

Calendar No. 306

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3113**

[Report No. 111–156]

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2009

Received; read twice and referred to the Committee on Energy and Natural  
Resources

MARCH 2, 2010

Reported by Mr. BINGAMAN, without amendment

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**AN ACT**

To amend the Wild and Scenic Rivers Act to designate  
a segment of the Elk River in the State of West Virginia  
for study for potential addition to the National Wild  
and Scenic Rivers System, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Upper Elk River Wild  
3 and Scenic Study Act”.

4 **SEC. 2. DESIGNATION FOR STUDY.**

5 Section 5(a) of the Wild and Scenic Rivers Act (16  
6 U.S.C. 1276(a)) is amended by adding at the end the fol-  
7 lowing:

8 “( ) ELK RIVER, WEST VIRGINIA.—The approxi-  
9 mate 5-mile segment of the Elk River from the con-  
10 fluence of the Old Field Fork and the Big Spring  
11 Fork in Pocahontas County to the Pocahontas and  
12 Randolph County line.”.

13 **SEC. 3. STUDY AND REPORT.**

14 Section 5(b) of the Wild and Scenic Rivers Act (16  
15 U.S.C. 1276(b)) is amended by adding at the end the fol-  
16 lowing:

17 “( ) ELK RIVER, WEST VIRGINIA.—Not later  
18 than 3 years after funds are made available to carry  
19 out this paragraph, the Secretary of Agriculture  
20 shall complete the study of the 5-mile segment of the  
21 Elk River, West Virginia, designated for study in  
22 subsection (a), and shall submit to Congress a re-  
23 port containing the results of the study. The report  
24 shall include an analysis of the potential impact of  
25 the designation on private lands within the 5-mile

1 segment of the Elk River, West Virginia, or abutting  
2 that area.”.

3 **SEC. 4. EFFECT.**

4 (a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVI-  
5 TIES.—Consistent with section 13 of the Wild and Scenic  
6 Rivers Act (16 U.S.C. 1284), nothing in the designation  
7 made by the amendment in section 2 shall be construed  
8 as affecting access for recreational activities otherwise al-  
9 lowed by law or regulation, including hunting, fishing, or  
10 trapping.

11 (b) EFFECT ON STATE AUTHORITY.—Consistent  
12 with section 13 of the Wild and Scenic Rivers Act (16  
13 U.S.C 1284), nothing in the designation made by the  
14 amendment in section 2 shall be construed as affecting  
15 the authority, jurisdiction, or responsibility of the several  
16 States to manage, control, or regulate fish and resident  
17 wildlife under State law or regulations, including the regu-  
18 lation of hunting, fishing, and trapping.

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