

Dan Scenic River Report Halifax & Pittsylvania Counties



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Division of Planning and Recreation Resources

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I. REASON FOR THE STUDY

On behalf of the Halifax County Board of Supervisors and the Town Councils of Halifax and South Boston, local officials contacted the Virginia Department of Conservation and Recreation (DCR) requesting that a segment of the Dan River within their jurisdiction be evaluated for possible inclusion in the Virginia Scenic River System. The river segment to be studied is from the North Carolina line in Halifax County to its confluence with Aarons Creek, a distance of approximately 38.6 miles. A small portion of this river segment close to the North Carolina border passes through Pittsylvania County.

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 a means of recognizing the Commonwealth's scenic rivers and their immediate environs. 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 locality(s), DCR evaluates a specified river segment and writes a report documenting these attributes. Since the passage of the Act, 32 river segments, totaling more than 751 miles, have received Scenic River designation from the General Assembly. A list of those rivers can be found on the [Virginia Scenic Rivers](http://dcr.cache.vi.virginia.gov/recreational_planning/documents/srlist.pdf) website, http://dcr.cache.vi.virginia.gov/recreational_planning/documents/srlist.pdf

Another section of the Dan River has already been designated in the Virginia Scenic River system. This section begins at Route 880 at Berry Hill Road in Pittsylvania County and ends at Danville's Abreu-Grogan park, a distance of approximately 15 miles.

A. Benefits of Designation

The Virginia Scenic River designation accomplishes the following:

- allows riparian landowners to continue using their land as they did before designation, except for the §10.1-407 provision noted above (§10.1- 408), <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-408>
- 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 (Code Section E)
- requires all state agencies to consider visual, natural, and recreational values of a Scenic River in their planning and permitting process (§10.1-402) <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-402>
- 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 (§10.1-406.1), <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-406.1>
- requires authorization by the General Assembly for the construction, operation and/or maintenance of any structure, such as a dam, that would impede the natural flow of a Scenic River (§10.1-407), <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+10.1-407>

B. Designation Process

Scenic River evaluations involve data collection from state agencies, local and regional planning commissions, map surveys, related literature reviews, and field studies. These data are used to validate existing land use information and rank the river according to relative uniqueness and quality. Evaluations for each river or river segment take into consideration thirteen (13) established factors or criteria which provide a uniform gauge for all river studies. Field studies include physically canoeing, boating, or walking the stretch of river being evaluated and rating the characteristics of the resource. 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 Flora and Fauna, Water Quality, Parallel Roads, Crossings, Special Features Affecting River Aesthetics, Public Recreational Access, and Land Conservation. A summary of the Dan River evaluation results is included in Section VI of this report.

The Scenic Rivers Act instructs DCR to conduct "studies of rivers or sections of rivers to be considered for designation" and to "recommend to the Governor and to the General Assembly rivers or sections thereof to be considered for designation as Scenic Rivers." This report fulfills this statutory directive.

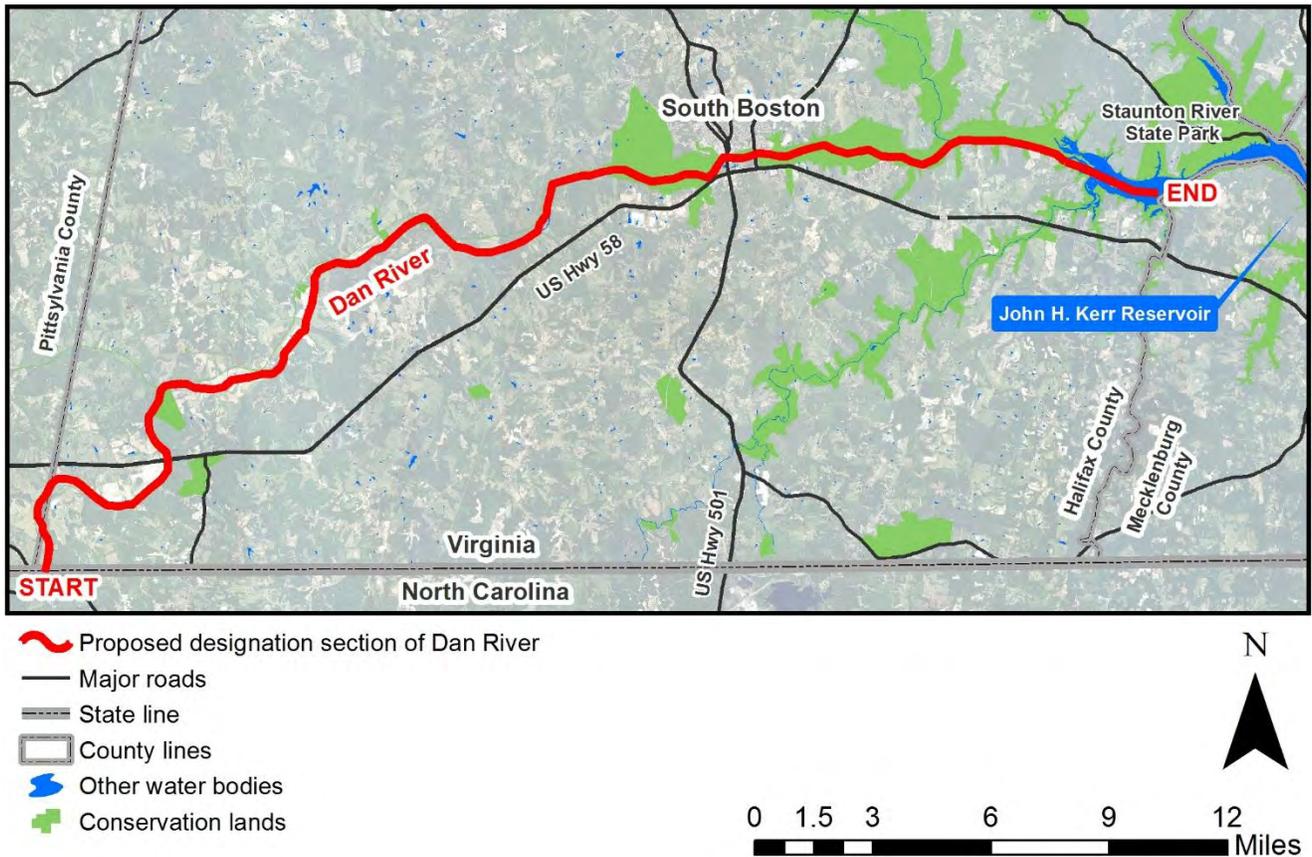
II. SUMMARY OF FINDINGS

At the request of Halifax County Board of Supervisors and the Town Councils of Halifax and South Boston, DCR conducted a Scenic River evaluation of the Dan River from the North Carolina line in Halifax County to its confluence with Aarons Creek in the summer of 2014.

This report covers DCR's findings during the study of the aforementioned Dan River segment in Virginia. The DCR evaluation of the Dan River corridor determined that the 38.6-mile section from the North Carolina line in Halifax County to its confluence with Aarons Creek is eligible for inclusion in the Virginia Scenic Rivers System, and its designation as a Virginia Scenic River is recommended. It is further recommended that DCR be the administering agency.

III. CORRIDOR STUDY MAP

The Dan River originates in Patrick County, Virginia and flows easterly through North Carolina and Virginia until it empties into the John H. Kerr Reservoir. This report will discuss the river segment proposed for designation from the North Carolina line in Halifax County to its confluence with Aarons Creek, a distance of approximately 38.6 miles (Map 1).



Map 1: Section of the Dan River recommended for Scenic River Designation

IV. ENVIRONMENTAL ANALYSIS

In order to determine whether the proposed segment of the Dan was eligible for Scenic River designation, personnel from the Division of Planning and Recreation Resources of the Department of Conservation and Recreation (DCR) and from the Community Design Assistance Center (CDAC) of Virginia Tech conducted an analysis of the river corridor from June 16-18th, 2014. They were joined by local stakeholders and paddled the section of the Dan River under consideration. The following is a description of the qualities and conditions of the resources that make it a candidate for the Virginia Scenic River System.

A. **River Corridor Vegetation**

The Dan River flows through a tree-lined landscape with few signs of habitation (Image 1). Although much of the adjacent property consists of rolling hills, river bottom lands, farms, and urban centers, the substantial streamside vegetation prevents adjacent operations from interfering with the scenic quality of the river.

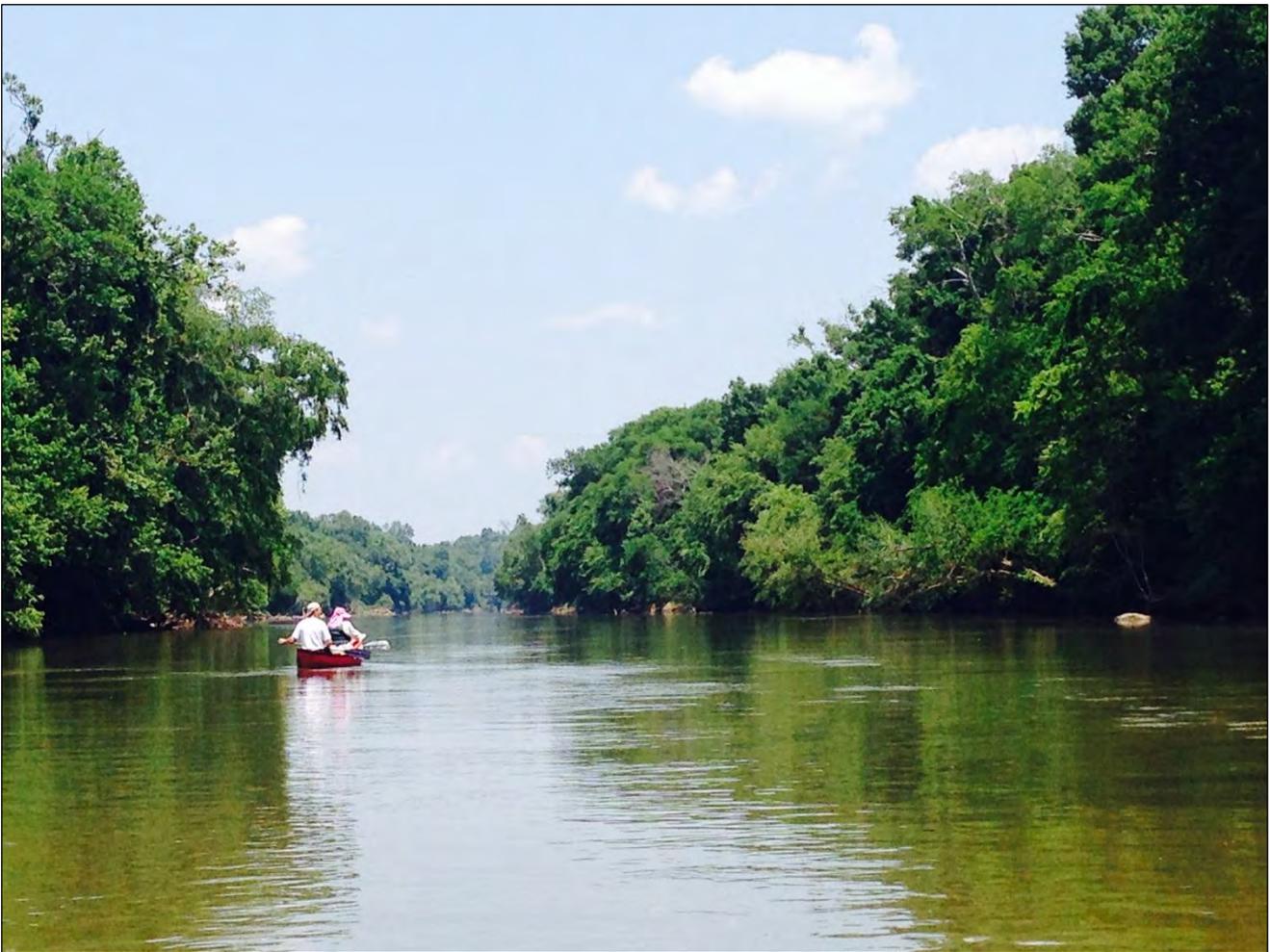
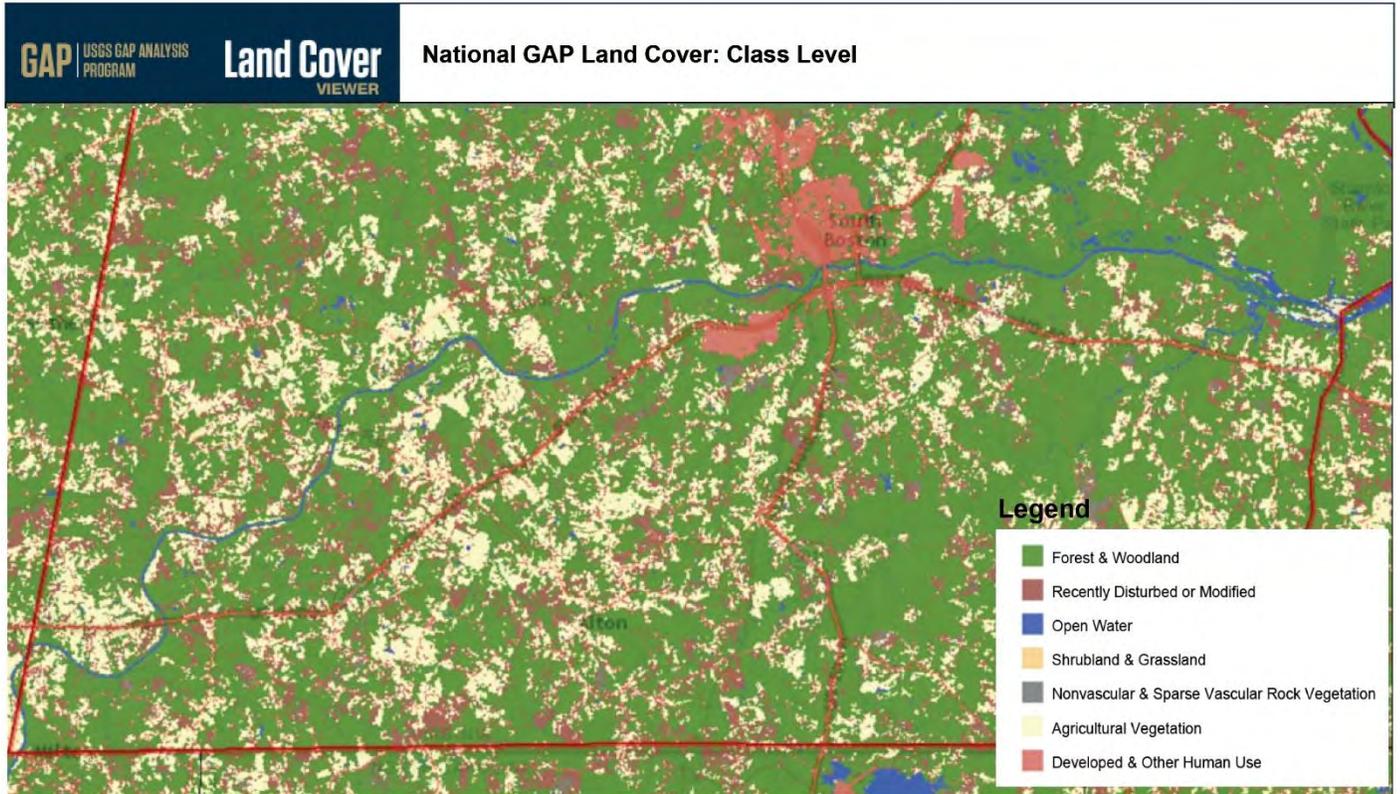
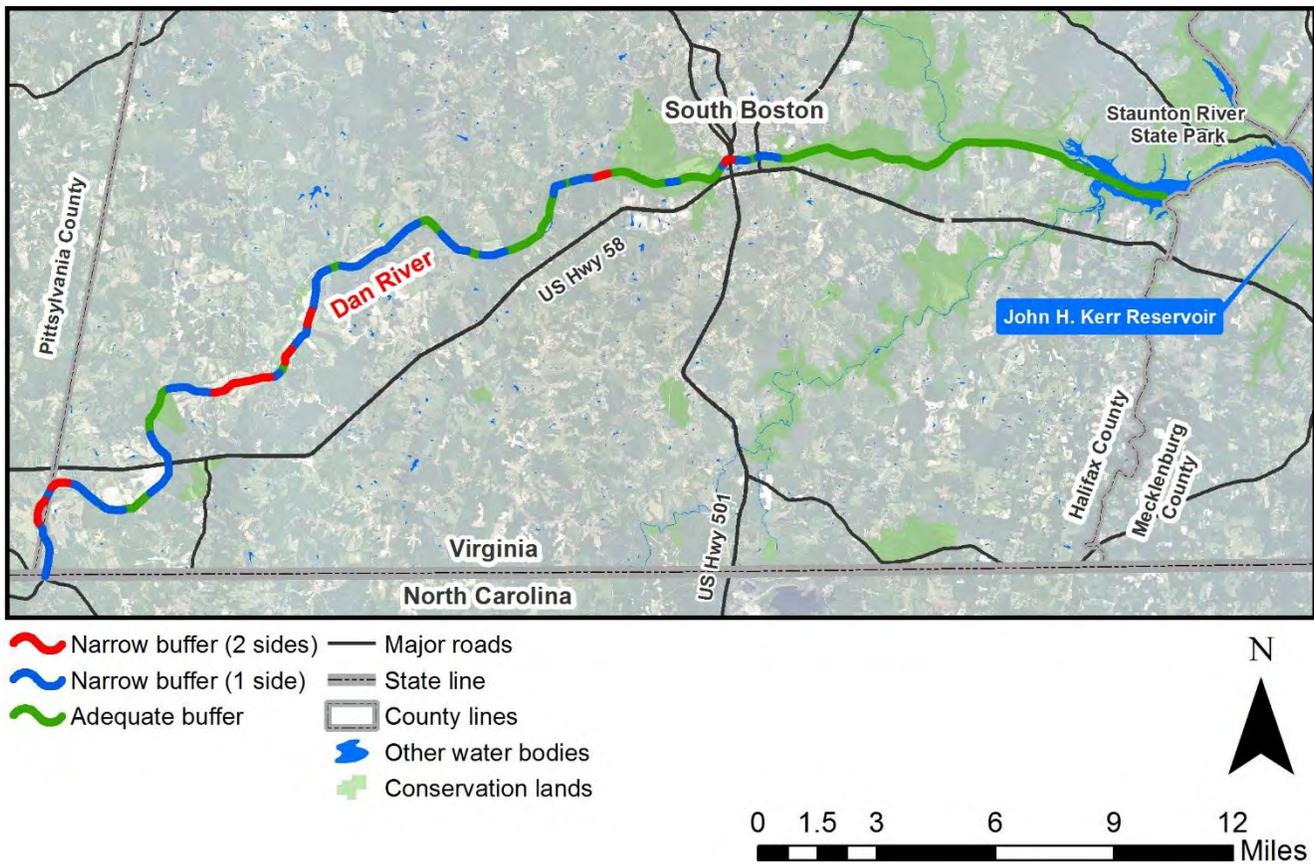


Image 1: Typical vegetation along the Dan River

Although much of the land along the river is forested, some of the areas are used for agricultural vegetation or are developed for residential or other human uses (Map 2). Approximately 29% of the Dan River has forested riparian buffers of less than 100' (Map 3). Forested buffers provide necessary cover to protect water quality and fish habitat.



Map 2: Landcover along the Dan River. Source: US Geological Survey, Gap Analysis Program (GAP), Aug. 2011. National Land Cover, Version 2.

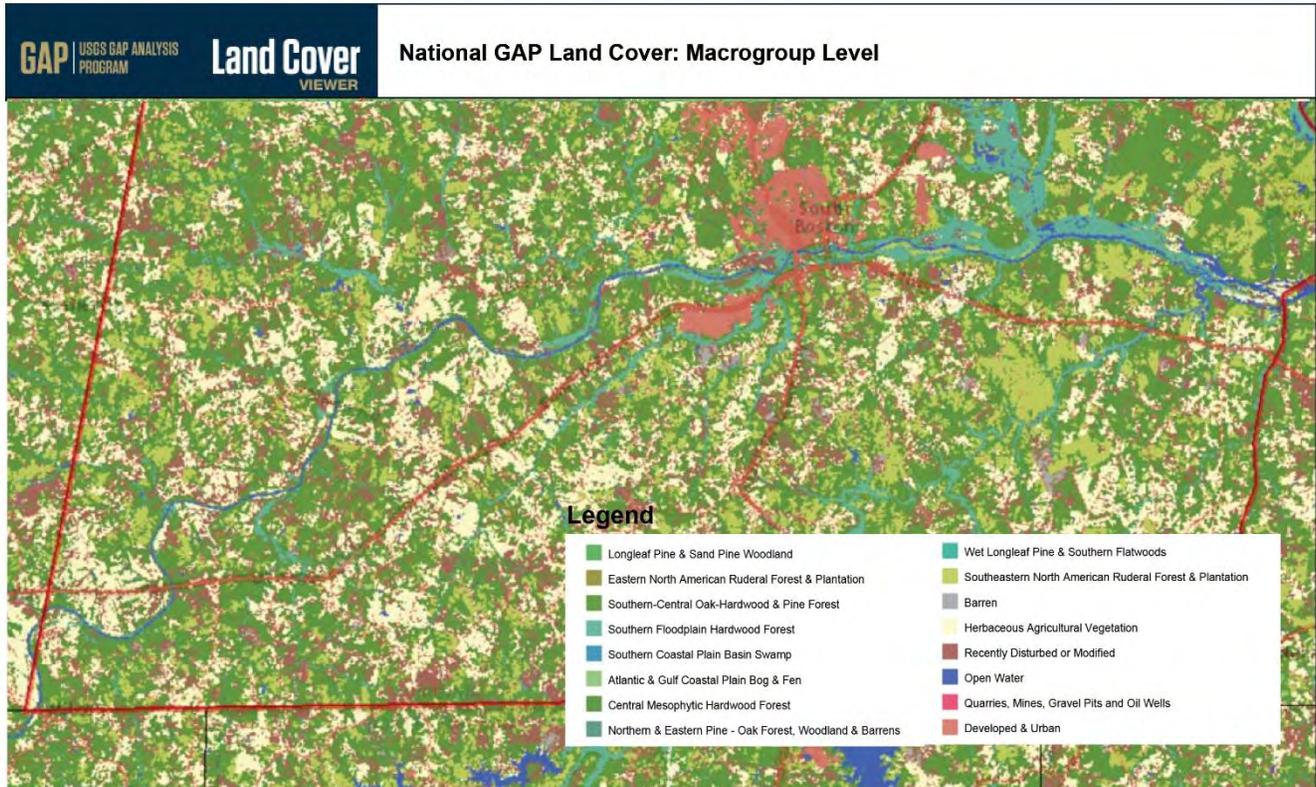


Map 3: Buffer analysis of the Dan River. A narrow buffer is a shoreline with less than a 100' of forested land.

The study area of the Dan River is located in the Piedmont Plateau physiographic province. Vegetation along the corridor is primarily southern central oak-hardwood and pine forest, ruderal forest and plantation, southern floodplain hardwood forest, and herbaceous agricultural vegetation (Map 4). Several dense stands of pine plantations provide an evergreen buffer along some sections of the river, while sycamore, box elder, and river birch line much of the water's edge. Elderberry, silky dogwood, and trumpet vine flower along the banks, and sweet gum and maple display good fall color (Image 2). Other vegetation along the corridor creates views with a variety of forms, textures, sizes, and colors. This diversity provides year-round changes in scenery from and along the river.



Image 2: Trumpet vine



Map 4: Vegetation Types along the Dan River. Source: US Geological Survey, Gap Analysis Program (GAP). August 2011. National Land Cover, Version 2.

B. Riverbed and/or River Flow Modifications

Although the river section studied was primarily freely-flowing and meandering, backwater from the John H. Kerr reservoir affected 5.8 miles or approximately 15% of the study corridor. Otherwise, the current is swift, and the river bottom is clayey sand. Naturally occurring rock outcrops, bluffs, and in-stream rock formations added visual and paddling interest (Images 3-4), while small riffles added excitement and only required beginner technical paddling skills. These riffles do not impact river flow.

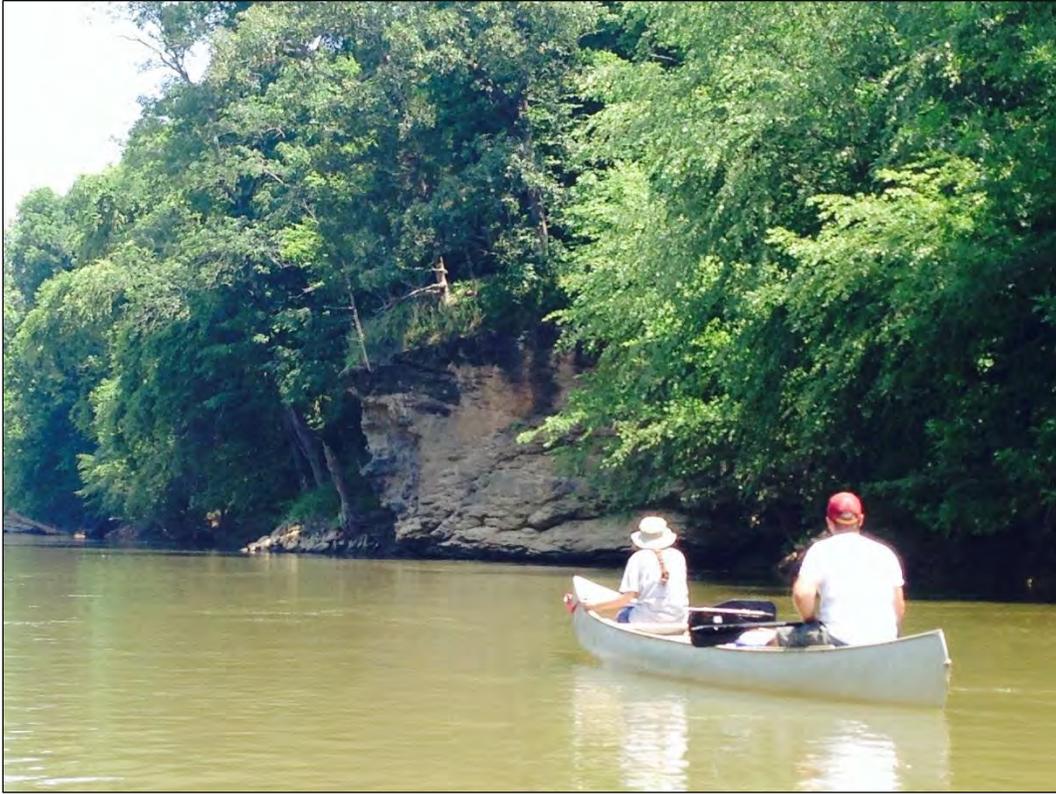


Image 3: Bluff

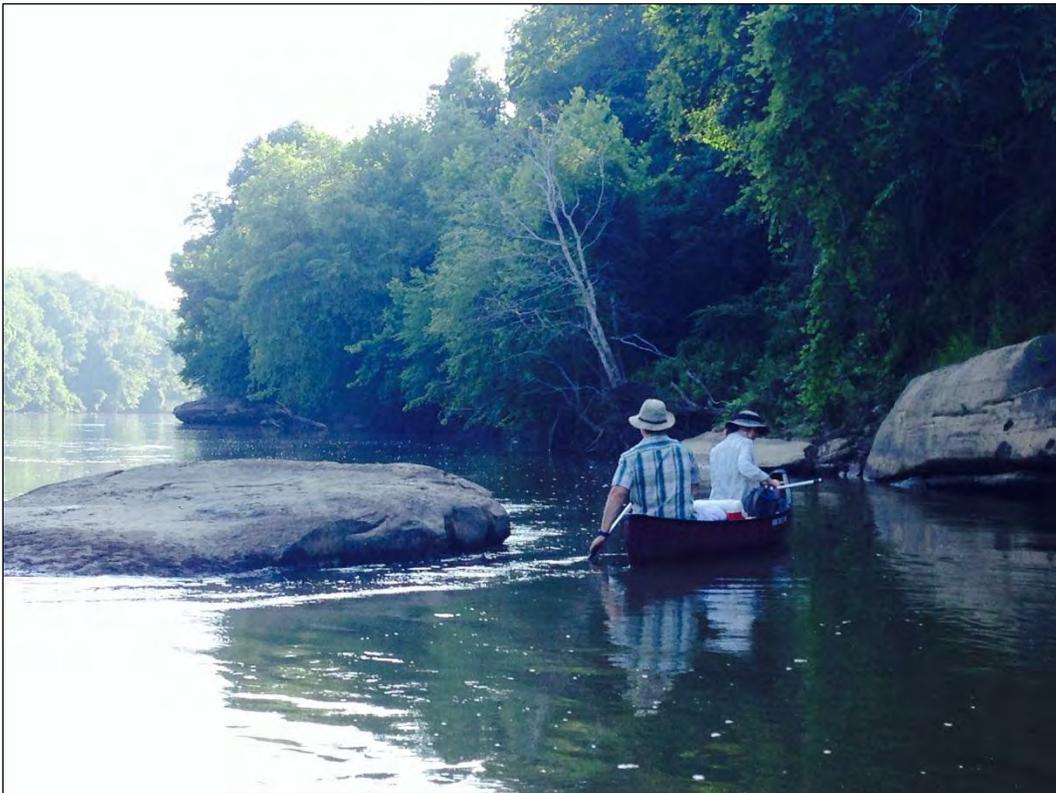


Image 4: In-stream rock formations

C. Human Development of Visual Corridor

This segment of the Dan River corridor contains few signs of human development. Several houses, cabins, and shelters may be seen along the route, but they are few and far between (Image 5). Vegetative buffering along the water's edge screens most buildings and urban areas. Other human interventions include bridges and utility line crossings (see Section J. Crossings).



be

Image 5: A small cabin on the Dan River

D. Historic Features

According to the Virginia Department of Historic Resources (DHR), there are three historical/cultural features of significance and two nominated features along this section of the Dan. These include:

(1) Banister River Navigation Improvements Historic District

The Virginia Department of Transportation has listed the “Banister River Navigation Improvements District” VDHR 041-5311 as eligible for listing on the Virginia and National Registers. Features included in this district are wing dams in the Banister Bridge project area/US 360, the Meadville canal, the King Bridge Wing Dams, and the Cow Ford Wing Dams.

(2) Berry Hill

Berry Hill is a Greek revival mansion that was built in 1844 for plantation owner James Cole Bruce. Mr. Bruce shipped tobacco hogsheads, or large barrels, downriver by batteau. A batteau is a wooden, flat bottom boat that was used up until the early 20th century to transport goods and to navigate shallow waters in the southeastern United States. The plantation also includes early outbuildings, ruins and sites of slave quarters, and one of the largest slave cemeteries in Virginia with more than 200 graves (Image 6).ⁱ



Image 6: Berry Hill

© <http://oldhalifax.com/county/RiverRoadTour3.htm>

(3) News Ferry Historic District

The News Ferry Historic District has been listed as potentially eligible for state and national registration.

(4) Reedy Creek Site

The Reedy Creek Site contains Late Archaic (2000-1000 B.C) artifacts. An Indian village was located on the site between A.D. 900 and 1400. Studies show that the village began as a hamlet and then grew to a concentrated, possibly palisaded village. Remnants of seeds, nuts, and animal bones found on the site have provided information about the indigenous people's diets in the Dan River drainage.ⁱⁱ

(5) South Boston Historic District and Expansion

This District includes industrial, commercial, and residential development from post-Civil War to the 1930s that are associated with South Boston's golden age of tobacco trading. South Boston began as a railroad depot in 1854 and then boomed in the early 1900s as the country's second largest bright-leaf tobacco market (Image 7).ⁱⁱⁱ



Image 7: South Boston Historic District

© <http://hmvpreservation.blogspot.com/>

E. **Landscape**

The Dan River originates in Patrick County, Virginia and flows easterly through North Carolina and Virginia until it empties into the John H. Kerr Reservoir. It is part of the Piedmont Plateau physiographic province in Virginia, a landscape characterized by large, level terrain with wide, slow rivers. The Dan is a tributary of the Roanoke River.

Views along this section of the Dan River are primarily of a forested landscape with a variety of islands, rock bluffs, and in-stream rock formations. The width of the river and flat terrain provide framed views of the sky and clouds (Image 8).



Image 8: View of the sky from the Dan River

F. **Quality of Fishery**

This section of the Dan River offers low to moderate fishing opportunities. Local anglers target primarily flathead and blue catfish. In addition, walleye begin to migrate out of the J.H. Kerr Reservoir into the Dan River as early as January, while white perch and white bass migrate in early April. Striped bass migrate in late April and May.

G. Special Natural Flora/Fauna

The Natural Heritage Program of the Department of Conservation and Recreation (DCR) identifies areas that have a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain (see Appendix A for species ranking definitions of DCR Natural Heritage).

Along the studied section of the Dan River, three natural features had statewide or greater significance. These included:

- (1) Lesser Marsh St. John's-wort/ *Hypericum tubulosum*, G4/S2
The lesser marsh St. John's-wort is a wetland perennial that has pink flowers in July through September. It can be found in wet sandy locations (Image 9).



Image 9: Lesser marsh St. John's-wort
© Jomegat/CCSA

- (2) Southern Piedmont/ Inner Coastal Plain Mixed Oak Floodplain Swamp/ *Quercus phellos* – *Quercus 9palustris, lyrata*/ *Ilex decidua*/ *Carex typhina*- (*Carex grayi*), G3/S3
The Southern Piedmont/ Inner Coastal Plain Mixed Oak Floodplain Swamp is a swamp forest found in somewhat poorly drained to very poorly drained floodplains of large streams and small rivers. Common habitats include shallow sloughs, low flat terraces, and backswamps (Image 10).



Image 10: Southern Piedmont/ Inner Coastal Plain Mixed Oak Floodplain Swamp
© DCR Natural Heritage

- (3) Speckled Killifish/ *Fundulus rathbuni*, G4/S2
The speckled killifish is a small fish (8 cm)

found in sand or mud substrates in backwaters and pools of creeks and small to medium rivers. Its range is limited to the Roanoke and Santee River drainages in Virginia and North Carolina (Image 11).

The river attracts diverse populations of mammals, amphibians, reptiles, birds, and insects. Sightings of bear, deer, turkey, rabbit, and quail are relatively common. Specific species of fauna observed during the evaluation included bald eagle, blue heron, kingfisher, cedar waxwing, and mallard (Image 12).



Image 11: Speckled killifish
© CNRE Virginia Tech



Image 12: Great blue heron rookery along the Dan River

H. **Water Quality**

Visibility through the water column was moderate. The water is periodically turbid or muddy, primarily after heavy rains, and has a yellow-tan color year-around (Images 13-14). Tires and other forms of garbage were rarely seen along the study corridor.



Image 13: Visibility through the water column along the Dan River



Image 14: Dan River water clarity

The Dan River fully supports aquatic life, potable water supply and wildlife uses. An “impaired” designation for the recreation use applies to the section of the Dan River from the City of Danville to the Kerr Reservoir headwaters due to bacterial contamination. VDH has issued fish consumption advisories in the same river section due to legacy PCB and mercury contamination. In February 2014, an estimated 39,000 tons of coal ash and 27 million gallons of contaminated water spilled into the Dan River from Duke Energy’s retired Dan River Power Station near Eden, North Carolina, which is upstream of the study area. Duke Energy completed ash recovery work at 3 sites along the Dan River in July 2014 in accordance to EPA standards. Additional recovery sites may be identified in the future if coal ash accumulates in sufficient quantities to justify dredging, in accordance with a risk-evaluation protocol ordered by EPA. A Natural Resources Damage Assessment is now underway, coordinated by the U.S. Fish and Wildlife Service along with VA DEQ and NC Dept. of the Environment and Natural Resources.^{iv}

I. Parallel Roads

No parallel roads were predetermined through roadway map analysis, nor was any evidence of parallel roads witnessed along this section of the Dan River.

J. Crossings

Crossings consist of vehicular roads, railroad trestles, and power/communication lines (Images 15-16). Most of these are perpendicular to the Dan and have limited visual impact on the river experience. In situations where utility and road crossings were close to one another visually, the crossing occurrence was counted as one instead of two occurrences. This section of the Dan had a total of 11 crossings, resulting in an average of 0.3 crossings per mile. Although crossings reduce the sense of remoteness along the river, they provide visual access to the water.



Image 15: Utility lines crossing the Dan River



Image 16: Railroad trestle crossing the Dan River

K. Special Features Affecting River Aesthetics

This section of the Dan River is characterized by short to long-range vistas of forestland and sky. The buffered landscape combined with minimal development along the river offer a seemingly remote river experience. In addition, islands, periodic riffles, in-stream rock formations, and bluffs provide varied features along the river corridor (Images 17-18).



L. Public Recreational Access

The river allows for year round recreational paddling with canoes or kayaks. Paddlers and boaters find river access at public bridge crossings and by permission from private landowners. Public access is also located at Route 658/Paces Bridge/Melon Road and at the Maple Avenue Wastewater Treatment Plant in South Boston.

Image 17: Island

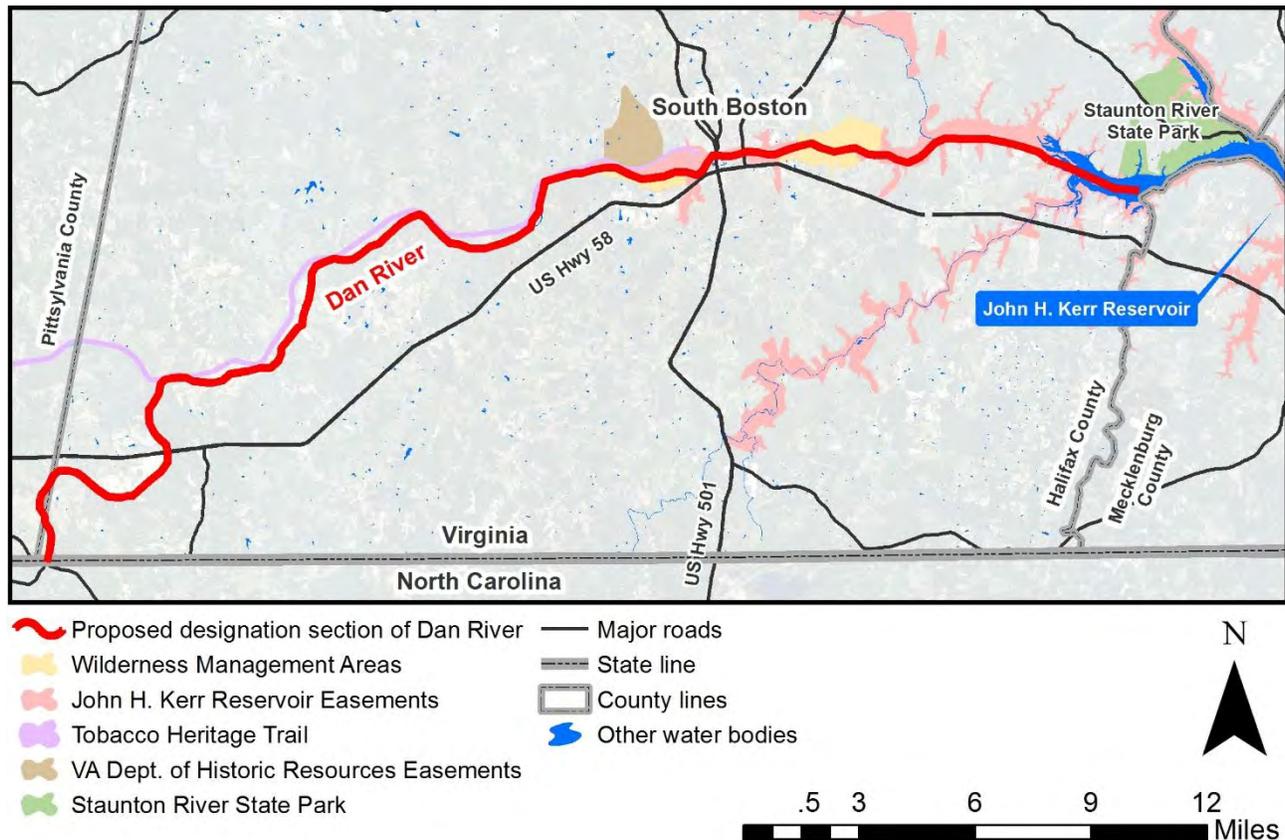
M. Land Conservation

DCR's Natural Heritage program provides information on listed, eligible, and eased properties. According to its inventory, this section of the Dan has significant protection from development. Approximately 48.2% of



Image 18: Bluff along the Dan River

the river corridor is under conservation easement (Map 5).



Map 5: Dan River land conservation

V. LAND USE AND OWNERSHIP

Lands along the study corridor are primarily in private ownership or under conservation easement. Most of the land use along the river is forested, agricultural, or residential.

VI. CONCLUSIONS AND RECOMMENDATIONS

The Department of Conservation and Recreation concludes that the Dan River from the North Carolina line in Halifax County to its confluence with Aarons Creek, a distance of approximately 38.6 miles, is hereby eligible to be a component of the Virginia Scenic River System. Scenic River designation is warranted because of the aesthetic and recreational qualities of the river section, its environs, and the unique flora and fauna.

Flowing through largely forested land of rolling hills and river bottom lands, this river segment has a number of interesting aesthetic features including islands, rock formations, and bluffs. The

adjacent landscape consists of few man-made features, which creates a sense of remoteness and isolation. Its generous corridor provides an interesting mix of foreground, middle ground, and background views. This section of the Dan River contains three natural features of statewide or greater significance, three historical/cultural features of significance, and two nominated historical/cultural features. Public access points are available at Route 658/Paces Bridge/Melon Road, the Maple Avenue Wastewater Treatment Plant in South Boston, and at other public bridge crossings.

Considering all of the aspects of this segment of the Dan River within Halifax and Pittsylvania counties as described in this report, DCR recommends it as a good candidate for Virginia Scenic River designation.

It is recommended that:

1. The Dan River from the North Carolina line in Halifax County to its confluence with Aarons Creek, a distance of approximately 38.6 miles, be recommended for Virginia Scenic River Designation;
2. The Department of Conservation and Recreation be appointed as the Administering Agency.

VII. CONSERVATION PLAN

Several elements contribute to the conservation plan for the Dan River. 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 section of the Dan River 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, designation will focus attention on the river as a natural resource 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 river worthy of designation. The locality has the option of creating a local river committee that is either appointed by the DCR or the locality. This committee will work with the DCR to consider and manage the scenic attributes of the river (see Code of Virginia code section [§ 10.1-401.A.4](#) and [§ 10.1-406.1](#)).

A second aspect of the Conservation Plan involves Halifax and Pittsylvania counties. Comprehensive land use plans should explicitly reflect citizens' recognition, appreciation, and concern for the river and the valuable role it plays in the region's quality of life. Such plans should be aimed in part at protecting the river and its environs from potential development or ensuring that development utilizes low impact development strategies as much as possible.

The Halifax County *2007 Comprehensive Plan Update* recognizes the importance of the protecting their natural resources and addresses scenic rivers in several of its implementation strategies. Examples of these include:

- (9-y): study the adoption of overlay districts such as highway, river, and scenic corridors as amendments to the zoning ordinance;
- (13-j): support cooperative efforts and programs by Virginia and North Carolina localities within the Roanoke River Basin for the protection of basin water resources;
- (13-n): support programs and initiatives that protect and conserve fragile groundwater resources, as well as the rivers, streams, aquifers, and wetlands within the County;
- (13-p): promote the scenic and recreational value of the County's waterways and wetlands for use by residents and recreational visitors from outside the County.

The final component of the Conservation Plan is the continued individual stewardship of local and riparian landowners. Over the years, this stewardship has been good. If not for this stewardship, the attributes necessary for inclusion in the Virginia Scenic River System might have been lost. Through continuation of these efforts, the natural and scenic character of the river can be protected. Currently, Duke Energy is part of an effort to create a stakeholder group with citizen representatives from throughout the Dan River Basin. This group would work to determine common interests among basin residents and to protect river resources. This type of initiative would be of great value to the protection of the Dan River and its scenic qualities.

Action by the General Assembly to designate this section of the Dan River and the efforts of Halifax and Pittsylvania counties should combine to protect the natural and scenic qualities of the recommended section of the Dan River for the enjoyment of future generations. Proposed Legislation is provided in Appendix C.

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 river. At present, these costs are estimated to be in the range of \$1,000 per year.

IX. AGENCY COMMENTS/ RESOLUTIONS

A draft report was circulated among DCR Divisions, other state agencies, and Halifax and Pittsylvania counties. Comments from these agencies are listed below. Letters of support are included in Appendix B of this report.

X. APPENDIX

- A. Species Ranking definitions of DCR Natural Heritage
- B. Letters, Comments, and Other Support Documents
- C. Proposed Legislation

Appendix A

Species Ranking Definitions of DCR Natural Heritage

SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FEDERAL STATE STATUS	FEDERAL STATE STATUS
Fundulus rathbuni	Speckled Killifish	G4	S2		

Definitions of Abbreviations used on Natural Heritage Resource Lists

The following ranks are used by the Virginia Department of Conservation and Recreation to set protection priorities for natural heritage resources. Natural Heritage Resources, or "NHR's," are rare plant and animal species, rare and exemplary natural communities, and significant geologic features. The criterion for ranking NHR's is the number of populations or occurrences, i.e. the number of known distinct localities; the number of individuals in existence at each locality or, if a highly mobile organism (e.g., sea turtles, many birds, and butterflies), the total number of individuals; the quality of the occurrences, the number of protected occurrences; and threats.

- S1** - Critically imperiled in the state because of extreme rarity or because of some factor(s) making it especially vulnerable to extirpation from the state. Typically 5 or fewer populations or occurrences; or very few remaining individuals (<1000).
- S2** - Imperiled in the state because of rarity or because of some factor(s) making it very vulnerable to extirpation from the state. Typically 6 to 20 populations or occurrences or few remaining individuals (1,000 to 3,000).
- S3** - Vulnerable in the state either because rare and uncommon, or found only in a restricted range (even if abundant at some locations), or because of other factors making it vulnerable to extirpation. Typically 21 to 100 populations or occurrences (1,000 to 3,000).
- S4** - Apparently secure; Uncommon but not rare, and usually widespread in the state. Possible cause of long-term concern. Usually >100 populations or occurrences and more than 10,000 individuals.
- S5** - Secure; Common, widespread and abundant in the state. Essentially ineradicable under present conditions. Typically with considerably more than 100 populations or occurrences and more than 10,000 individuals.
- S#B** - Breeding status of an animal within the state
- S#N** - Non-breeding status of animal within the state. Usually applied to winter resident species.
- S#?** - Inexact or uncertain numeric rank.
- SH** - Possibly extirpated (Historical). Historically known from the state, but not verified for an extended period, usually > 15 years; this rank is used primarily when inventory has been attempted recently.
- S#S#** - Range rank; A numeric range rank, (e.g. S2S3) is used to indicate the range of uncertainty about the exact status of the element. Ranges cannot skip more than one rank.
- SU** - Unrankable; Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
- SNR**- Unranked; state rank not yet assessed.
- SX** - Presumed extirpated from the state. Not located despite intensive searches of historical sites and other appropriate habitat, and virtually no likelihood that it will be rediscovered.
- SNA**- A conservation status rank is not applicable because the element is not a suitable target for conservation activities.

Global Ranks are similar, but refer to a species' rarity throughout its total range. Global ranks are denoted with a "G" followed by a character. Note GX means the element is presumed extinct throughout its range, not relocated despite intensive searches of historical sites/appropriate habitat, and virtually no likelihood that it will be rediscovered. A "Q" in a rank indicates that a taxonomic question concerning that species exists. Ranks for subspecies are denoted with a "T". The global and state ranks combined (e.g. G2/S1) give an instant grasp of a species' known rarity.

These ranks should not be interpreted as legal designations.

- G1** Extremely rare and critically imperiled with 5 or fewer occurrences or very few remaining individuals; or because of some factor(s) making it especially vulnerable to extinction.
- G2** Very rare and imperiled with 6 to 20 occurrences or few remaining individuals; or because of some factor(s) making it vulnerable to extinction.
- G3** Either very rare and local throughout its range or found locally (even abundantly at some of its locations) in a restricted range; or vulnerable to extinction because of other factors. Usually fewer than 100 occurrences are documented.
- G4** Common and apparently secure globally, although it may be rare in parts of its range, especially at the periphery.
- G5** Very common and demonstrably secure globally, although it may be rare in parts of its range, especially at the periphery.
- GH** Formerly part of the world's fauna with some expectation that it may be rediscovered; generally applies to species that have not been verified for an extended period (usually >15 years) and for which some inventory has been attempted recently.
- GX** Believed to be extinct throughout its range with virtually no likelihood of rediscovery.
- GU** Possibly rare, but status uncertain and more data needed.
- G?** Unranked, or, if following a numerical ranking, rank uncertain (e.g., G3?).
- G_G_** The rank is uncertain, but considered to be within the indicated range (e.g., G2G4) of ranks (also, T_T_).
- G_Q** Taxon has a questionable taxonomic assignment (e.g., G3Q) and may prove to be invalid upon further study.
- G_T_** Signifies the rank of a subspecies (e.g., G5T1 would apply to a subspecies if the species is demonstrably secure globally (G5) but the subspecies warrants a rank of T1, critically imperiled.)

FEDERAL STATUS

The Division of Natural Heritage uses the standard abbreviations for Federal endangerment developed by the U.S. Fish and Wildlife Service, Division of Endangered Species and Habitat Conservation.

- LE** - Listed Endangered
- LT** - Listed Threatened
- PE** - Proposed Endangered
- PT** - Proposed Threatened
- C** - Candidate (formerly C1 - Candidate category 1)
- E(S/A)** - Treat as endangered because of similarity of appearance
- T(S/A)** - Treat as threatened because of similarity of appearance
- SOC** - Species of Concern species that merit special concern (not a regulatory category)

STATE LEGAL STATUS

The Division of Natural Heritage uses similar abbreviations for State endangerment:

LE - Listed Endangered

PE - Proposed Endangered

SC - Special Concern - animals that merit special concern according to VDGIF (not a regulatory category)

LT - Listed Threatened

PT - Proposed Threatened

C - Candidate

For information on the laws pertaining to threatened or endangered species, please contact:

U.S. Fish and Wildlife Service for all **FEDERALLY** listed species;

Department of Agriculture and Consumer Services, Plant Protection Bureau for **STATE** listed plants and insects

Department of Game and Inland Fisheries for all other **STATE** listed animals

CONSERVATION SITES RANKING

Rank is a rating of the significance of the conservation site

based on presence and number of natural heritage resources; on a scale of 1-5, 1 being most significant.

Sites are also coded to reflect the presence/absence of federally/state listed species:

Conservation Site Ranks

B1 - Outstanding significance

B2 - Very High significance

B3 - High significance

B4 - Moderate significance

B5 - Of general Biodiversity significance

Legal Status of Sites

FL - Federally listed species present

SL - State listed species present

NL - No listed species present

Appendix B - Letters, Comments, and Other Support

This appendix is divided into sections as outlined below

1. Letter Requesting Designation	25
2. DCR Designation Letters	26
3. Letters of Support	31
4. Agency Comments	33



JAMES M. HALASZ
County Administrator
jmh@co.halifax.va.us

HALIFAX COUNTY BOARD OF SUPERVISORS

134 South Main Street
P. O. Box 699
Halifax, VA 24558-0699
(434) 476-3300
Fax: (434) 476-3384
www.halifaxcountyva.gov

NOV 15 2013

SUPERVISORS
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Vice Chairman
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DOUGLAS V. BOWMAN
E. WAYNE CONNER
J. T. DAVIS
WILLIAM I. FITZGERALD
LOTTIE T. NUNN

October 28, 2013

Virginia Department of Conservation and Recreation
203 Governor Street, Suite 326
Richmond, VA 23219
Attention: Lynn M. Crump, Environmental Program Planner

Dear Lynn:

At the October 21, 2013 Joint Meeting of the Halifax County Board of Supervisors with the Town Councils of Halifax and South Boston, I was directed to officially request that the Virginia Department of Conservation and Recreation study the segment of the Dan River beginning from Pittsylvania County to Mecklenburg County to determine if this section might meet the requirements to be designated a State Scenic River. The Board approved my submitting this letter and requesting this designation of the Banister River under the Virginia Scenic Rivers Act of 1970.

Please advise if you require additional information or if I might be of assistance in this matter.

Sincerely,

COUNTY OF HALIFAX

James M. Halasz
County Administrator

GWN/daf

Cc: The Hon. James E. Edmunds, II
Mr. Carl Espy, IV, Town Manager
Halifax County Board of Supervisors

Molly Joseph Ward
Secretary of Natural Resources

Clyde E. Cristman
Director



Joe Elton
Deputy Director of Operations

Rochelle Altholz
Deputy Director of Administration
and Finance

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

600 East Main Street, 24th Floor
Richmond, Virginia 23219
(804)786-6124

August 14, 2014

Mr. James M. Halasz Halifax County Administrator Post Office Box 699 Halifax, Virginia 24558-0699	Mr. Timothy L. Wilson South Boston Town Manager 455 Ferry Street South Boston, Virginia 24592	Mr. Clarence Monday Pittsylvania County Administrator Post Office Box 426 Chatham, Virginia 24531
--	--	--

Re: Scenic River Study of a Dan River Segment within Halifax and Pittsylvania Counties

Dear Mr. Halasz, Mr. Wilson, and Mr. Monday:

At the October 21, 2013, Joint Meeting of the Halifax County Board of Supervisors and the Town Councils of Halifax and South Boston, Mr. Halasz was asked to request that the Department of Conservation and Recreation (DCR) study a segment of the Dan River in Halifax and Pittsylvania Counties that passes through the Town of South Boston. Based on the results of the study, a 38.6 mile segment of the Dan River from the North Carolina line in Halifax County to its confluence with Aarons Creek has been found to qualify for Scenic River designation. A small portion of this river segment close to the North Carolina border passes through Pittsylvania County.

The field evaluation was performed during a period of several days – from June 16 to 18, 2014. DCR Central Office Planners traversed the study corridor with support from Virginia Tech Community Design Assistance Center (CDAC), staff from Staunton River State Park, and local citizens. DCR is most appreciative of the local representatives who guided the trip and is especially grateful for the participation of Delegate James E. Edmunds II.

Should the Halifax and Pittsylvania County Boards of Supervisors and the South Boston Town Council wish to continue with the designation process, there are several steps in the process that should be undertaken as soon as possible. The first step would be to contact Lynn Crump of my staff to let her know of your intent. Her contact information is lynn.crump@dcr.virginia.gov or (804) 786.5054.

All three localities will need to pass a resolution of support for the designation of the Dan River segment described in the first paragraph. A copy of each resolution should be sent to Ms. Crump. There will need to be contact with your local General Assembly representatives to request that they serve as patrons for the designation legislation. The attached draft legislation should prove helpful in that regard.

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

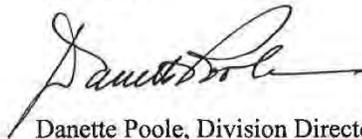
Mr. James M. Halasz
Mr. Timothy L. Wilson
Mr. Clarence Monday
August 14, 2014
Page Two

We look forward to hearing from you regarding your intent to pursue the formal Scenic River designation. We are interested in hearing your plans. Additionally, the Board of Conservation and Recreation will hear the proposal for this designation at its next meeting, and members will be asked for their endorsement. If all jurisdictions want to move forward, we anticipate that the necessary requirements can be completed in a relatively short time so that designation legislation can be introduced in the 2015 General Assembly.

DCR believes whole-heartedly in the Virginia Scenic Rivers recognition program, and we are appreciative of the support of both Halifax and Pittsylvania Counties in the recent designation of the Banister River. Pittsylvania was also a partner with the City of Danville in the 2013 designation of a 15-mile segment of the Dan. Both counties have been leaders in renewed attention to the Scenic River program in your region of the Commonwealth, and we now welcome South Boston as a working participant. DCR salutes your commitment to local riverine resources.

If you would like staff to participate in any general or public informational meetings, or if we can assist in another way, please let me or Ms. Crump know. We will do our best to accommodate your requests.

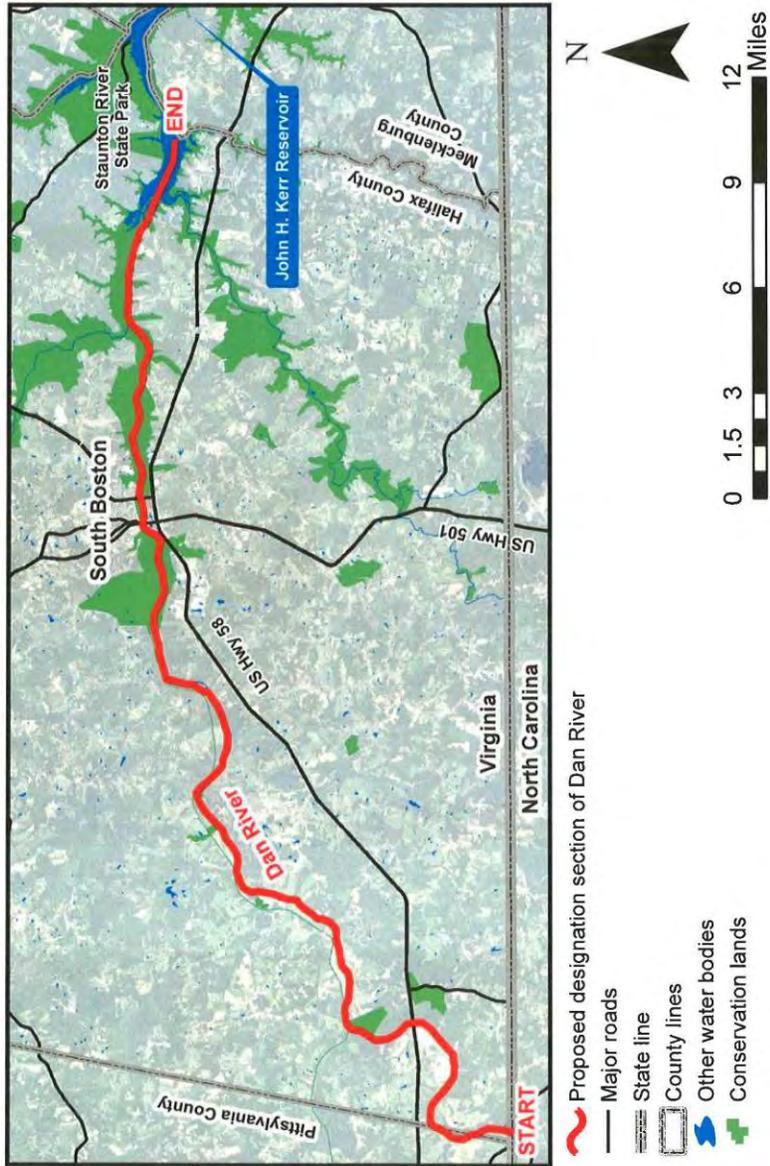
Sincerely,



Danette Poole, Division Director
Planning and Recreation Resources

Attachments

- C: The Honorable James E. Edmunds II, Member, Virginia House of Delegates
Greg Sides, Assistant Pittsylvania County Administrator
Carl Espy IV, Halifax Town Manager
Alan Auld, Director, South Boston Public Works
Mark W. Moore, Director, Pittsylvania County Parks and Recreation
Lynn Crump, DCR, Environmental Programs Planner



That the *Code of Virginia* is amended by adding in Chapter 4 of Title 10.1 a section numbered **10.1-413.3** as follows:

§ 10.1-413.3. Dan State Scenic River.

A. The Dan River from Berry Hill Road at Route 880 in Pittsylvania County to the downstream property boundary of Abreu/Grogan Park in Danville, a distance of approximately 15 miles, and the section from the North Carolina line in Halifax County to the confluence of Aarons Creek, a distance of approximately 38.6 miles, are hereby designated a component of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge in the designated area.

DRAFT

**RESOLUTION SUPPORTING THE DESIGNATION OF A SECTION OF THE DAN RIVER
AS A VIRGINIA STATE SCENIC RIVER**

WHEREAS, the Virginia State Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 to identify, recognize and provide a level of protection to rivers with significant scenic beauty, historic importance, recreational value and natural characteristics pursuant to the Code of Virginia Title 10.1, Sections 10.1-400 through 10.1-418, "Scenic Rivers Act"; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR), has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to determine the suitability of river segments; and

WHEREAS, the 2004 Halifax County Trails, Bicycle & Pedestrian Plan adopted by the Board of Supervisors and Councils of the Towns of Halifax and South Boston, recognized the potential blueway system along the area's major waterways including the Dan River; and

WHEREAS, under authorization of the Halifax County Board of Supervisors and the Town Councils of Halifax and South Boston by letter to Lynn M. Crump, DCR Environmental Programs Planner, the Virginia Department of Conservation and Recreation was requested to conduct a study of the Dan River beginning at Milton, NC and ending at its confluence with Aaron's Creek to determine its potential as a State Scenic River; and

WHEREAS, on June 16 – 18, 2014 DCR staff along with consultants from the Community Development Assistance Center (CDAC), Delegate James Edmunds, and several residents from Halifax County paddled the river study corridor to make field evaluations; and

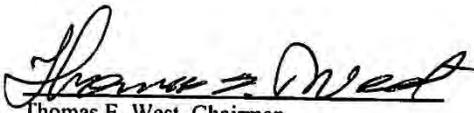
WHEREAS, on August 14, 2014 by letter to the Town of South Boston, Halifax County and Pittsylvania County, the localities were informed that DCR completed its evaluation determining a 38.6 mile stretch of the Dan from the Virginia State Line to the confluence with Aaron's Creek in Halifax County qualifies as a Virginia State Scenic River; and

WHEREAS, on September 2, 2014 the Pittsylvania County Board of Supervisors will consider a resolution supporting the Scenic River designation of the Dan River and on September 8, 2014 the South Boston Town Council will consider a similar resolution.

NOW, THEREFORE BE IT RESOLVED, on this 2nd day of September, 2014 that by way of this resolution, the Board of Supervisors of Halifax County, Virginia, does hereby support the designation of the Dan River beginning at the Virginia-North Carolina State Line and ending at the confluence with the Aarons Creek as a Virginia State Scenic River pursuant to the Scenic Rivers Act, Virginia Code Section 10.1-400 *et seq.*

BE IT FURTHER RESOLVED, that the Halifax County Board of Supervisors, Virginia does hereby respectfully request that the members of the Halifax County and Pittsylvania County legislative delegation introduce legislation to the Virginia General Assembly for approval and designation of the Dan River's eligible 38.6 mile section in the 2015 Session.

Adopted this 2nd day of September, 2014.


Thomas E. West, Chairman
Halifax County Board of Supervisors



Mayor
Edward Owens

Town Manager
Timothy L. Wilson

RESOLUTION SUPPORTING THE DESIGNATION OF THE DAN RIVER AS A VIRGINIA STATE SCENIC RIVER

WHEREAS, the Virginia State Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 to identify, recognize, and provide a level of protection to rivers, or segments thereof, with significant scenic beauty, historic importance, recreational value, and/or natural characteristics pursuant to the "Scenic Rivers Act" of the Code of Virginia; and

WHEREAS, the Town of South Boston in full and mutual agreement with Halifax County, Virginia and Pittsylvania County, Virginia find it desirable and in the public interest to identify and make widely known to all the unique and exceptional attributes of the Dan River; and

WHEREAS, on June 16-18, 2014 the Virginia Department of Conservation and Recreation (DCR) inspected and evaluated a 38.6 mile segment of the Dan River beginning from the Virginia/North Carolina state line in Halifax County and ending at the river's confluence with Aaron's Creek for the purpose of designating this portion of the Dan River as a Scenic River pursuant to the Act; and

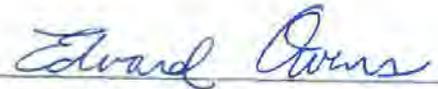
WHEREAS, upon finding and conclusion of DCR staff, it has been determined that the above identified segment of the Dan River traversing the localities of Halifax County, Pittsylvania County, and the Town of South Boston, Virginia qualifies for Scenic River designation; and

WHEREAS, the Town of South Boston desires to support and participate in the pursuit of state legislation that will result in formal Scenic River designation of this segment of the Dan River.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Town of South Boston, Virginia, that it does hereby support and request the designation of the above described segment of the Dan River as a Virginia Scenic River; and

BE IT FURTHER RESOLVED, that the Council of the Town of South Boston, Virginia, does hereby authorize and direct the Town Manager to seek state legislative support for this initiative and to take any other necessary actions to have this designation codified by the General Assembly of the State of Virginia.

Adopted this 8th day of September, 2014.


Mayor Edward Owens

455 Ferry Street
South Boston, Virginia 24592
Telephone: 434.572.4200
Fax: 434.575.4275

Email: cowens@southbostonva.us
twilson@southbostonva.us
www.southboston.com

**PITTSYLVANIA COUNTY BOARD OF SUPERVISORS
SCENIC RIVER DESIGNATION – DAN RIVER**

**RESOLUTION
2014-09-02**

VIRGINIA: At the regular meeting of the Pittsylvania County Board of Supervisors on Tuesday, September 02, 2014 in the General District Courtroom of the Edwin R. Shields Courthouse Addition, the following resolution was presented and adopted:

WHEREAS, the Virginia Scenic Rivers Program was enacted by the Virginia 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; and

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

WHEREAS, elected officials and staff from Halifax County and the Town of South Boston requested that the Virginia Department of Conservation and Recreation evaluate the portion of the Dan River located within Halifax County and the Town of South Boston, including a very small portion located in Pittsylvania County, and determine its eligibility for Scenic River designation; and

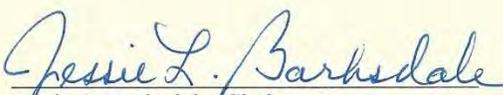
WHEREAS, the Virginia Department of Conservation and Recreation completed its evaluation and determined that the 38.6 mile segment of the Dan River under review was found to qualify as a Virginia Scenic River; then

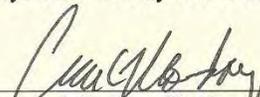
THEREFORE, BE IT RESOLVED, that the Pittsylvania County Board of Supervisors does hereby support the designation of the 38.6 mile segment of the Dan River from the North Carolina state line in Halifax County to its confluence with Aarons Creek, including the small portion within Pittsylvania County, as a Virginia Scenic River, conditioned on approval and support by the governing bodies of Halifax County and the Town of South Boston; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Pittsylvania County will contact our General Assembly representatives to request that they serve as patrons for the legislation that will codify the Scenic River designation.

Given under my hand this 2nd day of September, 2014.




Jessie L. Barksdale, Chairman
Pittsylvania County Board of Supervisors


Clarence Monday, Clerk
Pittsylvania County Board of Supervisors

Agency Comments:



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

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

November 25, 2014

Ms. Lynn Crump, RLA
Environmental Programs Planner
DCR - Division of Planning and Recreation Resources
600 E. Main Street; 17th Floor
Richmond VA 23219

RE: Proposed Scenic River Designations – Clinch and Dan Rivers

Dear Ms. Crump:

Thank you for requesting input from the State Water Control Board (Board) on two Scenic River designation proposals for portions of the Dan and Clinch Rivers, per a November 10, 2014 email from Robbie Rhur in your Department. DEQ has reviewed the reports and DEQ files on the two proposals. Our files indicate the following:

- **Dan River:** The Dan River proposal is in Halifax County from the North Carolina state line to the confluence of Aarons Creek, a distance of approximately 38.6 miles, and is identified as Sections 2 and 2a of the Roanoke Basin in the VA Water Quality Standards Regulation (9VAC25-260-450). Section 2a is the Potable Water Supply (PWS) for the Town of South Boston. It is not anticipated this PWS designation will impact the proposal for Scenic River status.

Contrary to the statement on page 15 of the Dan River Report (“*fully supports aquatic life, wildlife, and recreational uses*”), this stretch of the river is impaired for the recreational use due to exceedance of bacteria water quality standards. In addition, the VA Department of Health has issued fish consumption advisories due to PCB and mercury contamination in this section of the Dan River.

There is one VPDES municipal discharge to the proposed Scenic River section in the Town of South Boston (Maple Ave WWTP – VA0020362); there are no known issues with existing VPDES for this proposed Scenic River designation.

- **Clinch River:** The Clinch River proposal is from State Route 693 in Tazewell County through the towns of Richlands and Cedar Bluff to the Tazewell/Russell County line, a

distance of approximately 30.3 miles, and is identified as Sections 2, 2b, and 2c of the Tennessee and Big Sandy River Basins (Clinch River Subbasin) in the VA Water Quality Standards Regulation (9VAC25-260-500). Section 2b is the Potable Water Supply (PWS) for the Raven-Doran area and Town of Richlands. Section 2c is the PWS for the Town of Tazewell. It is not anticipated these PWS designations will impact the proposal for Scenic River status.

The Scenic River report correctly states there are recreational use impairments in the proposed section.

There is one VPDES municipal discharge to the proposed Scenic River section in Richlands (Richlands Regional WWTF – VA0021199); there are no known issues with existing VPDES for this proposed Scenic River designation.

Based on the reports and the above information, General Assembly designation of the proposed sections of the Dan and Clinch Rivers as Scenic Rivers will not impact existing Board programs. Therefore, DEQ, acting on behalf of the Board, has no comment on the proposed designations.

Sincerely,



Melanie D. Davenport
Water Division Director

C: Elleanore Daub – DEQ/Water Permits
David Whitehurst – DEQ/WQ Standards
Cindy Berndt – DEQ/Policy
Robert Weld – DEQ/BRRO Reg. Dir.
Allan Newman – DEQ/SWRO Reg. Dir.

From: Kennedy, John (DEQ)
Sent: Monday, November 17, 2014 4:27 PM
To: Crump, Lynn (DCR)
Subject: FW: 2014 Scenic Rivers

I forwarded the earlier versions you sent to other DEQ staff for review and comment, particularly in regards to WQ Standards, WQ Assessment status, etc.

Since I'm DEQ's POC of the coal ash spill, I took a look at the summary on the spill event. Attached are my comments/edits on that section.

Hope to have a response from the other staff within a week or two and will forward anything else that comes up.

Thanks, JMK

John Kennedy (DEQ) edits:

"The Dan River fully supports aquatic life, potable water supply and wildlife uses. An "impaired" designation for the recreation use applies to the section of the Dan River from the City of Danville to the Kerr Reservoir headwaters due to bacterial contamination. VDH has issued fish consumption advisories in the same river section due to legacy PCB and mercury contamination. In February 2014, an estimated 39,000 tons of coal ash and 27 million gallons of contaminated water spilled into the Dan River from Duke Energy's retired Dan River Power Station near Eden, North Carolina, which is upstream of the study area. Duke Energy completed ash recovery work at 3 sites along the Dan River in July 2014 in accordance to EPA standards. Additional recovery sites may be identified in the future if coal ash accumulates in sufficient quantities to justify dredging, in accordance with a risk-evaluation protocol ordered by EPA. A Natural Resources Damage Assessment is now underway, coordinated by the U.S. Fish and Wildlife Service along with VA DEQ and NC Dept. of the Environment and Natural Resources."

Appendix C

Proposed Legislation for the amendment of the *Code of Virginia* by adding in Chapter 4 of Title 10.1 a section number 10.1-413.3 as follows:

§ 10.1-413.3. Dan State Scenic River.

A. The Dan River from Berry Hill Road at Route 880 in Pittsylvania County to the downstream property boundary of Abreu/Grogan Park in Danville, a distance of approximately 15 miles, and the section from the North Carolina line in Halifax County to the confluence of Aarons Creek, a distance of approximately 38.6 miles, are hereby designated a component of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge in the designated area.

ⁱ Calder Loth (ed.). (1999). *The Virginia Landmarks Register* (4th edition).: Charlottesville, VA: Virginia Department of Historic Resources.

ⁱⁱ Calder Loth (ed.). (1999). *The Virginia Landmarks Register* (4th edition).: Charlottesville, VA: Virginia Department of Historic Resources.

ⁱⁱⁱ Calder Loth (ed.). (1999). *The Virginia Landmarks Register* (4th edition).: Charlottesville, VA: Virginia Department of Historic Resources.

^{iv} Duke Energy (n.d.). Dan River Response: Important Information. Retrieved from <http://www.duke-energy.com/dan-river/>