

under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way within the boundaries of the national recreation area to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would not unreasonably diminish the scenic and natural values of the area.

**(2) Facilities adjacent to dam**

In order to accommodate visitation to the recreation area, the Secretary shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and provide river access for white-water recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not provided pursuant to section 460ww-4 of this title and such facilities are within the boundaries of the recreation area. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

**(3) Other locations**

In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands to construct such parking and related facilities at other appropriate locations outside the boundaries of, but within one mile of the recreation area as may be necessary and appropriate. Any such lands shall be managed in accordance with the management provisions for the recreation area as defined in subsection (a).

**(4) Access to river**

(A) In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.

(B) If necessary, in the discretion of the Secretary, in order to minimize environmental impacts, including visual impacts, within portions of the recreation area immediately adjacent to the river, the Secretary may, by contract or otherwise, provide transportation services for noncommercial visitors, at reasonable cost, between such parking facilities and the river.

(C) Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize,

pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area.

**(f) Properties and facilities of Federal agencies**

After consultation with any other Federal agency managing lands and waters within or contiguous to the recreation area, the Secretary shall enter into a memorandum of understanding with such other Federal agency to identify those areas within the recreation area which are (1) under the administrative jurisdiction of such other agency; (2) directly related to the operation of the Summersville project; and (3) essential to the operation of such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

(Pub. L. 100-534, title II, §202, Oct. 26, 1988, 102 Stat. 2702; Pub. L. 104-333, div. I, title IV, §406(c)(2), Nov. 12, 1996, 110 Stat. 4150.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

The Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

AMENDMENTS

1996—Subsec. (e)(4). Pub. L. 104-333 added par. (4).

**§ 460ww-2. Miscellaneous**

**(a) Lands and waters**

The Secretary may acquire lands or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

**(b) Jurisdiction**

Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not identified under section 460ww-1 of this title as directly related to the Summersville project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary.

**(c) Protection of existing project**

Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary to facilitate and enhance whitewater recreational use and other recreational use of the recreation area.

(Pub. L. 100-534, title II, §203, Oct. 26, 1988, 102 Stat. 2704.)

## REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

Section 1102 of Public Law 99-662, referred to in subsec. (c), is section 1102 of Pub. L. 99-662, title XI, Nov. 17, 1986, 100 Stat. 4225, which is not classified to the Code.

**§ 460ww-3. Authorization of appropriations**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this subchapter.

(Pub. L. 100-534, title II, §204, Oct. 26, 1988, 102 Stat. 2704.)

**§ 460ww-4. Special conditions****(a) New project construction**

If, after October 26, 1988, any department, agency, instrumentality or person commences construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project at or in conjunction with the Summersville project, the department, agency, instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction.

**(b) Adverse effects on recreation area**

If any such new project referred to in subsection (a) will create a direct, physical, adverse

effect on access to the recreation area immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for whitewater recreation and other recreational use of the recreation area, the department, agency, instrumentality or person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the Secretary.

**(c) New project permits**

The terms and conditions referred to in this section shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 460ww-1(d) of this title, except that during the four-year period after October 26, 1988, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of August 8, 1988, if such project complies with this section. If such project is licensed within such four-year period, the Secretary shall modify the boundary map referred to in section 460ww of this title to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point five hundred and fifty feet downstream of the existing valve house and one thousand two hundred feet (measured along the river bank) upstream of United States Geological Survey Gauge Numbered 03189600, except in making the modification the Secretary shall maintain within the boundary of the recreation area those lands identified in the boundary map referred to in section 460ww of this title which are not necessary to the operation of such project. If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.

(Pub. L. 100-534, title II, §205, Oct. 26, 1988, 102 Stat. 2704; Pub. L. 104-333, div. I, title IV, §406(c)(1), Nov. 12, 1996, 110 Stat. 4150.)

## REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 100-534, Oct. 26, 1988, 102 Stat. 2699, known as the West Virginia National Interest River Conservation Act of 1987, which enacted this subchapter and sections 460m-26 to 460m-29 of this title, amended sections 460m-15 and 1274 of this title, and enacted provisions set out as notes under sections 460m-15 and 1274 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 460m-15 of this title and Tables.

## AMENDMENTS

1996—Subsec. (c). Pub. L. 104-333 inserted at end “If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.”

**§ 460ww-5. Advisory Committee****(a) Establishment**

There is hereby established the Gauley River National Recreation Area Advisory Committee