

**§ 460ff-5. Authorization of appropriations; master plan**

**(a) Limitation on acquisition of lands and interests in lands**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not more than \$70,100,000 for the acquisition of lands and interests in lands.

**(b) Development of plan; consultation with State; transmittal to Congressional committees; contents**

For the development of the park, including improvements of properties acquired for purposes of this subchapter, there is authorized to be appropriated not more than \$13,000,000. Within one year from the date of establishment of the park pursuant to this subchapter, the Secretary shall, after consulting with the Governor of the State of Ohio, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the park consistent with the objectives of this subchapter, indicating:

- (1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;
- (2) the location and estimated cost of all facilities; and
- (3) the projected need for any additional facilities within the area.

**(c) Restoration of vegetative cover to eliminate erosion**

There are hereby authorized to be appropriated not more than \$500,000 for fiscal year 1986, \$1,000,000 for fiscal year 1987, \$1,500,000 for fiscal year 1988, and \$1,750,000 for fiscal year 1989, to carry out the provisions of section 460ff-3(c)(2) of this title. Any amounts authorized to be appropriated for any fiscal year under this subsection which are not appropriated for that fiscal year shall remain available for appropriation in succeeding fiscal years.

(Pub. L. 93-555, § 5, formerly § 6, Dec. 27, 1974, 88 Stat. 1788; Pub. L. 94-578, title III, § 323(b), Oct. 21, 1976, 90 Stat. 2742; Pub. L. 95-625, title III, § 315(b), (c), Nov. 10, 1978, 92 Stat. 3483; Pub. L. 99-658, title I, § 104(j)(2), Nov. 14, 1986, 100 Stat. 3678; renumbered § 5 and amended Pub. L. 106-291, title I, § 149(c)(2), (d), Oct. 11, 2000, 114 Stat. 956.)

**PRIOR PROVISIONS**

A prior section 5 of Pub. L. 93-555 was classified to section 460ff-4 of this title, prior to repeal by Pub. L. 106-291.

**AMENDMENTS**

2000—Subsec. (b). Pub. L. 106-291, § 149(c)(2), substituted “park” for “recreation area” wherever appearing in introductory provisions.

1986—Subsec. (c). Pub. L. 99-658 added subsec. (c).

1978—Subsec. (a). Pub. L. 95-625, § 315(b), increased appropriations authorization to \$70,100,000 from \$41,100,000.

Subsec. (b). Pub. L. 95-625, § 315(c), substituted “For the development of the recreation area, including improvements of properties acquired for purposes of this subchapter, there is authorized to be appropriated not more than \$13,000,000” for “For the development of es-

sential public facilities there are authorized to be appropriated not more than \$500,000”.

1976—Subsec. (a). Pub. L. 94-578 substituted “\$41,100,000” for “\$34,500,000”.

**CHANGE OF NAME**

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

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.

**EXPENDITURE OF FUNDS TO COMMENCE OCTOBER 1, 1977**

Pub. L. 94-578, title III, § 323(c), Oct. 21, 1976, 90 Stat. 2742, provided that: “No funds authorized by this section [amending sections 460ff-1(a) and 460ff-5 of this title] in excess of those sums previously authorized by the Act of December 27, 1974, [this section as originally enacted], shall be available for expenditure before October 1, 1977.”

**SUBCHAPTER XCI—HELLS CANYON  
NATIONAL RECREATION AREA**

**§ 460gg. Establishment**

**(a) In general**

To assure that the natural beauty, and historical and archeological values of the Hells Canyon area and the seventy-one-mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with portions of certain of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Hells Canyon National Recreation Area.

**(b) Boundaries; publication in Federal Register**

The Hells Canyon National Recreation Area (hereinafter referred to as the “recreation area”), which includes the Hells Canyon Wilderness (hereinafter referred to as the “wilderness”), the components of the Wild and Scenic Rivers System designated in section 3 of this Act, and the wilderness study areas designated in section 460gg-5(d) of this title, shall comprise the lands and waters generally depicted on the map entitled “Hells Canyon National Recreation Area” dated May 1978, which shall be on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as “the Secretary”), shall, as soon as practicable, but no later than eighteen months after December 31, 1975, publish a detailed boundary description of the recreation area, the wilderness study areas designated in section 460gg-5(d) of this title, and the wilderness established in section 460gg-1 of this title in the Federal Register.

(Pub. L. 94-199, § 1, Dec. 31, 1975, 89 Stat. 1117; Pub. L. 95-625, title VI, § 607, Nov. 10, 1978, 92 Stat. 3520.)

**REFERENCES IN TEXT**

Section 3 of this Act, referred to in subsec. (b), is section 3 of Pub. L. 94-199. Subsec. (a) of section 3 added

pars. (11) and (12) of section 1274(a) of this title, relating to components of the national wild and scenic rivers system. Subsec. (b) of section 3, relating to the administration of those segments of the Snake and Rapid Rivers designated as wild or scenic river areas, is set out as a note under section 1274 of this title.

#### AMENDMENTS

1978—Subsec. (b). Pub. L. 95-625 substituted “May 1978” for “September 1975” to clarify that the boundary between Saulsberry and Freezeout Saddles is the hydrologic divide.

#### SEPARABILITY

Pub. L. 94-199, §17, Dec. 31, 1975, 89 Stat. 1123, provided that: “If any provision of this Act [this subchapter] is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.”

### § 460gg-1. Wilderness designation

#### (a) Map designation

The lands depicted as the “Hells Canyon Wilderness” on the map referred to in section 460gg(b) of this title are hereby designated as wilderness.

#### (b) Application of Wilderness Act

The wilderness designated by this subchapter shall be administered by the Secretary in accordance with the provisions of this subchapter or in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.], whichever is the more restrictive, except that any reference in such provisions of the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this subchapter. The provisions of section 460gg-6(b) and section 460gg-8 of this title shall apply to the wilderness. The Secretary shall make such boundary revisions to the wilderness as may be necessary due to the exercise of his authority under subsection 3(b) of this Act.

(Pub. L. 94-199, §2, Dec. 31, 1975, 89 Stat. 1117.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), was in the original “this Act”, which is Pub. L. 94-199, Dec. 31, 1975, 89 Stat. 1117, which enacted sections 460gg to 460gg-13 of this title, amended sections 1274 and 1276 of this title, and enacted provisions set out as notes under sections 460gg and 1274 of this title.

The Wilderness Act, referred to in subsec. (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The effective date of the Wilderness Act, referred to in subsec. (b), means Sept. 3, 1964, the date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

The effective date of this subchapter, referred to in subsec. (b), means Dec. 31, 1975, the date of enactment of Pub. L. 94-199.

Subsection 3(b) of this Act, referred to in subsec. (b), is subsec. 3(b) of Pub. L. 94-199, which is set out as a note under section 1274 of this title.

### § 460gg-2. Federal power and water resources projects

#### (a) Licenses by Federal Energy Regulatory Commission

Notwithstanding any other provision of law, or any authorization heretofore given pursuant

to law, the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: *Provided*, That the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on December 31, 1975.

#### (b) Assistance detrimental to protected waters

No department or agency of the United States may assist by loan, grant, license, or otherwise the construction of any water resource facility within the recreation area which the Secretary determines would have a direct and adverse effect on the values for which the waters of the area are protected.

(Pub. L. 94-199, §4, Dec. 31, 1975, 89 Stat. 1118; Pub. L. 95-91, title IV, §402(a)(1)(A), Aug. 4, 1977, 91 Stat. 583.)

#### REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (a), 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.

#### TRANSFER OF FUNCTIONS

“Federal Energy Regulatory Commission” substituted for “Federal Power Commission” in subsec. (a) 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 with regard to licenses and permits for dams, reservoirs, or other works for development and improvement of navigation and for development and utilization of power across, along, from, or in navigable waters under part I of Federal Power Act (16 U.S.C. 792 et seq.) transferred to Federal Energy Regulatory Commission by sections 7172(a)(1)(A) and 7293 of Title 42.

### § 460gg-3. Present and future use of Snake River

#### (a) Waters upstream from boundaries of area

No provision of the Wild and Scenic Rivers Act [16 U.S.C. 1271 et seq.], nor of this subchapter, nor any guidelines, rules, or regulations issued hereunder, shall in any way limit, restrict, or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby, for beneficial uses, whether consumptive or non-consumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power, or industrial uses.

#### (b) Flow requirements

No flow requirements of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act [16 U.S.C. 1271 et seq.], of this subchapter, or any guidelines, rules, or regulations adopted pursuant thereto.