

# NATURAL STREAMS PRESERVATION ACT (CODE §22-13)



## FACTS AT A GLANCE

### ADMINISTRATOR

Department of Environmental Protection

### FIRST ENACTED

1969, Code §20-5B, Natural Streams Preservation Act

### AMENDED

1994, Code §22-13, Natural Streams Preservation Act

### PURPOSE

Protect certain free-flowing streams from impoundments

### PROTECTED STREAMS

Greenbrier River  
Cranberry River  
New River  
Anthony Creek  
Birch River

### LEVEL OF PROTECTION

Protection against impoundments, dams, and diversions only; DEP could allow through permit application.

The Natural Streams Preservation Act (Code §22-13) was first enacted in 1969. It was rescinded and replaced in 1994, transferring management responsibilities from the Division of Natural Resources to the Department of Environmental Protection.

## WHAT CODE §22-13 DOES NOT DO

The Natural Streams Preservation Act of 1969, as amended in 1994, only protects five current rivers from being impounded and to ensure their free-flowing qualities. However, the law is not binding. The DEP Director can allow an obstruction of a protected stream through a permit application and fee. The Code has not added any rivers or streams for protection since 1994, even though there are many candidates as listed in the National River Inventory (NRI) established by the U.S. Department of Interior. Further, the law does not address adverse impacts to rivers and streams resulting from man-made influences.

## WHY THAT MATTERS

Current code designates the Greenbrier River, Anthony Creek, Cranberry River, Birch River, and New River as "Protected Streams," or protected from impounding. Additional worthy streams and rivers must be protected and conserved from pollution and other adverse human-caused influences. Protection must be extended to include conservation zones alongside wild and scenic rivers, to provide buffers to filter human-caused pollution, to protect their natural outstanding values, to guarantee the welfare of their native habitat, and to ensure clean water for drinking and recreation.

Repealing the current code and replacing it with the West Virginia Scenic Rivers Act will better recognize and promote more outstanding rivers and streams and provide more protections against human-made impacts.