

SENATE BILL 841

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 13, relative to the classification of a segment of the Duck River as a scenic river.

WHEREAS, at some 270 miles in length, the Duck River is the longest river contained entirely within Tennessee's borders; and

WHEREAS, on its journey through Middle Tennessee to the Tennessee River, the Duck River passes through some of the state's most scenic pastoral lands, and recreational opportunities abound on this meandering, primarily free-flowing river; and

WHEREAS, as an important source of food, water, and transportation, the Duck River has been a major influence on the history of the region from the earliest habitation by native Americans, through the early settlers, to today's 21st century inhabitants; and

WHEREAS, the Duck River possesses abundant scenic, ecological, cultural, and historical values and is home to many species of rare and endangered plants and animals; and

WHEREAS, over 500 species of aquatic plants, fish, and invertebrates have been documented in the section of the Duck River that has previously been designated as a state scenic river alone, including at least 39 mussel and 84 fish species; indeed, the Duck River contains more species of fish than all of Europe; and

WHEREAS, the Duck River is clearly one of the most biologically rich and diverse rivers in North America; however, many of its species are endangered and in need of assistance; and

WHEREAS, the Duck River has already lost at least 35 species of mussels, and the Upper Duck River Watershed contains the second highest number (33) of at-risk fish and mussel species, as well as the second highest number (13) of federally endangered fish and mussel species in the nation; and

WHEREAS, the Duck River is also home to the endangered Pygmy Madtom; found only in the Duck and Clinch rivers; this small, black and white catfish is an indicator species for river conditions, as it is very sensitive to toxic chemicals and increased sedimentation; and

WHEREAS, the designation of an additional segment of the Duck River as a scenic river will contribute to a greater awareness, interest, and focus on the river and result in more help for these rare and endangered species and increased protection for their habitat; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 11-13-104, is amended by deleting the period (.) at the end of the Duck River description under the Class II Pastoral River Areas category and by adding the following language thereto:

and that segment of the Duck River beginning at Iron Bridge Road at river mile 136.4 extending continuously downstream to the confluence of the Duck River and the Tennessee River in Humphreys County.

SECTION 2.

(a) For the establishment of boundaries on the new segment of scenic river created by this act, an additional 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.

(b) No later than July 31, 2010, the commissioner of environment and conservation shall submit a report to the chairs of the senate environment, conservation, and tourism committee and the conservation and environment committee of the house of representatives 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. Unless this section 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. This act shall take effect upon becoming a law, the public welfare requiring it.