

CHAPTER NO. 232

HOUSE BILL NO. 1374

By Representatives Sands, McDaniel

Substituted for: Senate Bill No. 1651

By Senators Elsea, Clabough, Norris, Blackburn

AN ACT to amend the Scenic Rivers Act, Part 1 of Chapter 13 of Title 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 11-13-104, is amended by adding the following language under "Class II Pastoral River Areas" so as to maintain the items in alphabetical order:

Duck River -- That segment of the Duck River beginning at Iron Bridge Road at river mile 136.4 extending continuously to a point upstream to the boundary of Marshall County at river mile 173.7.

SECTION 2. Tennessee Code Annotated, Section 11-13-108, is amended by designating the existing language as subsection (a) and adding the following subsection (b):

(b)

(1) For the establishment of boundaries on the new scenic river created by this act, a segment of the Duck River, the commissioner of environment and conservation shall engage in a new program of cooperative effort with landowners. As soon as practicable, the commissioner shall engage in a program of outreach and education of the property owners in the area of this river segment and the local community to explain the program and the environmental and economic benefits it affords. The commissioner shall then, using sound discretion and considering all relevant circumstances, establish a perpetual boundary of the scenic river area associated with the river or river segment. If the proposed boundary of the scenic river area includes private property, the state shall obtain the notarized consent of the private landowner before establishing the boundary.

(2) No later than July 31, 2005, the commissioner of environment and conservation shall submit a report to the chairs of the senate environment, conservation, and tourism committee and the house conservation and environment committee on this cooperative effort. The report shall include a description of the outreach and educational efforts of the department, a description of the areas for which landowner consent for scenic river boundaries was obtained, a description of the areas for which scenic river boundaries were established or are in the process of being established for the river, and recommendations for or against expanding this program of cooperative effort to all scenic rivers and any suggested modifications. Until the statute is amended

to the contrary, the department shall only establish boundaries on this river based upon the consent of the owner of any affected private lands.

SECTION 3. The department of environment and conservation shall engage in an assessment of whether the segment of the Caney Fork River in the Bridgestone/Firestone Centennial Wilderness Area should be designated as a scenic river and report back to the general assembly with its recommendation by January 15, 2002. In doing this assessment, the department shall consult with all interested parties.


SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 10, 2001


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 15th day of May 2001


DON SUNDQUIST, GOVERNOR