

L. 99-591, §101(h) [title I, §116(a)], Oct. 30, 1986, 100 Stat. 3341-242, 3341-266; Pub. L. 99-590, title X, §1001, Oct. 30, 1986, 100 Stat. 3339.)

## REFERENCES IN TEXT

This Act, referred to in subsec. (c), 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.

## CODIFICATION

Section was formerly classified to section 460m-16 of this title.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

## AMENDMENTS

1986—Subsec. (a). Pub. L. 99-500, Pub. L. 99-590, Pub. L. 99-591, amended subsec. (a) identically inserting provisions relating to acquisition of an administrative headquarters site.

## CHANGE OF NAME

New River Gorge National River redesignated New River Gorge National Park and Preserve by Pub. L. 116-260, div. FF, title II, §202, Dec. 27, 2020, 134 Stat. 3089, which is classified to section 410eeee of this title.

### § 410eeee-3. Lands and areas plan; submission to Congressional committees

Within two years from November 10, 1978, the Secretary shall submit, in writing, to the House Committee on Interior and Insular Affairs, the Senate Committee on Energy and Natural Resources and the Committees on Appropriations of the United States Congress, a detailed plan which shall indicate—

(i) the lands and areas which he deems essential to the protection and public enjoyment of the natural, scenic, and historic values and objects of this national river;

(ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this national river;

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing four fiscal years; and

(iv) the feasibility and suitability of including within the boundaries of the national river, the section of the New River from Fayetteville to Gauley Bridge, and reasons therefor.

(Pub. L. 95-625, title XI, §1103, Nov. 10, 1978, 92 Stat. 3546.)

## CODIFICATION

Section was formerly classified to section 460m-17 of this title.

## 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.

### § 410eeee-4. Zoning laws and ordinances; establishment; assistance; restrictions; variances

The Secretary shall on his own initiative, or at the request of any local government having jurisdiction over land located in or adjacent to the Gorge area, assist and consult with the appropriate officials and employees of such local

government in establishing zoning laws or ordinances which will assist in achieving the purposes of this subchapter. In providing assistance pursuant to this section, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of restricting incompatible commercial and industrial use of all real property in or adjacent to the Gorge area;

(2) aid in preserving the character of the Gorge area by appropriate restrictions on the use of real property in the vicinity, including, but not limited to, restrictions upon building and construction of all types; signs and billboards; the burning of cover; cutting of timber; removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the esthetic character of the Gorge area; and

(3) have the effect of providing that the Secretary shall receive advance notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.

(Pub. L. 95-625, title XI, §1104, Nov. 10, 1978, 92 Stat. 3546.)

## CODIFICATION

Section was formerly classified to section 460m-18 of this title.

### § 410eeee-5. Mineral lands

#### (a) Mining; prohibition and limitation

Notwithstanding any other provision of law, no surface mining of any kind shall be permitted on federally owned lands within the boundary of the national river where the subsurface estate is not federally owned. Underground mining on such lands may be permitted by the Secretary only if—

(1) the mining operation will have no significant adverse impact on the public use and enjoyment of the national river;

(2) the mining operation will disturb the minimum amount of surface necessary to extract the mineral; and

(3) the surface is not significantly disturbed, unless there is no technologically feasible alternative.

#### (b) Timber harvesting

The harvesting of timber on federally owned lands within the national river boundary is prohibited, except insofar as it is necessary for the Secretary to remove trees for river access, historic sites, primitive campgrounds, scenic vistas, or as may be necessary from time to time for reasons of public health and safety.

#### (c) Civil action; jurisdiction; recovery

The owner of a mineral estate subject to this section who believes he has suffered a loss by operation of this section, may bring an action only in a United States district court to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution.

(Pub. L. 95-625, title XI, §1105, Nov. 10, 1978, 92 Stat. 3546.)