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HOUSE BILL NO. 1627

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 22, 2003)

(Patrons Prior to Substitute—Delegates Cox and Athey [HB 1970])

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 a section numbered 10.1-418.2, and to repeal House Joint Resolution No. 278 of the Acts of Assembly of 1979, relating to the creation of the Virginia Scenic River Board; state scenic rivers; and dissolution of the Scenic River Advisory Boards; report.*

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 a section numbered 10.1-418.2 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 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.

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

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

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

62 3. Assist local governments in solving problems associated with the ~~scenic river~~ Virginia Scenic
63 Rivers System, in consultation with the Director, ~~the Board~~, and the ~~Advisory Board~~ advisory committees.

64 B. The ~~administering agency~~ Department shall not exercise the right of eminent domain to acquire
65 any real property or interest therein for the purpose of providing additional access to ~~the any scenic~~
66 river. Nothing in this subsection shall limit or modify any powers granted otherwise to any locality.

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

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

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

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

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

81 § 10.1-406. Virginia Scenic River Board.

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

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

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

101 The Board shall have no regulatory authority.

102 B. The ~~Advisory Board~~ shall assist and advise the Governor and the Director and the ~~administering~~
103 ~~agency~~ concerning the protection or management of the ~~scenic river~~ Virginia Scenic Rivers System. ~~The~~
104 ~~Advisory Board may~~ Upon the request of the Governor, or the Director, the Board shall institute
105 investigations and make recommendations. The Board shall have general powers and duties to (i) advise
106 the Director on the appointment of Scenic River Advisory Committees or other local or regional
107 committees pursuant to § 10.1-401; (ii) formulate recommendations concerning designations for
108 proposed scenic rivers or extensions of existing scenic rivers; (iii) consider and comment to the Director
109 on any federal, state or local governmental plans to approve, license, fund or construct facilities
110 ~~which that~~ would alter the natural, scenic or historic any of the assets ~~which that~~ qualified the river for
111 scenic designation; (iv) assist the Director in reviewing and making recommendations regarding all
112 planning for the use and development of water and related land resources including the construction of
113 impoundments, diversions, roadways, crossings, channels, locks, canals, or other uses that change the
114 character of a stream or waterway or destroy its scenic assets, so that full consideration and evaluation
115 of the river as a scenic resource will be given before alternative plans for use and development are
116 approved; (v) assist the Director in preserving and protecting the natural beauty of the scenic rivers,
117 assuring the use and enjoyment of scenic rivers for fish and wildlife, scenic, recreational, geologic,
118 historic, cultural or other assets, and encouraging the continuance of existing agricultural, horticultural,
119 forestal and open space land and water uses; (vi) advise the Director and the affected local jurisdiction
120 on the impacts of proposed uses of each scenic river and its related land resources; and (vii) assist
121 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 River.

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

DB. This designation shall not be used:

183 1. To designate the lands along the river and its tributaries as unsuitable for mining pursuant to
184 § 45.1-252 or regulations promulgated with respect to such section; however, the Department of
185 Conservation and Recreation shall still be permitted to exercise the powers granted under § 10.1-402; or
186 2. To be a criterion for purposes of imposing water quality standards under the federal Clean Water
187 Act.

188 § 10.1-411. Goose Creek State Scenic River.

189 A. Goose Creek, from bank to bank in Loudoun County from the Loudoun-Fauquier County line to
190 its junction with the Potomac River, a distance of approximately ~~twenty-eight~~ 28 river miles, is hereby
191 designated a component of the Virginia Scenic Rivers System.

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

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

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

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

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

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

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

214 § 10.1-411.1. Clinch-Guest State Scenic River.

215 A. The Clinch River from the Route 58 bridge in St. Paul to the junction with the Guest River, a
216 distance of approximately 9.2 miles, and a segment of the Guest River in Wise County, from a point
217 100 feet downstream from the Route 72 bridge to its confluence with the Clinch River, a distance of
218 approximately 6.5 miles, are hereby designated a component of the Virginia Scenic Rivers System;
219 however, this description shall not be construed as making the lands along such river unsuitable for
220 underground mining pursuant to § 45.1-252 or regulations promulgated thereunder.

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

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

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

235 E. Nothing in this chapter shall preclude the federal government, Commonwealth or a local
236 jurisdiction from constructing or reconstructing any road or bridge.

237 § 10.1-412. Historic Falls of the James State Scenic River.

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

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

242 C. The Falls of the James Committee is continued as the Falls of the James Advisory Board, which
243 shall be composed of nine members, including at least five residents of the City of Richmond. The
244 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.

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

C. ~~The Governor shall appoint a Rappahannock Scenic River Advisory Board. The Director shall make recommendations to the Governor after consulting with the affected county boards of supervisors and the Fredericksburg City Council. The Advisory Board shall be composed of local residents,~~

including riparian landowners within the designated section. Each of the involved counties and the City shall enjoy equal representation on the Advisory Board.

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

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

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

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

§ 10.1-415.1. Rockfish State Scenic River.

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

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

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

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

§ 10.1-416. Rivanna State Scenic River.

A. The river, stream or waterway known as the Rivanna from the base of the dam of the woolen mills in the City of Charlottesville to the junction of the Rivanna with the James River, a distance of approximately thirty-seven³⁷ miles, is hereby designated the Rivanna Scenic River, a component of the Virginia Scenic Rivers System.

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

C. The Governor, in consultation with the Director and the Counties of Albemarle and Fluvanna, shall appoint the Rivanna Scenic River Advisory Board, which shall be composed of seven 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.

§ 10.1-417. Shenandoah State Scenic River.

A. The Shenandoah River in Clarke County from the Warren-Clarke County line to the Virginia line, a distance of approximately 21.6 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 Shenandoah State Scenic River.

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

DB. No dam or other structure that impedes the natural flow of the Shenandoah River shall be constructed, operated, or maintained within the section of the Shenandoah River 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 the Shenandoah River which~~that~~ will 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.

§ 10.1-418. Staunton State Scenic River.

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

3. 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 River 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.