

WEST VIRGINIA NATIONAL INTEREST RIVER
CONSERVATION ACT OF 1987

MAY 27, 1987.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T
together with
CONCURRING VIEWS

[To accompany H.R. 900]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 900) West Virginia National Interest River Conservation Act of 1987, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "West Virginia National Interest River Conservation Act of 1987".

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.

TITLE I—NEW RIVER GORGE NATIONAL RIVER

- Sec. 101. Boundary modification.
- Sec. 102. Cooperative agreements with State.
- Sec. 103. Improvement of access at Cunard.
- Sec. 104. Flow management.

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

- Sec. 201. Establishment.
- Sec. 202. Administration.
- Sec. 203. Miscellaneous.
- Sec. 204. Authorization of appropriations.
- Sec. 205. Special conditions.
- Sec. 206. Advisory committee.

TITLE III—MEADOW NATIONAL WILD RIVER

- Sec. 301. Designation of Lower Meadow River.

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

Sec. 401. Designation of Lower Bluestone River.

TITLE V—GENERAL PROVISIONS

Sec. 501. Coordination among recreational resources.
 Sec. 502. Special provisions.
 Sec. 503. Public awareness program.
 Sec. 504. Consolidated management.
 Sec. 505. New spending authority subject to appropriations.

TITLE VI—GREENBRIER NATIONAL SCENIC RIVER

Sec. 601. Designation of Greenbrier River.

SEC. 2. FINDINGS AND PURPOSE.

(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 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 experience. The lower section of the Bluestone River, the lower section of the Meadow River, and various segments of the Greenbrier River all possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Additional national river park units in the region would foster economic development activities associated with tourism and recreation that have resulted from the establishment of the New River Gorge National River.

(6) Segments of several of the New River tributaries, the Gauley River, the Meadow River, the Greenbrier River, and the Bluestone River and suitable for inclusion in the national park system or the national wild and scenic rivers system.

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

(b) PURPOSE.—The purpose of this Act 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, Greenbrier, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.

TITLE I—NEW RIVER GORGE NATIONAL RIVER

SEC. 101. BOUNDARY MODIFICATION.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended by striking out "NERI-20,002, dated July 1978" and substituting "NERI-80,023, dated January 1987".

SEC. 102. COOPERATIVE AGREEMENTS WITH STATE.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

"In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies."

SEC. 103. IMPROVEMENT OF ACCESS AT CUNARD.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

"(a) DEVELOPMENT AND IMPROVEMENT.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

"(b) INTERIM MEASURES.—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the use of motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is below 3,000 cubic feet per second."

SEC. 104. FLOW MANAGEMENT.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end:

"SEC. 1115. FLOW MANAGEMENT.

"(a) FINDINGS.—The Congress finds that adjustments in the management by the Secretary of the Army of flows from Bluestone Lake Project during periods of low flow is necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

"(b) REPORT TO CONGRESS REQUIRED.—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Congress not later than December 31, 1988. Before submission of the report to the Congress, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

"(c) CONTENTS OF STUDY.—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake Project during periods when flows from the lake are less than 3,000 cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each such segments.

"(d) TEST PROCEDURES.—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake Project during 24-hour periods during the summer of 1988 when flows are less than 3,000 cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake Project which permit flows higher than the 24-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than 1,700 cubic feet per second and no test shall reduce flows below that level."

TITLE II—GAULEY RIVER NATIONAL RECREATIONAL AREA

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the scenic, recreational, geologic, and fish and wildlife resources of the Gauley River, there is hereby established the Gauley River National Recreation Area (hereinafter in this Act referred to as the "recreation area").

(b) AREA INCLUDED.—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Gauley River Na-

tional Recreation Area", numbered NRA-GR/20,000 and dated January 1987. Such boundaries may be modified as provided in this Act. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) **BOUNDARY MODIFICATIONS.**—Within 5 years after the enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report containing any boundary modifications which the Secretary recommends, together with the reasons therefor.

SEC. 202. ADMINISTRATION.

(a) **IN GENERAL.**—The recreation area shall be administered by the Secretary in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4).

(b) **HUNTING AND FISHING; FISH STOCKING.**—The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management of public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. The Secretary shall permit the State of West Virginia to undertake or continue fish stocking activities carried out by the State in consultation with the Secretary on waters within the boundaries of the recreation area.

(c) **COOPERATIVE AGREEMENTS WITH STATE.**—In administering the recreation area the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies.

(d) **APPLICATION OF OTHER PROVISIONS.**—The provisions of section 7(a) of the Act of October 2, 1986 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions.

(e) **RECREATIONAL ACCESS.**—

(1) **EXISTING PUBLIC ROADS.**—The Secretary may enter into a cooperative agreement with the State of West Virginia under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would preserve or enhance the scenic and natural values of the area.

(2) **FACILITIES ADJUSTMENT TO DAM.**—In order to accommodate visitation to the recreation area, the Secretary of the Interior shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not required pursuant to section 205. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

(3) **OTHER LOCATIONS.**—In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands and construct such parking and related facilities at other appropriate locations outside the boundaries of, but in close proximity to, the recreation area as may be necessary and appropriate.

(f) **PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.**—After consultation with any other Federal agency managing lands and waters within or adjacent to the recreation area, the Secretary of the Interior shall enter into a memorandum of understanding with such other Federal agency to designate those lands and waters within the recreation area which are (1) under the administrative jurisdiction of such other agency (2) directly related to the operation of the Summersville Project and (3) essential to the operation of such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

SEC. 203. MISCELLANEOUS.

(a) **LANDS AND WATERS.**—The Secretary of the Interior may acquire land or interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(b) **TRANSFERS.**—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not designated under section 202 as directly related to the Summersville Project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior.

(c) **PROTECTION OF EXISTING PROJECT.**—Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville Project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary of the Interior to facilitate and enhance whitewater recreational use and other recreational use of the recreation area. For purposes of enhancing springtime recreational use of the national recreation area and the Summersville Lake, the Summersville Lake shall be filled at the earliest practicable date during each year, taking into consideration meteorological forecasts and without impairing the ability of any department or agency to carry out the other purposes of the Summersville Project.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 205. SPECIAL CONDITIONS.

If, after the enactment of this Act, any dam, water conduit, reservoir, powerhouse, transmission line or other project commences construction at or in conjunction with the Summersville Project, the department, agency, or instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary of the Interior 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. If any such new project will adversely affect 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 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 judgment of the Secretary. The terms and conditions referred to in this subsection 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 202(d), except that during the 4-year period after the enactment of this Act, 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 May 13, 1987, if such project complies with this section. If such project is licensed within such 4-year period, the Secretary shall modify the boundary map referred to in section 201 to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point 550 feet downstream of the existing valve house and 1,200 feet (measured along the river bank) upstream of U.S. Geological Survey gauge No. 03189600.

SEC. 206. 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 15 members appointed by the Secretary of the Interior to serve for terms of 2 years. Any member of the Committee may serve after the expiration of his term until a successor is appointed. Any member of the 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 relat-

ing to development of a management plan for the recreation area and on implementation of such plan.

(c) **EXPENSES.**—Members of the committee shall serve without compensation as such, but the Secretary of the Interior 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 Committee as follows:

(1) 1 member to represent other departments or agencies of the United States administering lands affected by the national recreation area, to be appointed from among persons nominated by the head of such department or agency.

(2) 2 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) 1 member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of the State of West Virginia.

(4) 3 members to represent the commercial whitewater rafting industry in West Virginia.

(5) 1 member to represent noncommercial whitewater boating organizations.

(6) 1 member to represent conservation organizations in West Virginia.

(7) 1 member to represent individuals engaged in game fishing in West Virginia.

(8) 1 member to represent the Nicholas County Chamber of Commerce.

(9) 1 member to represent the Fayette County Chamber of Commerce.

(10) 1 member to represent recreational users of Summersville Lake.

(11) 2 member to represent local citizens or citizens groups which are concerned with the Gauley River or with lands included within the boundaries of the recreation area.

(e) **TERMINATION; CHARTER.**—The Committee shall terminate on the date 10 years after the enactment of this Act 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 Committee.

TITLE III—MEADOW NATIONAL WILD RIVER

SEC. 301. DESIGNATION OF LOWER MEADOW RIVER.

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

“(62) **MEADOW, WEST VIRGINIA.**—The segment from the bridge at Route 19 downstream approximately 4.5 miles to its confluence with the Gauley River, as generally depicted on the boundary map entitled ‘Meadow Wild and Scenic River’, numbered WSR-MEA/20,000 and dated January 1987; to be administered by the Secretary of the Interior as a wild river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) and in subsections (a) and (b) of section 6 shall not apply to the land and waters within the boundaries of such map. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act.”

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

SEC. 401. DESIGNATION OF LOWER BLUESTONE RIVER.

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

“(63) **BLUESTONE, WEST VIRGINIA.**—So much of the segment in Mercer and Summers Counties, West Virginia from a point approximately 2 miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (1,410 feet above mean sea level) of Bluestone Lake as generally depicted on the boundary map entitled ‘Bluestone Wild and Scenic River’, numbered WSR-BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) shall not apply. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within

the boundaries of the segment designated under this paragraph. All lands owned by the United States with the boundaries of the segment designated under this paragraph are hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted in the lease agreement as in effect on the enactment of this paragraph. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone 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 paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph."

TITLE V—GENERAL PROVISIONS

SEC. 501. COORDINATION AMONG RECREATIONAL RESOURCES.

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 purpose of providing for coordinated development and promotion of recreational resources of regional or national significance which are located in southern West Virginia and managed by State or Federal agencies, including State, local and national park system units, State and national forest system units, and historic sites.

SEC. 502. SPECIAL PROVISIONS.

(a) **STATE AUTHORITY.**—Subject to this subsection and to existing law and regulations, the Secretary administering any unit of the national park system subject to this Act and the Secretary administering any component of the national wild and scenic rivers system designated by the Act shall cooperate with the State on pest management practices that directly or indirectly impact lands or waters within any such unit or component. During a 3-year trial basis, the Secretary administering any such component or unit shall enter into a cooperative agreement with the State of West Virginia for the purpose of establishing a program which provides for the control of the insect simulium jenningsi on such units or components. Such program shall provide for continuous monitoring of any State activity to control such insect to determine the effect of such activity on the non-target organisms and on the other biological resources of such units. If, at any time, such activities of the State are shown to have a substantial adverse effect on the fishery resources of such river units, such activities shall immediately be ceased.

(b) **STATE REGULATIONS.**—The Secretary administering any unit of the national park system subject to this Act and the Secretary administering any component of the national wild and scenic rivers system designated by this Act 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 river units and components subject to this Act.

SEC. 503. PUBLIC AWARENESS PROGRAM.

The Secretary of the Interior shall establish a public awareness program to be carried out in Mercer, Nicholas, and Greenbrier Counties, West Virginia in cooperation with State and local agencies, landowners, and other concerned organizations. The program shall be designed to further public understanding of the effects of designation as components of the national wild and scenic river system of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August of 1983 but which were not designated by this Act as units of such system. By December 31 of the third calendar year which begins after the enactment of this Act, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate describing the program undertaken pursuant to this section. Section

7(b) of the Wild and Scenic Rivers Act shall continue to apply to the segments subject to this section until December 31 of the third calendar year referred to in the preceding sentence.

SEC. 504. CONSOLIDATED MANAGEMENT.

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, 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 to the extent practicable.

SEC. 505. NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

Any new spending authority which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation acts.

TITLE VI—GREENBRIER NATIONAL SCENIC RIVER

SEC. 601. DESIGNATION OF GREENBRIER RIVER.

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

“(64) **GREENBRIER, WEST VIRGINIA.**—The East Fork from its origin in Blister Swamp downstream to its confluence with the West Fork, the West Fork from its origin at Wildell downstream to its confluence with the East Fork, the segment of the main stem from the confluence of the East and West Forks near Durbin downstream to Deer Creek, near Cass, and the segment of the main stem from Stony Creek, near Marlinton, downstream to the I-64 Bridge near Caldwell, as generally depicted on the boundary map published by the Secretary of Agriculture entitled ‘Greenbrier National Scenic River’ and dated May, 1987; to be administered by the Secretary of Agriculture.”

(b) **FLOOD PROTECTION STUDIES.**—Nothing in this Act shall prevent the United States Army Corps of Engineers from conducting flood protection studies for any segment of the Greenbrier River which is not designated under subsection (a) as a component of the national wild and scenic rivers system. If Congress does not authorize construction of a flood control reservoir by the United States Army Corps of Engineers on the segment of main stem of the Greenbrier River between Deer Creek, near Cass, and Stony Creek, near Marlinton, within 3 years following the enactment of this Act, at the expiration of such 3-year period that segment shall be included as a component of the national wild and scenic rivers system, by operation of law, to be administered by the Secretary of Agriculture.

PURPOSE

The purpose of H.R. 900¹ as reported, is to protect and enhance certain segments of the New, Gauley, Meadow, Greenbrier and Bluestone Rivers in West Virginia.

New River Gorge National River (NRGMR) was designated as a unit of the National Park System by P.L. 95-625 in 1978. NRGMR includes a 52 mile section of the New River and 62,000 acres of adjacent lands running through the gorge and along the canyon rim from Hinton to Fayetteville, West Virginia.

The Gauley, Meadow, Greenbrier and Bluestone Rivers are all tributaries of the New River. The Gauley and Meadow Rivers are among the finest white water streams in the eastern United States and with the Greenbrier and Bluestone possess highly scenic and recreational values. Segments of all four rivers were authorized for study as potential components of the National Wild and Scenic Rivers System under P.L. 95-625. Studies of the Gauley, Meadow and Bluestone Rivers have been completed and transmitted to Congress. These three rivers were found to possess the outstandingly

¹ H.R. 900 was introduced on January 29, 1987 by Representative Rahall for himself and Representatives Staggers, Wise, Mollohan, and Udall.

remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values to be eligible for inclusion into the National Wild and Scenic Rivers System.

The Wild and Scenic River Study for the Greenbrier is overdue and has yet to be transmitted. The draft study and environmental impact statement prepared by the U.S. Forest Service found the river eligible for inclusion in the National Wild and Scenic Rivers System.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that this Act may be cited as the "West Virginia National Interest River Conservation Act of 1987", and sets forth a table of contents.

Section 2 provides the findings of the Congress and defines the purposes of the Act.

Section 101 modifies the boundaries of the New River Gorge National River, making several deletions and additions of acreage. The net boundary adjustment would include a total of 639 additional acres. The Committee is concerned with the extremely slow pace with which the National Park Service has moved to acquire land within the authorized boundary. The Committee expects the National Park Service to expeditiously take appropriate action to acquire the necessary lands and interests to protect both the scenic and natural qualities of the New River Gorge. Additionally, the Committee also expects the National Park Service to carry out all aspects of the General Management Plan in a more timely fashion than has been displayed thus far.

Section 102 authorizes the Secretary to enter into cooperative agreements with the State of West Virginia and its political subdivisions for the rendering, on a reimbursable basis, of rescue, fire fighting and law enforcement services in the New River Gorge National River.

Section 103(a) directs the Secretary to acquire and develop the Cunard site along the New River as a river access point for commercial and noncommercial use. Within the authority contained in this Act, the Secretary may take such actions as are necessary to minimize conflicts in river use.

Subsection (b) authorizes the use of motorized towing of white water rafts on an interim basis pending completion of the Cunard access site in that section of the national river between Thurmond and Cunard when the river volume is below 3,000 cubic feet per second.

Section 104 instructs the Corps of Engineers, in conjunction with the National Park Service, to conduct a study and test of flow management on the national river below the Bluestone Lake project as a means to enhance recreational and fishery uses of the national river administered by the National Park Service.

Section 201 establishes the Gauley River National Recreation Area on the 24.5 mile segment from the Summersville Dam to the vicinity of Swiss, West Virginia. It requires the National Park Service to submit to the Congress within 5 years of enactment any boundary modifications to the National Recreation Area which may be needed. The Committee received extensive testimony re-

garding the superb wild, scenic, and recreational values of the river and expects that in the administration of the Area that appropriate steps will be taken to maintain and enhance those characteristics.

Section 202(a) provides for administration of the National Recreation Area pursuant to this Act and the general authorities of the National Park Service.

Section 202(b) permits hunting and fishing (but not trapping) on lands and waters within the National Recreation Area in accordance with State and Federal law and regulation and provides for the continuation of the State fish stocking program, subject to consultation with the Secretary.

Section 202(c) authorizes the Secretary to enter into cooperative agreements with the State of West Virginia and its political subdivisions for the rendering, on a reimbursable basis, of rescue, fire fighting and law enforcement services in the Gauley River National Recreation Area.

Section 202(d) provides that the provisions of *Section 7(a)* of the Wild and Scenic Rivers Act shall apply to the Area.

Section 202(e) authorizes the Secretary to enter into a cooperative agreement with the State of West Virginia to improve existing roads, where necessary, in order to facilitate reasonable access to the Area, provided that such actions would preserve or enhance the scenic and natural values of the Area. Additionally, it directs the Secretary to improve river access, vehicle parking and related facilities for recreational activities immediately below Summersville Dam to the extent this is not required under *Section 205* of this Act. This section authorizes the acquisition of land with owner consent, outside the boundaries of the Area for the purpose of improving reasonable access to the river.

The Committee intends that the provision for the cooperative agreement regarding access will be limited to the improvement of existing sites rather than the establishment of new ones, within the boundaries of the National Recreation Area and the scenic corridor of the valley.

Section 203(f) directs the Secretary to enter into a memorandum of understanding with the Secretary of the Army regarding the management of those areas below the Summersville Dam within the National Recreation Area which are currently administered by the U.S. Army Corps of Engineers and to designate those lands and waters within the National Recreation Area which are directly related to and essential to, the operation of the Summersville Dam.

The Committee expects the respective Secretaries to establish an agreement that will provide for judicious administration of the Area pursuant to the purposes of the Summersville Dam project and the protection of the values for which the National Recreation Area is established.

Section 203(a) authorizes the Secretary to acquire land or interests in land within the boundaries of the National Recreation Area.

Section 203(b) directs the transfer to the administrative jurisdiction of the Secretary those federal lands and waters within the National Recreation Area which are not directly related to, or essential to, the operation of the Summersville Dam.

Section 203(c) reiterates that the establishment of the National Recreation Area will not impair or affect the existing project purposes of the Summersville Dam. It directs that the Secretary and the Corps of Engineers to cooperate on water releases to facilitate and enhance white water and other recreational uses of the National Recreation Area.

Section 204 authorizes such sums as may be necessary to carry out the purposes of this Act.

Section 205 requires that any new project constructed at or in conjunction with the Summersville Dam to comply with terms and conditions imposed by the Secretary to ensure such a project will not adversely affect white water or other recreational activities within the National Recreation Area. If such project would adversely affect river access to the National Recreation Area including vehicle parking and related facilities, the project sponsor is required to replace those adversely affected facilities. It also provides that during the 4 year period following enactment, nothing in this Act will prohibit the licensing of any project for which a permit or license application was filed as of May 13, 1987, if such project complies with this section, and directs that if such project is licensed within the 4 year period following enactment, the boundary will be modified to the specific coordinates referred to in the bill.

The Committee takes no position on the merits of any project proposed but seeks to assure that if such a project is constructed that it will not degrade the values for which the National Recreation Area is established.

Section 206 authorizes the Gauley River National Recreation Area Advisory Committee to advise the Secretary on matters relating to the development and implementation of a management plan for the Area.

Section 301 amends the Wild and Scenic Rivers Act to designate the 4.5 mile segment of the lower Meadow River from the Route 19 bridge to its confluence with the Gauley River as a national wild river. It includes language that specifies that hunting and fishing (but not trapping) are permitted within the area pursuant to Section 13(a) of the Wild and Scenic Rivers Act. The Committee wishes to emphasize that Section 13(a) provides the necessary authority for hunting and fishing only on river segments designated by this Act. The Committee also notes that language is included to exempt this segment from the normal acreage limitations of the Act. This authority will permit the acquisition of lands, if necessary, to the chuff line to protect the scenic corridor of this steep valley as indicated on the boundary map.

Section 401 amends the Wild and Scenic Rivers Act to designate approximately 10.6 miles of the lower Bluestone River as a national scenic river from a point approximately 2 miles upstream of the Summers and Mercer County line down to the maximum summer pool level of Bluestone Lake. It directs that federal lands within the segment would be transferred to the administrative jurisdiction of the Secretary. It also provides that the existing lease arrangement with the State of West Virginia for the Bluestone Hunting and Fishing Area will continue in force unless the State requests lease termination. Additionally, the bill provides that establishment of the national scenic river will not affect or impair the exist-

ing project purposes of the Bluestone Dam. The Committee notes that the hunting and fishing and acreage limitation provisions in Section 301 also apply to the Bluestone River segment.

Section 501 directs the Secretary to cooperate with any regional authority comprised of representatives of Nicholas, Fayette, Raleigh, Summers, Greenbrier and Mercer Counties to coordinate the development and promotion of federal and state park and forest units within the region. The Committee intends that under this authority the Secretary will provide appropriate technical assistance.

Section 502(a) directs that, subject to this subsection and existing federal law and regulation, the appropriate Secretary administering river segments subject to this Act will cooperate with the State of West Virginia on pest management practices that directly or indirectly impact federally designated lands or waters. Additionally, it provides for a limited 3 year trial program for the control of black flies, subject to continuous monitoring of any State activity to determine the effect on non-target organisms and other biological resources. If such activity is found to adversely affect the fishery resources of the affected river units, such activity shall immediately be ceased.

The Committee received testimony on the potential benefits and drawbacks of pest control and understands both the aggravation that such pests pose to humans and the concerns for the possible biological consequences of such pest management. The Committee intends that the limited authority provided in this Act for pest management will be carried out under monitoring by state and federal agencies to assure protection of the biological resources of the areas.

Section 502(b) directs the Secretary to enter into a cooperative agreement with the State of West Virginia providing for the State's regulation of commercial recreation water services of river segments designated under this Act. The Committee intends such agreements to be similar to the successful arrangement being carried out on the New River.

Section 503 provides that the Secretary shall conduct a public awareness program on the effects of wild and scenic river designation on those segments of the Meadow and Bluestone Rivers found eligible for inclusion into the national system but not designated by this Act. In carrying out the public awareness program the Committee expects the Secretary to provide technical assistance and advice to State and local agencies, landowners, and other interested individuals and organizations as necessary on river conservation options, especially those provided by the Wild and Scenic Rivers Act.

Section 504 directs the Secretary in administering the Gauley River National Recreation Area and the Meadow and Bluestone Wild and Scenic Rivers, as separate units of the National Park System to consolidate offices and personnel and to utilize existing facilities of the New River Gorge National River, to the extent practical. The Committee expects each unit to be provided with separate budget authority.

Section 601(a) amends the Wild and Scenic Rivers Act to designate as a national scenic river approximately 122 miles of Greenbrier River as depicted on the boundary map published by the Sec-

retary of Agriculture entitled "Greenbrier National Scenic River" and dated May 1987.

Section 601(b) provides that nothing in this Act shall prevent the Corps of Engineers from conducting flood protection studies for any segment of the Greenbrier not designated under subsection (a). Additionally, if Congress does not authorize a flood control reservoir on the main stem of the Greenbrier between Deer Creek and Stony Creek, within 3 years following enactment of this Act, such segment shall be included as a component of the national wild and scenic rivers system.

The Committee is aware of the present flood control study being carried out by the Corps of Engineers which is expected to be completed by December 1987. The appropriate authorizing Committees and the Congress can at that time review the recommendations of the Corps of Engineers and take appropriate action.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

A hearing was held by the Subcommittee on National Parks and Public Lands on H.R. 900 on April 23, 1987. At the meeting of the Subcommittee on May 5, 1987, H.R. 900 was favorably recommended with an amendment, to the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs ordered the bill, as amended, favorably reported to the House on May 13, 1987, by voice vote.

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act, but no specific oversight hearings have been conducted on this matter. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b)(2).

INFLATIONARY IMPACT STATEMENT

The Committee finds that enactment of this measure would have no inflationary impact on the national economy.

COST AND BUDGET COMPLIANCE

The Committee has determined that there will not be a significant increase in the Federal expenditure as a result of enactment of this bill. No report was received from the Congressional Budget Office prior to filing this report.

DEPARTMENT REPORT

The Committee requested a report from the Department of the Interior on H.R. 900 on March 26, 1987. The report received from the Department follows:

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY,
Washington, DC, May 15, 1987.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

Dear Mr. Chairman: This responds to your request for our views on H.R. 900, a bill "To protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes."

We oppose enactment of the bill unless it is amended as recommended below:

In summary, the bill would:

- revise the boundary of the New River Gorge National River, West Virginia, by adding 6,883 acres and excluding 6,244 acres, a net addition of 639 acres;

- add several administrative and management requirements to the New River Gorge authorizing legislation;

- establish a new national recreation area, the Gauley River National Recreation Area, comprising 9,415 acres along 25.7 miles of the Gauley River;

- designate 4.5 miles of the Meadow River as a wild river component of the National Wild and Scenic Rivers System;

- designate 10 miles of the Bluestone River as a scenic river component of the National Wild and Scenic Rivers System; and
- require certain management practices by Federal agencies regarding river resources.

New River Gorge National River.—Title XI of the National Parks and Recreation Act of 1978 authorized this national river. The boundary encompasses 62,024 acres, of which 50,155.74 acres are privately owned, 6,301.82 acres are owned by the State of West Virginia or other public bodies, and 5,449.43 acres are owned in fee by the Federal Government. We also have less-than-fee interests in 117.01 acres.

The General Management Plan for the river was completed in 1982, and the Land Protection Plan was prepared in 1984. The process that resulted in those plans included analysis of possible boundary changes, as required by section 1109 of the 1978 Act. The General Management Plan identified 14 boundary adjustments, which would have resulted in a net reduction of 5,500 acres. Since that time, the boundary adjustments have been refined to include additional properties which we believe are essential for proper protection and management of the areas. The adjustments we recommend now are reflected in the new boundary that would be established in H.R. 900. The estimated cost of acquiring the added lands is \$1,700,000; however, the lands excluded are all privately owned and, if acquired, would cost the Government \$1,550,000. The added lands can be acquired within the existing \$20 million ceiling. There has been \$8,510,432 appropriated since 1978.

We recommend that sections 103 and 104 be deleted from the bill. They mandate acquisition, development, and certain practices associated with commercial whitewater rafting. This use, and pro-

viding facilities to support it, is addressed in our management plans and rules for all river users. The effect of these sections is to eliminate any need for management planning, which is based on an analysis of the resources and includes participation by a broad spectrum of concerned members of the public and interested organizations. If there are Congressional concerns with our management plans we welcome oversight, but we believe legislation is not necessary.

Gauley, Meadow, and Bluestone Rivers.—Section 1108 of the National Parks and Recreation Act of 1978 amended the Wild and Scenic Rivers Act to provide for studies of the Gauley, its tributary the Meadow, and the Bluestone Rivers. The study reports were transmitted to the Congress in April 1985. The studies found that 50.4 miles of the Gauley, 27.8 miles of the Meadow, and 25.5 miles of the Bluestone were eligible for designation. That is, they possessed outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values as required in section 1 of the Wild and Scenic Rivers Act. However, these river segments were not recommended for designation by the administration in 1985 because of a lack of public support for Federal administration.

While the pending legislation indicates that there is public support for Federal involvement in the protection of these rivers, we do not recommend their designation as federally managed components of the National System. Most of the land within these river corridors, including most of the land within the proposed Gauley River National Recreation Area, is private or State-owned. Under the Wild and Scenic Rivers Act, fee acquisition of an average of 100 acres per mile on both sides of the river is authorized. Designation of these rivers as components of the National System would constitute a series of new Federal land acquisition projects at a time when the Administration is attempting to reduce Federal spending. We recommend that the State undertake protection of these river segments.

General Management Provisions.—We recommend that title V, setting forth certain management requirements, be deleted from the bill.

Among other things, section 501 directs the Secretary to assist State and county authorities to coordinate development and promotion of recreational resources managed by the State. We believe the State should promote areas of State significance. If technical assistance in management is appropriate, such is already authorized under the Act of May 28, 1963, under which the National Park Service conducts its basic recreation assistance programs.

Section 502 requires the Secretary to permit the State to conduct activities to control black flies within areas managed by the National Park Service. We prefer the approach dictated by the management policies of the National Park Service. This policy sets a standard for application of herbicides and pesticides that we follow nationwide.

Section 503 would require the Secretary to conduct a public awareness program to further public understanding of possible designation of portions of rivers not designated in this bill. It requires a report to the authorizing Congressional committees in three

years. We believe this section is unnecessary. We have authority to provide information, and we will respond to requests for information from interested members of the public.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM P. HORN,
Assistant Secretary.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE XI OF THE NATIONAL PARKS AND RECREATION ACT OF 1978

TITLE XI—NEW RIVER GORGE NATIONAL RIVER

SEC. 1101. 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. 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.), 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 title. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed New River Gorge National River" numbered [NERI-20,002, dated July 1978,] *NERI-80,023, dated January 1987*, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

* * * * *

SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies.

SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

(a) *DEVELOPMENT AND IMPROVEMENT.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction shall*

be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

(b) *Interim Measures.*—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the use of motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is below 3,000 cubic feet per second.

SEC. 1115. FLOW MANAGEMENT.

(a) *FINDINGS.*—The Congress finds that adjustments in the management by the Secretary of the Army of flows from Bluestone Lake Project during periods of low flow is necessary to respond to the Congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

(b) *Report to Congress Required.*—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Congress not later than December 31, 1988. Before submission of the report to the Congress, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

(c) *CONTENTS OF STUDY.*—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake Project during periods when flows from the lake are less than 3,000 cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form or recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

(d) *TEST PROCEDURES.*—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake Project during 24-hour periods during the summer of 1988 when flows are less than 3,000 cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake Project which permit flows higher than the 24-hour average to reach downstream recreational segments of the river during the morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less

than 1700 cubic feet per second and no test shall reduce flows below that level.

SECTION 3 OF THE WILD AND SCENIC RIVERS ACT

SEC. 3.(a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * *

(62) *MEADOW, WEST VIRGINIA.*—The segment from the bridge at Route 19 downstream approximately 4.5 miles to its confluence with the Gauley River, as generally depicted on the boundary map entitled "Meadow Wild and Scenic River", numbered WSR-MEA/20,000 and dated January 1987; to be administered by the Secretary of the Interior as a wild river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) and in subsections (a) and (b) of section 6 shall not apply to the land and waters within the boundaries of such map. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act.

(63) *BLUESTONE, WEST VIRGINIA.*—So much of the segment in Mercer and Summers Counties, West Virginia from a point approximately 2 miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (1,410 feet above mean sea level) of Bluestone Lake as generally depicted on the boundary map entitled "Bluestone Wild and Scenic River", numbered WSR-BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) shall not apply. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph. All lands owned by the United States within the boundaries of the segment designated under this paragraph are hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted

in the lease agreement as in effect on the enactment of this paragraph. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone 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 paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph.

(64) GREENBRIER, WEST VIRGINIA.—The East Fork from its origin in Blister Swamp downstream to its confluence with the West Fork, the West Fork from its origin at Widell downstream to its confluence with the East Fork, the segment of the main stem from the confluence of the East and West Forks near Durbin downstream to Deer Creek, near Cass, and the segment of the main stem from Stony Creek, near Marlinton, downstream to the I-64 Bridge near Caldwell, as generally depicted on the boundary map published by the Secretary of Agriculture entitled "Greenbrier National Scenic River" and dated May, 1987; to be administered by the Secretary of Agriculture.

CONCURRING VIEWS

The basic purpose of H.R. 900 is to preserve the major tributaries of the New River in West Virginia in their free-flowing condition and thereby enhance recreational opportunities on those river segments that are the subject of this legislation.

In 1978, a 52-mile stretch of the New River was designated as a national river. The "West Virginia National Interest River Conservation Act of 1987," introduced by the West Virginia House Delegation, would designate a 24.5-mile segment of the Gauley River as a national recreation area and add portions of the Meadow, Bluestone and Greenbrier Rivers to the National wild and scenic rivers system. The combined river mileage of the New River and its tributaries addressed by this legislation would create the largest integrated network of federally protected rivers in the nation.

As the author of this proposal, it has been my intention to promote tourism and recreational activities in southern West Virginia through the conservation of our most outstanding river resources. The river segments that are the subject of this bill will be the glue that binds the various state parks in the region together with the New River Gorge National River serving as the backbone of this network that will soon be accessible by interstate highways and scenic parkways.

The Gauley, Meadow and Bluestone Rivers were all found eligible for inclusion into the national park system by studies conducted several years ago under the auspice of the National Park Service pursuant to the Wild and Scenic Rivers Act. Rather than seek a wild and scenic designation for the segment of the Gauley from below Summersville Dam to the vicinity of Swiss, I choose to establish a national recreation area instead. This stretch of the Gauley is the East's premier whitewater river and commercial operations there, especially during the fall draw-down of Summersville Lake, pumps millions of dollars into the regional economy. The national recreation area concept will allow greater flexibility in the management of this river segment for recreation purposes while protecting the natural values of the river gorge.

The 4.5-mile segment of the Meadow River from the Route 19 bridge to its confluence with the Gauley River designated as a national wild river by this legislation is currently unencumbered by any developments whatsoever and although the mileage is not great, the resource is pristine and representative of what these rivers looked like before the earliest settlers arrived in the region. In effect, I am anticipating the most stringent of management for this segment of the Meadow River as it will serve as a showcase and a lesson for future generations.

The Bluestone is a secretive river. Not many people are aware of its existence outside of southern West Virginia. And yet, in many ways, its natural beauty surpasses all other rivers in the region.

Currently, the Bluestone is, in effect, an extension of the Bluestone Lake Project administered by the U.S. Army Corps of Engineers. The Corps has found no real use for the Bluestone and has leased those lands in the gorge owned by the United States to the State of West Virginia which has, in turn, established Bluestone State Park and the Bluestone Public Hunting and Fishing Area. On State owned land is Pipestem State Park. This legislation would designate as a national scenic river the 10.6-mile segment of the Bluestone from the vicinity of the Mercer and Summers County line where Pipestem State Park is located down to a point approximately 2.4 miles above the Route 20 bridge which represents the existing 1410 foot summer recreational pool level of Bluestone Lake. The major purpose for this designation is to protect the free-flowing condition of this river segment and to avoid actions which would inundate the gorge. While the bill would transfer those lands owned by the United States within the gorge to the jurisdiction of the National Park Service, H.R. 900 envisions continued State management under the existing lease arrangement.

During Subcommittee consideration of this bill, at the request of my colleague from the West Virginia Delegation who represents the area where the Greenbrier River flows, approximately 122 miles of this river was added as a national scenic river to be administered by the U.S. Forest Service under an amendment I offered to the bill. This portion of the river extends from its headwaters down to the I-64 bridge near Caldwell and was studied by the National Forest Service and found eligible for inclusion into the national wild and scenic rivers system although the study as of this date has never been officially transmitted to the Congress. This designation is not in direct conflict to the concern for flood control on this river. Provision has been made to allow for the fair deliberation of a project on the portion of the river between Cass and Marlinton. Notwithstanding this type of project, the legislation does not preclude other flood control activities that would not so extensively invade the river environment.

NICK J. RAHALL II.

