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SENATE BILL NO. 551

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 19, 2014)

(Patron Prior to Substitute—Senator Puckett)

A *BILL to amend and reenact §§ 10.1-408, 10.1-410.2, and 10.1-411.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-411.4, relating to designation of a segment of the Cranesnest River as State Scenic River.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-408, 10.1-410.2, and 10.1-411.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-411.4 as follows:

§ 10.1-408. Uses not affected by scenic river designation.

A. Except as provided in § 10.1-407, all riparian land and water uses along or in the designated section of a river which are permitted by law shall not be restricted by this chapter.

B. *Designation as a scenic river shall not be used:*

1. *To designate the lands along the river and its tributaries as unsuitable for mining pursuant to § 45.1-252 or regulations promulgated with respect to such section, or as unsuitable for use as a location for a surface mineral mine as defined in 45.1-161.292:2; however, the Department shall still be permitted to exercise the powers granted under § 10.1-402; or*

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

§ 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 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. This designation shall not be used:

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

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

§ 10.1-411.2. Russell Fork State Scenic River.

A. The Russell Fork River from the Splashdam railroad crossing to the Kentucky state line, a distance of nine miles in Dickenson County, is hereby designated a component of the Virginia Scenic Rivers System.

B. 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.

C. This designation shall not be used:

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

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

§ 10.1-411.4. Cranesnest State Scenic River.

A. The Cranesnest River from Route 637 to the Flanagan Reservoir Cranesnest Launch Ramp in Dickenson County, a distance of approximately 10.7 miles, is hereby designated a component of the Virginia Scenic Rivers System.

B. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.