

(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), 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 ad-