

§ 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.)

Editorial Notes

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 410eeee-12 to 410eeee-15 of this title, amended sections 410eeee-1 and 1274 of this title, and enacted provisions set out as notes under sections 410eeee-1 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 410eeee-1 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 (hereinafter in this Act referred to as the “Advisory Committee”). The Advisory Committee shall be composed of fifteen members appointed by the Secretary to serve for terms of two years. Any member of the Advisory Committee may serve after the expiration of his term until a successor is appointed. Any member of the Advisory Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

(b) Management and development issues

The Secretary, or his designee, shall meet on a regular basis and consult with the Advisory Committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

(c) Expenses

Members of the Advisory Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) Membership

The Secretary shall appoint members to the Advisory Committee as follows:

- (1) one member to represent other departments or agencies of the United States administering lands affected by the recreation area, to be appointed from among persons nominated by the head of such department or agency;
- (2) two members to represent the State Department of Natural Resources, to be appointed from among persons nominated by the Governor of the State of West Virginia;
- (3) one member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of West Virginia;
- (4) three members to represent the commercial whitewater rafting industry in West Virginia;
- (5) one member to represent noncommercial whitewater boating organizations;
- (6) one member to represent conservation organizations in West Virginia;

(7) one member to represent individuals engaged in game fishing in West Virginia;

(8) one member to represent the Nicholas County Chamber of Commerce;

(9) one member to represent the Fayette County Chamber of Commerce;

(10) one member to represent recreational users of Summersville Lake; and

(11) two members to represent local citizens or citizens groups which are concerned with the Gauley River or own lands included within the boundaries of the recreation area.

(e) Termination; charter

The Advisory Committee shall terminate on the date ten years after October 26, 1988, notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Advisory Committee.

(Pub. L. 100-534, title II, §206, Oct. 26, 1988, 102 Stat. 2705.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (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 410eeee-12 to 410eeee-15 of this title, amended sections 410eeee-1 and 1274 of this title, and enacted provisions set out as notes under sections 410eeee-1 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 410eeee-1 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

SUBCHAPTER CIX—SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

§ 460xx. Establishment

(a) In general

In order to protect the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the public lands surrounding the San Pedro River in Cochise County, Arizona, there is hereby established the San Pedro Riparian National Conservation Area (hereafter in this subchapter referred to as the "conservation area").

(b) Area included

The conservation area shall consist of public lands as generally depicted on a map entitled "San Pedro Riparian National Conservation Area—Proposed" numbered AZ-040-OZ, dated January 1988, and consisting of approximately 56,431 acres.

(c) Map

As soon as is practicable after November 18, 1988, a map and legal description of the conservation area shall be filed by the Secretary of the Interior (hereafter in this subchapter referred to as the "Secretary") with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on

Energy and Natural Resources of the United States Senate. Each such map shall have the same force and effect as if included in this subchapter. Such map shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior, and in the Bureau of Land Management offices of the State Director for Arizona, and the district office responsible for the management of the conservation area.

(Pub. L. 100-696, title I, §101, Nov. 18, 1988, 102 Stat. 4571.)

Statutory Notes and Related Subsidiaries

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.

SHORT TITLE

Pub. L. 100-696, §1, Nov. 18, 1988, 102 Stat. 4571, provided: "That this Act [enacting this section, sections 460xx-1 to 460xx-6, 460yy, 460yy-1, 460zz to 460zz-11 of this title, sections 2081 to 2086, 2101 to 2106, 2121, and 2122 of Title 2, The Congress, and section 640d-31 of Title 25, Indians, amending sections 2101, 2102, and 2106 of Title 2 and section 640d-11 of Title 25, and enacting provisions set out as notes under section 431 of this title and section 2101 of Title 2] be cited as the 'Arizona-Idaho Conservation Act of 1988'."

§ 460xx-1. Management

(a) General authorities

The Secretary shall manage the conservation area in a manner that conserves, protects, and enhances the riparian area and the aquatic, wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area. Such management shall be guided by this subchapter and, where not inconsistent with this subchapter, by the provisions of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.] (hereinafter in this subchapter referred to as "FLPMA").

(b) Uses

The Secretary shall only allow such uses of the conservation area as he finds will further the primary purposes for which the conservation area is established. Except where needed for administrative or emergency purposes, the use of motorized vehicles in the conservation area shall only be allowed on roads specifically designated for such use as part of the management plan prepared pursuant to section 460xx-2 of this title. The Secretary shall have the power to implement such reasonable limits to visitation and use of the conservation area as he finds appropriate for the protection of the resources of the conservation area, including requiring permits for public use, or closing portions of the conservation area to public use.

(c) Withdrawals

Subject to valid existing rights, all Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws;