

§ 460m-22. General management plan; submission to Congressional committees

Within three years from November 10, 1978, the Secretary shall develop and transmit to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, a general management plan for the protection and development of the national river consistent with the purposes of this subchapter, indicating—

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the unit; and

(4) indications of potential modifications to the external boundaries of the unit, and the reasons therefor.

(Pub. L. 95-625, title XI, §1109, Nov. 10, 1978, 92 Stat. 3548.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460m-23. Cooperation

The Secretary of the Army shall cooperate with the Secretary of the Interior concerning the water requirements of the national river. The Secretary of the Army shall provide for release of water from the Bluestone Lake project consistent with that project's purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river.

(Pub. L. 95-625, title XI, §1110, Nov. 10, 1978, 92 Stat. 3548.)

§ 460m-24. Class I or class II redesignation for clean air purposes

For the purposes of part C of the Clean Air Act [42 U.S.C. 7470 et seq.], the State may redesignate the national river only as class I or class II.

(Pub. L. 95-625, title XI, §1111, Nov. 10, 1978, 92 Stat. 3548.)

REFERENCES IN TEXT

The Clean Air Act, referred to in text, is act July 14, 1955, ch. 360, as amended generally by Pub. L. 88-206, Dec. 17, 1963, 77 Stat. 392, and later by Pub. L. 95-95, Aug. 7, 1977, 91 Stat. 685. The Clean Air Act was originally classified to chapter 15B (§1857 et seq.) of Title 42, The Public Health and Welfare. On enactment of Pub. L. 95-95, the Act was reclassified to chapter 85 (§7401 et seq.) of Title 42. Part C of the Clean Air Act is classified generally to part C (§7470 et seq.) of subchapter I of chapter 85 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

§ 460m-25. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this subchapter, but not to exceed \$20,000,000 for the acquisition of lands and interests in lands, and not to exceed \$3,000,000 for development.

(Pub. L. 95-625, title XI, §1112, Nov. 10, 1978, 92 Stat. 3548; Pub. L. 99-500, §101(h) [title I, §116(b)], Oct. 18, 1986, 100 Stat. 1783-242, 1783-266, and Pub. L. 99-591, §101(h) [title I, §116(b)], Oct. 30, 1986, 100 Stat. 3341-242, 3341-266; Pub. L. 99-590, title X, §1002, Oct. 30, 1986, 100 Stat. 3340.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

1986—Pub. L. 99-500, Pub. L. 99-590, Pub. L. 99-591, amended section identically substituting “\$3,000,000” for “\$500,000”.

§ 460m-26. Cooperative agreements with State

In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable or non-reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(Pub. L. 95-625, title XI, §1113, as added Pub. L. 100-534, title I, §102, Oct. 26, 1988, 102 Stat. 2700.)

§ 460m-27. Improvement of access at Cunard

(a) Development and improvement

The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

(b) Interim measures

Pending completion of the developments and improvements referred to in subsection (a) of this section, the Secretary shall permit the motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is less than three thousand cubic feet per second.

(Pub. L. 95-625, title XI, §1114, as added Pub. L. 100-534, title I, §103, Oct. 26, 1988, 102 Stat. 2700.)

§ 460m-28. Flow management

(a) Findings

The Congress finds that adjustments of flows from Bluestone Lake project during periods of low flow are necessary to respond to the congressional mandate contained in section 460m-23 of this title and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

(b) Report to Congress required

The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives not later than December 31, 1989. Before submission of the report to these Committees, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

(c) Contents of study

The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake project during periods when flows from the lake are less than three thousand cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and white-water recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

(d) Test procedures

As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake project during twenty-four-hour periods during the summer of 1989 when flows are less than three thousand cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c) of this section. The tests shall provide adjustments in the timing of daily flows from Bluestone Lake project which permit flows higher than the twenty-four-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than one thousand seven hundred cubic feet per second and no test shall reduce flows below that level.

(Pub. L. 95-625, title XI, §1115, as added Pub. L. 100-534, title I, §104, Oct. 26, 1988, 102 Stat. 2701.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460m-29. Glade Creek visitor facility

In order to provide for public use and enjoyment of the scenic and natural resources of the New River Gorge National River and in order to provide public information to visitors with respect to the national river and associated State parklands, the Secretary is authorized and directed to construct a scenic overlook and visitor information facility at a suitable location accessible from Interstate 64 in the vicinity of Glade Creek within the boundary of the national river. There is authorized to be appropriated such sums as may be necessary to carry out construction (including all related planning and design) of the scenic overlook and visitor information facility.

(Pub. L. 95-625, title XI, §1116, as added Pub. L. 100-534, title I, §105, Oct. 26, 1988, 102 Stat. 2702.)

§ 460m-29a. New River Gorge and Gauley River Visitor Center

The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

(Pub. L. 104-333, div. I, title IV, §406(b), Nov. 12, 1996, 110 Stat. 4150.)

CODIFICATION

Section was enacted as part of the Omnibus Parks and Public Lands Management Act of 1996, and not as part of title XI of the National Parks and Recreation Act of 1978 which comprises this subchapter.

NEW RIVER VISITOR CENTER

Pub. L. 105-178, title I, §1214(c), June 9, 1998, 112 Stat. 205, provided that:

“(1) IN GENERAL.—The Secretary shall allocate to the Secretary of the Interior amounts made available by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the I-64 Sandstone intersection.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,300,000 for fiscal year 1998, \$1,200,000 for fiscal year 1999, and \$9,900,000 for fiscal year 2000.

“(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.”

§ 460m-30. Applicable provisions of other law**(a) Cooperative agreements**

The provisions of section 460ww-1(e)(1) of this title shall apply to the New River Gorge Na-