors has authorized $6,000 to help defray direct expenses for conducting this study.

The Department of Conservation and Recreation (DCR) is currently working with Delegate Robert Hurt on this subject. Delegate Hurt has introduced HJR 709 in the General Assembly session requesting that DCR undertake a feasibility study of a potential park as well as examining the attributes of the North Mayo and South Mayo Rivers for possible designation as components of the State Scenic River System. We will continue to follow the progress of the resolution and provide him with any needed information.

Assuming the General Assembly approves HJR 709, Planning and Recreation Resources will have the lead within the agency for the study. Once the resolution has passed and we are directed to proceed, that would be the appropriate time for us to discuss with you how to proceed including your generous offer to fund our agency to support the study. If you have any questions about the study process, please contact John Davy, DCR Division Director of Planning and Recreation Resources, at 804-786-1119.

Your interest in and commitment to Virginia's natural resources is appreciated. We are gratified by the local citizen and financial support for the study and look forward to working with you and Henry County residents once HJR 709 is passed.

Sincerely,

Joseph H. Maroon

Joseph H. Maroon

c: The Honorable Robert Hurt, Member, Virginia House of Delegates
John Davy, Division Director, Planning and Recreation Resources
Bob Munson, DCR Planning Bureau Manager

C. Department of Game and Inland Fisheries List

Commonwealth of Virginia -VA Fish & Wildlife Service Web August 8, 2007 14:26:15
Department of Game & Inland Fisheries; Virginia Fish & Wildlife Information Service
http://vafwis.org/fwis/
Within 1.2 Miles of 36,34,46 80,00,40

64 Species associated with observed GAP Habitats designated "Habitats Under Represented in Protected Areas" (3277 acres evaluated)

Area Species Code and Common Name

90% 040105 Rail, king
75% 020006 Treefrog, Cope's gray
69% 030006 Skink, broad-headed
69% 030008 Racerunner, eastern six-lined
69% 030027 Kingsnake, mole
69% 030043 Snake, southeastern crowned
69% 040263 Nuthatch, brown-headed
69% 050090 Vole, common pine
69% 050116 Beaver, Carolina
54% 030017 Scarletsnake, northern
54% 050076 Mouse, Lewis' golden
49% 050074 Mouse, common white-footed
37% 040045 Goose, Canada
37% 040101 Pheasant, ring-necked
37% 040119 Killdeer
37% 040167 Gull, herring
37% 040251 Martin, purple
37% 040282 Bluebird, eastern
37% 040377 Sparrow, savannah
37% 040393 Sparrow, white-crowned
37% 040134 Sandpiper, spotted
37% 040397 Sparrow, swamp
36% 040211 Owl, short-eared
35% 020060 Toad, eastern narrow-mouthed
35% 030034 Watersnake, northern
35% 030050 Turtle, eastern snapping
35% 040094 Harrier, northern
35% 040346 Blackbird, red-winged
32% 040142 Dowitcher, short-billed
21% 020008 Frog, northern green
21% 020025 Salamander, black-bellied
21% 020050 Salamander, southern two-lined
21% 020051 Salamander, three-lined
21% 020075 Salamander, seal
21% 020077 Salamander, northern spring
21% 030045 Ribbonsnake, common
21% 030060 Turtle, eastern painted
21% 040008 Grebe, pied-billed
21% 040067 Goldeneye, common
21% 040112 Moorhen, common
21% 040113 Coot, American
21% 040189 Tern, Caspian
16% 040197 Pigeon, rock
16% 040216 Nighthawk, common
16% 040229 Kingbird, eastern
16% 040245 Lark, horned
16% 040383 Sparrow, vesper
16% 040391 Sparrow, field
16% 050095 Rat, Norway
16% 050098 Mouse, house
16% 040344 Meadowlark, eastern
15% 030018 Racer, northern black
15% 040204 Owl, barn
15% 040342 Sparrow, house
15% 040364 Dickcissel
15% 040367 Finch, house
15% 040378 Sparrow, grasshopper
15% 050079 Rat, hispid cotton
15% 040051 Mallard
15% 050070 Mouse, eastern harvest
15% 050093 Muskrat, large-toothed
12% 040090 Hawk, rough-legged
1% 040248 Swallow, northern rough-winged
<1% 030077 Slider, red-eared

D. Letters and other comment and support documents

NOV - 9 2007

COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Game and Inland Fisheries

J. Carlton Courter, III
Director

November 6, 2007

Lynn Crump
Environmental Program Manager
Department of Conservation and Recreation
203 Governor Street, Suite 302
Richmond, VA 23219-2010

RE: North and South Mayo rivers
Potential Scenic Rivers Designation
ESSLog # 24525

Dear Ms. Crump:

We received a copy of the draft scenic river evaluation study prepared for the North and South Mayo rivers in Henry County and offer the following comments. The Department of Game and Inland Fisheries (DGIF), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over those resources, inclusive of state or federally endangered or threatened species, but excluding listed insects. We are a consulting agency under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and we provide environmental analysis of projects or permit applications coordinated through the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, the Virginia Department of Transportation, the Corps, the Federal Energy Regulatory Commission, and other state or federal agencies. Our role in these procedures is to determine likely impacts upon fish and wildlife resources and habitats, and to recommend appropriate measures to avoid, reduce, or compensate for those impacts.

The purpose of the scenic river study is to evaluate whether the North and South Mayo rivers segments located in Henry County qualify for designation as State Scenic Rivers under the Scenic Rivers Act. In order to be eligible for scenic river designation, a river or section thereof must contain substantial natural, scenic, recreational and historical attributes. To assist you in this evaluation, we have included below information from our records about wildlife known from these waters.

Fishery Resources:
Our agency currently stocks trout for recreational activities in Poorhouse Creek, South Mayo River and North Fork of the South Mayo River. Wild trout populations are known from

4010 WEST BROAD STREET, P.O. BOX 11104, RICHMOND, VA 23230-1104
(804) 367-1000 (V/TDD) *Equal Opportunity Employment, Programs and Facilities* FAX (804) 367-0405

Poorhouse Creek (brook trout), Rhody Creek (rainbow trout), Rich Creek (brook trout), Rye Cove Creek (brook trout), and South Mayo River (brook and rainbow trout). The better trout (wild and stocked) habitat is located in the upper reaches of the South Mayo River drainage above Stuart, VA. Downstream of Stuart, VA, the South Mayo River becomes typically Piedmont in nature and more similar to that of the North Mayo River. As with most waterways in the Piedmont, these rivers receive high levels of sedimentation.

Rare Species:
The federally and state Endangered James spinymussel has been documented in South Mayo River. South Mayo River has been designated a Threatened and Endangered Species Water due to the presence of this species. Additionally, the state Threatened orangefin madtom, and several federal species of concern (rustyside sucker, riverweed darter and Roanoke hogsucker) have been documented in North Mayo River.

Assuming these rivers qualify for designation under the Scenic Rivers Act, we support their inclusion in the Scenic Rivers System.

Thank you for the opportunity to provide input on your evaluation of South and North Mayo rivers in Henry County for inclusion in the Commonwealth's Scenic River System. Please contact Amy Ewing or me at (804) 367-6913 if we may be of further assistance.

Sincerely,

Raymond Fernald, Manager
Nongame and Environmental Programs

CC: J. Carlton Courter, III, Director, VDGIF
Joseph H. Maroon, Director, VDCR

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

November 6, 2007

Lynn Crump
Environmental Programs Planner
Department of Conservation and Recreation
203 Governor Street, Suite 326
Richmond, Virginia 23219-2010
Dear Ms. Crump:

This is in response to DCR Director Joe Maroon's request of October 16, 2007 that DEQ provide to you by November 6 our agency review comments on the draft "North & South Mayo Scenic Rivers Report Henry County." Dr. Ellen Gilinsky, Director of the Division of Water Quality Programs, requested that I coordinate this review with staff from our agency West Central Office in Roanoke.

While we concur with the DCR recommendation that the North Mayo River between Route 695 and the North Carolina Line, a distance of approximately 7.1 miles and the South Mayo River from the Patrick County/Henry County line to the North Carolina/Virginia boundary line, a distance of approximately 6.9 miles, be considered for Virginia Scenic River designation, we offer the following comments and concerns regarding the draft report:

- DEQ suggests mentioning the lengths of each of the segments for consideration as Scenic Rivers in the beginning of the document. Currently, it is not mentioned until IV.J. Crossings.

- Section I (page 1) paragraph 3 and Section IV (page 3): Information about the actual ratings of the twelve evaluative factors was not provided in either section I or IV which could lead the reader to assume that the evaluations were subjective in nature. When DEQ staff met with scenic river staff from DCR early on in their development of the Exceptional State Waters program, DCR had at that time a standard evaluation sheet with a scoring scheme, but the DEQ reviewers of this report could not find mention of this in the report nor could they find a description of the evaluation process on the DCR web site. Therefore, we recommend that access to this information be provide either via a web site address or in an appendix to the document. Our experience with the Exceptional State

- Waters Program (which has some of the same evaluative factors as the scenic rivers program) is that the public – both localities and citizens - want to see this level of detail.

- Section IV.A. Page 3: The first paragraph states that "Many of the buffers are less than the recommended 100 feet for water quality." The NRCS recommends 35-foot buffers on either side of the stream for water quality. DEQ suggests relating the existing buffers on the North and South Mayo Rivers to NRCS specifications.
-

- Section IV.C. Page 4: There is no mention of cattle access to the South Mayo River or North Mayo River in this section or Section V (Land Use and Ownership). DEQ maintains a monitoring station at the Rt. 695 Bridge over the South Mayo River. More often than not, cattle are seen in the river under and around the bridge. The banks are denuded of vegetation and exposed sand/soil is evident where cattle have repeatedly accessed the river. While cattle have not been observed at DEQ's monitoring station on the North Mayo River (Rt. 629 Bridge), DEQ received a report of an area where cattle frequently access the river along a half mile stretch (accessed from Old Well Road/Rt. 630).

- Section IV.E. Page 6: In the second to the last sentence in the last paragraph, the word "that" should be replaced with "than."

- Section IV.F. Page 6: DEQ suggests changing the word "of" to "on" in the first sentence for clarity. Also, the word "the" in the third sentence after the second comma should be deleted.

- Section IV.H. Page 7: In the first paragraph, turbidity is discussed. The first sentence describes the water clarity as "reasonable with no visible pollution." The second sentence states that both rivers are "generally turbid." This seems contradictory and DEQ suggests rewording these sentences. The "a" in the second to last sentence should be deleted. In addition, DEQ requests that DCR clarify the sentence about the bacteria impairment in the second paragraph. Exceedences of the Water Quality Standard for Escherichia coli have been observed on both the North Mayo and South Mayo Rivers. As stated in Mike McLeod's (DEQ) comment letter (submitted July 2007): "These exceedences do not however preclude swimming but rather provide the public with information in making a decision to swim or not." DEQ suggests a rewording of this paragraph to accurately reflect the regulatory interpretation of the Water Quality Standards. The Total Maximum Daily Load study for the South Mayo and North Mayo Rivers kicked off by public meeting on August 8th 2007.

- Section IV.J. Page 7: In the last sentence of the second paragraph, the word "not" should be replaced with "no."

Section V. Page 9: In the third paragraph, it states that "Most are large lots and any [replace with "many"] are owned by the same person or family." The third sentence mentions that there is a subdivision, which consists of 40 lots along the river. This is confusing in that the first sentence talks about only "50 lots existing along the North

- Mayo river corridor." Also, the word "subdivision" is misspelled in the third sentence of the third paragraph.

- Section VI: It may be appropriate to insert a sentence or paragraph regarding the implications of an approved TMDL Plan for these rivers. Once the TMDL is completed and approved by EPA, the Implementation Plan phase begins. During this phase, opportunities for EPA 319 funds will be available for landowners to implement Best Management Practices (BMPs) on their land in the interest of improving water quality. It is mentioned in the third paragraph that the bacteria impairment is a "limiting factor" however the TMDL process brings attention and potentially money to the watershed.

- Section VI. Page 10: The last sentence of the second paragraph describes human development as "limited to pasture land and one or two structures." The previous section mentions a 40 lot housing development thus the latter statement may be misrepresentative of the conditions along the river. Also, it is not clear whether this paragraph refers to the North Mayo, South Mayo, or both. The sentence in the fourth paragraph, No. 1 is confusing and should be reworded. Perhaps removing the last "the" in the sentence would clear up any potential confusion.

Thank you for the opportunity to comment on the draft report. If you have questions about our comments, please contact me (jwgregory@deq.virginia.gov**)** or Greg Anderson (gaanderson@deq.virginia.gov).

Sincerely,

Jean W. Gregory
Environmental Program Manager II
Office of Water Quality Programs

Cc: Ellen Gilinsky, Ph.D., Director, Division of Water Quality Programs
Alan Pollock, Manager, Office of Water Quality Programs
Greg Anderson, Manager, Water Quality and Planning, West Central Regional Office

COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

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November 20, 2007

Mr. Joseph H. Maroon
Director, Department of Conservation and Recreation
203 Governor Street, Suite 302
Richmond, VA 23219-2010

Dear Mr. Maroon,

Thank you for the opportunity to comment on the North and South Mayo Scenic Rivers Report for Henry County. We welcome the opportunity to support the designation of these important segments of the river, which retain exceptional natural qualities. We also find that the information regarding historic structures in your report is accurate, and there are no known historic resources of state or national significance within the study area. Our inventory contains numerous prehistoric sites along the banks of the river that have yet to be evaluated, but are evidence of the long Native American occupation of that area, which in our opinion only adds to its eligibility for the Scenic River Designation.

Once again, thank you for the opportunity to comment on this important report. If you have further questions, please feel free to contact me.

Sincerely,

Kelly Spradley-Kurowski, PhD
Supervisory Marker and Register Historian

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Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

E. Proposed Legislation

Draft Legislation

A BILL to amend the Code of Virginia by adding in Chapter 4 of Title 10.1 sections numbered 10.1-418.4 and 10.1-418.5, relating to designation of portions of the North Mayo River and the South Mayo River in Henry County as scenic rivers.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4 of Title 10.1 sections numbered 10.1-418.4 and 10.1-418.5 as follows:

§ 10.1-418.4. North Mayo River State Scenic River.

The North Mayo River in Henry County from the Route 695 crossing to the North Carolina-Virginia state line, a distance of approximately 7.1 miles, is hereby designated a component of the Virginia Scenic Rivers System.

§ 10.1-418.5. South Mayo River State Scenic River.

The South Mayo River in Henry County from the Patrick-Henry County line to the North Carolina-Virginia state line, a distance of approximately 6.9 miles, is hereby designated a component of the Virginia Scenic Rivers System.