

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED

Senate Bill No. 485

(BY SENATORS KIRKENDOLL, BEACH, D. HALL, MILLER, SNYDER,
BARNES, STOLLINGS AND PLYMALE)

[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

E N R O L L E D

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(BY SENATORS KIRKENDOLL, BEACH, D. HALL, MILLER, SNYDER,
BARNES, STOLLINGS AND PLYMALE)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §22-13-7 of the Code of West Virginia, 1931, as amended, relating to permitting requirements under the Natural Streams Preservation Act; and exempting the Division of Highways under certain circumstances.

Be it enacted by the Legislature of West Virginia:

That §22-13-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 13. NATURAL STREAMS PRESERVATION ACT.

§22-13-7. When permits required; when permits not to be issued.

1 (a) It is unlawful for any person, until the department's
2 permit has been granted, to modify any protected stream or
3 any part of the stream. A permit may not be issued unless the
4 work proposed to be done under the permit:

5 (1) Will not materially alter or affect the free-flowing
6 characteristics of a substantial part of a protected stream or
7 streams;

8 (2) Is necessary to prevent an undue hardship; and

9 (3) Meets with the approval of the secretary.

10 (b) The Department of Transportation's Division of
11 Highways is not required to obtain a permit under this section
12 when it is repairing or replacing damaged bridges and that
13 repair or replacement requires the construction of temporary
14 flow diversions in the stream that will not permanently
15 materially alter or affect the free-flowing characteristics of a
16 substantial part of the stream, so long as boat passage remains
17 available during the entire period of bridge repair or
18 replacement.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor