



Grays Scenic River Report Surry County

Prepared By
Department of Conservation and Recreation
Division of Planning and Recreation Resources

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Table of Contents

I.	SUMMARY OF FINDINGS.....	3
II.	REASON FOR THE STUDY.....	3
A.	History of Scenic River Designation for Grays Creek.....	3
B.	Benefits of Designation.....	5
C.	Designation Process.....	6
III.	CORRIDOR STUDY MAP.....	8
IV.	ENVIRONMENTAL ANALYSIS.....	9
A.	River Corridor Vegetation.....	10
B.	Riverbed and/or River Flow Modifications.....	10
C.	Human Development of Visual Corridor.....	11
D.	Historic Features.....	12
E.	Landscape.....	12
F.	Quality of Fishery.....	15
G.	Special Natural Flora and Fauna.....	15
H.	Water Quality.....	18
I.	Parallel Roads.....	18
J.	Crossings.....	18
K.	Special Features Affecting River Aesthetics.....	18
L.	Public Recreational Access.....	19
M.	Land Conservation.....	20
V.	LAND USE AND OWNERSHIP.....	21
VI.	CONCLUSIONS AND RECOMMENDATIONS.....	22
VII.	CONSERVATION PLAN.....	22
VIII.	ANTICIPATED COST OF DESIGNATION.....	23
IX.	AGENCY COMMENTS/ RESOLUTIONS.....	23
X.	APPENDIX.....	24
	Appendix A. Acronyms and Abbreviations.....	25
	Appendix B. Species Ranking Definitions of DCR Natural Heritage.....	26
	Appendix C. Letters, Comments, and Other Support.....	29
	Appendix D. Legislation for the <i>Code of Virginia</i>	34

I. SUMMARY OF FINDINGS

In 2019, the Department of Conservation and Recreation (DCR) completed a Scenic River evaluation for Grays Creek. The creek section begins at Southwark Road (VA 618) and ends at the James River.

Based on the evaluation, the 6 miles were deemed eligible for inclusion in the Virginia Scenic River System. The designation as a Virginia Scenic River is recommended, and it is further recommended that DCR be the administering agency.

II. REASON FOR THE STUDY

In June 2019, local officials from the Surry County Board of Supervisors (BOS) contacted DCR requesting that Grays Creek be evaluated for inclusion in the Virginia Scenic River System. The Surry County BOS made the request to DCR after the Surry Garden Club gave a presentation to the BOS about why the designation would be valuable. The Garden Club is a local organization that does civic projects in Surry County, such as maintaining flower beds at Oaks Park, the habitats at the Historical Society, and decorating the manor house at Smith's Fort Plantation for the holidays. In spring 2019, DCR had met the Surry Garden Club in-person and had addressed their questions about Scenic River designation and the process.

A field evaluation of the creek was completed in October 2019, wherein DCR concluded that the creek was eligible for designation. (The field evaluation would have been completed in September, but the September date had to be rescheduled due to Hurricane Dorian.)

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.

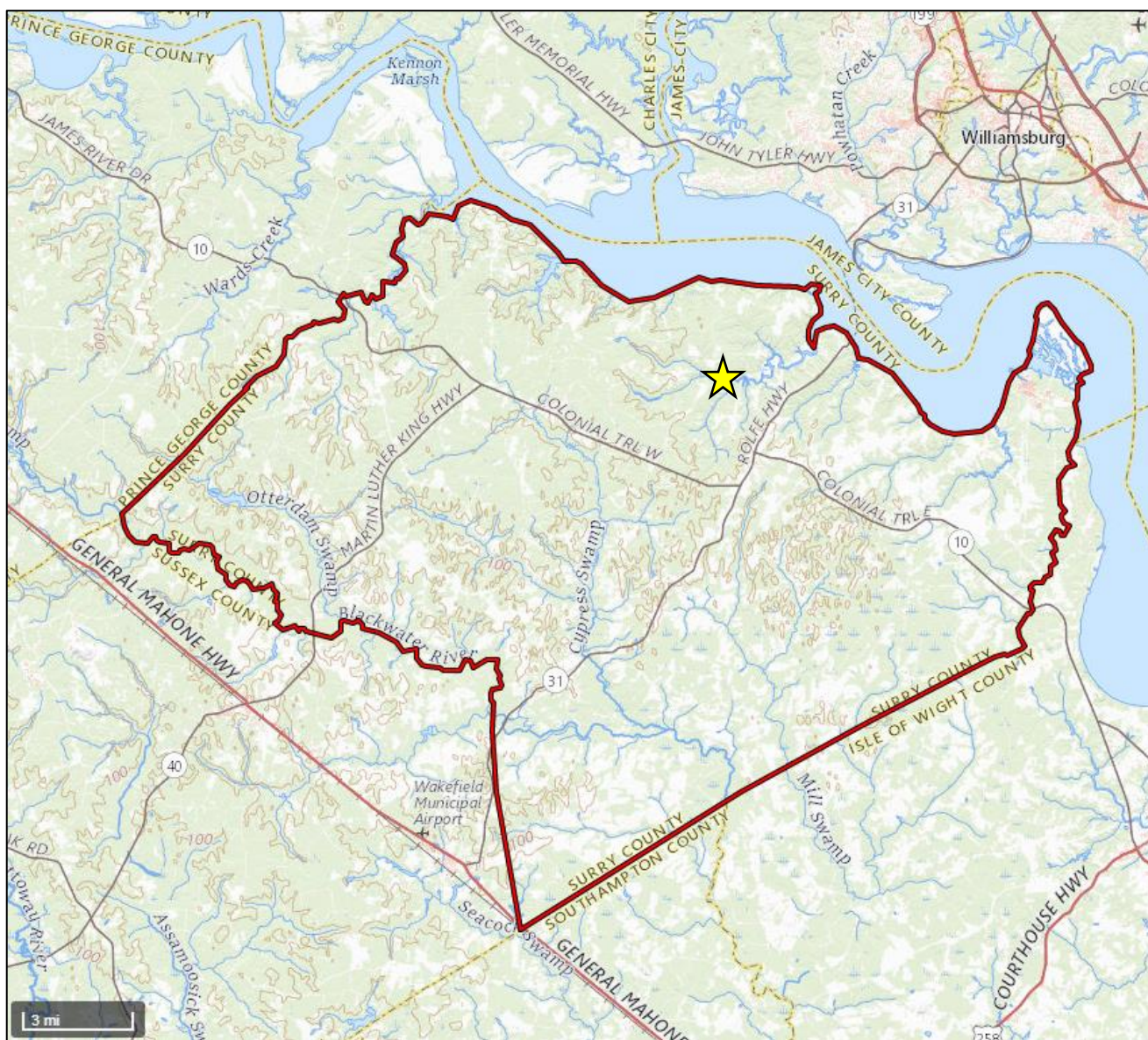
A. History of Scenic River Designation for Grays Creek

Grays Creek was evaluated from Southwark Road (VA 618) to the James River, a distance of 6 miles. The creek begins and ends in Surry County, Virginia (Map 1, Map 2).

No part of the creek is currently in the Virginia Scenic Rivers System. However, where the creek intersects with the James is part of the [Historic Lower James River per code 10.1-419](#).



*Map 1. The location of Grays Creek in Virginia. Grays Creek is a deep water tributary of the James River. The **green square** is where the evaluation started. The **red circle** is where the evaluation ended. The square and circle overlap because the direct, straight line distance is about three miles—a short distance compared to the rest of the Commonwealth. Grays Creek is located about 40 miles southeast from the City of Richmond, and about 115 miles south from Washington, DC. Source: Virginia Natural Heritage Data Explorer; <http://vanhde.org/content/map>*



Map 2. The location of Grays Creek in Surry County. The county borders are in red. The starting point of the Grays Creek evaluation is represented by a yellow star. The scale at the bottom left of the map is three miles. The direct, straight-line distance between the starting point and the creek's confluence with the James River is about three miles long. Source: GAP/LANDFIRE National Terrestrial Ecosystems 2011, <https://maps.usgs.gov/terrestrial-ecosystems-2011>

B. Benefits of Designation

The Scenic Rivers Act (the 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 must contain significant natural, scenic, recreational, and historical attributes. Designated rivers need not include the entire river, and may include tributaries. At the request of the locality(s), DCR evaluates a specified river segment, determines whether or not it qualifies for

designation, and writes a report documenting these attributes.

Since the passage of the Act, 33 river segments, totaling nearly 860 miles, have received Scenic River designation from the General Assembly. A list of those rivers can be found at:

<https://www.dcr.virginia.gov/recreational-planning/document/srlist.pdf>

The Virginia Scenic River designation accomplishes the following:

- Allows riparian landowners to continue using their land as they did before designation, except as provided in §10.1-407 (§10.1- 408), <https://law.lis.virginia.gov/vacode/title10.1/chapter4/section10.1-408/>
- Requires the Federal Energy 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
- Requires all state agencies to consider visual, natural, and recreational values of a Scenic River in their planning and permitting process (§10.1-402) <https://law.lis.virginia.gov/vacode/title10.1/chapter4/section10.1-402/>
- 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), <https://law.lis.virginia.gov/vacode/title10.1/chapter4/section10.1-406.1/>
- 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), <https://law.lis.virginia.gov/vacode/title10.1/chapter4/section10.1-407/>

The Virginia Scenic River Program is a state-level program for recognizing the uniqueness and quality of a river. Note that the program is different from the National Wild and Scenic Rivers System. The national-level system has a different set of criteria, and requires designation by Congress or the Secretary of the Interior. According to www.rivers.gov, Virginia has approximately 49,350 miles of river, but no congressionally designated Wild and Scenic rivers.

C. Designation Process

Before an evaluation of a potential scenic river, DCR needs, in hand, a letter from the local governing body, county administrator, city manager or town manager requesting that a study be conducted.

In order to determine whether a river (or river segment) is eligible for Virginia Scenic River designation, it must be evaluated by the following criteria:

1. River Corridor Vegetation
2. Riverbed and/or River Flow Modifications
3. Human Development of Visual Corridor
4. Historic Features
5. Landscape
6. Quality of Fishery
7. Special Natural Flora and Fauna

8. Water Quality
9. Parallel Roads
10. Crossings
11. Special Features Affecting River Aesthetics
12. Public Recreational Access
13. Land Conservation

An in-depth discussion is completed in Section IV: ENVIRONMENTAL ANALYSIS (page 10).

Each evaluation involves data collection from multiple sources. These include state agencies, local and regional planning commissions, map surveys, and related literature reviews. Each evaluation also involves fieldwork. The fieldwork requires canoeing, boating, or walking the stretch of a river and rating the characteristics of the resource. The fieldwork, combined with the data collected from multiple sources, is used to validate existing land use information and rank the river according to relative significant resources, uniqueness and quality.

Once the study has been completed, and DCR has finalized a report and designation recommendations, resolutions and letters of support are solicited from as many governmental and civic groups and individuals as possible. These letters and resolutions can become part of the official record if a public hearing on the designation recommendation is held.

The support of local members of the General Assembly is also part of designation. They introduce the designation legislation and also provide support throughout the legislative process. Sample legislation is provided by DCR staff. For proposed legislation, see **Appendix D**.

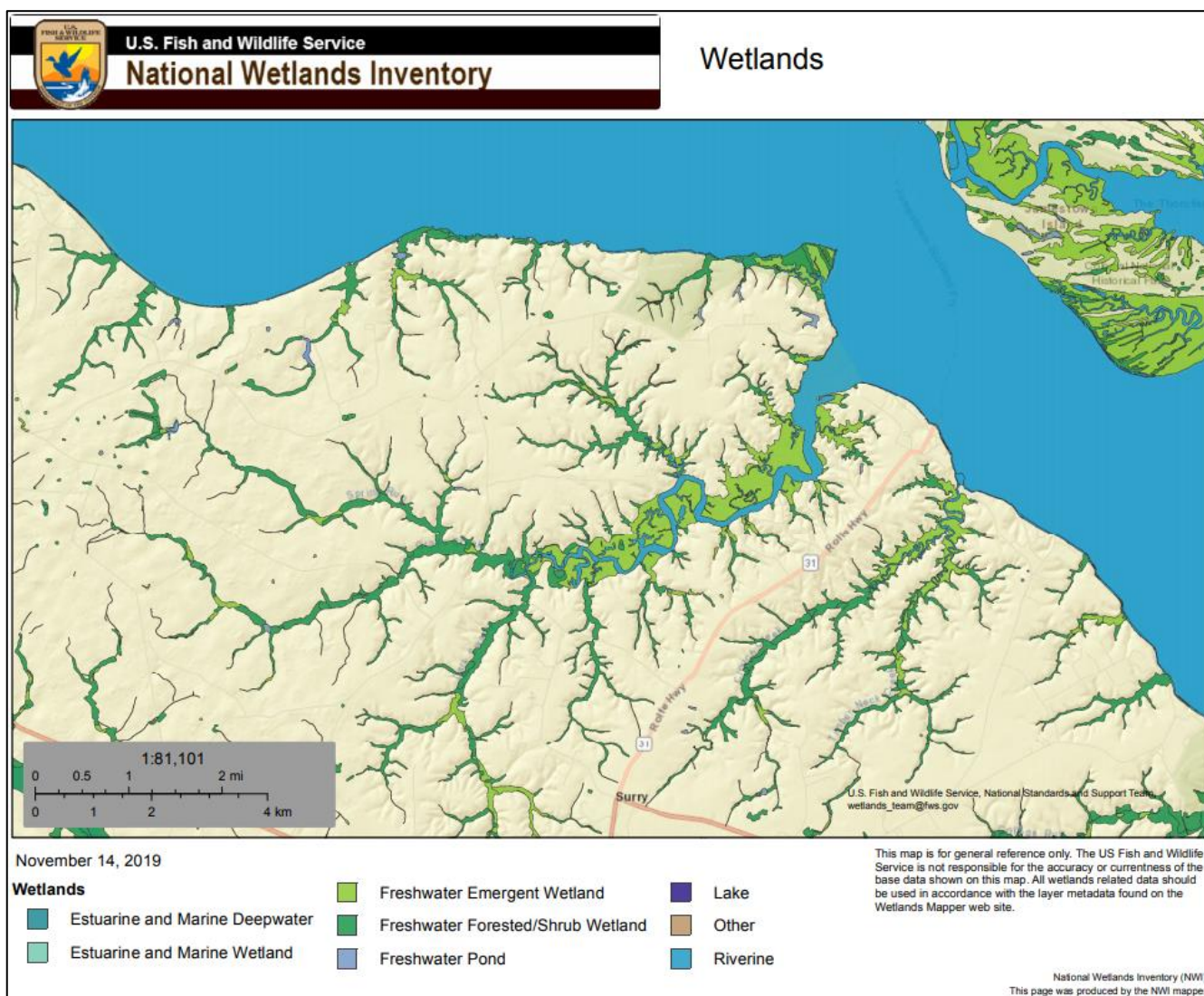
III. CORRIDOR STUDY MAP

Grays Creek originates and ends within Surry County, Virginia (Map 2, Map 3). Across from the creek (on the other side of the James River) is the island of Jamestown. Jamestown is the location of the Jamestown National Historic Site, managed by the National Park Service.

The creek was evaluated from Southwark Road (VA 618) to the James River. The direct, straight-line distance is three miles, while the river's length between these two points is six miles. Some maps may show that the creek is longer and extends further west; however, the area west of the evaluation's starting point is primarily wetlands (Map 4).



*Map 3. The six miles evaluated of Grays Creek, represented in red. The **green flag** is where the evaluation began, at Southwark Road. The **checkered flag** is where the evaluation ended, at the James River. Grays Creek is in Surry County, and across from the creek—on the other side of the James River—is the island of Jamestown. Note that according to the map above, Grays Creek continues west from the starting point; however, this area contains wetlands (see **Map 4**). Source: EnviroAtlas, <https://enviroatlas.epa.gov/enviroatlas/interactivemap/>*



Map 4. Wetlands around Grays Creek. The starting point of the evaluation is located where the creek changes from “freshwater forested/shrub wetland” (**dark green**) to “riverine” (**blue**). At the top right is the island of Jamestown. Source: National Wetlands Inventory, <https://www.fws.gov/wetlands/data/mapper.html>

IV. ENVIRONMENTAL ANALYSIS

Personnel from Surry County and DCR’s Division of Planning and Recreation Resources, along with local stakeholders, performed a field evaluation along Grays Creek on October 1, 2019. (The field evaluation would have been completed in September, but the September date had to be rescheduled due to Hurricane Dorian.) The following is a description of the criteria, qualities, and conditions of the resource that make Grays Creek a candidate for the Virginia Scenic River System.

A. River Corridor Vegetation

The evaluation team gave this criterion a high score, for having 90 percent of its shores with forested buffer of at least 100 feet.

Grays Creek winds through a varied landscape of forestland and residential areas. The 6 miles had a shoreline lush with forested buffers of at least 100 feet (Image 1).



Image 1. Lush buffer along Grays Creek.

B. Riverbed and/or River Flow Modifications

The evaluation team gave this criterion a high score, for having no impoundments or channel modifications.

The evaluated 6 miles of Grays Creek were free-flowing and meandering. Naturally occurring outcrops, islands, and freshwater tidal wetlands added visual and paddling interest (Image 2).



Image 2. Vegetation in Grays Creek.

C. Human Development of Visual Corridor

The evaluation team gave this criterion a moderate score. There is no urban development, but there is relatively high rural development. An average of two or more houses, cabins, barns, industrial buildings or clusters were seen along the river (Image 3).



Image 3. A home that's close to the edge of Grays Creek.

D. Historic Features

The evaluation team gave this criterion a high score for having historic sites or structures of national significance within 1,000 feet of the river.

Surry County has historical records related to the evaluated section of Grays Creek. The following information was provided to DCR thanks to the coordinated efforts of the Surry Garden Club, Surry County, and the Surry County Historical Society.

- The deep-water creek was a significant water highway for inland Native Americans and early colonists to navigate to the James River for **fishing, hunting and trade**.
- The eastern side shoreline property is part of **Chief Powhatan's dowry land** endowed for Pocahontas' marriage to John Rolfe in 1614.
- English settlement along Gray's Creek began by 1609 when Capt. John Smith ordered a defensive fortification called the "New Fort," built on the tidal creek opposite Jamestown. The fort was never completed, but the **earthworks** of the fort remain visible high on the eastern bank overlooking Gray's Creek. This site is owned by Preservation Virginia.
- Gray's Creek was first named **Smith's Fort Creek** and then **Rolfe's Creek**. By circa 1639 it became known as **Gray's Creek** for Thomas Gray who patented land at the mouth of the creek. Thomas Gray was the son-in-law of Jamestown Governor Sir Thomas Gates.
- A **Maltese cross** was placed on Gray's Creek during Capt. John Smith's period of exploration in the Chesapeake Bay and its tributaries. The exact location of original placement is unknown, but thought to have been placed in the fork of the Dark Swamp area of Gray's Creek as noted on Smith's map of 1608 (published in 1612).
- In 1652, Surry was **subdivided** from James City County.
- There was a ferry that crossed the James River from Jamestown to Gray's Creek as early as 1660.
- The historic **Towne of Cobham** was established in 1691 at the mouth of Gray's Creek where the waterway flows into the James River. Cobham was a port town with a network of streets with houses, stores, taverns, riverfront tobacco warehouses and a wharf.
- By 1754, the county seat was established at Troopers (relocated from Ware Neck) at the intersection of Lebanon and Southwark roads near the banks of Gray's Creek. The county seat again moved in 1797 to the village of Surry to a place called "McIntosh's Cross Roads." This facility became too small to handle the growing business of the county making it necessary to tear it down and build a larger structure in 1895. The 1895 structure were destroyed by fire in 1906 and quickly replaced. The 1907 courthouse structure was also destroyed by fire in 1922 and replaced in 1923 with the current courthouse. County records dating back to 1652 are housed in a fire-proof vault in the existing structure.

- **Smith's Fort Plantation manor house**, built by Jacob Faulcon by 1765, retains much of its original pine woodwork. This site is now owned by Preservation Virginia (Image 4, Image 5).
- Site of the **1st Southwark Parish Anglican Church**, in operation from 1642-1673. Was part of the originally-named Chippoakes Parish and situated at the spring head of Gray's Creek. Historically noted, but no ruins or markers remain except on historical maps.
- **Swann's Point Plantation**, first known as “Perry’s Point,” is an archaeological site located west of the mouth of Gray's Creek. This land has a rich history of precolonial Native American occupation as well as significant early colonial settlements. A portion of the Swann's Point area was donated by former owners to the National Park Service to forestall the construction of a bridge across the James River to the area.



Image 4. Signage for Smith's Fort Plantation.

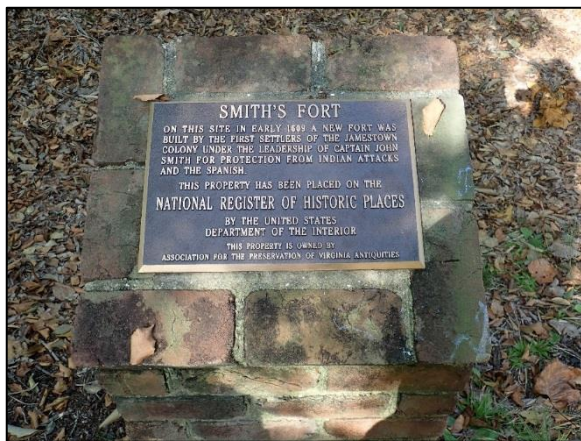


Image 5. Marker for Smith's Fort. The marker says: "Smith's Fort: On this site in early 1609 a new fort was built by the first settlers of the Jamestown colony under the leadership of Captain John Smith for protection from Indian attacks and the Spanish. This property has been placed on the National Register of Historic Places by the United States Department of the Interior. This property is owned by Association for the Preservation of Virginia Antiquities."

E. Landscape

The evaluation team gave this criterion a moderate score, for having some diversity of corridor features, and for having a medium range of views (foreground and middle ground).

Grays Creek is in Virginia's Coastal Plain province. This province is a zone of Virginia that slopes towards the Atlantic Ocean, with soils made up of sand, clay, marl, and shell strata.

Grays Creek is in the tidal James River system, and is part of the Atlantic Coastal Plain Northern Fresh and Oligohaline Tidal Marsh system. According to NatureServe Explorer, the Atlantic Coastal system "includes freshwater tidal vegetation on the upper reaches of large rivers influenced by tidal flooding, but beyond the reach of the salt or brackish waters."

The 6 miles of Grays Creek is lush with wetlands and forested buffers (Map 4, Map 5).



Map 5. Grays Creek, from Southwark Road to the James River. The starting point is represented by a **yellow star**. Note the wetlands (light shade) and forested buffer (darker shade) along the river. Source: EnviroAtlas, <https://enviroatlas.epa.gov/enviroatlas/interactivemap/>

F. Quality of Fishery

The evaluation team gave this criterion a moderate score for having good fishing opportunities.

Grays Creek is in the tidal James River system. According to the Department of Game and Inland Fisheries (DGIF), the game fish populations at Grays Creek are moderate, and the creek offers good fishing opportunities (Image 6). The creek supports good numbers of largemouth bass, blue catfish, black crappie, and other recreationally important species.



Image 6. Person fishing on a boat in Grays Creek.

G. Special Natural Flora and Fauna

The evaluation team gave this criterion a high score.

On August 24th, members of the Surry Garden Club did a practice run of Grays Creek. They saw the following coastal plants blooming: autumn clematis, lobelia cardinal flower, day flower, pickerel weed, cattails, swamp sunflower, ironweed, wild touch me not, bald cypress fruit, wax myrtle berries, and dogwood leaves turning color. The team also saw egrets, bald eagles, osprey, blue herons, and other marsh birds.

Species with Conservation Status

The 6 miles of Grays Creek had four species with state-level or national-level conservation status. The following list was provided by the DCR Natural Heritage Program. For species ranking definitions (G1, G2, etc.), please see **Appendix B**.

Atlantic Sturgeon/ *Acipenser oxyrinchus*
G3/S2/LE/LE

A large fish (sturgeon) that reaches a maximum length of about 4.3 meters. Primarily marine, but close to shore, when not breeding; migrates to rivers for spawning, moves downstream afterward (may stay upstream in winter in some northern areas). Information source: NatureServe Explorer. Photo source: Encyclopedia of Life (Image 7).

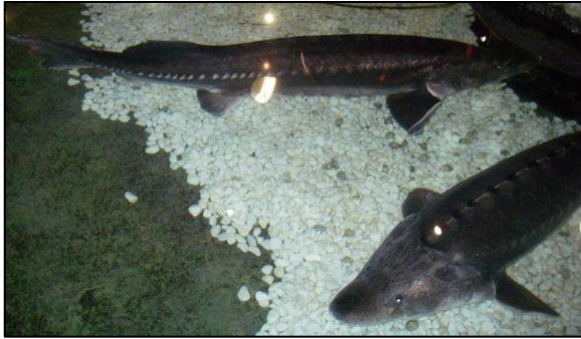


Image 7. Atlantic sturgeon. © Brbol, cc-by-nc-sa

Ohio River Shrimp/ *Macrobrachium ohione*

G4/S1

Ohio shrimp prefer borders of the main channel, especially when the borders are flooded and plant and animal material are available for foraging. Ohio Shrimp have been reported to have greater abundance in areas with suspended particulate matter, which may be a predator avoidance response. Information source: NatureServe Explorer. Photo source: Encyclopedia of Life (Image 8).



Image 8. Ohio river shrimp, taken from the Sabine River, Texas. © Clinton & Charles Robertson, cc-by-3.0.

Oak Toad/ *Anaxyrus quercicus*

G5/S2

Sandy pine flatwoods and oak scrub; open pine and pine-oak woods; pine or oak savannas with sandy soils; maritime forests. Seems to favor open-canopied pine flatwoods with grassy ground cover. When inactive, burrows underground or hides under surface objects. Eggs and larvae

develop in rain pools, ditches, cypress and flatwoods ponds, and other flooded areas. Information source: NatureServe Explorer. Photo source: Encyclopedia of Life.



Image 9. Oak toad. © Rob Van Epps, cc-by-nc-4.0.

Rough vervain/ *Verbena scabra*
G5/S1

This species is a member of the verbena family (family Verbenaceae), which includes about 75 genera and 3,000 species of herbs, shrubs, and trees, mostly of tropical and warm temperate regions. Information source: Lady Bird Johnson Wildlife Center. Photo source: Encyclopedia of Life (Image 10).

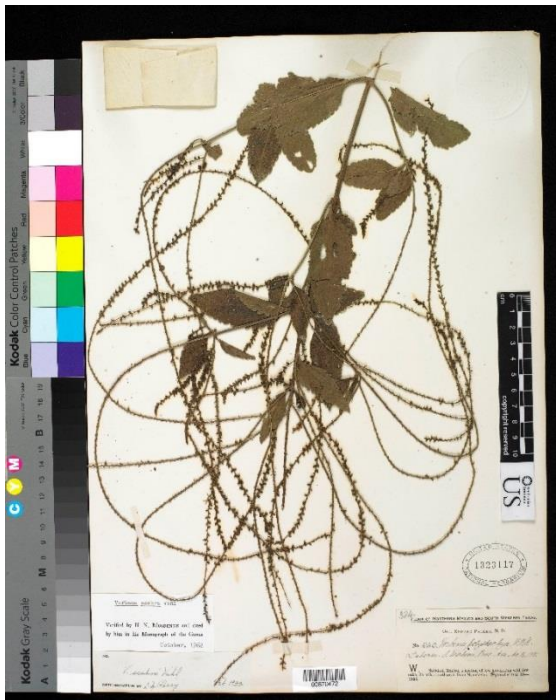


Image 10. Rough vervain. © Ingrid P. Lin, Smithsonian Institution, National Museum of Natural History, Department of Botany, cc-by-nc-sa-3.0.

H. Water Quality

The evaluation team gave this criterion a moderate score, for having rarely visible pollution, and waters that are turbid or muddy during less than one-third of the six warm season months (May through October).

I. Parallel Roads

The evaluation team gave this criterion a high score, for having minimal parallel roads.

Rolfe Highway (VA 31) is parallel to Grays Creek. However, the highway is relatively far away—about half a mile at the closest point—and is hidden from rivergoers by trees. The following smaller roads come close to Grays Creek (from west to east): Lebanon Road (SR 626), Crosse Creeke Trail (SR 640), Smiths Fort Lane, Tappahanna Hundred, Blue Heron Drive, Marina Drive, Grays Creek Lane, Creek Lane, and Olde Towne Road.

While roads may negatively impact the sights and sounds of a river, the impact may be minor if the road is small or not frequently used. Some roads may even offer benefits to the river's scenic quality, by allowing fishing access and providing passerby views of the river.

J. Crossings

The evaluation team gave this criterion a high score, for having minimal crossings.

Crossings are roads and power/communication lines that pass over a river. Aside from the bridge at the starting point (Southwark Road) there were no crossings seen over Grays Creek.

K. Special Features Affecting River Aesthetics

The evaluation team gave this criterion a high score for overall aesthetic appeal.

The views along Grays Creek were short-range, mid-range, and long-range (Image 11, Image 12). Along the way, islands and wetlands provided navigational interest. The lush tree buffer on the creek's shores made the watercourse feel remote.



Image 11. Mid-range view on Grays Creek.



Image 12. Mid-range view on Grays Creek.

L. Public Recreational Access

The evaluation team gave this criterion a high score for having a public boat/canoe/kayak launch site or a public use trail along the corridor.

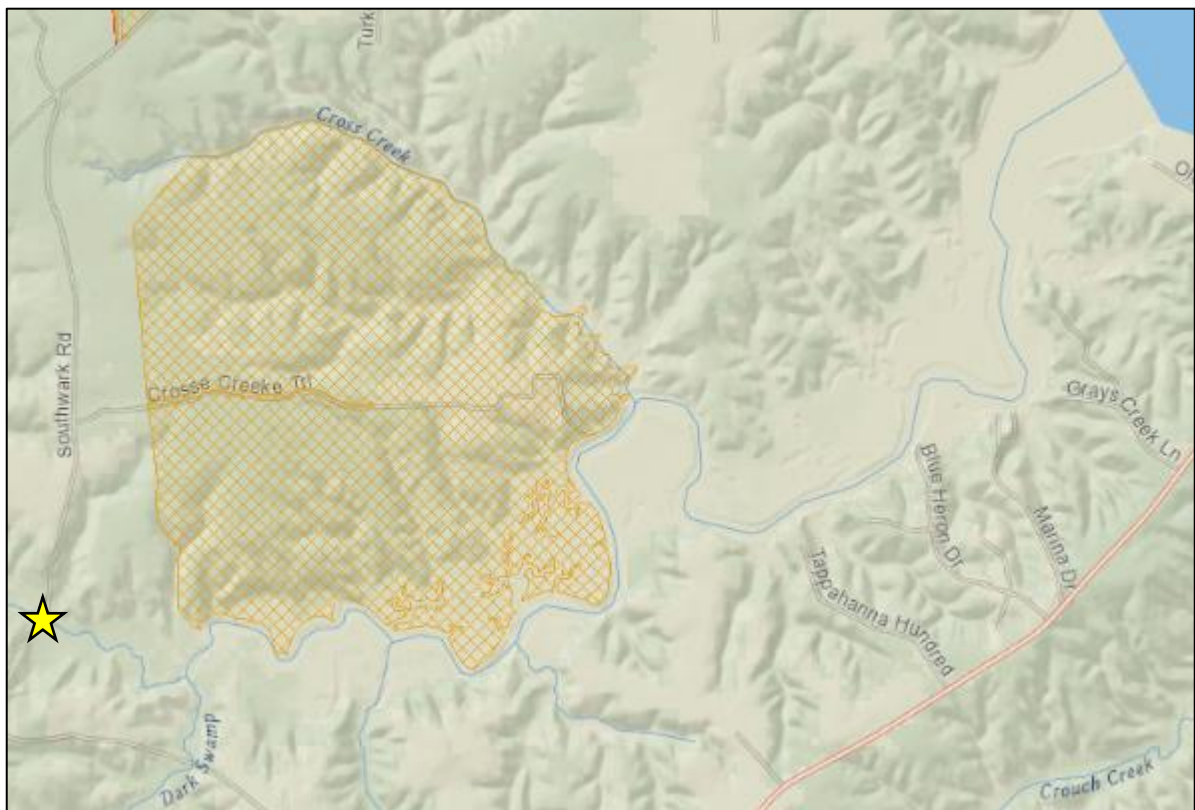
Grays Creek is a popular recreational site for boating, fishing, swimming, and tubing. The public can access the creek several ways. They can bring boats to the marina maintained by Surry County, which is located along the creek at the end of Marina Drive. People on the other side of the James River can get to Grays Creek via a free, 15-minute ferry that operates every day of the year. The ferry is managed by the Virginia Department of Transportation (VDOT) and runs between Rolfe Highway (near the mouth of Grays Creek) and Historic Jamestown.

The public can also enjoy recreational opportunities nearby the creek. For example, the James River is part of the Captain John Smith Chesapeake National Historic Trail. Plus, a new trail—the Birthplace of America Trail—once completed, will connect the VDOT ferry and Smith’s Fort Plantation to other cultural and historical icons of Hampton Roads.

M. Land Conservation

The evaluation team gave this criterion a low score, for having less than 25 percent of the corridor protected through easement or other permanent measure.

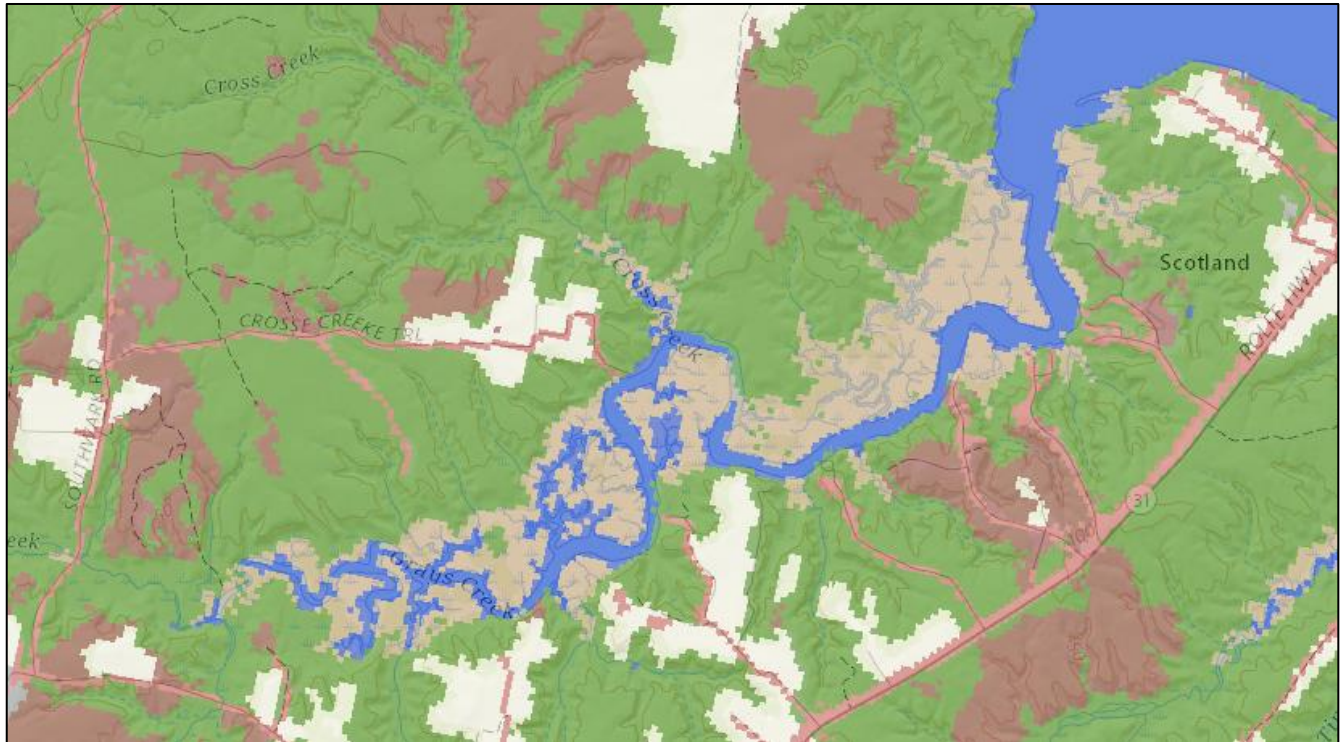
DCR’s Natural Heritage Program provides information about managed lands and conservation easements. According to its inventory, Grays Creek has some protection from development through an easement. The easement is held by the Virginia Outdoors Foundation (Map 6).



Map 6. Land conservation along Grays Creek. The orange, checkered area is an easement. The Virginia Outdoors Foundation (VOF) website shows that this area is a VOF easement. The starting point of the evaluation is represented as a **yellow star**. Source: Virginia Natural Heritage Data Explorer; <http://vanhde.org/content/map>

V. LAND USE AND OWNERSHIP

Lands along the study corridor are in private ownership or locally managed, i.e. the Surry County marina. Privately owned lands along the creek contain homes and creek-related businesses. The land cover around the river is primarily forest or wetlands (Map 7).



Map 7. Land use along the evaluated section of Grays. Most of the section is surrounded by Forest & Woodland (green). Other land uses are Shrub & Herb Vegetation (tan, i.e. the wetlands around the creek), Developed & Other Human Use (pink, i.e. the roads), Agricultural & Developed Vegetation (white), and Recently Disturbed or Modified (maroon). Source: GAP/LANDFIRE National Terrestrial Ecosystems 2011, <https://maps.usgs.gov/terrestrial-ecosystems-2011>

VI. CONCLUSIONS AND RECOMMENDATIONS

The Virginia Department of Conservation and Recreation (DCR) concludes that Grays Creek from Southwark Road (VA 618) to the James River, a distance of approximately 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, the unique flora and fauna, and the protected lands.

Flowing through largely forested land, this river segment has a number of interesting aesthetic features including outcrops, islands, and freshwater tidal wetlands.

Grays Creek is home to egrets, bald eagles, ospreys, blue herons, and other marsh birds. The creek also has one fish species, one shrimp species, one amphibian, and one plant species with state-level or national-level conservation status.

Grays Creek is rich with history. The region is connected to historical figures such as Chief Powhatan, Pocahontas, John Rolfe, and John Smith. The public can visit the 18th century manor house on Smith's Fort Plantation.

The creek is also a popular site for recreational activities such as boating, fishing, swimming, and tubing. The public can access the creek by using a marina maintained by Surry County. People on the other side of the James River can reach the creek via a free, 15-minute ferry managed by VDOT. The creek is also nearby noteworthy trails. For example, the James River is part of the Captain John Smith Chesapeake National Historic Trail. Plus, a new trail—the Birthplace of America Trail—once completed, will connect the VDOT ferry and Smith's Fort Plantation to other cultural and historical icons of Hampton Roads.

Considering the aspects of Grays Creek as described in this report, DCR recommends that:

1. The section that starts at Southwark Road (VA 618), and ends at the James River, a distance of approximately 6 miles, receive Virginia Scenic River designation, and
2. The Department of Conservation and Recreation be appointed the Administering Agency.

Proposed legislation for Scenic River designation is provided in **Appendix D**.

VII. CONSERVATION PLAN

The following recommended conservation plan would involve local and state governments, individual and riparian landowners, and local stewardship initiatives.

A. Virginia Scenic River Designation

Designation of Grays Creek would give riparian landowners, local citizens, and local governments a greater voice in the planning and implementation of federal and state projects that might affect the river. For other benefits of Scenic River designation, see **Section B: Benefits of Designation**.

The local government may create a local scenic river advisory committee to advise the local government on the protection or management of the scenic river segment within its jurisdiction. For more information about this process, see *Code of Virginia* § 10.1-401 and § 10.1-406.1.

B. Land Use Plans

Surry County can continue in its land use plan, to support recognition, appreciation, and concern for the river, which recognizes the role it plays in the county’s quality of life. Such plans can help protect the river and its environs from insensitive development and insure that the development that does occur uses low impact strategies whenever possible.

C. Local and Riparian Landowners

Stewardship by local and riparian landowners has been good over the years. 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.

D. Local Stewardship Initiatives

Several local groups support the conservation and recognition of Grays Creek. The following describes a few of them.

The Surry Garden Club is a local organization that does civic projects such as maintaining the flower beds at Oaks Park, the habitats at the Historical Society, and decorating the manor house at Smith’s Fort Plantation for the holidays.

The Surry County, Virginia Historical Society is a nonprofit organization dedicated to the preservation of stories, artifacts, and historical sites of Surry County, Virginia.

VIII. ANTICIPATED COST OF DESIGNATION

The only anticipated direct costs as a result of the designation would be those incurred by DCR as a result of its duties as administrator of the river. These costs are estimated to be within \$1,000 per year.

IX. AGENCY COMMENTS/ RESOLUTIONS

A draft report was circulated in 2019 among DCR Divisions, other state agencies, and Surry County. See comments and resolutions of support in **Appendix C**.

X. APPENDIX

A. Acronyms and Abbreviations 25

B. Species Ranking Definitions of DCR Natural Heritage 26

C. Letters, Comments, and Other Support 29

 1. Letters Requesting Designation 29

 2. DCR Designation Support Letters 30

 3. Agency Comments 30

 4. Resolutions of Support..... 31

 5. Letter of Support 32

D. Proposed Legislation 34

Appendix A. Acronyms and Abbreviations

The Act	Scenic Rivers Act, Title 10.1, Chapter 4 of the <i>Code of Virginia</i>
BOS	Board of Supervisors
DCR	Virginia Department of Conservation and Recreation
DGIF	Virginia Department of Game and Inland Fisheries
SR	State Route
USGS	U.S. Geological Survey
VA	Commonwealth of Virginia
VDOT	Virginia Department of Transportation
VOF	Virginia Outdoors Foundation

Appendix B. Species Ranking Definitions of DCR Natural Heritage

SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FEDERAL STATUS	STATE STATUS
Villosa perpurpurea	Purple Bean	G1	S1	LE	LE

Definitions of Abbreviations used on Natural Heritage Resource Lists

The following ranks are used by DCR 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; and
- 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 C. Letters, Comments, and Other Support

1. Letters Requesting Designation



"The Countrie it selfe, I must
confesse is a very pleasant land,
rich in commodities; and fertile in
soyle..."

Samuel Argall, ca. 1609

County of Surry
45 School Street, P. O. Box 65
Surry, VA 23883
www.surrycountyva.gov
Phone: 757-294-5271
Fax: 757-294-5206

Board of Supervisors
Michael A. Drewry, Chair
Judy S. Lyttle, Vice-Chair
Kenneth R. Holmes
John M. Seward
Giron R. Wooden, Sr.

Jonathan Lynn
County Administrator

June 7, 2019

Virginia Department of Conservation and Recreation
Attn: Ms. Lynn Crump, Environmental Programs Planner
600 East Main Street, 24th Floor
Richmond, VA 23219

RE: State Scenic River Designation – Gray's Creek

Dear Ms. Crump:

In the Surry County Board of Supervisors meeting held on Thursday, June 6th, the Board directed a letter be sent to your attention requesting the entirety of Gray's Creek, which is wholly located within Surry County, be submitted to the Virginia Department of Conservation and Recreation for study consideration as part of Virginia Scenic Rivers Program. It is the County's hope that Gray's Creek would be considered favorably for potential designation as a scenic waterway within the Commonwealth as part of the 50th anniversary of the *Virginia Scenic Rivers Act of 1970*.

The reach of the entirety of the roughly 6 mile Gray's Creek, which spurs out from the James River directly west of the ferry terminal, only touches Surry County as a jurisdiction. The County hopes that this request for study consideration will be received favorably by your office and that we are able to continue through the designation process.

Thank you in advance for your consideration of our request and look forward to receiving your response.

Sincerely,

Jonathan Lynn
County Administrator

"Take the Rural Route to Success"

2. DCR Designation Support

At the October 2019 Board of Conservation and Recreation meeting, the Board voted unanimously to support the designation of the Grays Creek in Surry County as a Virginia Scenic River.

3. Agency Comments

None

4. Resolution of Support



2019-39

AT A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE GOVERNMENT CENTER ON DECEMBER 5, 2019 AT 7:00 P.M.

PRESENT:	VOTE:
The Honorable Michael H. Drewry, Chairperson	Aye
The Honorable Judy S. Lyttle, Vice-Chair	Aye
The Honorable John M. Seward	Aye
The Honorable Kenneth R. Holmes	Aye
The Honorable Giron R. Wooden, Sr.	Aye

A RESOLUTION SUPPORTING VIRGINIA SCENIC RIVER DESIGNATION FOR GRAYS CREEK

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, several Surry County residents joined staff from the Virginia Department of Conservation and Recreation to visit the Banister River and evaluate its eligibility for Scenic River designation; and

WHEREAS, the Virginia Department of Conservation and Recreation completed its evaluation and determined that the portion of Grays Creek under review in Surry County was found to qualify as a Virginia Scenic River; and

WHEREAS, the Virginia Board of Conservation and Recreation supported the endorsement for designation as a Scenic River of a portion of Grays Creek; then

THEREFORE, BE IT RESOLVED, that the Surry County Board of Supervisors does hereby support the designation of Grays Creek, from SR 618 (Southwark Road) to the James River, as a Virginia Scenic River; and

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

ATTEST:

Jonathan Lynn, County Administrator/Clerk, Board of Supervisors

5. Letter of Support

Surry Garden Club

195 Beverly Court
Surry, VA 23883
Phone: 757-817-1750

Barbara Eger, President
Christine Gray, Vice President
Anne ~~Nail~~, Secretary
Kristi Hendricks, Treasurer

December 12, 2019

Delegate Emily Brewer
P.O. Box 5
Smithfield, Va 23431

Re: Supporting Legislation for Designating Grays Creek as Virginia Scenic River

Dear Delegate Brewer:

On November 25, 2019, the Surry Garden Club of Surry County, Virginia received correspondence informing the Club that historic Gray's Creek qualifies for Virginia Scenic River designation. This designation was achieved through a community collaboration effort spearheaded by the Surry Garden Club and included six other local community and county government partners. This effort culminated with a field evaluation on October 1, 2019, when interested groups and the Virginia Department of Conservation and Recreation (DCR) and the Virginia Department of Game and Inland Fisheries toured over six miles of the Gray's Creek corridor by watercraft.

Following the notification, the Surry County Board of Supervisors adopted a Resolution of Support for the designation at its regular meeting on December 5, 2019. This supporting resolution was another step needed to achieve the "official" designation of Gray's Creek as a Virginia Scenic River. The last remaining step, which is what the Club is requesting of yourself and Senator Louise Lucas, is that of serving as patrons during the introduction of legislation during the 2020 General Assembly that formally declares Gray's Creek as a Virginia Scenic River.

The DCR report has been posted to <https://www.dcr.virginia.gov/recreational-planning/srstudies> under the heading *Grays Scenic River Report: Surry County*. Please feel free to contact the Club with comments regarding this matter. For questions concerning the support documentation, please contact Lynn Crump, PLA, ASLA, Scenic Resources Coordinator, DCR - Planning & Recreation Resources, 600 East Main Street, 24th Floor, Richmond, VA 23219, (804) 786-5054, ~~FAX~~ (804) 371-7899.

Sincerely,

Barbara Eger / Kristi Hendricks
Surry Garden Club President / Treasurer

Surry Garden Club

195 Beverly Court
Surry, VA 23883
Phone: 757-817-1750

Barbara Eger, President
Christine Gray, Vice President
Anne ~~Nall~~, Secretary
Kristi Hendricks, Treasurer

December 12, 2019

Senator Louise Lucas
P.O. Box 700
Portsmouth, VA 23705

Re: Supporting Legislation for Designating Grays Creek as Virginia Scenic River

Dear Senator Lucas:

On November 25, 2019, the Surry Garden Club of Surry County, Virginia received correspondence informing the Club that historic Gray's Creek qualifies for Virginia Scenic River designation. This designation was achieved through a community collaboration effort spearheaded by the Surry Garden Club and included six other local community and county government partners. This effort culminated with a field evaluation on October 1, 2019, when interested groups and the Virginia Department of Conservation and Recreation (DCR) and the Virginia Department of Game and Inland Fisheries toured over six miles of the Gray's Creek corridor by watercraft.

Following the notification, the Surry County Board of Supervisors adopted a Resolution of Support for the designation at its regular meeting on December 5, 2019. This supporting resolution was another step needed to achieve the "official" designation of Gray's Creek as a Virginia Scenic River. The last remaining step, which is what the Club is requesting of yourself and Delegate Emily Brewer, is that of serving as patrons during the introduction of legislation during the 2020 General Assembly that formally declares Gray's Creek as a Virginia Scenic River.

The DCR report has been posted to <https://www.dcr.virginia.gov/recreational-planning/srstudies> under the heading *Grays Scenic River Report: Surry County*. Please feel free to contact the Club with comments regarding this matter. For questions concerning the support documentation, please contact Lynn Crump, PLA, ASLA, Scenic Resources Coordinator, DCR - Planning & Recreation Resources, 600 East Main Street, 24th Floor, Richmond, VA 23219, (804) 786-5054, [FAX \(804\) 371-7899](mailto:lynn.crump@dcr.virginia.gov).

Sincerely,

Barbara Eger / Kristi Hendricks
Surry Garden Club President / Treasurer

Appendix D. Legislation for the Code of Virginia

03/12/20 Governor: Approved by Governor-Chapter 322 (effective 7/1/20)

HOUSE BILL NO. 1612
Offered January 16, 2020

A BILL to amend the Code of Virginia by adding a section numbered [10.1-411.5](#), relating to scenic rivers; Grays Creek in Surry County.

Patron-- Brewer

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered [10.1-411.5](#) as follows:

§ [10.1-411.5](#). *Grays Creek State Scenic River.*

Grays Creek in Surry County from Southwark Road (Route 618) to its confluence with the James River, a distance of approximately six miles, is hereby designated as the Grays Creek State Scenic River, a component of the Virginia Scenic Rivers System.

03/25/20 Governor: Approved by Governor-Chapter 457 (effective 7/1/20)

VIRGINIA ACTS OF ASSEMBLY -- CHAPTER

An Act to amend the Code of Virginia by adding a section numbered [10.1-411.5](#), relating to scenic rivers; Grays Creek in Surry County.

[S 1090]
Approved

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered [10.1-411.5](#) as follows:

§ [10.1-411.5](#). *Grays Creek State Scenic River.*

Grays Creek in Surry County from Southwark Road (Route 618) to its confluence with the James River, a distance of approximately six miles, is hereby designated as the Grays Creek State Scenic River, a component of the Virginia Scenic Rivers System.