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HOUSE BILL NO. 1627

Offered January 8, 2003

Prefiled December 27, 2002

A BILL to amend and reenact §§ 10.1-400, 10.1-401, 10.1-402, 10.1-405, 10.1-406, and 10.1-409 through 10.1-418.1 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 10.1-406.1 and by adding in Chapter 4 of Title 10.1 sections numbered 10.1-418.2 and 10.1-418.3, and to repeal Chapter 4.1 (§ 10.1-419) of Title 10.1 of the Code of Virginia and House Joint Resolution No. 278 of the Acts of Assembly of 1979, relating to the creation of the Virginia Scenic River Board; designation of state scenic rivers; and dissolution of the Scenic River Advisory Boards; report.

Patrons—Cox, Miles and Wardrup; Senator: Martin

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-400, 10.1-401, 10.1-402, 10.1-405, 10.1-406, and 10.1-409 through 10.1-418.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 10.1-406.1 and by adding in Chapter 4 of Title 10.1 sections numbered 10.1-418.2 and 10.1-418.3 as follows:

§ 10.1-400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Scenic River Board.

"Department" means the Department of Conservation and Recreation.

"Director" means the Director of the Department of Conservation and Recreation.

"River" means a flowing body of water, or a section or portion thereof.

"Scenic river" means a river or section or portion of a river that has been designated a "scenic river" by an act of the General Assembly *and that possesses superior natural and scenic beauty, fish and wildlife, and historic, recreational, geologic, cultural, and other assets.*

"Virginia Scenic Rivers System" means those rivers or sections of rivers designated as a scenic river by an act of the General Assembly.

§ 10.1-401. Powers and duties of Director; acquisition of property.

A. The Director shall have the duty to:

1. Identify rivers or sections of rivers, including their shores and natural environs, which should be considered for designation because of their scenic, recreational and historic attributes and natural beauty.

2. Conduct studies of rivers or sections of rivers to be considered for designation as wild, scenic or recreational rivers in cooperation with appropriate agencies of the Commonwealth and the United States.

3. Recommend to the Governor and to the General Assembly rivers or sections thereof to be considered for designation as scenic rivers.

4. *Appoint, with agreement by the Virginia Scenic River Board, Scenic River Advisory Committees or other local or regional committees of not less than 3 members to consider and manage scenic river interests and issues. The committees shall assist and advise the Director and the local governing body with the protection or management of the scenic river segment in their jurisdiction. The committees may consider and comment to the Director on any federal, state, or local governmental plans to approve, license, fund, or construct facilities that would alter any of the assets that qualified the river for scenic designation.*

B. The Director is authorized to acquire in the name of the Commonwealth, either by gift or purchase, any real property or interest therein which the Director considers necessary or desirable for the protection of any scenic river, and may retain title to or transfer the property to other state agencies. The Director may not exercise the right of eminent domain in acquiring any such property or interest.

§ 10.1-402. Development of water and related resources and evaluation as scenic resource.

The Department ~~or administering agency~~ may review and make recommendations regarding all planning for the use and development of water and related land resources including the construction of impoundments, diversions, roadways, crossings, channels, locks, canals, or other uses ~~which~~ *that* change the character of a stream or waterway or destroy its scenic ~~values~~ *assets*, so that full consideration and evaluation of the river as a scenic resource will be given before alternative plans for use and development are approved. To effectuate the purposes of this section, all state and local agencies shall consider the recommendations of the Department ~~or administering agency~~.

§ 10.1-405. Duties of the Department; eminent domain prohibited.

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59 A. The agency designated by the General Assembly Department shall:

60 1. Administer the scenic river or section thereof Virginia Scenic Rivers System to preserve and
61 protect its natural beauty and to assure its use and enjoyment for its scenic, recreational, geologic, fish
62 and wildlife, historic, cultural or other valuesassets and to encourage the continuance of existing
63 agricultural, horticultural, forestry and open space land and water uses.

64 2. Periodically survey the each scenic river and its immediate environs and monitor all existing and
65 proposed uses of the each scenic river and its related land resources.

66 3. Assist local governments in solving problems associated with the scenic riverVirginia Scenic
67 Rivers System, in consultation with the Director, the Board, and the Advisory Boardadvisory committees.

68 B. The administering agencyDepartment shall not exercise the right of eminent domain to acquire
69 any real property or interest therein for the purpose of providing additional access to the any scenic
70 river. Nothing in this subsection shall limit or modify any powers granted otherwise to any locality.

71 C. The Department may seek assistance and advice related to the scenic river program from the
72 Department of Game and Inland Fisheries, the Department of Forestry, the Department of Historic
73 Resources, the Virginia Marine Resources Commission, the United States Forest Service, other state and
74 federal agencies and instrumentalities, and affected local governing bodies.

75 D. The Department shall have the following powers, which may be delegated by the Director:

76 1. To make and enter into all contracts and agreements necessary or incidental to the performance
77 of its scenic river duties and the execution of its scenic river powers, including but not limited to
78 contracts with private nonprofit organizations, the United States, other state agencies and political
79 subdivisions of the Commonwealth;

80 2. To accept bequests and gifts of real and personal property as well as endowments, funds, and
81 grants from the United States government, its agencies and instrumentalities, and any other source. To
82 these ends, the Department shall have the power to comply with such conditions and execute such
83 agreements as may be necessary, convenient, or desirable; and

84 3. To conduct fund-raising activities as deemed appropriate related to scenic river issues.

85 § 10.1-406. Virginia Scenic River Board.

86 A. Except as provided in § 10.1-412, when the General Assembly acts to include a river or section of
87 river in the Scenic Rivers System, the Governor shall appoint an Advisory Board of residents, including
88 at least one riparian landowner, in the locality or localities of the scenic river or river section and other
89 qualified persons. The Virginia Scenic River Board (the "Board") is established as an advisory board,
90 within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall be
91 composed of 16 voting members as follows: the Director and 15 members-at-large appointed by the
92 Governor. The 15 members-at-large shall initially be appointed for terms of office as follows: 3 for a
93 1-year term, 4 for a 2-year term, 4 for a 3-year term, and 4 for a 4-year term. The Governor shall
94 designate the term to be served by each appointee at the time of appointment. Appointments thereafter
95 shall be made for 4-year terms. No person shall serve more than 2 consecutive full terms. Any vacancy
96 shall be filled by the Governor for the unexpired term. All terms shall begin July 1. In making
97 appointments, the Governor shall select persons suitably qualified to consider and act upon the various
98 special interests and problems related to scenic river issues. The Advisory Board shall elect a chairman
99 and a vice chairman from among its members-at-large. Members of the Advisory CommitteeBoard shall
100 serve at the pleasure of the Governor and receive no compensation.

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

102 The Board shall meet at least 2 times a year with additional meetings at the call of the chairman or
103 the Director. The vice chairman shall fill the position of chairman in the event that the chairman is not
104 available. A majority of the members of the Board shall constitute a quorum of the Board.

105 The Board shall have no regulatory authority.

106 B. The Advisory Board shall assist and advise the Governor and the Director and the administering
107 agency concerning the protection or management of the scenic riverVirginia Scenic Rivers System. The
108 Advisory Board may Upon the request of the Governor, or the Director, the Board shall institute
109 investigations and make recommendations. The Board shall have general powers and duties to (i) advise
110 the Director on plans for development promulgated by the Northern Virginia Regional Park Authority,
111 prior to their implementation; (ii) formulate recommendations concerning designations for proposed
112 scenic rivers or extensions of existing scenic rivers; (iii) consider and comment to the Director on any
113 federal, state or local governmental plans to approve, license, fund or construct facilities whichthat
114 would alter the natural, scenic or historicany of the assets whichthat qualified the river for scenic
115 designation; (iv) assist the Director in reviewing and making recommendations regarding all planning
116 for the use and development of water and related land resources including the construction of
117 impoundments, diversions, roadways, crossings, channels, locks, canals, or other uses that change the
118 character of a stream or waterway or destroy its scenic assets, so that full consideration and evaluation
119 of the river as a scenic resource will be given before alternative plans for use and development are
120 approved; (v) assist the Director in preserving and protecting the natural beauty of the scenic rivers,

assuring the use and enjoyment of scenic rivers for fish and wildlife, scenic, recreational, geologic, historic, cultural or other assets, and encouraging the continuance of existing agricultural, horticultural, forestal and open space land and water uses; (vi) advise the Director and the affected local jurisdiction on the impacts of proposed uses of each scenic river and its related land resources; and (vii) assist local governments in solving problems associated with the Virginia Scenic Rivers System, in consultation with the Director.

§ 10.1-406.1. Powers of local governments.

In consultation with the Director, local governments shall have the authority, where a committee has not been established pursuant to subdivision A 4 of § 10.1-401, to appoint a local scenic river advisory committee to advise the local government and the Director in administering that section of designated scenic river within the local government's jurisdiction. The committees shall assist and advise the Director and the local governing body on the protection or management of the scenic river segment in their jurisdiction. The committees may consider and comment to the Director on any federal, state or local governmental plans to approve, license, fund or construct facilities that would alter any of the assets that qualified the river for scenic designation.

§ 10.1-409. Appomattox State Scenic River.

A. The Appomattox River 100 feet from the base of the Lake Chesdin Dam, to the Route 36 bridge crossing in the City of Petersburg, a distance of approximately 6.2 miles, is hereby designated a component of the Virginia Scenic Rivers System.

B. The Department of Game and Inland Fisheries is designated to administer the Appomattox State Scenic River in accordance with this section.

C. The Governor, in consultation with the Director and affected local governing bodies, shall appoint the Appomattox State Scenic River Advisory Board, which shall be composed of at least three riparian landowners within the designated section and other local residents.

§ 10.1-410. Catoctin Creek State Scenic River.

A. The Catoctin Creek from bank to bank in Loudoun County from the Town of Waterford to its junction with the Potomac River, a distance of approximately ~~sixteen~~ 16 river miles, is hereby designated a component of the Virginia Scenic Rivers System.

B. The Northern Virginia Regional Park Authority is designated to administer the Catoctin Creek State Scenic River in accordance with this section.

C. The Governor, in consultation with the Director and affected local governing bodies, shall appoint the Catoctin Creek State Scenic River Advisory Board, which shall be composed of five area residents including at least three riparian landowners within the designated section.

DB. No dam or other structure that impedes the natural flow of Catoctin Creek shall be constructed, operated, or maintained within the section of Catoctin Creek designated as a scenic river by this legislation unless specifically authorized by an act of the General Assembly.

As used in this section, the words "dam or other structure" mean any structure extending from bank to bank of Catoctin Creek ~~which~~ that will interfere with the normal movement of waterborne traffic, interfere with the normal movement of fish or wildlife, raise the water level on the upstream side of the structure or lower the water level on the downstream side of the structure.

§ 10.1-410.1. Chickahominy State Scenic River.

A. The main channel of the Chickahominy River from the Mechanicsville Turnpike (Route 360) eastward until the terminus of the Henrico County/Hanover County border, is hereby designated a component of the Virginia Scenic Rivers System.

B. The Department of Conservation and Recreation is designated to administer this section of the Chickahominy River.

C. The Governor, in consultation with the Boards of Supervisors from Henrico and Hanover Counties, shall appoint the Chickahominy Scenic River Advisory Board, which shall be composed of seven residents, including a riparian landowner from each county, from within the designated section.

DB. Nothing in this chapter shall preclude the construction or reconstruction of any road or bridge by the Commonwealth or by any county, city or town.

EC. Nothing in this chapter shall preclude the construction, operation, repair, maintenance, or replacement of a natural gas pipeline for which the State Corporation Commission has issued a certificate of public convenience and necessity or any connections with such pipeline owned by the Richmond Gas Utility and connected to such pipeline.

§ 10.1-410.2. Clinch State Scenic River.

A. The Clinch River in Russell County from its confluence with the Little River to the Nash Ford Bridge at mile 279.5, a distance of approximately ~~twenty~~ 20 miles and including its tributary, Big Cedar Creek from the confluence to mile 5.8 near Lebanon, is hereby designated a component of the Virginia Scenic Rivers System.

B. The Department of Conservation and Recreation is designated to administer the Clinch Scenic

182 River.

183 C. The Governor, in consultation with the Director and the Russell County Board of Supervisors,
184 shall appoint the Clinch Scenic River Advisory Board, which shall be composed of five area residents,
185 including at least one riparian landowner, from within the designated section.

186 DB. This designation shall not be used:

187 1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to
188 § 45.1-252 or regulations promulgated with respect to such section; however, the Department of
189 Conservation and Recreation shall still be permitted to exercise the powers granted under § 10.1-402; or

190 2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water
191 Act.

192 § 10.1-411. Goose Creek State Scenic River.

193 A. Goose Creek, from bank to bank in Loudoun County from the Loudoun-Fauquier County line to
194 its junction with the Potomac River, a distance of approximately twenty-eight²⁸ river miles, is hereby
195 designated a component of the Virginia Scenic Rivers System.

196 B. The Northern Virginia Regional Park Authority, hereinafter referred to as the Authority, is
197 designated to administer the Goose Creek Scenic River.

198 C. The Governor, in consultation with the Director, shall appoint the Goose Creek Scenic River
199 Advisory Board, which shall be composed of seven area residents including at least four riparian
200 landowners within the designated section.

201 D. The Advisory Board shall advise the Director on plans for development promulgated by the
202 Authority, prior to their implementation.

203 EB. The Northern Virginia Regional Park Authority is authorized to acquire, either by gift or
204 purchase, any real property or interests therein ~~which~~that the Northern Virginia Regional Park Authority
205 considers necessary or desirable to provide public use areas as identified in the Goose Creek Scenic
206 River Report published in 1975.

207 FC. No new dam or other structure or enlargement of an existing dam or other structure that impedes
208 the natural flow of Goose Creek shall be constructed, operated or maintained within the section of
209 Goose Creek designated as a ~~scenic river~~Scenic River by this legislation unless specifically authorized by
210 an act of the General Assembly.

211 As used in this section, the words "dam or other structure" mean any structure extending from bank
212 to bank of Goose Creek ~~which~~that will interfere with the normal movement of waterborne traffic,
213 interfere with the normal movement of fish or wildlife, or raise the water level on the upstream side of
214 the structure or lower the water level on the downstream side of the structure.

215 GD. Nothing in this chapter shall preclude the continued use, operation, and maintenance of the
216 existing Fairfax City water impoundment, or the installation of new water intake facilities in the existing
217 reservoir located within the designated section of Goose Creek.

218 § 10.1-411.1. Clinch-Guest State Scenic River.

219 A. The Clinch River from the Route 58 bridge in St. Paul to the junction with the Guest River, a
220 distance of approximately 9.2 miles, and a segment of the Guest River in Wise County, from a point
221 100 feet downstream from the Route 72 bridge to its confluence with the Clinch River, a distance of
222 approximately 6.5 miles, are hereby designated a component of the Virginia Scenic Rivers System;
223 however, this description shall not be construed as making the lands along such river unsuitable for
224 underground mining pursuant to § 45.1-252 or regulations promulgated thereunder.

225 B. The Department of Conservation and Recreation is designated to administer the Clinch-Guest State
226 Scenic River in accordance with this section.

227 C. The Governor, in consultation with the Director, shall appoint the Clinch- Guest Scenic River
228 Advisory Board, which shall be composed of nine area residents, including at least one riparian
229 landowner on the Clinch River and at least one riparian landowner from within the LENOWISCO
230 Planning District Area.

231 DB. Nothing in this chapter shall be construed to prevent the construction, use, operation and
232 maintenance of a natural gas pipeline on or beneath the ~~two~~ 2 existing railroad trestles, ~~one~~ 1 located
233 just south of the Swede Tunnel and the other located just north of the confluence of the Guest River
234 with the Clinch River, or to prevent the use, operation and maintenance of such railroad trestles in
235 furtherance of the construction, operation, use and maintenance of such pipeline. Nothing in this chapter
236 shall be construed to prevent the construction, use, operation and maintenance of a natural gas pipeline
237 traversing the river at, or at any point north of, the existing power line ~~which~~that is located
238 approximately 200 feet north of the northern entrance to the Swede Tunnel.

239 EC. Nothing in this chapter shall preclude the federal government, Commonwealth or a local
240 jurisdiction from constructing or reconstructing any road or bridge.

241 § 10.1-412. Historic Falls of the James State Scenic River.

242 A. The Historic Falls of the James from Orleans Street extended in the City of Richmond westward
243 to the 1970 corporate limits of the city is hereby designated a component of the Virginia Scenic Rivers

System.

B. The City of Richmond is designated to administer this section of the James River.

C. The Falls of the James Committee is continued as the Falls of the James Advisory Board, which shall be composed of nine members, including at least five residents of the City of Richmond. The Governor, in consultation with the Director shall appoint four members and the Richmond City Council, shall appoint five members.

DB. The City of Richmond shall be allowed to reconstruct, operate and maintain existing facilities at the Byrd Park and Hollywood Hydroelectric Power Stations at current capacity.

EC. Nothing in this chapter shall be construed to prevent the Commonwealth, the City of Richmond or any common carrier railroad from constructing or reconstructing floodwalls or public common carrier facilities which~~that~~ may traverse the river, such as road or railroad bridges, raw water intake structures, or water or sewer lines which~~that~~ would be constructed below water level.

§ 10.1-413. James River State Scenic River.

A. That portion of the James River in Botetourt County, from a point ~~two~~ 2 miles southeast of the point where Route 43 (old Route 220) crosses the James River at Eagle Rock running approximately ~~fourteen~~ 14 miles southeastward to the point where Route 630 crosses the James River at Springwood is hereby designated a component of the Virginia Scenic Rivers System.

B. ~~The Botetourt County Board of Supervisors is designated to administer this section of the James River Scenic River.~~

CB. No dam or other structure that impedes the natural flow of the James River in Botetourt County shall be constructed, operated or maintained within the section of the James River designated as a scenic river by this statute unless specifically authorized by an act of the General Assembly.

§ 10.1-413.1. Moormans State Scenic River.

A. The Moormans River in Albemarle County, from the Charlottesville Reservoir to its junction with the Mechums River, is hereby designated a component of the Virginia Scenic Rivers System.

B. ~~The County of Albemarle is designated to administer the Moormans Scenic River in accordance with this section.~~

C. ~~The Governor, in consultation with the Director and the County of Albemarle, shall appoint the Moormans Scenic River Advisory Board, which shall be composed of five area residents, including at least one riparian landowner, from within the designated section.~~

DB. No dam or other structure impeding the natural flow of the river shall be constructed, operated, or maintained unless specifically authorized by an act of the General Assembly.

§ 10.1-413.2. North Landing and Tributaries State Scenic River.

A. The North Landing from the North Carolina line to the bridge at Route 165, the Pocaty River from its junction with the North Landing River to the Blackwater Road bridge, West Neck Creek from the junction with the North Landing River to Indian River Road bridge, and Blackwater Creek from the junction with the North Landing River to the confluence, approximately 4.2 miles, of an unnamed tributary approximately 1.75 miles, more or less, west of Blackwater Road, are hereby designated as components of the Virginia Scenic Rivers System.

B. ~~The Department of Conservation and Recreation is designated to administer the North Landing and Tributaries Scenic River in accordance with this section.~~

C. ~~The Governor, in consultation with the Director and the Cities of Virginia Beach and Chesapeake, shall appoint the North Landing and Tributaries Scenic River Advisory Board, which shall be composed of five area residents, including at least one riparian landowner, from within the designated section.~~

DB. No dam or other structure impeding the natural flow of the river shall be constructed, operated, or maintained unless specifically authorized by an act of the General Assembly.

§ 10.1-414. Nottoway State Scenic River.

A. ~~The Nottoway River in Sussex County and Southampton County, from the Route 40 bridge at Stony Creek to the Careys Bridge at Route 653, a distance of approximately 39 1/2 miles, is hereby designated a component of the Virginia Scenic Rivers System.~~

B. ~~The Department of Conservation and Recreation is designated to administer the Nottoway Scenic River in accordance with this section.~~

C. ~~The Governor, in consultation with the Director, shall appoint the Nottoway State Scenic River Advisory Board. The Advisory Board shall be composed of local residents, including at least four riparian landowners within the designated section. An equal number of members of the Advisory Board shall be residents of Sussex County and Southampton County.~~

§ 10.1-415. Rappahannock State Scenic River.

A. The mainstem of the Rappahannock River in Rappahannock, Culpeper, Fauquier, Stafford, and Spotsylvania Counties and the City of Fredericksburg from its headwaters near Chester Gap to the Ferry Farm-Mayfield Bridge, a distance of approximately ~~eighty-six~~ 86 river miles, is hereby designated a component of the Virginia Scenic Rivers System.

305 B. The Department of Game and Inland Fisheries is designated to administer the Rappahannock State
306 Scenic River.

307 C. The Governor shall appoint a Rappahannock Scenic River Advisory Board. The Director shall
308 make recommendations to the Governor after consulting with the affected county boards of supervisors
309 and the Fredericksburg City Council. The Advisory Board shall be composed of local residents,
310 including riparian landowners within the designated section. Each of the involved counties and the City
311 shall enjoy equal representation on the Advisory Board.

312 DB. Nothing in this chapter shall preclude the continued operation and maintenance of existing dams
313 in the designated section.

314 EC. Nothing in this chapter shall preclude the continued operation, maintenance, alteration,
315 expansion, or destruction of the Embrey Dam or its appurtenances by the City of Fredericksburg,
316 including the old VEPCO canal and the existing City Reservoir behind the Embrey Dam, or any other
317 part of the City's waterworks.

318 FD. Nothing in this chapter shall preclude the Commonwealth, the City of Fredericksburg, or the
319 Counties of Stafford, Spotsylvania, or Culpeper from constructing or reconstructing any road or bridge
320 or from constructing any new raw water intake structures or devices, including pipes and reservoirs but
321 not dams, or laying water or sewer lines below water level.

322 GE. Nothing in this chapter shall preclude the construction, operation, repair, maintenance, or
323 replacement of the natural gas pipeline, case number PUE 860065, for which the State Corporation
324 Commission has issued a certificate of public convenience and necessity.

325 § 10.1-415.1. Rockfish State Scenic River.

326 A. The Rockfish River in Albemarle and Nelson Counties from the Route 693 bridge in Schuyler to
327 its confluence with the James River, a distance of approximately 9.75 miles, is hereby designated a
328 component of the Virginia Scenic Rivers System.

329 B. The Department of Conservation and Recreation is designated to administer the Rockfish State
330 Scenic River in accordance with this section.

331 C. The Governor, in consultation with the Director and the Nelson County and Albemarle County
332 Boards of Supervisors, shall appoint the Rockfish State Scenic River Advisory Board, which shall be
333 composed of five area residents, including at least one riparian landowner, from within the designated
334 section.

335 DB. Nothing in this chapter shall preclude the Commonwealth or local governing body from
336 constructing or reconstructing any road or bridge.

337 § 10.1-416. Rivanna State Scenic River.

338 A. The river, stream or waterway known as the Rivanna from the base of the dam of the woolen
339 mills in the City of Charlottesville to the junction of the Rivanna with the James River, a distance of
340 approximately ~~thirty-seven~~ 37 miles, is hereby designated the Rivanna Scenic River, a component of the
341 Virginia Scenic Rivers System.

342 B. The Department is designated to administer the Rivanna State Scenic River.

343 C. The Governor, in consultation with the Director and the Counties of Albemarle and Fluvanna,
344 shall appoint the Rivanna Scenic River Advisory Board, which shall be composed of seven area
345 residents, including at least one riparian landowner, from within the designated section.

346 DB. No dam or other structure impeding the natural flow of the river shall be constructed, operated,
347 or maintained unless specifically authorized by an act of the General Assembly.

348 § 10.1-417. Shenandoah State Scenic River.

349 A. The Shenandoah River in Clarke County from the Warren-Clarke County line to the Virginia line,
350 a distance of approximately 21.6 miles, is hereby designated a component of the Virginia Scenic Rivers
351 System.

352 B. The Department of Game and Inland Fisheries is designated to administer the Shenandoah State
353 Scenic River.

354 C. The Governor shall appoint the Shenandoah State Scenic River Advisory Board. The Director
355 shall make recommendations to the Governor after consulting with the Clarke County Board of
356 Supervisors. The Advisory Board shall be composed of local residents, a majority of whom shall be
357 riparian landowners within the designated section.

358 DB. No dam or other structure that impedes the natural flow of the Shenandoah River shall be
359 constructed, operated, or maintained within the section of the Shenandoah River designated as a scenic
360 river by this legislation unless specifically authorized by an act of the General Assembly.

361 As used in this section, the words "dam or other structure" mean any structure extending from bank
362 to bank of the Shenandoah River which ~~that~~ will interfere with the normal movement of fish or wildlife,
363 raise the water level on the upstream side of the structure or lower the water level on the downstream
364 side of the structure.

365 § 10.1-418. Staunton State Scenic River.

366 A. The river, stream or waterway known as the Staunton or the Roanoke from State Route 360 to

State Route 761 at the Long Island Bridge, a distance of approximately 40.5 51.3 river miles, is hereby designated the Staunton State Scenic River, a component of the Virginia Scenic Rivers System.

B. The Department of Game and Inland Fisheries is designated to administer the Staunton State Scenic River.

§ 10.1-418.1. North Meherrin State Scenic River.

A. The North Meherrin River in Lunenburg County from the Route 712 Bridge to the junction with the South Meherrin River, a distance of approximately 7.5 miles, is hereby designated a component of the Virginia Scenic Rivers System.

B. The Department of Conservation and Recreation is designated to administer the North Meherrin State Scenic River.

C. The Governor, in consultation with the Director and the Board of Supervisors of Lunenburg County, shall appoint a North Meherrin Scenic River Advisory Board, which shall be composed of five area residents, including at least one riparian landowner, from within the designated section.

§ 10.1-418.2. Historic Lower James State Scenic River.

A. In keeping with the public policy of the Commonwealth to conserve the portions of certain rivers possessing superior natural beauty, thereby assuring their use and enjoyment for their fish and wildlife, historic, scenic, recreational, geologic, cultural and other assets, that portion of the Lower James River in Charles City, James City and Surry Counties, from an unnamed tributary to the James River approximately 1.2 miles east of Trees Point in Charles City County (northside) and Upper Chippokes Creek (southside) to Grices Run (northside) and Lawnes Creek (southside) is hereby declared to be an historic river with noteworthy scenic and ecological qualities and is hereby designated a component of the Virginia Scenic Rivers System.

B. In all planning for the use and development of water and related land resources that changes the character of a stream or waterway or destroys its historic, scenic, or ecological assets, full consideration and evaluation of the river as an historic, scenic, and ecological resource shall be given before such work is undertaken. Alternative solutions shall also be considered before such work is undertaken.

C. Nothing in this designation shall impair the powers and duties of the local jurisdictions listed above or the Virginia Department of Transportation.

§ 10.1-418.3. St. Mary's State Scenic River.

A. As the authority of the federal government over the St. Mary's River prevents the Commonwealth from legally including the river as a component of the Virginia Scenic Rivers System, the segment of the St. Mary's River from its headwaters to the border of the George Washington National Forest, all on national forest property, is hereby recognized as one of Virginia's Scenic River resources and is worthy of designation as such.

B. All land and water uses along this portion of the St. Mary's River that are permitted by law shall not be restricted.

C. The Department shall consult with the Augusta County Board of Supervisors and the Supervisor of the George Washington National Forest on matters related to this Scenic River.

2. That Chapter 4.1 (§ 10.1-419) of Title 10.1 of the Code of Virginia is repealed.

3. That House Joint Resolution No. 278 of the Acts of Assembly of 1979 is repealed.

4. That the Department of Conservation and Recreation shall submit a report to the Governor and the General Assembly in 2009, no later than November 1, that evaluates the effectiveness of the Virginia Scenic Advisory Board. The Department shall examine the activities of the Board, determine whether the Board should be continued, abolished, or modified, and recommend other improvements for the administration of the Virginia Scenic Rivers System. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports.