

any land transferred under paragraph (1)(A).

(II) Access

The Secretary of the Interior shall give access to the Secretary of the Army to the land covered by a request under subclause (I) for the purposes of conducting the 1 or more investigations under that subclause.

(III) Limitation

An investigation conducted under this clause shall be subject to available appropriations.

(iii) Applicable law

Any activities undertaken under this subparagraph shall be carried out in accordance with—

- (I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);
- (II) the purposes for which the Park was established; and
- (III) any other applicable law.

(Pub. L. 116–92, div. B, title XXVIII, §2851, Dec. 20, 2019, 133 Stat. 1895.)

REFERENCES IN TEXT

Presidential Proclamation No. 2025, referred to in subsec. (a)(4), is Proc. No. 2025, Jan. 18, 1933, 47 Stat. 2551, which is listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

The Clean Air Act, referred to in subsec. (b)(7)(E), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Native American Graves Protection and Repatriation Act, referred to in subsec. (c)(3)(C)(i)(II)(aa), is Pub. L. 101–601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in subsec. (c)(3)(E)(iii)(I), is Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 2851 of Pub. L. 116–92. Subsec. (c)(2)(C) of section 2851 of Pub. L. 116–92 repealed section 2854 of Pub. L. 104–201, div. B, title XXVIII, Sept. 23, 1996, 110 Stat. 2803, which is listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

SUBCHAPTER LIX—CCC—NEW RIVER GORGE NATIONAL PARK AND PRESERVE

CODIFICATION

Subchapter was formerly classified to subchapter LXXI–A (§460m–15 et seq.) of this chapter prior to transfer to this subchapter.

§ 410eeee. New River Gorge National Park and Preserve Designation

(a) Short title

This section may be cited as the “New River Gorge National Park and Preserve Designation Act”.

(b) Designation of New River Gorge National Park and New River Gorge National Preserve, West Virginia

(1) Redesignation

The New River Gorge National River established under section 1101¹ of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) shall be known and designated as the “New River Gorge National Park and Preserve”, consisting of—

- (A) the New River Gorge National Park; and
- (B) the New River Gorge National Preserve.

(2) New River Gorge National Park

The boundaries of the New River Gorge National Park referred to in paragraph (1)(A) shall be the boundaries depicted as “Proposed National Park Area” on the map entitled “New River Gorge National Park and Preserve Proposed Boundary”, numbered 637/163,199A, and dated September 2020.

(3) New River Gorge National Preserve; boundary

The boundaries of the New River Gorge National Preserve referred to in paragraph (1)(B) shall be the boundaries depicted as “Proposed National Preserve Area” on the map entitled “New River Gorge National Park and Preserve Proposed Boundary”, numbered 637/163,199A, and dated September 2020.

(c) Administration

(1) In general

The New River Gorge National Park and Preserve shall be administered by the Secretary of the Interior (referred to in this section as the “Secretary”) in accordance with—

- (A) this section;
- (B) the laws generally applicable to units of the National Park System, including—
 - (i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54; and
 - (ii) chapter 3201 of title 54; and
- (C) title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15 et seq.),¹ except that the provisions of section 1106¹ of that Act (16 U.S.C. 460m–20) relating to hunting shall not apply to the New River Gorge National Park.

(2) Hunting and fishing

(A) Hunting

Hunting within the New River Gorge National Preserve shall be administered by the Secretary—

- (i) in the same manner as hunting was administered on the day before December

¹ See References in Text note below.

27, 2020, in those portions of the New River Gorge National River designated as the New River Gorge National Preserve by subsection (b)(3); and

(ii) in accordance with—

(I) section 1106¹ of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20); and

(II) other applicable laws.

(B) Fishing

Fishing within the New River Gorge National Park and Preserve shall be administered by the Secretary—

(i) in the same manner as fishing was administered within the New River Gorge National River on the day before December 27, 2020; and

(ii) in accordance with—

(I) section 1106¹ of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20); and

(II) other applicable laws.

(C) Private land

Nothing in this section prohibits hunting, fishing, or trapping on private land in accordance with applicable State and Federal laws.

(3) Land acquisition

(A) Additional land for national preserve

(i) In general

The Secretary may acquire land or any interest in land identified as “Proposed Additional Lands” on the map entitled “New River Gorge National Park and Preserve Proposed Boundary”, numbered 637/163,199A, and dated September 2020, by purchase from a willing seller, donation, or exchange.

(ii) Boundary modification

On acquisition of any land or interest in land under clause (i), the Secretary shall—

(I) modify the boundary of the New River Gorge National Preserve to reflect the acquisition; and

(II) administer the land or interest in land in accordance with the laws applicable to the New River Gorge National Preserve.

(B) Visitor parking

(i) In general

The Secretary may acquire not more than 100 acres of land in the vicinity of the New River Gorge National Park and Preserve by purchase from a willing seller, donation, or exchange to provide for—

(I) visitor parking; and

(II) improved public access to the New River Gorge National Park and Preserve.

(ii) Administration

On acquisition of the land under clause (i), the acquired land shall be administered as part of the New River Gorge National Park or the New River Gorge National Preserve, as appropriate.

(4) Commercial recreational watercraft services

Commercial recreational watercraft services within the New River Gorge National Park

and Preserve shall be administered by the Secretary in accordance with section 402 of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460m-15¹ note; Public Law 100-534).

(5) References

Any reference in a law, map, regulation, document, paper, or other record of the United States to the New River Gorge National River shall be considered to be a reference to the “New River Gorge National Park” or the “New River Gorge National Preserve”, as appropriate.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 116-260, div. FF, title II, §202, Dec. 27, 2020, 134 Stat. 3089.)

REFERENCES IN TEXT

The National Parks and Recreation Act of 1978, referred to in subsecs. (b)(1) and (c)(1)(C), (2)(A)(ii)(I), (B)(ii)(I), is Pub. L. 95-625, Nov. 10, 1978, 92 Stat. 3467. Title XI of the Act was classified principally to subchapter LXXI-A (§ 460m-15 et seq.) of this chapter prior to transfer to this subchapter. Sections 1101 and 1106 of the Act were transferred to sections 410eeee-1 and 410eeee-6, respectively, of this title. For complete classification of this Act to the Code, see Tables.

Section 402 of the West Virginia National Interest River Conservation Act of 1987, referred to in subsec. (c)(4), is section 402 of Pub. L. 100-534, which was formerly set out as a note under section 460m-15 of this title prior to transfer and is now set out as a note below.

CODIFICATION

Section was enacted as part of the New River Gorge National Park and Preserve Designation Act and as part of the Consolidated Appropriations Act, 2021, and not as part of title XI of the National Parks and Recreation Act of 1978 which comprises this subchapter.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-356, §1, Dec. 17, 2002, 116 Stat. 3013, provided that: “This Act [amending this section and enacting provisions set out as a note under this section] may be cited as the ‘New River Gorge Boundary Act of 2002.’”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-534, §1, Oct. 26, 1988, 102 Stat. 2699, provided that: “This Act [enacting sections 410eeee-12 to 410eeee-15 and 460ww to 460ww-5 of this title, amending this section and section 1274 of this title, and enacting provisions set out as notes under this section and section 1274 of this title] may be cited as the ‘West Virginia National Interest River Conservation Act of 1987.’”

LAND EXCHANGE

Pub. L. 107-356, §2(b), Dec. 17, 2002, 116 Stat. 3013, provided that:

“(1) IN GENERAL.—The Secretary of the Interior shall complete a fee simple land exchange in the vicinity of Beauty Mountain, Fayette County, West Virginia, to acquire a tract of land identified as NERI Tract Number 150-07 that lies adjacent to the boundary of the New River Gorge National River [now New River Gorge National Park and Preserve] in exchange for a tract of land identified as NERI Tract Number 150-08 located within such boundary.

“(2) TREATMENT OF EXCHANGED LANDS.—Upon the completion of such land exchange—

“(A) the land acquired by the United States in the exchange shall be included in the boundaries, and administered as part, of the New River Gorge National River; and

“(B) the land conveyed by the United States in the exchange shall be excluded from the boundaries, and shall not be administered as part, of the New River Gorge National River.”

NEW, GAULEY, MEADOW, AND BLUESTONE RIVERS;
CONGRESSIONAL FINDINGS AND PURPOSE

Pub. L. 100-534, §2, Oct. 26, 1988, 102 Stat. 2699, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River [now New River Gorge National Park and Preserve] have been preserved and enhanced by its inclusion in the National Park System.

“(2) The establishment of the New River Gorge National River has provided the basis for increased recreation and tourism activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.

“(3) Certain boundary modifications to the New River Gorge National River are necessary to further protect the scenic resources within the river’s visual corridor and to provide for better management of the national park unit.

“(4) Several tributaries of the New River in West Virginia also possess remarkable and outstanding features of national significance. The segment of the Gauley River below Summersville Dam has gained national recognition as a premier whitewater recreation resource. The lower section of the Bluestone River and the lower section of the Meadow River possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

“(5) Portions of several of the New River tributaries, including segments of the Gauley River, the Meadow River, and the Bluestone River are suitable for inclusion in the National Park System or the National Wild and Scenic Rivers System.

“(6) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia and to enhance recreational opportunities available on the free-flowing segments.

“(b) PURPOSE.—The purpose of this Act [see Short Title of 1988 Amendment note above] is to provide for the protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.”

COORDINATION AMONG RECREATIONAL RESOURCES

Pub. L. 100-534, title IV, §401, Oct. 26, 1988, 102 Stat. 2707, provided that: “Subject to existing authority, the Secretary of the Interior shall cooperate with, and assist, any regional authority comprised of representatives of West Virginia State authorities and local government authorities in or any combination of the foregoing Nicholas, Fayette, Raleigh, Summers, Greenbrier, and Mercer Counties, West Virginia, for the purposes of providing for coordinated development and promotion of recreation resources of regional or national significance which are located in southern West Virginia and management by State or Federal agencies, including State, local and National Park System units, State and National Forest System units, and historic sites.”

SPECIAL PROVISIONS

Pub. L. 100-534, title IV, §402, Oct. 26, 1988, 102 Stat. 2707, provided that: “Subject to his responsibilities to

protect the natural resources of the National Park System, the Secretary of the Interior shall enter into a cooperative agreement with the State of West Virginia providing for the State’s regulation, in accordance with State law, of persons providing commercial recreational watercraft services on units of the National Park System and components of the National Wild and Scenic Rivers System subject to this Act [see Short Title of 1988 Amendment note above].”

CONSOLIDATED MANAGEMENT

Pub. L. 100-534, title IV, §404, Oct. 26, 1988, 102 Stat. 2708, provided that: “In order to achieve the maximum economy and efficiency of operations in the administration of the National Park System units established or expanded pursuant to this Act [see Short Title of 1988 Amendment note above], the Secretary shall consolidate offices and personnel administering all such units to the extent practicable and shall utilize the existing facilities of the New River Gorge National River [now New River Gorge National Park and Preserve] to the extent practicable.”

NEW SPENDING AUTHORITY

Pub. L. 100-534, title IV, §405, Oct. 26, 1988, 102 Stat. 2708, provided that: “Any new spending authority which is provided under this Act [see Short Title of 1988 Amendment note above] shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts.”

§ 410eeee-1. Establishment; administration, protection, and development; utilization of other authorities; boundary description, availability for public inspection

For the purpose of conserving and interpreting outstanding natural, scenic, and historic values and objects in and around the New River Gorge and preserving as a free-flowing stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall establish and administer the New River Gorge National River.¹ The Secretary shall administer, protect, and develop the national river in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.),² as amended and supplemented; except that any other statutory authority available to the Secretary for the preservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter. The boundaries of the national river shall be as generally depicted on the drawing entitled “Proposed New River Gorge National River” numbered NERI 80,034, dated May 2001, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(Pub. L. 95-625, title XI, §1101, Nov. 10, 1978, 92 Stat. 3544; Pub. L. 100-534, title I, §101, Oct. 26, 1988, 102 Stat. 2700; Pub. L. 104-333, div. I, title IV, §406(a)(1), Nov. 12, 1996, 110 Stat. 4149; Pub. L. 107-356, §2(a), Dec. 17, 2002, 116 Stat. 3013.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), referred to in text, is act Aug. 25, 1916, ch. 408, 39

¹ See Change of Name note below.

² See References in Text note below.