WEST VIRGINIA CODE: §31-15A-8

§31-15A-8. Exemption of certain emergency projects from certificate of public convenience and necessity requirements; review of certain emergency projects by Public Service Commission; and exemption for North Fork Hughes River watershed project.

(a) If the council determines a project to be an emergency, then the emergency project is exempt from the requirement to obtain a certificate of public convenience and necessity under §24-2-11 of this code. If the public utility is a public service district, it is exempt from the approval of the Public Service Commission required under §16-13A-25 of this code.

(b) Projects that are not emergency projects are subject to the requirements of §24-2-11 of this code to the extent they would be otherwise.

(c) The North Fork Hughes River watershed project, proposed to enhance economic growth and development through tourism as provided in §31-15A-2 (l), of this code and to include a water facility project as defined in §31-15A-2-(n), of this code, is hereby specifically exempted from any requirement imposed by this article, except that the provisions of subsection (a) of this section are specifically made applicable to the project. The project is hereby specifically authorized and the public land corporation shall have, and may exercise, the power of eminent domain and all authority otherwise prescribed by law to acquire necessary land and rights-of-way, to include approximately 478 acres, in connection with the project. Funding for the project shall be provided by the federal government from the Appalachian Regional Commission through the Natural Resources Conservation Service. Upon completion of the project, the property acquired shall be transferred to the state park system. The commissioner of the Department of Tourism and parks or the successor to the commissioner's powers and duties is directed to expand the boundaries of North Bend State Park to include the project area and to operate the expanded park property, including improved recreational facilities, from funds appropriated for that purpose.

WV Legislature