

(d) Support for committee action

Any action, recommendation, or policy of the advisory committee must be supported by at least five of the members appointed under subsection (b)(1) of this section.

(e) Terms

Members of the advisory committee appointed by the Secretary shall be appointed for terms of three years, except that the members filling five of the eleven positions shall be initially appointed for terms of two years, with subsequent appointments to those positions extending for terms of three years.

(f) Duties

The advisory committee shall meet at least twice annually to—

- (1) review utilization of allocated moneys by States;
- (2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this chapter; and
- (3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this chapter.

(g) Annual report

The advisory committee shall present to the Secretary an annual report on its activities.

(h) Reimbursement for expenses

Nongovernmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 1261(d)(1)(B)¹ of this title, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(i) Report to Congress

Not later than 4 years after December 18, 1991, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a study which summarizes the annual reports of the National Recreational Trails Advisory Committee, describes the allocation and utilization of moneys under this chapter, and contains recommendations for changes in Federal policy to advance the purposes of this chapter.

(j) Termination

The advisory committee established by this section shall terminate on September 30, 2000.

(Pub. L. 102-240, title I, §1303, Dec. 18, 1991, 105 Stat. 2068; Pub. L. 104-59, title III, §§325(h), 337(e), Nov. 28, 1995, 109 Stat. 592, 603; Pub. L. 105-178, title I, §1112(d), June 9, 1998, 112 Stat. 151.)

REFERENCES IN TEXT

Section 1261 of this title, referred to in subsec. (h), was repealed by Pub. L. 105-178, title I, §1112(c), June 9, 1998, 112 Stat. 151.

AMENDMENTS

1998—Subsec. (j). Pub. L. 105-178 added subsec. (j).
1995—Subsec. (b). Pub. L. 104-59, §337(e)(1)(A), substituted “12” for “11” in introductory provisions.

¹ See References in Text note below.

Subsec. (b)(2) to (5). Pub. L. 104-59, §337(e)(1)(B), (C), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

Subsec. (c). Pub. L. 104-59, §337(e)(2), substituted “(b)(3)” for “(b)(2)”.

Subsec. (i). Pub. L. 104-59, §325(h), substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

CHAPTER 28—WILD AND SCENIC RIVERS

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§ 1271. Congressional declaration of policy

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(Pub. L. 90-542, §1(b), Oct. 2, 1968, 82 Stat. 906.)

CODIFICATION

Section consists of subsec. (b) of section 1 of Pub. L. 90-542. Subsecs. (a) and (c) of section 1 are classified to section 1272 of this title and as a note under this section, respectively.

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-11, title V, §5002(a), Mar. 30, 2009, 123 Stat. 1147, provided that: “This section [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the ‘Craig Thomas Snake Headwaters Legacy Act of 2008’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-452, §1, Dec. 22, 2006, 120 Stat. 3363, provided that: “This Act [amending section 1274 of this

title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Musconetcong Wild and Scenic Rivers Act'."

Pub. L. 109-370, §1, Nov. 27, 2006, 120 Stat. 2643, provided that: "This Act [amending section 1276 of this title] may be cited as the 'Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005'."

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-44, §1, Aug. 2, 2005, 119 Stat. 443, provided that: "This Act [amending section 1274 of this title] may be cited as the 'Upper White Salmon Wild and Scenic Rivers Act'."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-365, §1, Dec. 19, 2002, 116 Stat. 3027, provided that: "This Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Caribbean National Forest Wild and Scenic Rivers Act of 2002'."

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-65, §1, Nov. 6, 2001, 115 Stat. 484, provided that: "This Act [amending section 1276 of this title] may be cited as the 'Eightmile River Wild and Scenic River Study Act of 2001'."

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-418, §1, Nov. 1, 2000, 114 Stat. 1817, provided that: "This Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Lower Delaware Wild and Scenic Rivers Act'."

Pub. L. 106-357, §1, Oct. 24, 2000, 114 Stat. 1393, provided that: "This Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'White Clay Creek Wild and Scenic Rivers System Act'."

Pub. L. 106-318, §1, Oct. 19, 2000, 114 Stat. 1278, provided that: "This Act [amending section 1276 of this title] may be cited as the 'Taunton River Wild and Scenic River Study Act of 2000'."

Pub. L. 106-299, §1, Oct. 13, 2000, 114 Stat. 1050, provided that: "This Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Wekiva Wild and Scenic River Act of 2000'."

Pub. L. 106-192, §1, May 2, 2000, 114 Stat. 233, provided that: "This Act [amending section 1274 of this title and provisions classified as a note under section 1274 of this title] may be cited as the 'Lamprey Wild and Scenic River Extension Act'."

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-20, §1, Apr. 9, 1999, 113 Stat. 30, provided that: "This Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Sudbury, Assabet, and Concord Wild and Scenic River Act'."

SHORT TITLE OF 1994 AMENDMENTS

Pub. L. 103-313, §1, Aug. 26, 1994, 108 Stat. 1699, provided that: "This Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Farmington Wild and Scenic River Act'."

Pub. L. 103-242, §1, May 4, 1994, 108 Stat. 611, provided that: "This Act [amending sections 1274 and 1276 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Rio Grande Designation Act of 1994'."

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-170, §1, Dec. 2, 1993, 107 Stat. 1986, provided that: "This Act [amending section 1274 of this title] may be cited as the 'Red River Designation Act of 1993'."

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102-275, §1, Apr. 22, 1992, 106 Stat. 123, provided that: "This Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Arkansas Wild and Scenic Rivers Act of 1992'."

Pub. L. 102-249, §1, Mar. 3, 1992, 106 Stat. 45, provided that: "This Act [amending sections 1274 and 1276 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Michigan Scenic Rivers Act of 1991'."

SHORT TITLE OF 1991 AMENDMENTS

Pub. L. 102-215, §1, Dec. 11, 1991, 105 Stat. 1664, provided that: "This Act [amending section 1276 of this title] may be cited as the 'White Clay Creek Study Act'."

Pub. L. 102-214, §1, Dec. 11, 1991, 105 Stat. 1663, provided that: "This Act [amending section 1276 of this title] may be cited as the 'Lamprey River Study Act of 1991'."

Pub. L. 102-50, §1, May 24, 1991, 105 Stat. 254, provided that: "This Act [amending sections 1274 and 1276 of this title and enacting provisions classified as notes under sections 1a-5 and 1274 of this title] may be cited as the 'Niobrara Scenic River Designation Act of 1991'."

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101-628, title VII, §701, Nov. 28, 1990, 104 Stat. 4497, provided that: "This title [amending section 1276 of this title] may be cited as the 'Sudbury, Assabet, and Concord Wild and Scenic River Study Act'."

Pub. L. 101-628, title XIII, §1301, Nov. 28, 1990, 104 Stat. 4509, provided that: "This Act [probably should be 'this title', amending section 1274 of this title] may be cited as the 'Clarks Fork Wild and Scenic River Designation Act of 1990'."

Pub. L. 101-357, §1, Aug. 10, 1990, 104 Stat. 418, provided that: "This Act [amending section 1276 of this title] may be cited as the 'Pemigewasset River Study Act of 1989'."

Pub. L. 101-356, §1, Aug. 10, 1990, 104 Stat. 417, provided that: "This Act [amending section 1276 of this title] may be cited as the 'Merrimack River Study Act of 1990'."

Pub. L. 101-306, §1, June 6, 1990, 104 Stat. 260, provided that: "This Act [amending section 1274 of this title] may be cited as the 'East Fork of the Jemez River and the Pecos River Wild and Scenic Rivers Addition Act of 1989'."

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-557, title I, §101, Oct. 28, 1988, 102 Stat. 2782, provided that: "This title [amending sections 1274 and 1276 of this title and enacting provisions classified as notes under section 1274 of this title] may be referred to as the 'Omnibus Oregon Wild and Scenic Rivers Act of 1988'."

Pub. L. 100-547, §1, Oct. 28, 1988, 102 Stat. 2736, provided: "That this Act [amending section 1274 of this title and enacting provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the 'Sipsey Wild and Scenic River and Alabama Addition Act of 1988'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-590, title II, §201, Oct. 30, 1986, 100 Stat. 3332, provided that: "This title [amending section 1276 of this title] may be cited as the 'Farmington Wild and Scenic River Study Act'."

SHORT TITLE OF 1972 AMENDMENT

Section 1 of Pub. L. 92-560, Oct. 25, 1972, 86 Stat. 1174, provided: "That this Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the 'Lower Saint Croix River Act of 1972'."

SHORT TITLE

Section 1(a) of Pub. L. 90-542 provided that: "This Act [enacting this chapter] may be cited as the 'Wild and Scenic Rivers Act'."

§ 1272. Congressional declaration of purpose

The purpose of this chapter is to implement the policy set out in section 1271 of this title by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

(Pub. L. 90-542, §1(c), Oct. 2, 1968, 82 Stat. 906.)

CODIFICATION

Section consists of subsec. (c) of section 1 of Pub. L. 90-542. Subsecs. (a) and (b) of section 1 are classified to section 1271 and section 1271 note, respectively.

§ 1273. National wild and scenic rivers system**(a) Composition; application; publication in Federal Register; expense; administration of federally owned lands**

The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this chapter and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County; and that segment of the New River in North Carolina extending from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia State line. Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Act of 1965 [16 U.S.C. 4601-4 et seq.] or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

(b) Classification, designation, and administration of rivers

A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1271 of this title. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

(Pub. L. 90-542, §2, Oct. 2, 1968, 82 Stat. 906; Pub. L. 94-407, §1(1), Sept. 11, 1976, 90 Stat. 1238; Pub. L. 95-625, title VII, §761, Nov. 10, 1978, 92 Stat. 3533.)

REFERENCES IN TEXT

The Land and Water Conservation Act of 1965, referred to in subsec. (a), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of this title and Tables.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-625 provided for notification of the Federal Energy Regulatory Commission and publication of any application in the Federal Register; made it an expense of the United States for administration and management of federally owned lands; treated amounts available to the States under provisions of law not as an expense of the United States; and made federally owned lands within boundaries of State rivers free of ownership or administration of State or local authority.

1976—Subsec. (a). Pub. L. 94-407 inserted provision for inclusion of specified segment of New River in North Carolina.

§ 1274. Component rivers and adjacent lands**(a) Designation**

The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.