

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 469

**FISCAL
NOTE**

By Senator Chapman

[Introduced January 16, 2026; referred
to the Committee on Natural Resources; and then to
the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding two new articles,
 2 designated §17-2F-1, §22-26A-1, and §22-26A-2, relating to dredging and clearing
 3 waterways that are prone to flooding.

Be it enacted by the Legislature of West Virginia:

CHAPTER 17. ROADS AND HIGHWAYS.

<u>ARTICLE</u>	<u>26A.</u>	<u>DREDGING</u>	<u>OF</u>	<u>WATERWAYS.</u>
	<u>§17-2F-1.</u>	<u>Dredging</u>	<u>of</u>	<u>waterways.</u>
1		(a) In conjunction with and at the direction of the Department of Environmental Protection,		
2		the Department of Highways shall dredge and otherwise clear waterways within the state that are		
3		designated by the Department of Environmental Protection as prone to flooding and in need of		
4		<u>dredging.</u>		
5		(b) The Department of Highways shall haul away and deposit the dredged material to		
6		appropriate sites as determined by the Department of Environmental Protection.		

CHAPTER 22. ENVIRONMENTAL RESOURCES.

<u>ARTICLE 26A. ASSESSMENT AND DREDGING OF FLOOD-PRONE WATERWAYS.</u>				
	<u>§22-26A-1.</u>	<u>Assessment</u>	<u>of</u>	<u>flood-prone</u>
				<u>waterways.</u>
1		(a) The Department of Environmental Protection shall establish a system for examining		
2		and determining the waterways in the state that are prone to flooding due to silt, sediment and		
3		other detritus that reduce channel capacity and cause these waterways to flood in residential and		
4		business areas, pose a risk for infrastructure damage, or cause the waterways to be otherwise		
5		<u>blocked from their optimum condition and flow.</u>		
6		(1) Creeks, sections of rivers, and streams that are prone to flooding that are near homes		
7		and businesses shall be included, whether these waterways are considered navigable or not.		
8		(2) Areas of physical congestion in waterways that cause flooding to residential and		
9		<u>commercial areas downstream and upstream shall be included even if not near these residential</u>		

10 or commercial properties.

11 (b) Upon identifying the waterways that are blocked or choked by silt and other hindrances,
12 a plan shall be implemented for the removal of the impediments in these waterways, including
13 dredging and hauling away silt and other deposits, as well as all items that create blockages that
14 increase the risk of flooding if left in place.

15 (c) The department shall work with Department of Highways to clear and maintain these
16 flood-prone waterways by dredging and other means of removing blockages and

§22-26A-2. Clearing of flood-prone waterways.

1 (a) The department shall work with the Department of Highways to dredge and clear
2 waterways that have been assessed to require clearing and oversee all aspects of the clearing in
3 order to protect wildlife, indigenous plant life, and prevent pollution from loosened sediment.

4 (b) The department shall obtain and designate storage or uses for the removed sediment
5 and other obstructions of the cleared waterways so that Department of Highways can haul the
6 removed material to the appropriate locations.

NOTE: The purpose of this bill is to provide dredging and clearing for waterways that are prone to flooding.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.