

the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.

(Pub. L. 95-625, title XI, §1106, Nov. 10, 1978, 92 Stat. 3547; Pub. L. 104-333, div. I, title IV, §406(a)(2), Nov. 12, 1996, 110 Stat. 4149; Pub. L. 111-11, title VII, §7115, Mar. 30, 2009, 123 Stat. 1202.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 95-625, Nov. 10, 1978, 92 Stat. 3467, known as the National Parks and Recreation Act of 1978. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2009—Pub. L. 111-11, which directed substitution of “shall” for “may” in first sentence, was executed by substituting “shall” for “may” the first time appearing, which was preceding “permit hunting and fishing”.

1996—Pub. L. 104-333 inserted at end “The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.”

REGULATIONS

Pub. L. 108-108, title I, §150, Nov. 10, 2003, 117 Stat. 1281, provided that: “The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures [Procedure] Act [see Short Title note preceding section 551 of Title 5, Government Organization and Employees], with opportunity for public comment, and shall also comply with the National Environmental Policy Act [of 1969] [42 U.S.C. 4321 et seq.] as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.”

§ 460m-21. Project work prohibition; advisement to Secretary; report to Congress

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 New River Gorge 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 was 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 New River Gorge National River or on any stream tributary thereto which will not invade the area or diminish the scenic, recreation, and fish and wildlife values present in the area on November 10, 1978. 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

was established, as determined by the Secretary, or request appropriations to begin construction on any such project whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention to do so at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this section and would effect¹ the national river and the values to be protected by it under this section.

(Pub. L. 95-625, title XI, §1107, Nov. 10, 1978, 92 Stat. 3547.)

REFERENCES IN TEXT

The Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), 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.

§ 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.

¹ So in original. Probably should be “affect”.