

February 28, 2023

AGENDA ITEM: Consider resolution expressing support for free and open public waters.

Administrator's Comments:

Citizens have raised concerns about a lawsuit pending in Craig County, *Briar Oak Properties, LLC and Briar Oak Farms, LLC v. Virginia Marine Resources Commission and the Commonwealth of Virginia*, Civil Action No. CL-2244.

In this case, a landowner with land on both sides of Craigs Creek has challenged the Commonwealth's ownership of the streambed on the basis of the Virginia land office grant (not a King's Grant).

One of the bases of the claim is that the Creek is not navigable. The owner has claimed in his pleadings that he has the right to exclude people from using the Creek. Citizens are concerned that the case would close the Creek, which is used by many people for travel and recreational purposes, as well as having the possibility of setting a precedent that would result in the effective closure of hundreds of miles of streams, creeks and rivers that have been used for various purposes throughout the Commonwealth for hundreds of years, including in Botetourt County.

Citizens have requested the attached resolution be adopted to raise awareness of the issue and to authorize action to defend the public interest in the matter.

Recommendation:

1. Review and consider resolution.

Attachment