

eration 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.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 460m-19 of this title.

§ 410eeee-6. Hunting and fishing zones; designation; rules and regulations, consultation

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the New River Gorge National River¹ in accordance with applicable Federal and State laws, and he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities. The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.

(Pub. L. 95-625, title XI, § 1106, Nov. 10, 1978, 92 Stat. 3547; Pub. L. 104-333, div. I, title IV, § 406(a)(2), Nov. 12, 1996, 110 Stat. 4149; Pub. L. 111-11, title VII, § 7115, Mar. 30, 2009, 123 Stat. 1202.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, 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-20 of this title.

AMENDMENTS

2009—Pub. L. 111-11, which directed substitution of “shall” for “may” in first sentence, was executed by substituting “shall” for “may” the first time appearing, which was preceding “permit hunting and fishing”.

1996—Pub. L. 104-333 inserted at end “The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.”

¹ See Change of Name note below.

Statutory Notes and Related Subsidiaries

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.

REGULATIONS

Pub. L. 108-108, title I, § 150, Nov. 10, 2003, 117 Stat. 1281, provided that: “The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River [now New River Gorge National Park and Preserve] in compliance with the requirements of the Administrative Procedures [Procedure] Act [see Short Title note preceding section 551 of Title 5, Government Organization and Employees], with opportunity for public comment, and shall also comply with the National Environmental Policy Act [of 1969] [42 U.S.C. 4321 et seq.] as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.”

§ 410eeee-7. Project work prohibition; advisement to Secretary; report to Congress

The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), on or directly affecting the New River Gorge National River,¹ and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the New River Gorge National River¹ or on any stream tributary thereto which will not invade the area or diminish the scenic, recreation, and fish and wildlife values present in the area on November 10, 1978. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary, or request appropriations to begin construction on any such project whether heretofore or hereafter authorized, without advising the Secretary in writing of its intention to do so at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this section and would effect² the national river and the values to be protected by it under this section.

(Pub. L. 95-625, title XI, § 1107, Nov. 10, 1978, 92 Stat. 3547.)

Editorial Notes

REFERENCES IN TEXT

The Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), referred to in text, is act June 10,

¹ See Change of Name note below.

² So in original. Probably should be “affect”.