

## REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

## AMENDMENTS

1996—Subsec. (e)(4). Pub. L. 104-333 added par. (4).

**§ 460ww-2. Miscellaneous****(a) Lands and waters**

The Secretary may acquire lands or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

**(b) Jurisdiction**

Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not identified under section 460ww-1 of this title as directly related to the Summersville project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary.

**(c) Protection of existing project**

Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary to facilitate and enhance whitewater recreational use and other recreational use of the recreation area.

(Pub. L. 100-534, title II, §203, Oct. 26, 1988, 102 Stat. 2704.)

## REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

Section 1102 of Public Law 99-662, referred to in subsec. (c), is section 1102 of Pub. L. 99-662, title XI, Nov. 17, 1986, 100 Stat. 4225, which is not classified to the Code.

**§ 460ww-3. Authorization of appropriations**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this subchapter.

(Pub. L. 100-534, title II, §204, Oct. 26, 1988, 102 Stat. 2704.)

**§ 460ww-4. Special conditions****(a) New project construction**

If, after October 26, 1988, any department, agency, instrumentality or person commences construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project at or in conjunction with the Summersville project, the department, agency, instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction.

**(b) Adverse effects on recreation area**

If any such new project referred to in subsection (a) of this section will create a direct, physical, adverse effect on access to the recreation area immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for whitewater recreation and other recreational use of the recreation area, the department, agency, instrumentality or person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the Secretary.

**(c) New project permits**

The terms and conditions referred to in this section shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 460ww-1(d) of this title, except that during the four-year period after October 26, 1988, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of August 8, 1988, if such project complies with this section. If such project is licensed within such four-year period, the Secretary shall modify the boundary map referred to in section 460ww of this title to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point five hundred and fifty feet downstream of the existing valve house and one thousand two hundred feet (measured along the river bank) upstream of United States Geological Survey Gauge Numbered 03189600, except in making the modification the Secretary shall maintain within the boundary of the recreation area those lands identified in the boundary map referred to in section 460ww of this title which are not necessary to the operation of such project. If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.

(Pub. L. 100-534, title II, §205, Oct. 26, 1988, 102 Stat. 2704; Pub. L. 104-333, div. I, title IV, §406(c)(1), Nov. 12, 1996, 110 Stat. 4150.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

#### AMENDMENTS

1996—Subsec. (c). Pub. L. 104-333 inserted at end “If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.”

### § 460ww-5. Advisory Committee

#### (a) Establishment

There is hereby established the Gauley River National Recreation Area Advisory Committee (hereinafter in this Act referred to as the “Advisory Committee”). The Advisory Committee shall be composed of fifteen members appointed by the Secretary to serve for terms of two years. Any member of the Advisory Committee may serve after the expiration of his term until a successor is appointed. Any member of the Advisory Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

#### (b) Management and development issues

The Secretary, or his designee, shall meet on a regular basis and consult with the Advisory Committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

#### (c) Expenses

Members of the Advisory Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

#### (d) Membership

The Secretary shall appoint members to the Advisory Committee as follows:

- (1) one member to represent other departments or agencies of the United States administering lands affected by the recreation area, to be appointed from among persons nominated by the head of such department or agency;
- (2) two members to represent the State Department of Natural Resources, to be appointed from among persons nominated by the Governor of the State of West Virginia;
- (3) one member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of West Virginia;
- (4) three members to represent the commercial whitewater rafting industry in West Virginia;
- (5) one member to represent noncommercial whitewater boating organizations;

(6) one member to represent conservation organizations in West Virginia;

(7) one member to represent individuals engaged in game fishing in West Virginia;

(8) one member to represent the Nicholas County Chamber of Commerce;

(9) one member to represent the Fayette County Chamber of Commerce;

(10) one member to represent recreational users of Summersville Lake; and

(11) two members to represent local citizens or citizens groups which are concerned with the Gauley River or own lands included within the boundaries of the recreation area.

#### (e) Termination; charter

The Advisory Committee shall terminate on the date ten years after October 26, 1988, notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Advisory Committee.

(Pub. L. 100-534, title II, §206, Oct. 26, 1988, 102 Stat. 2705.)

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This Act, referred to in subssecs. (a) and (c), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

### SUBCHAPTER CIX—SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

#### § 460xx. Establishment

##### (a) In general

In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established the San Pedro Riparian National Conservation Area (hereafter in this subchapter referred to as the “conservation area”).

##### (b) Area included

The conservation area shall consist of public lands as generally depicted on a map entitled “San Pedro Riparian National Conservation Area—Proposed” numbered AZ-040-OZ, dated January 1988, and consisting of approximately 56,431 acres.

##### (c) Map

As soon as is practicable after November 18, 1988, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this subchapter referred to as the “Secretary”) with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on En-