

103D CONGRESS  
1ST SESSION

# H. R. 1584

To provide for the further conservation of certain unique and nationally significant river segments in the State of West Virginia.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. RAHALL introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the further conservation of certain unique and nationally significant river segments in the State of West Virginia.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “West Virginia Rivers Conservation Act of 1993”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

#### TITLE I—BOUNDARY MODIFICATIONS

Sec. 101. New River Gorge National River.

Sec. 102. Gauley River National Recreation Area.

Sec. 103. Bluestone National Scenic River.

## TITLE II—UPPER NEW NATIONAL WILD AND SCENIC RIVER

Sec. 201. Designation of upper New River, West Virginia.

## TITLE III—ELK RIVER

Sec. 301. Designation of Elk River as a study river.

## TITLE IV—GENERAL PROVISIONS

Sec. 401. Consolidated management.

Sec. 402. Miscellaneous amendments.

Sec. 403. Gauley access.

Sec. 404. Visitor center.

Sec. 405. Extension.

# **TITLE I—BOUNDARY MODIFICATIONS**

## **SEC. 101. NEW RIVER GORGE NATIONAL RIVER.**

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking out “NERI–80,023, dated January 1987” and inserting “NERI–80,028, dated January 1993”.

## **SEC. 102. GAULEY RIVER NATIONAL RECREATION AREA.**

Section 201(b) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww(b)) is amended by striking out “NRA-GR/20,000A and dated July 1987” and inserting “GARI-80,001 and dated January 1993”.

## **SEC. 103. BLUESTONE NATIONAL SCENIC RIVER.**

Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by striking out “WSR–BLU/20,000, and dated January 1987” and inserting “BLUE-80,004, and dated January 1993”.

1 **TITLE II—UPPER NEW NATIONAL**  
2 **WILD AND SCENIC RIVER**

3 **SEC. 201. DESIGNATION OF UPPER NEW RIVER, WEST VIR-**  
4 **GINIA.**

5 Section 3(a) of the Wild and Scenic Rivers Act (16  
6 U.S.C. 1274(a)) is amended by adding the following new  
7 paragraph at the end:

8 “( ) UPPER NEW RIVER, WEST VIRGINIA.—(A) The  
9 segment in Summers County, West Virginia, from the  
10 West Virginia-Virginia State line downstream for approxi-  
11 mately 14.5 miles as depicted on the boundary map enti-  
12 tled ‘Upper New Wild and Scenic River’, numbered UPNE  
13 80,000 and dated January 1993; to be administered by  
14 the Secretary of the Interior as a wild and scenic river.

15 “(B) The acreage limitation set forth in subsection  
16 (b) shall not apply to the segment designated under this  
17 paragraph. Nothing in this Act shall preclude the improve-  
18 ment of any existing road or right-of-way within the  
19 boundaries of the segment designated under this para-  
20 graph.

21 “(C) Jurisdiction over all lands and improvements on  
22 such lands owned by the United States within the bound-  
23 aries of the segment designated under this paragraph is  
24 hereby transferred without reimbursement to the adminis-  
25 trative jurisdiction of the Secretary of the Interior, subject

1 to leases in effect on the date of enactment of this para-  
2 graph (or renewed thereafter) between the United States  
3 and the State of West Virginia with respect to the  
4 Bluestone Wildlife Management Area.

5 “(D) Nothing in this Act shall affect the management  
6 by the State of West Virginia of hunting and fishing with-  
7 in the segment designated under this paragraph. Nothing  
8 in this Act shall affect or impair the management by the  
9 State of West Virginia of other wildlife activities in the  
10 Bluestone Wildlife Management Area to the extent per-  
11 mitted in the lease agreement as in effect on the date of  
12 enactment of this paragraph, and such management may  
13 be continued pursuant to renewal of such lease agreement.  
14 If requested to do so by the State of West Virginia, the  
15 Secretary may terminate or modify such leases and as-  
16 sume administrative authority over all or part of the areas  
17 concerned.

18 “(E) Nothing in the designation of the segment re-  
19 ferred to in this paragraph shall affect or impair the man-  
20 agement of the Bluestone project or the authority of any  
21 department, agency, or instrumentality of the United  
22 States to carry out the project purposes of that project.”.

### **TITLE III—ELK RIVER**

#### **SEC. 301. DESIGNATION OF ELK RIVER AS A STUDY RIVER.**

The Secretary of the Interior shall conduct a study of the segment of the Elk River, West Virginia, from Slatyfork in Pocahontas County, to Centralia in Braxton County, to determine its eligibility and suitability as either—

(1) a component of the national wild and scenic rivers system,

(2) a unit of the National Park System as a national river, or

(3) a unit of the National Park System as a national recreation area.

The Secretary shall submit a report containing the results of such study to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within 3 years after the enactment of this Act. Nothing in this section shall affect or impair the management of the Sutton project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this section.

## **TITLE IV—GENERAL PROVISIONS**

### **SEC. 401. CONSOLIDATED MANAGEMENT.**

In order to achieve the maximum economy and efficiency of operations in the administration of the segment of the New River designated pursuant to title II, the Secretary of the Interior shall consolidate offices and personnel administering such segment with offices and personnel administering the New River Gorge National River, the Gauley River National Recreation Area, and the Bluestone National Scenic River to the extent practicable, and shall utilize facilities of the New River Gorge National River to the extent practicable.

### **SEC. 402. MISCELLANEOUS PROVISIONS**

Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15 and following) is amended by adding the following new section at the end thereof:

#### **“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.**

“(a) COOPERATIVE AGREEMENTS.—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

1       “(b) REMNANT LANDS.—The provisions of the sec-  
2   ond sentence of section 203(a) of the West Virginia Na-  
3   tional Interest River Conservation Act of 1987 (16 U.S.C.  
4   460ww–2(a)) shall apply to tracts of land partially within  
5   the boundaries of the New River Gorge National River in  
6   the same manner and to the same extent as such provi-  
7   sions apply to tracts of land only partially within the  
8   Gauley River National Recreation Area.”.

9   **SEC. 403. GAULEY ACCESS.**

10       Section 202(e) of the West Virginia National Interest  
11   River Conservation Act of 1987 (16 U.S.C. 460ww–1(e))  
12   is amended by adding the following new paragraph at the  
13   end thereof:

14       “(4) ACCESS TO RIVER.—(A) In order to facilitate  
15   public safety, use, and enjoyment of the recreation area,  
16   and to protect, to the maximum extent feasible, the scenic  
17   and natural resources of the area, the Secretary is author-  
18   ized and directed to acquire such lands or interests in  
19   lands and to take such actions as are necessary to provide  
20   access by noncommercial entities on the north side of the  
21   Gauley River at the area known as Woods Ferry utilizing  
22   existing roads and rights-of-way. Such actions by the Sec-  
23   retary shall include the construction of parking and relat-  
24   ed facilities in the vicinity of Woods Ferry for noncommer-  
25   cial use on lands acquired pursuant to paragraph (3) or

1 on lands acquired with the consent of the owner thereof  
2 within the boundaries of the recreation area.

3 “(B) If necessary, in the discretion of the Secretary,  
4 in order to minimize environmental impacts, including vis-  
5 ual impacts, within portions of the recreation area imme-  
6 diately adjacent to the river, the Secretary may, by con-  
7 tract or otherwise, provide transportation services for non-  
8 commercial visitors, at reasonable cost, between such  
9 parking facilities and the river.

10 “(C) Nothing in subparagraph (A) shall affect the  
11 rights of any person to continue to utilize, pursuant to  
12 a lease in effect on April 1, 1993, any right of way ac-  
13 quired pursuant to such lease which authorizes such per-  
14 son to use an existing road referred to in subparagraph  
15 (A). Except as provided under paragraph (2) relating to  
16 access immediately downstream of the Summersville  
17 project, until there is compliance with this paragraph the  
18 Secretary is prohibited from acquiring or developing any  
19 other river access points within the recreation area.”.

20 **SEC. 404. VISITOR CENTER.**

21 The Secretary of the Interior is authorized and di-  
22 rected to construct a visitor center and such other related  
23 facilities as may be deemed necessary to facilitate visitor  
24 understanding and enjoyment of the New River Gorge Na-  
25 tional River and the Gauley River National Recreation



1 Area in the vicinity of the confluence of the New and  
2 Gauley Rivers at Gauley Bridge, West Virginia. Such cen-  
3 ter and related facilities are authorized to be constructed  
4 at a site outside of the boundary of the New River Gorge  
5 National River or the Gauley River National Recreation  
6 Area unless a suitable site is available within the bound-  
7 aries of either unit.

8 **SEC. 405. EXTENSION.**

9 For a 5-year period following the date of enactment  
10 of this Act, the provisions of the Wild and Scenic Rivers  
11 Act applicable to river segments designated for study for  
12 potential addition to the wild and scenic rivers system  
13 under section 5(b) of that Act shall apply to those seg-  
14 ments of the Bluestone and Meadow Rivers which were  
15 found eligible in the studies completed by the National  
16 Park Service in August 1983 but which were not des-  
17 ignated by the West Virginia National Interest River Con-  
18 servation Act of 1987 as part of the Bluestone National  
19 Scenic River or as part of the Gauley River National  
20 Recreation Area, as the case may be.

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