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HOUSE BILL NO. 2028

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend and reenact §§ 10.1-401 and 10.1-406.1 of the Code of Virginia, relating to scenic river designation.*

Patrons—Wilt, Fariss and Poindexter

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 10.1-401 and 10.1-406.1 of the Code of Virginia are amended and reenacted as follows:
§ 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 three 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 submit observations to the Director and any local governing body 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. *However, the Department, the Director, and the committees are not authorized to take any action that prohibits, impedes, or restricts a project that may potentially alter the scenic river assets.*

B. *In considering recommendations and observations to local governing bodies, the Director and the advisory committees shall protect the inherent rights of private property owners, and shall consider any financial or other impacts that such recommendations may have on private property owners if the recommendations are implemented by the local governing body. The Director shall take into account the cost to alter or not proceed with a project in order to accommodate a designated scenic river, regardless of whether it is a project administered by the local, state, or federal government, a public utility, or a private entity or property owner.*

C. 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.

§ 10.1-406.1. 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~~ *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 Such* committees may consider and comment to the Director *and local governing body* 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. *However, no committee is authorized to take any action that prohibits, impedes, or restricts a project that may potentially alter the scenic river assets.*

INTRODUCED

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