

1 **ENROLLED**

2 **Senate Bill No. 485**

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

5 _____
6 [Passed March 8, 2014; in effect ninety days from passage.]
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11 AN ACT to amend and reenact §22-13-7 of the Code of West Virginia,
12 1931, as amended, relating to permitting requirements under
13 the Natural Streams Preservation Act; and exempting the
14 Division of Highways under certain circumstances.

15 *Be it enacted by the Legislature of West Virginia:*

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

18 **ARTICLE 13. NATURAL STREAMS PRESERVATION ACT.**

19 **§22-13-7. When permits required; when permits not to be issued.**

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

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

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

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

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