

right reserved. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner. Such right may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this subchapter. Upon a determination that the property, or any portion thereof, has ceased to be used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) “Improved property” defined

As used in this section the term “improved property” means a detached year-round one-family dwelling which serves as the owner’s permanent place of abode at the time of acquisition, and construction of which was begun before September 3, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

(Pub. L. 92-237, § 2, Mar. 1, 1972, 86 Stat. 44.)

CODIFICATION

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 460m-10. Hunting and fishing; rules and regulations

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

(Pub. L. 92-237, § 3, Mar. 1, 1972, 86 Stat. 45.)

§ 460m-11. Water resource projects

The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or

agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on March 1, 1972. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction on any such project, whether heretofore or hereafter authorized, without, at least sixty days in advance, (i) advising the Secretary, in writing, of its intention so to do and (ii) reporting to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, respectively, the nature of the project involved and the manner in which such project would conflict with the purposes of this subchapter or would affect the national river and the values to be protected by it under this subchapter.

(Pub. L. 92-237, § 4, Mar. 1, 1972, 86 Stat. 45; Pub. L. 95-91, title IV, § 402(a)(1)(A), Aug. 4, 1977, 91 Stat. 583; Pub. L. 103-437, § 6(n)(1), Nov. 2, 1994, 108 Stat. 4586.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate” for “Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate”.

TRANSFER OF FUNCTIONS

“Federal Energy Regulatory Commission” substituted for “Federal Power Commission” in text pursuant to Pub. L. 95-91, § 402(a)(1)(A), which is classified to section 7172(a)(1)(A) of Title 42, The Public Health and Welfare.

Federal Power Commission terminated and functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42.

§ 460m-12. Administration, protection, and development

The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and

management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(Pub. L. 92-237, § 5, Mar. 1, 1972, 86 Stat. 45.)

§ 460m-13. Suitability for preservation as a wilderness; area review and report to President

Within three years from March 1, 1972, the Secretary shall review the area within the boundaries of the national river and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendation as to the suitability or nonsuitability of any area within the national river for preservation as a wilderness, and any designation of any such area as a wilderness, shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 92-237, § 6, Mar. 1, 1972, 86 Stat. 46.)

§ 460m-14. Authorization of appropriations

For the acquisition of lands and interests in lands, there are authorized to be appropriated not more than \$39,948,000. For development of the national river, there are authorized to be appropriated not to exceed \$9,371,000.

(Pub. L. 92-237, § 7, Mar. 1, 1972, 86 Stat. 46; Pub. L. 94-578, title I, § 101(3), title III, § 310, Oct. 21, 1976, 90 Stat. 2732, 2736; Pub. L. 95-625, title II, § 201(2), Nov. 10, 1978, 92 Stat. 3473.)

AMENDMENTS

1978—Pub. L. 95-625 increased land acquisition appropriations authorization to \$39,948,000 from \$30,071,500.

1976—Pub. L. 94-578 substituted “\$30,071,500” for “\$16,115,000” in provision covering the acquisition of lands and interests in lands and substituted “For development of the national river, there are authorized to be appropriated not to exceed \$9,371,000” for “For development of the national river, there are authorized to be appropriated not more than \$283,000 in fiscal year 1974; \$2,923,000 in fiscal year 1975; \$3,643,000 in fiscal year 1976; \$1,262,000 in fiscal year 1977; and \$1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended”.

SUBCHAPTER LXXI-A—NEW RIVER GORGE NATIONAL RIVER

§ 460m-15. Establishment; administration, protection, and development; utilization of other authorities; boundary description, availability for public inspection

For the purpose of conserving and interpreting outstanding natural, scenic, and historic values and objects in and around the New River Gorge and preserving as a free-flowing stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall establish and administer the New River Gorge National River. The Secretary shall administer, protect, and develop the national river in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented; except that any other statutory authority available to the Secretary for the preservation and management of natural resources may be utilized to the extent he finds

such authority will further the purposes of this subchapter. The boundaries of the national river shall be as generally depicted on the drawing entitled “Proposed New River Gorge National River” numbered NERI 80,034, dated May 2001, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(Pub. L. 95-625, title XI, § 1101, Nov. 10, 1978, 92 Stat. 3544; Pub. L. 100-534, title I, § 101, Oct. 26, 1988, 102 Stat. 2700; Pub. L. 104-333, div. I, title IV, § 406(a)(1), Nov. 12, 1996, 110 Stat. 4149; Pub. L. 107-356, § 2(a), Dec. 17, 2002, 116 Stat. 3013.)

AMENDMENTS

2002—Pub. L. 107-356 substituted “NERI 80,034, dated May 2001” for “NERI-80,028A, dated March 1996”.

1996—Pub. L. 104-333 substituted “NERI-80,028A, dated March 1996” for “NERI-80,023, dated January 1987”.

1988—Pub. L. 100-534 substituted “NERI-80,023, dated January 1987” for “NERI-20,002, dated July 1978”.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-356, § 1, Dec. 17, 2002, 116 Stat. 3013, provided that: “This Act [amending this section and enacting provisions set out as a note under this section] may be cited as the ‘New River Gorge Boundary Act of 2002’.”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-534, § 1, Oct. 26, 1988, 102 Stat. 2699, provided that: “This Act [enacting sections 460m-26 to 460m-29 and 460ww to 460ww-5 of this title, amending this section and section 1274 of this title, and enacting provisions set out as notes under this section and section 1274 of this title] may be cited as the ‘West Virginia National Interest River Conservation Act of 1987’.”

LAND EXCHANGE

Pub. L. 107-356, § 2(b), Dec. 17, 2002, 116 Stat. 3013, provided that:

“(1) IN GENERAL.—The Secretary of the Interior shall complete a fee simple land exchange in the vicinity of Beauty Mountain, Fayette County, West Virginia, to acquire a tract of land identified as NERI Tract Number 150-07 that lies adjacent to the boundary of the New River Gorge National River in exchange for a tract of land identified as NERI Tract Number 150-08 located within such boundary.

“(2) TREATMENT OF EXCHANGED LANDS.—Upon the completion of such land exchange—

“(A) the land acquired by the United States in the exchange shall be included in the boundaries, and administered as part, of the New River Gorge National River; and

“(B) the land conveyed by the United States in the exchange shall be excluded from the boundaries, and shall not be administered as part, of the New River Gorge National River.”

NEW, GAULEY, MEADOW, AND BLUESTONE RIVERS; CONGRESSIONAL FINDINGS AND PURPOSE

Pub. L. 100-534, § 2, Oct. 26, 1988, 102 Stat. 2699, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River have been preserved and enhanced by its inclusion in the National Park System.

“(2) The establishment of the New River Gorge National River has provided the basis for increased recreation and tourism activities in southern West