

**REPORT OF THE DEPARTMENT OF
CONSERVATION AND RECREATION**

**Report on the Effectiveness of the
Virginia Scenic River Board**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 24

**COMMONWEALTH OF VIRGINIA
RICHMOND 2009**

L. Preston Bryant, Jr.
Secretary of Natural
Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

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January 4, 2010

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, *The Effectiveness of the Virginia Scenic River Board*, in accordance with provisions of Chapter 240 Enactment Clause 3 (Regular Session, 2003).

This report evaluates the effectiveness of the Virginia Scenic River Board. At this time, it is the conclusion of the Department of Conservation and Recreation that the State Scenic River Advisory Board has been an effective way to involve the public in the administration and management of the Virginia Scenic Rivers Program. The board members have been active supporters of the program and have been effective in advancing the public's knowledge and appreciation for the protection of Virginia's rivers. Therefore, DCR recommends that the Scenic River Advisory Board be continued into the foreseeable future in its present configuration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joseph H. Maroon".

Joseph H. Maroon
Director

cc: The Honorable L. Preston Bryant, Jr.

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

Virginia's Scenic Rivers Program

The Virginia Scenic Rivers Program was enacted by the General Assembly in 1970 for the purpose of identification, protection, and preservation of certain rivers or sections of rivers which possess high quality natural beauty. The Act charged the administering agency, now the Department of Conservation and Recreation (DCR), with the responsibility for developing an objective evaluation process that judges the suitability of a nominated river segment. Local governments request DCR to evaluate river segments for study. Once the study is complete and if the river segment qualifies, local legislators sponsor designation legislation. Since the enactment of the program, many river segments have been evaluated and the General Assembly has designated 540 miles of Scenic Rivers in 24 river segments.

The Act required the appointment of an Advisory Committee of local residents, to include at least one riparian landowner, to assist and advise the administering agency concerning the protection or management of each designated Scenic River. As the Scenic River system grew and more rivers were added, the number of scenic river advisory committees grew with it. The effort required to work with each individual board as well as find and appoint qualified persons to sit on these boards became extremely time consuming. The General Assembly moved to simplify the process during the 2003 session by establishing a single statewide Scenic River Advisory Board. The enabling legislation is housed at §10.1-406 of the Code of Virginia.

Purpose of this Report

In the Acts of Assembly of 2003 in Chapter 240, Enactment Clause 3, the Department of Conservation and Recreation (DCR) was required to evaluate the effectiveness of the single statewide Scenic River Advisory Board and submit a report November 1, 2009. This report is written to fulfill that requirement.

Scenic River Advisory Board Established

“§10.1-406 A. The Virginia Scenic River Board (the Board) is established as an advisory board, within the meaning of § [2.2-2100](#), in the executive branch of state government. The Board, which shall have a broad geographical representation, shall be composed of 16 voting members as follows: the Director and 15 members-at-large appointed by the Governor. The 15 members-at-large shall initially be appointed for terms of office as follows: three for a one-year term, four for a two-year term, four for a three-year term, and four for a four-year term. The Governor shall designate the term to be served by each appointee at the time of appointment. Appointments thereafter shall be made for four-year terms. No person shall serve more than two consecutive full terms. Any vacancy shall be filled by the Governor for the unexpired term. All terms shall begin July 1. In making appointments, the Governor shall select persons suitably qualified to consider and act upon the various special interests and problems related to scenic river issues. The Advisory Board shall elect a chairman and a vice-chairman from among its members-at-large. Members of the Board shall serve at the pleasure of the Governor and receive no compensation.

The Director, or his designee, shall serve as executive secretary to the Board.

The Board shall meet at least two times a year with additional meetings at the call of the chairman or the Director. The vice-chairman shall fill the position of chairman in the event that the chairman is not available. A majority of the members of the Board shall constitute a quorum of the Board.”

Duties of the Scenic River Advisory Board

§10.1-406 B. States the purpose of the Board as follows: “The Board shall advise the Governor and the Director concerning the protection or management of the Virginia Scenic Rivers System. Upon the request of

the Governor, or the Director, the Board shall institute investigations and make recommendations. The Board shall have general powers and duties to

- (i) advise the Director on the appointment of Scenic River Advisory Committees or other local or regional committees pursuant to § [10.1-401](#);
- (ii) formulate recommendations concerning designations for proposed scenic rivers or extensions of existing scenic rivers;
- (iii) consider and comment to the Director on any federal, state or local governmental plans to approve, license, fund or construct facilities that would alter any of the assets that qualified the river for scenic designation;
- (iv) assist the Director in reviewing and making recommendations regarding all planning for the use and development of water and related land resources including the construction of impoundments, diversions, roadways, crossings, channels, locks, canals, or other uses that change the character of a stream or waterway or destroy its scenic assets, so that full consideration and evaluation of the river as a scenic resource will be given before alternative plans for use and development are approved;
- (v) assist the Director in preserving and protecting the natural beauty of the scenic rivers, assuring the use and enjoyment of scenic rivers for fish and wildlife, scenic, recreational, geologic, historic, cultural or other assets, and encouraging the continuance of existing agricultural, horticultural, forestal and open space land and water uses;
- (vi) advise the Director and the affected local jurisdiction on the impacts of proposed uses of each scenic river and its related land resources; and
- (vii) assist local governments in solving problems associated with the Virginia Scenic Rivers System, in consultation with the Director.”

Current Status of the Scenic Rivers Advisory Board

The Board is comprised of well-qualified, geographically representative members who bring to the program a thorough knowledge and understanding of the issues and concerns related to protection and management of Virginia’s rivers. The Board meets twice a year, according to Code, and the members are committed to their duties. No meetings have been cancelled for the lack of a quorum. In addition to the requirements set forth in the legislation, the members have participated in a wide range of activities related to the Scenic Rivers program.

Some of the specific accomplishments include:

1. Editorial contributions to the Scenic Rivers and Scenic Resources chapters of the 2007 Virginia Outdoors Plan,
2. Establishment of a program to celebrate the 40th anniversary of the Scenic Rivers System,
3. Development of a presentations and other materials for staff and members to use when presenting the scenic rivers program publically,
4. Development of a Scenic Rivers program brochure,
5. Recognition of individuals who have supported scenic rivers and their protection,
6. Evaluation and recommendation of rivers that qualify for designation,
7. Collaboration with specific river committees,
8. Comments and recommendations on issues related to the protection of scenic river corridors,

Assessment of the Effectiveness of the Scenic Rivers Advisory Board

The Scenic Rivers Advisory Board has been an effective way for the Department of Conservation and Recreation to involve the public in the administration and management of the Program. The board members have been active advocates for the program and have been effective in advancing the public’s knowledge and

appreciation for the protection of Virginia's rivers. They have been helpful in assisting staff with river evaluations as well as with public meetings.

Findings and Recommendations

It is the finding of this assessment that the Scenic Rivers Advisory Board is meeting the intent of §10.1-406. The Board is providing the guidance sought by the Director, publically advocating on behalf of the program and rivers in general, and furthering the intent of the program by helping to recognize and bring more qualified rivers into the program.

The Director of the Department of Conservation and Recreation recommends that the Scenic River Advisory Board be continued into the foreseeable future in its present configuration.

