



*To Anne Leamon  
Rene Whitham  
Beck Sample*  
**CATOCTIN  
CREEK**

a report to the

Governor and General Assembly

---

an element of the  
Virginia Outdoors Plan  
December 1976

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# introduction

Catoctin Creek is a secondary river, having its origin in the Blue Ridge Mountains of Loudoun County. It flows northeasterly through the Piedmont Region of the County, emptying into the Potomac River north of Leesburg.

A 1969 report by the Commission of Outdoor Recreation entitled "Virginia's Scenic Rivers" recommended the establishment of a State Scenic Rivers System. The enabling legislation for such a system was enacted by the 1970 General Assembly in the form of the Scenic Rivers Act, Title 10, Chapter 15, Sections 10-167 through 10-175 of the Code of Virginia.

The Scenic Rivers Act states in part: "It is hereby declared to be the policy of the Commonwealth of Virginia that rivers, streams, runs and waterways including their shores and immediate environs which possess great natural and pastoral beauty constitute natural resources, the conservation of which constitutes a beneficial public purpose."

The Act also instructs the Commission of Outdoor Recreation 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 for designation." The following report, which entailed the investigation of 16 miles of Catoctin Creek in Loudoun County between the Town of Waterford and the Potomac River, is presented in accordance with the Scenic Rivers Act.

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## Summary

Even though Loudoun County is located next door to the fastest growing section of the State, it has remained predominantly rural with 80 percent of the land being used for agricultural purposes. The area is well served by major State and county roads with access to Catoclin Creek provided at the road crossings.

Loudoun County is rich in history, having been settled in the early 1700's by both wealthy plantation owners and the industrious sons of English Quakers, Germans and Irishmen who migrated to the area from New Jersey, Maryland and Pennsylvania. Many of the structures built during the County's early history are still standing, and some are on both the Virginia Landmarks Register and the National Register of Historic Places.

The waters of Catoclin Creek are clean and essentially unpolluted. Although the stream is canoeable only during the high flow periods of winter and early spring or after a heavy rain, it offers much in the way of scenic, historic, natural and open spaces resources.

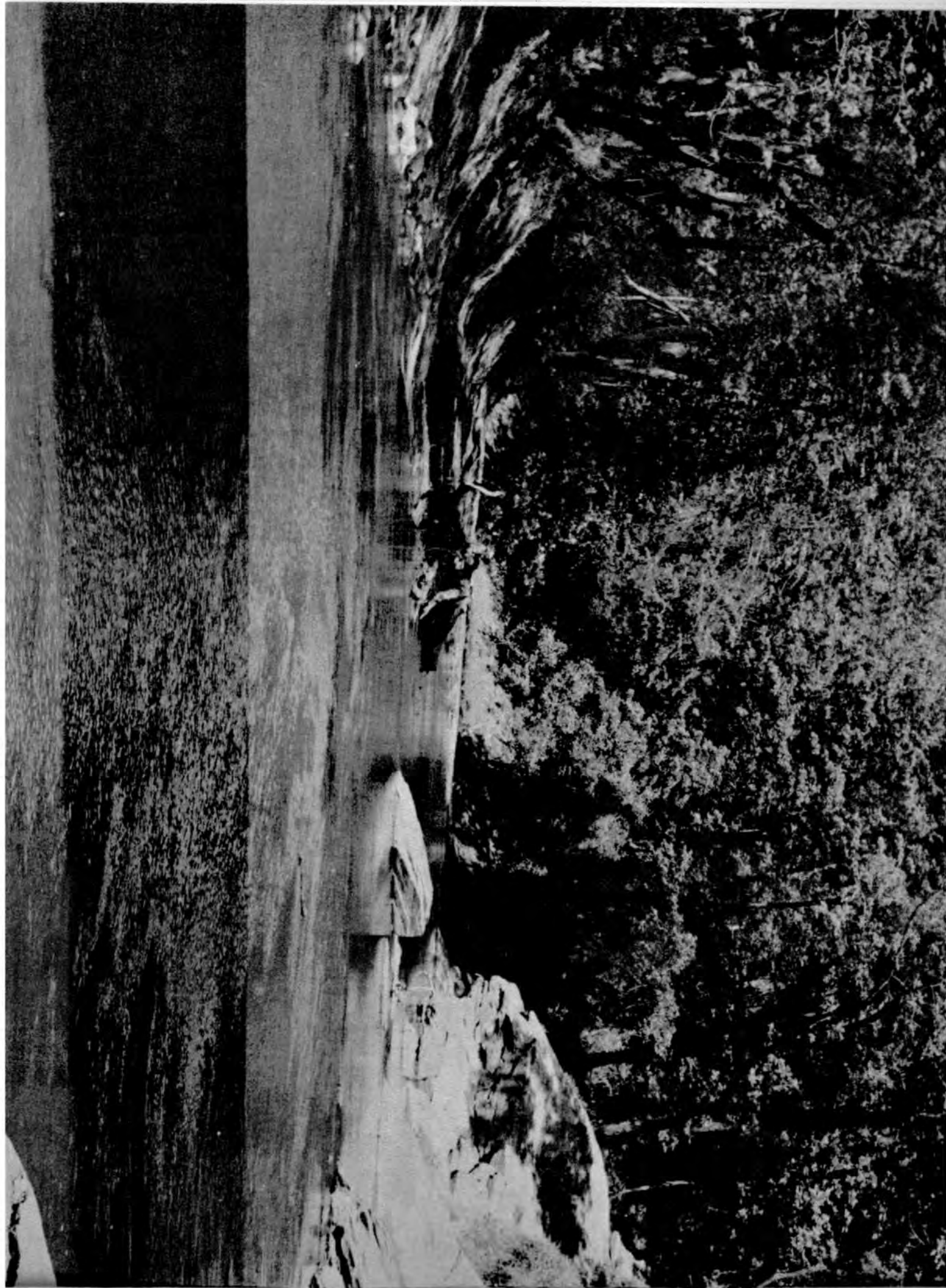
The land along the Creek ranges from broad floodplains to high rocky bluffs and the majority of it is in forest cover. There are no major intrusions to the

natural setting of the river corridor and those minor intrusions that do exist are usually of an historic nature.

Wildlife is abundant throughout the study region. Of particular importance is the frequent use of the area by the American Bald Eagle. Fishing is good with a large variety of fish inhabiting the stream.

The low average flow of Catoclin Creek eliminates nearly all alternative uses. The only use which has been mentioned for the Creek Valley is as a site for water storage from the Potomac River. However, it is not listed as a preferred alternative by the Corps of Engineers for water supply.

The Conservation Plan for Catoclin Creek requires a minimum amount of effort on the part of State and local governments coupled with continued good stewardship on the part of the local riparian landowners. Preservation of the outstanding natural, historical and scenic resources is the primary purpose of designation of Catoclin Creek as a scenic river, and there is no existing need for any facility development. Loudoun County's floodplain zoning ordinance coupled with the A-3 (Agricultural & 3 acre residential) and historic zoning of adjacent lands will provide protection of the river corridor. Management of the river area and supervision of river uses will be provided by the Northern Virginia Regional Park Authority.

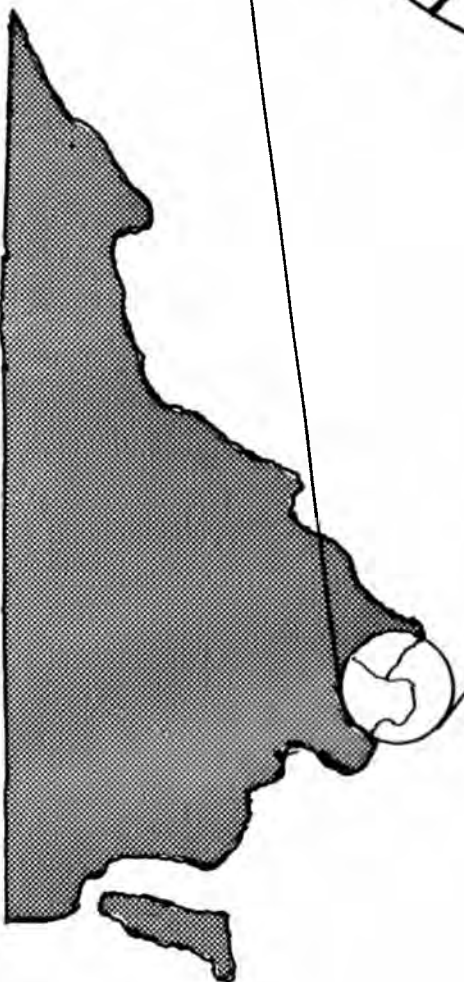
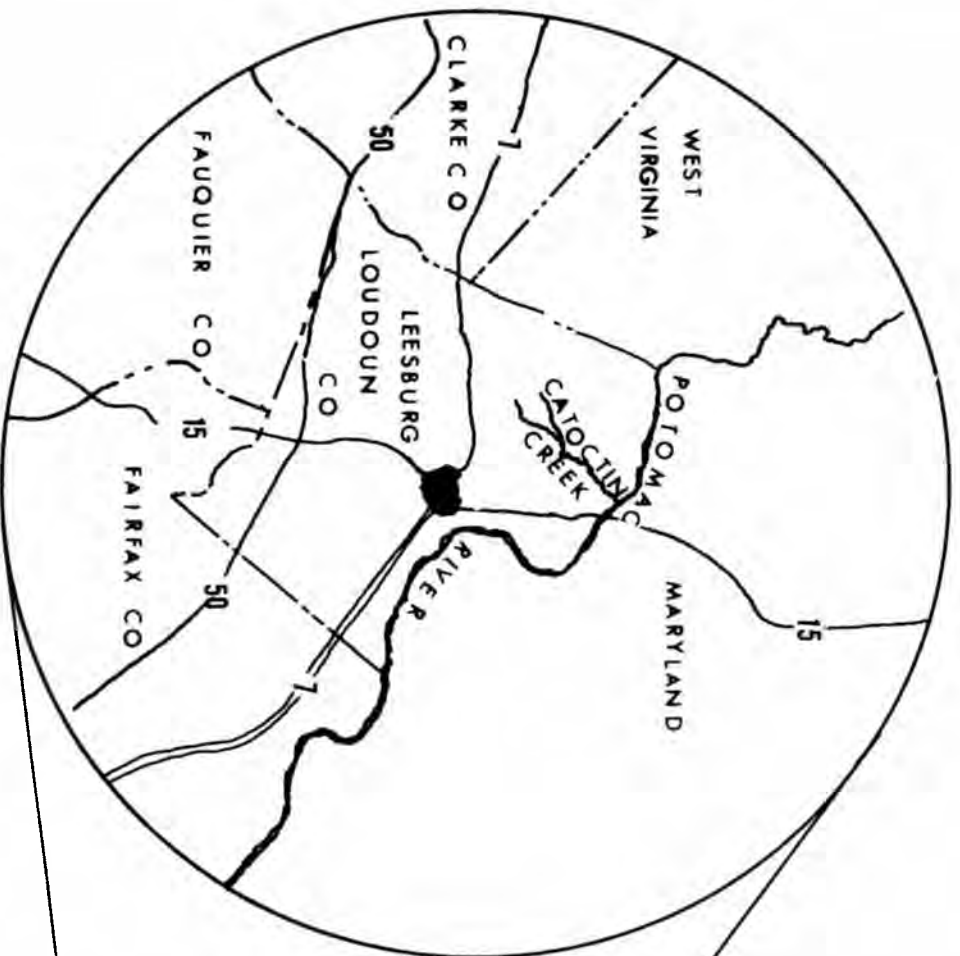


## recommendations

The Commission of Outdoor Recreation finds that the section of Catocotin Creek in Loudoun County is scenic, historic, in a natural condition, essentially unpolluted and provides for limited outdoor recreation. It qualifies for inclusion in the Virginia Scenic Rivers System.

The Commission recommends that:

1. The General Assembly designate Catocotin Creek in Loudoun County from the Town of Waterford to the Creek's junction with the Potomac River, a distance of approximately 16 miles, as a Virginia Scenic River.
2. The Northern Virginia Regional Park Authority be designated as the administering agency.
3. The Northern Virginia Regional Park Authority, with assistance from the Commission of Outdoor Recreation, prepare a plan for river management and administration.
4. The designation be from bank to bank and that primary reliance for protection of the river corridor be on local land use controls.
5. An Advisory Committee be appointed by the Commission of Outdoor Recreation in consultation with the administering agency designated by the General Assembly. The Advisory Committee will have seven members including at least three riparian landowners. The duties of the Advisory Committee will be to advise the Commission of Outdoor Recreation on matters pertaining to the administration, and management plans developed by the administering agency. The Committee shall also consider and comment on any federal, State or local government plan to approve, license or construct facilities which would alter the natural, scenic or historic values which qualify Catocotin Creek for scenic designation.
6. The power of eminent domain shall not be used to further the intent of the act designating Catocotin Creek a State Scenic River.



## CATOCTIN CREEK STUDY REGION

# the study region

For the purposes of this report, any physical descriptions, land use patterns, recreational resources and other pertinent data will be in reference to lands adjacent to Catoclin Creek in Loudoun County, unless otherwise stated.

## Population and Economics

Approximately 48,000 people now live in Loudoun County. Residential patterns are both rural and suburban in nature with many small historic villages and towns scattered throughout. The heaviest concentration of people occurs in the eastern portion of the County. A moderate 3.6 percent growth rate is predicted with a projected population of 115,000 by the year 2000.

Most employment opportunities for Loudoun County residents are in the fields of public administration, construction, retail sales and personal and educational services. The County has one of the highest per capita incomes of any area in the State.

## Recreation Resources

Loudoun County has approximately two-thirds of the local public recreation land needed to meet the standards recommended in the 1974 Virginia Outdoors Plan. A large portion of the recreation land is in Loudoun County parks composed mainly of softball, baseball and tennis complexes and in the activity fields associated

with the County's school system. The County has two larger park areas, the 83-acre Seneca Falls Palisades, and the newly acquired Algonkian Regional Park in eastern Loudoun. The latter site is administered by the Northern Virginia Regional Park Authority.

## Open Space

Although the County contains considerable recreational lands, there is still a need for the preservation of open space. Such areas maintained in a natural condition help to buffer against urban development and preserve green areas. The County currently contains three areas which provide for such land preservation, namely Oatlands, a 262-acre plantation site owned by the National Trust for Historic Preservation, Furnace Mountain Preserve on Catoclin Creek, a 28-acre natural area owned by The Nature Conservancy, and the quasi-public 1200-acre Morven Park.

Catoclin Creek's major use would be as an open space and natural area resource. Preservation in its natural state would provide a green belt corridor of considerable scenic, natural and historic value.

## Access

The study region is served by State highways as well as primary and secondary roads.

The area is traversed along east-west lines by Route 7 and along north-south lines by Route 15, both of which are major State highways. State Route 7 links the study area with the Washington Metropolitan Area and Interstate 95 to the east and Interstate 81 to the west. State Route 15 provides connections into Maryland to the north and to the south links with Interstates 66 and 64 and State Highways 17 and 29. Access to the creek itself is provided by several road crossings.

### History

Before the arrival of the white man, the Catoclin Creek watershed was part of an open hunting ground used by many of the eastern Indian tribes. Even though there is no indication that the Indians settled in the Creek Valley, they did use it for the procurement of game and fish.

The first white men to visit the valley were German traders and trappers who arrived in the mid-1600's. Records indicate that a few of these early German trappers settled in the valley in the late 1600's and captured a rich and rewarding harvest of beavers and other game animals.

Major settlements in the Catoclin Valley, however, did not take place until the mid-1700's with the arrival of settlers from Pennsylvania. The majority of these settled in the area of Waterford and between Taylorstown and Morrisonville,

which is still known as the "German Settlement." They cleared the forests, built log cabins and introduced a system of small family farms. They were also responsible for introducing the first sheep into the valley.

As the settlers began to establish themselves and their farms began to produce wheat and other grains, the first "industries" were established on the Creek. These industries, in the form of water-operated mills, derived their power from Catoclin Creek. One of the earliest mills established on the creek was that of Richard Brown which was constructed in the early 1730's. This mill, which is still in existence today, may be seen from the Creek and is being considered for State and National Historic Register designation. Many such mills were built and operated on the Creek up through the early 1900's.

One of the most important mills to operate in the Catoclin Valley was the mill of John Alexander Binns. Binns built a mill on one of the branches of Catoclin Creek in the early 1800's and used it for grinding limestone. He used this limestone on his land and kept detailed records of the results. This information was later published in a booklet called "Treatise on Practical Farming" which became known as the Loudoun System of Agriculture, thus starting the fertilizer business in this country. This practice converted the area's depleted tobacco lands into excellent grain producing farms.

Another interesting historic feature on the Catocotin is the 500 foot long hand dug tunnel located on the lower end of the Creek. This tunnel, which lies 60 feet below the top of the Catocotin Mountain range, was used to transport water to the "Kittocotan Iron Furnace." The tunnel remains intact, although the Iron Furnace closed operations in the mid-1800's.

Today, there are many remnants of the valley's rich history. Many of the old homes and mills have been restored as residences. Taylorstown, containing some of the oldest structures in the area, has been declared an historic preservation area district by the County to preserve its unique character. Catocotin Creek flows through this district and some of the structures are visible from the water.

There are some two dozen identified historic structures in the vicinity of the study segment of Catocotin Creek. These structures and the history associated with them add greatly to the value of the resource.



# the catoctin creek corridor

## Water Volume

Water volume and variability of flow are two factors of considerable importance when evaluating the recreational uses of a potential scenic river. Because Catoctin Creek is a small secondary river and its flow for most of the year is not sufficient for canoeing or rafting, it is rated by canoeing organizations as a winter and early spring stream for canoeing purposes. Its volume during the rest of the year is too low to allow for a pleasant canoe trip.

There are, however, areas of the stream which do contain deep holes and channels year long. These places are known and used by local residents for fishing and swimming.

## Water Quality

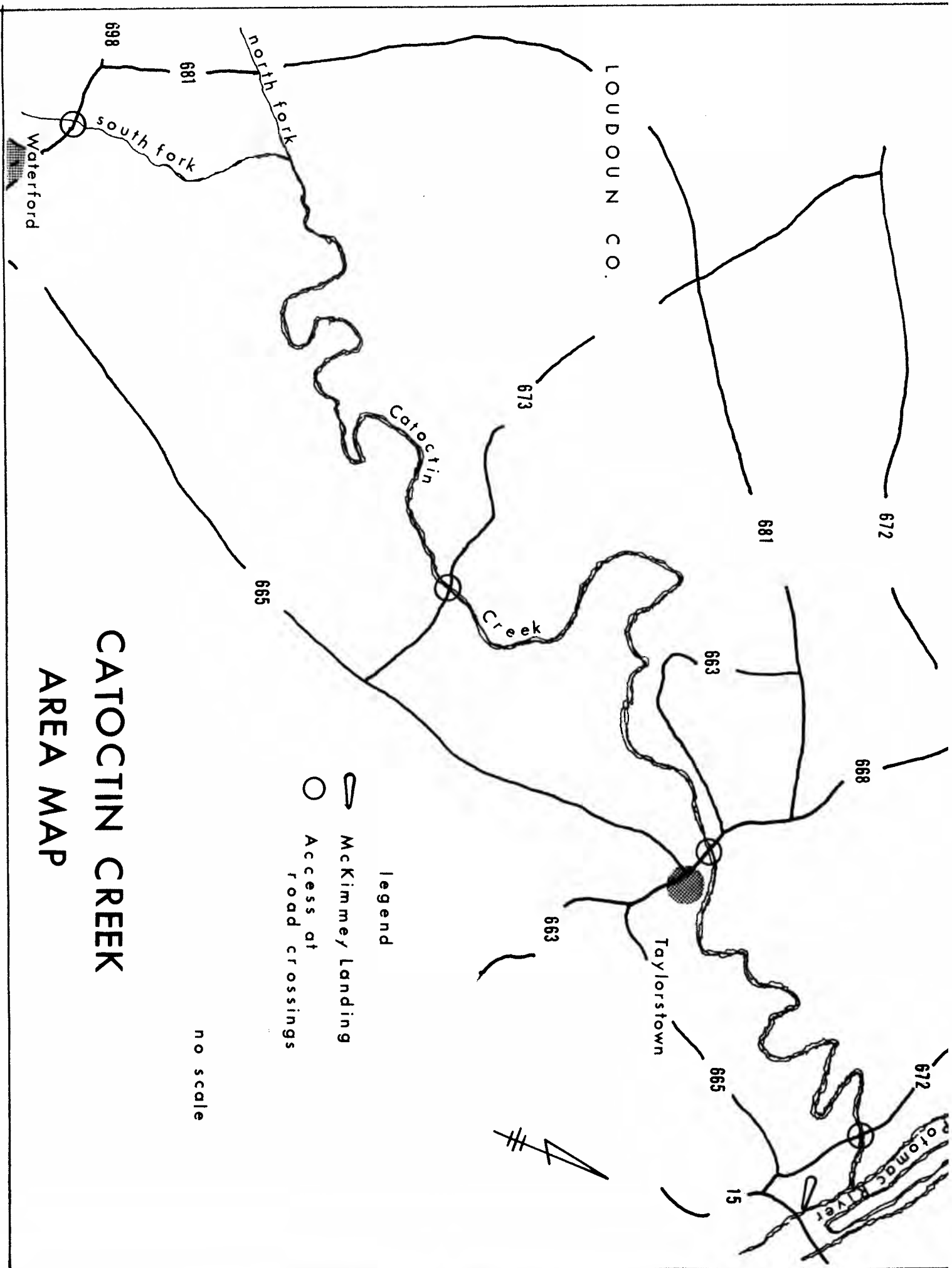
Catoctin Creek is classified by the State Water Control Board as a class III-B stream and latest water quality data indicates that it fits well within the parameters established for that classification. Class III-B waters are "waters generally satisfactory for use as public or municipal water supply, primary contact recreation, propagation of fish and other aquatic life and other beneficial uses."

Catoctin Creek is unique in that it currently receives no sewage discharge. There is, however, a proposed secondary sewage treatment plant to be installed at Waterford which will discharge into the Creek. This plant, however, is so designed that its impact on the creek's water quality will be minimal. The existing primary source of pollution to the stream is surface runoff which causes the stream to become muddy after heavy rain.

## Wildlife

The forest cover, surrounding agricultural lands, and the absence of intrusions make Catoctin Creek and its immediate environs outstanding wildlife habitat. Big game, such as deer, are often seen in the area as they travel between the Creek and nearby Catoctin Mountains. Even the black bear, on rare occasions, has been seen in the vicinity of the Creek.

Small game species are plentiful with regular inhabitants including raccoon, mink, muskrats, opossums, skunk, rabbits, bobcats and groundhogs. Both the red and grey fox find den areas and sunning places along the forested hills and bluffs which parallel the Creek. The assorted hardwood trees along the streams are well suited for use by both grey and fox squirrel.



LOUDOUN CO.

north fork

south fork

Catoctin

Creek

Taylorstown

Potomac River

Waterford

- legend
- ◁ McKimmy Landing
  - Access at road crossings

no scale



# CATOCTIN CREEK AREA MAP

All of the more popular game birds can be located along the stream. The list includes quail, pheasants, woodcock, grouse and dove. Smaller birds include Bluejays, Chickadees, and Downy Woodpeckers to mention a few. More colorful birds are the Cardinal, Baltimore Oriole, Bluebird and the Gold Finch.

The still pools and banks of the stream are used by wood duck for nesting and raising their young. Migratory ducks may be seen making use of the same quiet areas.

One of the most important bird species known to utilize the Catoctin Creek area is the American Bald Eagle. In recent years this bird has been sighted more and more frequently, indicating that this endangered species finds the solitude and semi-wilderness character of the Creek corridor to its liking.

As with the surrounding area, the Creek itself has a wide variety of inhabitants. There are both large and small mouth bass, chubs, sunfish, catfish, suckers, rockbass, and assorted minnows. Turtles, frogs, salamanders and snakes are also known to frequent the banks and water of the stream.

#### Current Usage

Although commercial grain mills abounded along Catoctin Creek until the early 1900's, its riparian lands have now gone strictly to agricultural uses with a few interspersed residential sites. The dominant land use is pasture for the grazing of beef cattle and sheep and the raising of hogs, with a secondary use the production of small grains and hay. Of special interest is the thoroughbred horse

breeding farm located along the shore of the stream.

Many people enjoy Catoctin Creek for its recreational attributes--canoeing, swimming and fishing. Although such uses are limited by the size and character of the stream, members of organized canoe associations and area residents derive much pleasure from it. The unspoiled, calm beauty of this section of Catoctin Creek is treasured by all who know it.

#### Land - Uses and Physical Setting

The shores of Catoctin Creek range from wide floodplains to gently rolling hills to steep bluffs with rocky outcrops. About 70 to 80 percent of the area visible from the river corridor is in forest cover with the remainder devoted to several different types of more intensive agricultural use. In most cases vegetation and the high banks of the river isolate it from the surrounding land.

The bottomland vegetation in this area is quite varied due to the climate belt of Northern Virginia. This climate allows for a mixture of vegetative types whose variety exceeds any other region in the United States. The stream bank vegetation consists of an overstory combining Black Willow, Sycamore, River Birch, Maples, Box Elder, Elms, Oaks, Hickories, White Ash, Gum and Hemlock to name a few. Some of the more common understory varieties include Sandbar Willow, Buttonbush, Spicebush, Black Elderberry, Wild Grape, and a variety of ferns and herbs.

A person canoeing Catoctin Creek from

the Route 698 bridge crossing in Waterford down to its confluence with the Potomac will be treated to a variety of scenery, some of which is unsurpassed by any stream in the northern part of the State.

The first mile of the journey carries you through mostly pastured floodplain with extensive inland views of the surrounding farmland. At the end of this stretch you enter into a forested area and leave behind the last large visible expanses of pasture lands.

For the next six miles the stream meanders through heavily wooded areas with only a few small sections where one can see any signs of farming activity. The banks alternate between forested floodplains to high bluffs climbing up to more than 100 feet above stream level. These forested bluffs contain many rocky outcrops which add to the wilderness feeling of the area.

At the seven mile point the stream is crossed by the Catoctin Creek Pratt Iron Truss Bridge, which was constructed in the late 1800's and is the only example of its type left in Northern Virginia. It has been designated as a State and National Historic Landmark. Here also was the site of Richard Roache's Mill, one of the first to be built in Loudoun County.

For the next three and one-half miles the stream is similar to before with forested banks, high bluffs and occasional rocky outcrops. There are signs of farming activity as one catches occasional glimpses of pasture or rail fencing on some of the broader floodplains. These glimpses, however, are few and seldom detract from the peacefulness of the setting.

At approximately three and one-half miles below the Iron Truss Bridge you come to an old farm site on the left side of the Creek. This is the Catoctin Mill Farm established in the early 1800's. This farm is inventoried as one of the area's historic properties.

About one mile farther downstream you reach the Taylorstown Bridge. On your left just before you reach the Bridge are the stone remains of a sand and gravel dredging operation. On your right at the bridge is Richard Brown's Old Mill. This structure was built in the 1700's and is now a family residence. Just up the hill from the mill is "Hunting Hill," a restored pre-revolutionary home which was also built by Richard Brown in the 1730's.

These two structures, along with five others, are in the 60-acre area of Taylorstown which has just recently been zoned as an historic preservation area district by the County. The area is also being nominated for both State and National register designation. Thus, this section of Catoctin will always have historic flavor.

Approximately one-fourth of a mile below Taylorstown on the right you can see another set of farm buildings. These buildings are several hundred yards back from the river and do not detract from the setting.

The next five miles, from Taylorstown Bridge to the Potomac River, are perhaps the most dramatic of the river corridor. Both banks of the river are forested and there are many rock outcrops not only on the steeper bluffs but within the creek bed itself. The combination of boulders, which lie in the

## resource use alternatives

The study segment of Catoctin Creek, with possibly one exception, has no alternative uses.

At the present time there are no industries located along the Creek and there are none planned for the future. With the exception of a few residential sites, the land along the Creek is totally in agriculture and the County's A-3 zoning encourages the continuance of this kind of use. There is no land zoned for industrial development and the low summer flows of the Catoctin are not sufficient for any water-using industry.

Low flow is also the reason for lack of interest in the Creek by any electric power producer. There is not enough water available for either hydro-electric or steam generation units.

The only mentioned use for Catoctin Creek has been as an impoundment site for water from high flow skimming operations on the Potomac River. Only preliminary study has been made of the feasibility of such a system and early indications are that it is not a practical solution to the problem of water supply for Northern Virginia.

Thus it appears that the best use for Catoctin Creek would be as a scenic, historic and open space resource. This is reinforced by the County's master plan which has it listed as a conservation area, the A-3 and floodplain zoning along the majority of the corridor, and the Taylorstown Historic District zoning which covers the R-1 (1-acre residential) zoning on the Creek segment in Taylorstown.

stream, rock outcrops, thick forests and high bluffs give this area a very rugged, wild and scenic appearance, creating a feeling of solitude and wilderness. The creek drops fairly rapidly for the last three miles and during periods of high flow can be a challenging canoe run.

About one-half mile before Catoctin's confluence with the Potomac River you come to the last bridge crossing on the stream. This is the Route 672 bridge and like the others it is only visible for a very short period of time.

At 16 miles the Catoctin joins the Potomac River and about one-eight mile down the Potomac is the takeout point at McKimney Landing, operated by the Virginia Commission of Game and Inland Fisheries.

A trip down Catoctin is as scenic a trip as one could desire. Most of the corridor is in forest cover with only limited views of farmed land visible from the stream. Wildlife is plentiful for not only is there an abundance of the common game species, but this area is also a feeding and potential nesting grounds for the American Bald Eagle. Many confirmed sightings in the past few years indicate that the Eagle is making a return to the Catoctin Valley.



## **a conservation plan**

The conservation plan for Catootin Creek requires only a minimum of effort on the part of State and local governments and riparian landowners.

State Scenic River designation is the first component of the plan. In addition to directing public attention to the river as being something of unusual value, official designation precludes the damming or other impediment of natural flow without the expressed authorization of the General Assembly. This restriction of damming and increased public attention assures a greater scrutiny of any private or governmental plans which might alter the natural character of Catootin Creek.

The second component of the conservation plan involves the use of Loudoun County's existing floodplain zoning ordinance. All of the floodplain adjacent to Catootin Creek is controlled by this ordinance which restricts the construction or placement of dwellings within

the floodplain and limits floodplain usage primarily to agriculture, conservation and recreation. It is felt that conscientious enforcement of this ordinance will result in adequate protection of the river corridor.

Continued good stewardship on the part of riparian landowners is the key to success for the conservation plan. Their conscientious efforts are essential in maintaining an adequate vegetative buffer strip between the river and adjacent land.

Due to the small size and low flows of Catootin Creek, there is no need for the management plan to consider additional access areas. The plan, however, should entail periodic policing of existing access points and patrols of the river to insure that its scenic and historic qualities are preserved. The cost of such a management program would be approximately \$3,000 per year.

EXCERPTS OF STATE AGENCY COMMENTS--Full Agency Comments are part of the public record and may be reviewed at the Office of the Commission of Outdoor Recreation.

#### COUNCIL ON THE ENVIRONMENT

Thank you for the opportunity to participate in the development and review of the Catoclin Creek Scenic River Report. I would like to commend you and your staff for producing a well-done report based on a supportive relationship with local citizens and open communication with various interested State Agencies.

Since the enabling legislation for Virginia's Scenic Rivers System was enacted by the 1970 General Assembly, the Council on the Environment has been most interested in the studies conducted by the Commission of Outdoor Recreation and the resulting recommendations to the Governor and General Assembly for rivers or sections thereof for designation. The Catoclin Creek Report represents an admirable effort in fulfilling your agency's responsibilities in accordance with the Scenic Rivers Act. The Council is pleased, therefore, to support your work on the Catoclin Creek and remains interested in offering any assistance which may be needed in the future. Thank you again.

Gerald P. McCarthy  
Chairman and Administrator  
October 20, 1976

#### DIVISION OF INDUSTRIAL DEVELOPMENT

We have reviewed the final draft of the Catoclin Creek Scenic River Report and concur with its findings regarding the industrial potential of the area.

We have not identified any likely industrial sites along this section of Catoclin Creek, and it is our belief that the inclusion of this Creek in the Scenic River System will not detract from Loudoun County's industrial development potential.

J. Frank Alspaugh  
Director  
September 23, 1976

#### WATER CONTROL BOARD

After reviewing the report "in-house", we have found that the Report does not conflict with any Water Quality Standard or policy of the Board and therefore we have no adverse comment to make.

A. H. Paessler  
Deputy Executive Secretary  
October 7, 1976

DEPARTMENT OF  
AGRICULTURE AND COMMERCE

This is in response to the Catoctin Creek Scenic River Report.

This designation appears to be consistent with local zoning and land use planning efforts in the area. Further, I believe this designation will strengthen efforts to keep productive lands in agricultural use.

On the other hand, while a majority of farmers favor the designation, many land-owning farmers appear to resist such a move. Reasons for opposition should be understood and fully evaluated prior to finalizing any recommendations.

Berkwood M. Farmer  
Director and Chief Economist  
Planning and Development  
October 6, 1976

VIRGINIA HISTORIC  
LANDMARKS COMMISSION

Thank you for my copy of the final draft of the Catoctin Creek Scenic River Report. The historic points are well covered and I have nothing to add.

Junius R. Fishburne, Jr.  
Executive Director  
September 22, 1976

DIVISION OF FORESTRY

We have read with interest your final draft of the Catoctin Creek Scenic River Report. We assume that the area covered by the study and report does not overlap with the proposed PL566 project which is currently under study and being sponsored by the Loudoun County

Board of Supervisors and the Loudoun Soil and Water Conservation District. It appears that the portion of the Catoctin Creek contained in this study is between the lower extreme of the PL566 project and the Potomac River.

We are generally in agreement with the recommendations of this report and have no further comments at this time.

Charles J. Witter, Supervisor  
Watershed Forestry  
September 15, 1976

DIVISION OF PARKS

I appreciate the opportunity to review a copy of the final draft of the Catoctin Creek Scenic River Report.

You are to be congratulated on producing an excellent report on Catoctin Creek. We concur in what you recommend, and I can think of nothing to suggest that would improve the report in any way.

Ben H. Bolen  
Commissioner  
September 15, 1976

DEPARTMENT OF  
HIGHWAYS AND TRANSPORTATION

The Department has reviewed the draft of the Catoctin Creek Scenic River Report and finds it to be well done and informative.

R. L. Hundley  
Environmental Quality Engineer  
August 17, 1976

VIRGINIA SOIL AND WATER  
CONSERVATION COMMISSION

I have reviewed the final draft of the Catoctin Creek Scenic River Report and commend the Commission of Outdoor Recreation for the preparation of this excellent document. We have no comments or recommendations to offer on this study report concerning the suitability of Catoctin Creek for inclusion in the Virginia Scenic River System.

This designation proposal is compatible with policies and programs of the Virginia Soil and Water Conservation Commission. The area included in the proposed designation will not conflict with any proposed small watershed project. The water quality should be improved by the ongoing programs of the Loudoun Soil and Water Conservation District and through implementation of the local erosion and sediment control program. Both of these programs are conducted to meet goals of reducing erosion to keep heavy sediment loads out of the water.

Joseph B. Willson, Jr  
Director  
September 16, 1976

MARINE RESOURCES COMMISSION

Thank you so much for permitting us the opportunity to comment on your final draft of the Catoctin Creek Scenic River Report.

After careful review, we do not find any reason to comment.

James E. Douglas, Jr.  
Commissioner  
September 17, 1976

DEPARTMENT OF HEALTH

We have reviewed the final draft of the Catoctin Creek Scenic River Report which recommended that Catoctin Creek from the Village of Waterford to its confluence with the Potomac River, a distance of approximately 16 miles, be designated as a Virginia Scenic River.

Catoctin Creek has been identified as a possible site for a high flow skimming impoundment for increasing the low flow in the Potomac River and augmenting the water supply for the Metropolitan Washington area, but to date there has been considerable local opposition to this proposal. The western portion of Loudoun County is in need of a dependable and safe water supply, and a dam and reservoir in the Catoctin Creek Watershed is very possibly the answer to that need, whether such dam and reservoir are a PL566 project or one of a local nature. We are, therefore, opposed to any action that might preclude the use of water in Catoctin Creek for drinking water purposes.

E. H. Bartsch, Director  
Bureau of Sanitary Engineering  
October 1, 1976

DEPARTMENT OF CONSERVATION  
AND ECONOMIC DEVELOPMENT

The Department of Conservation and Economic Development appreciates the opportunity to review the final draft of the Catoctin Creek Scenic River Report. However, we have no comments to make on the Report.

Marvin M. Sutherland  
Director  
September 17, 1976

*An Act to amend the Code of Virginia by adding in Title 10 a chapter numbered 15, containing sections numbered 10-167 through 10-175, to provide for a Virginia scenic and recreational rivers system; additional duties of the Commission of Outdoor Recreation.*

[H 27]

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 10 a chapter numbered 15, containing sections numbered 10-167 through 10-175, as follows:

CHAPTER 15  
*Scenic Rivers Act*

Sec. 10-167.

- a. This chapter shall be known and may be cited as the "Scenic Rivers Act."
- b. It is hereby declared to be the policy of the Commonwealth of Virginia that rivers, streams, runs and waterways including their shores and immediate environs which possess great natural and pastoral beauty constitute natural resources, the conservation of which constitutes a beneficial public purpose. It is further declared that preservation of certain rivers or sections of rivers for their scenic values is a beneficial purpose of water resource policy.
- c. The purpose of this legislation is to provide for the identification, preservation, and protection of certain rivers or sections of rivers which possess natural beauty of high quality, and therefore should be included in a Virginia Scenic River System to assure their use and enjoyment for their scenic, recreational, geologic, fish and wildlife, historic, cultural, or other values.
- d. In all planning for the use and development of water and related land resources including the construction of impoundments, diversions, roadways, crossings, channelization, locks, canals, or other uses which change the character of a stream or waterway or destroy its scenic values, full consideration and evaluation of the river as a scenic resource shall be given before alternative plans for use and development are approved.

Sec. 10-168.

As used in this chapter, the following words and terms shall have the following meanings:

- a. "River" shall mean a flowing body of water, or a section or portion thereof.
- b. "Scenic Rivers System" shall mean and include those rivers or sections of rivers designated as a Scenic River by an Act of the General Assembly.
- c. "Commission" shall mean the Commission of Outdoor Recreation.

Sec. 10-169

In addition to other duties conferred by Chapter 2.1 of this title, the Commission shall have the following duties:

- a. To make studies of rivers or sections of rivers to be considered for designation by the General Assembly as scenic rivers.
- b. To recommend to the Governor and to the General Assembly rivers or sections thereof to be considered for designation as scenic rivers.

Sec. 10-170.

- a. Studies by the Commission of rivers to be considered for designation as wild, scenic, or recreational rivers shall be conducted in cooperation with appropriate agencies of the State and of the United States.

- b. When the General Assembly acts to include a river or section of river in the Scenic River System, the Commission shall appoint an Advisory Committee of residents, including at least one riparian landowner, in the locality or localities of the river or river section and other qualified persons. The Advisory Committee shall elect a chairman from among its members. Members of the Advisory Committee shall serve at the will of the Commission. The duties of the Advisory Committee shall be to assist and advise the Commission concerning the protection or management of such river. Members of the Advisory Committee shall receive no compensation.

Sec. 10-171.

A recommendation to the Governor and General Assembly that a river or section thereof be designated a scenic river shall be submitted with:

- a. The views and recommendations of the Division of Water Resources of the Department of Conservation and Economic Development, the Water Control Board, and other affected agencies; and
- b. A report showing the proposed area and classification, the characteristics which qualify the river or section of river for designation, the general ownership and land use in the area, and the estimated costs of acquisition and administration in the Scenic Rivers System.

Sec. 10-172.

Prior to submitting recommendations to the Governor and the General Assembly, the Commission shall upon request of any interested State agency or political subdivision, or upon its own motion, hold a public hearing on a proposal to designate a scenic river.

Sec. 10-173.

The agency designated by the General Assembly shall administer a river or section thereof to achieve the purposes of this chapter, and in accordance with its powers and duties conferred elsewhere by law.

Sec. 10-174.

After designation of any river or section of river as a scenic river by the General Assembly, no dam or other structure impeding the natural flow thereof shall be constructed, operated, or maintained in such river or section of river unless specifically authorized by an act of the General Assembly.

Sec. 10-175.

The Commission is authorized to acquire in the name of the Commonwealth, either by gift or purchase, any real property or interest therein which the Commission considers necessary or desirable for the protection of any scenic river, and to transfer such property to other State agencies; provided that the Commission may not exercise the right of eminent in acquiring any such property or interest. (1970, c. 468)

## SCENIC RIVERS ACT

Approved April 4, 1970

## public hearings

In compliance with provisions of the Scenic Rivers Act of 1970 (Title 10, Chapter 15 of the Code of Virginia), the Commission of Outdoor Recreation of the Commonwealth of Virginia conducted a Public Hearing in Leesburg on September 29, 1976 to receive statements concerning the conservation of Catoctin Creek as a State Scenic River.

The Public Record on Catoctin Creek remained open until October 14, 1976 to allow all interested persons an opportunity to comment. Statements made at the hearing or received through that date are part of the Public Record and are available as a supplement to this report.

Full tape recordings of the proceedings of the Public Hearing, as well as written statements, may be reviewed by contacting Director, Virginia Commission of Outdoor Recreation, 803 East Broad Street, Richmond Virginia 23219.





COMMONWEALTH OF VIRGINIA

