



Foundation Plan for New River Gorge National River

West Virginia

2011



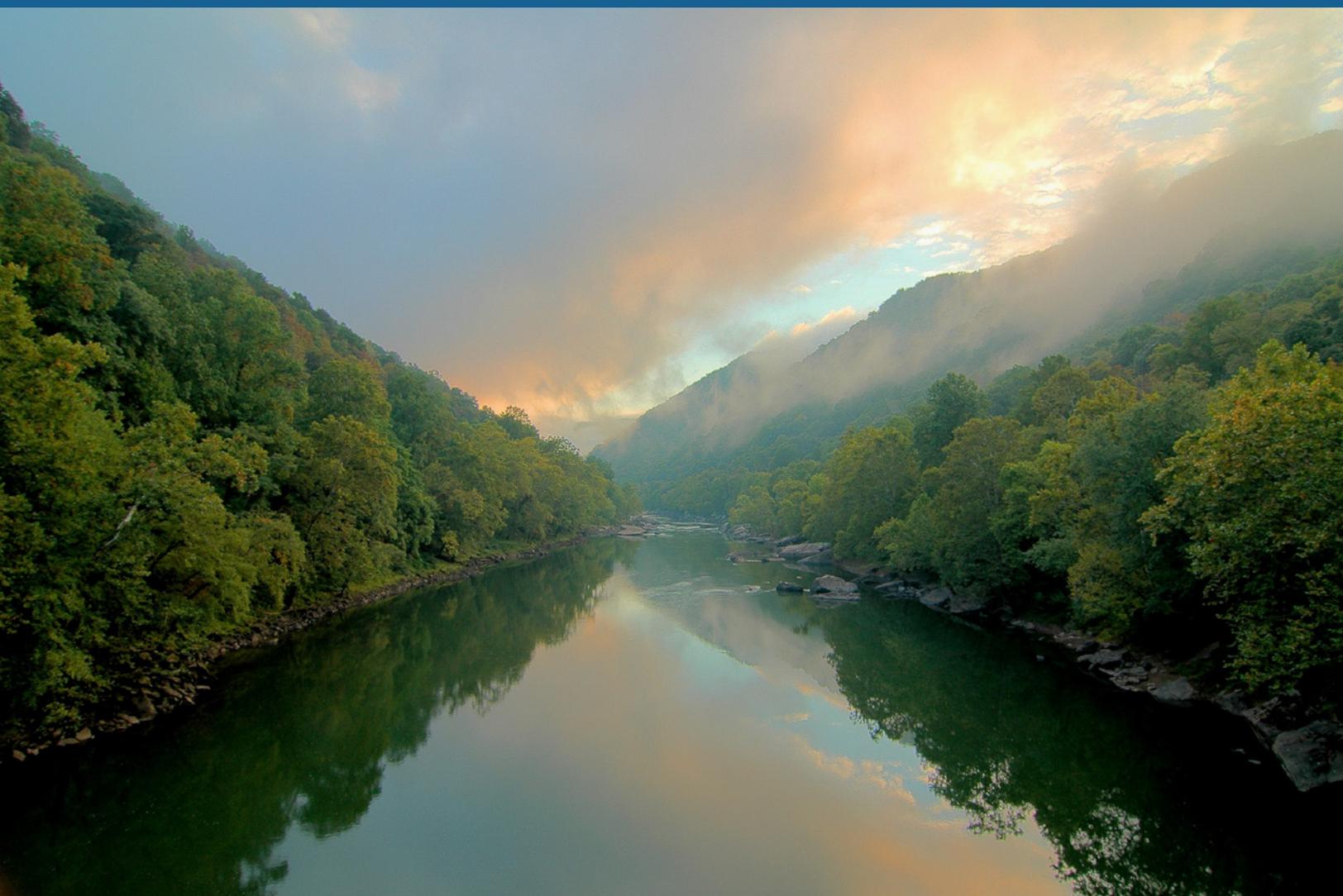
Cover Photo: Sandstone Falls (NPS/Gary Hartley)
Title Page Front Photo: New River (NPS/Gary Hartley)
Title Page Back Photo: New River (NPS/Gary Hartley)



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**NEW RIVER GORGE
NATIONAL RIVER**

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Peregrin Falcon
(Photo: NPS/Gary Hartley)

New River Gorge National River FOUNDATION PLAN

The Foundation Plan is the first step in the National Park Service planning framework and in developing a park's general management plan. It concentrates on why a park was established and describes the park's purpose and significance. The Foundation Plan identifies the park resources and values that are "fundamental" to achieving the park's purpose and significance, as well as the legal and policy requirements that mandate a park's basic management responsibilities. The following Foundation Plan for New River Gorge National River was developed by an interdisciplinary planning team and with extensive public involvement.

1.0 THE PARK'S ORIGIN AND ENABLING LEGISLATION

New River Gorge National River was established in 1978 as a unit of the national park system following a 20-year grassroots effort organized by local community leaders. The earliest discussion regarding creation of a park to protect the New River and its gorge began in the late 1950s. Some residents of communities near the park believed that a national park designation for the area was needed to protect its resources and at the same time would enhance the area's tourism appeal with potentially significant economic benefits to southern West Virginia. While at that time there was growing local support of a new national park in the region, the real effort to protect the New River began in 1962 as a result of a major conservation effort upstream of the gorge in Virginia and North Carolina. The controversy focused on a series of proposed pump storage dams on the river. Many West Virginians were strongly opposed to the proposed dams because they would have significantly altered river flows downstream. Many also feared the upstream dams would set a precedent supporting future proposals for similar dams in the Kanawha Valley in West Virginia. These concerns led to the formation of the West Virginia Chapter of the National Coalition to Save the New River and to creation of the New River Gorge National Park Committee in 1974. These groups were subsequently instrumental in promoting public support for the 1976 addition of the New River in North Carolina to the National Wild and Scenic River System. This designation brought an end to the proposals for energy development projects on the river upstream of West Virginia. The conservation effort then turned to the West Virginia section of the New River. A number of key community leaders emerged from the existing river conservation groups. Working together for another two years they built the support needed for the park in the local communities along the river leading ultimately to creation of New River Gorge National River.



Paddlers

Slower stretches of water on the upper and middle New River provide opportunities to experience solitude and natural quiet.

(Photo: NPS/Gary Hartley)

President Jimmy Carter signed legislation establishing New River Gorge National River on November 10, 1978 (Public Law 95-625) (see Appendix A). As stated in the legislation the park was established as a unit of the national park system:

“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”

Ten years later the West Virginia National Interest River Conservation Act of 1987 included a number of additional findings pertaining to New River Gorge National River (see Appendix A). The purpose of the act was:

“to provide for protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, and Bluestone Rivers in the state of West Virginia for the benefit and enjoyment of present and future generations”

Important specific provisions of the two laws and others adopted since 1978 are highlighted below in Section 8.0 of the Foundation for Planning and Management.

2.0 SPECIAL PARK DESIGNATIONS

Several federal and state natural resource management programs have designated the New River and its associated wildlife and habitat areas as areas of special management interest. These designations generally require elevated review of federal and state actions that have the potential to impact significant river-related resources and values. They also generally mandate avoidance or minimization of impacts on special resources.

Special Park Designations

Designation	Projects
<p>Outstandingly Remarkable Values (National Park Service, 1982)</p>	<p>The New River from Bluestone Dam to Gauley Bridge is listed on the Nationwide Rivers Inventory (NRI) of free-flowing rivers with Outstandingly Remarkable Values (ORVs) pursuant to Section 5(d) of the National Wild and Scenic Rivers Act (16 U.S.C 1271-1287). The New River possesses four ORVs, including:</p> <ul style="list-style-type: none"> • wildlife (segment includes 23 federally-designated threatened or endangered species, including the New River crayfish, big mouth chub, Kanawha darter, New River snail, and ephemeral cave scud) • culture (segment includes the New River Bridge – the largest expansion bridge in the world) • recreation (a nationally recognized whitewater recreation area) • geology (reported to be the oldest river – geologically – in North America) <p>All federal agencies must seek to avoid or mitigate actions that would adversely affect NRI segments.</p>

Nationally Significant and Unique Wildlife Ecosystem
(U.S. Fish and Wildlife Service, 1977)

New River Gorge is designated by the U.S. Fish and Wildlife Service and the West Virginia Division of Natural Resources as a nationally significant and unique wildlife ecosystem. These areas have wildlife or wildlife habitat values that go beyond local values in the sense that they provide substantial benefits to the public over a wide geographical area or are significantly different from other habitats in an area.

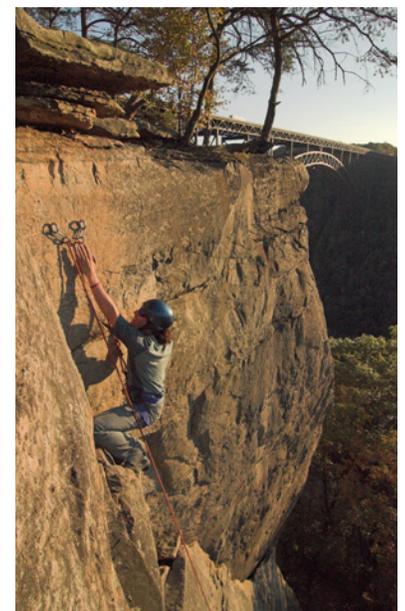
From left:

New River Gorge Bridge

One of the best views of the longest single-span steel arch bridge in the western hemisphere is from the historic route across the river along the Fayette Station road. (Photo: NPS/Gary Hartley)

Climbing

One of the hardest, most reliable climbing surfaces in the eastern US is Nuttall Sandstone. Composed of 97% quartz, this erosion resistant rock layer forms the high cliffs along the lower gorge. (Photo: NPS/Gary Hartley)





From top:

Raft on shore

A rocky shoreline offers respite to rafters...
(Photo: NPS/Gary Hartley)

Great Blue Heron

...and a vantage point for the park's largest wading bird, the Great Blue Heron.
(Photo: NPS/Gary Hartley)

Special Park Designations (continued)

Designation	Projects
<p>Resource Category 1 Habitat (U.S. Fish and Wildlife Service, 1986)</p>	<p>Habitat of the New River is designated a Resource Category 1 habitat for purposes of determining actions required to mitigate the impacts of federal actions to fish and wildlife populations, their habitat, and the human uses thereof. Federal actions include: actions requiring a federally-issued permit or license that would impact waters of the United States; major federal actions significantly affecting the quality of the human environment; and other federal actions for which the U.S. FWS has legislative authority or executive direction for involvement. Resource Category 1 habitat includes habitat of high value for evaluation species and is unique and irreplaceable on a national basis or in the ecoregion section. The mitigation goal is no loss of existing habitat value. The U.S. FWS management guideline states that:</p> <ul style="list-style-type: none"> • all losses of existing habitat be prevented as these one-of-a-kind areas cannot be replaced • insignificant changes that do not result in adverse impacts on habitat value may be acceptable provided they will have no significant cumulative impact
<p>High Quality Stream (State of West Virginia, 1986)</p>	<p>The New River is classified by the state of West Virginia as a high quality stream. These include streams with native or stocked populations of trout and native warmwater streams five or more miles in length with desirable fish populations that are utilized by the public. Policy directs public agencies to avoid actions that impact fish populations (especially trout) in high quality streams.</p>
<p>Protected Stream (State of West Virginia, 1969)</p>	<p>The New River from its confluence with the Gauley River to its confluence with the Greenbrier River is designated a protected stream within the state's natural streams preservation system. Protected streams are to be managed for the use and enjoyment of the citizens of West Virginia in such manner as will leave them unimpaired for future use and enjoyment as free-flowing streams, and so as to provide for their protection and preservation in their natural character. Regulations state that permits will not be granted for work that will materially alter or affect the free-flowing characteristics of a substantial part of a protected stream.</p>
<p>American Heritage River (Executive Order 13061, 1998)</p>	<p>The New River in Virginia, North Carolina, and West Virginia is designated an American Heritage River. The American Heritage River Initiative offers streamlined access to federal resources for projects that are created, planned, and implemented by local communities who voluntarily participate. The federal role in management of American Heritage Rivers is to solely support community-based efforts to preserve, protect, and restore designated rivers and their communities.</p>
<p>Aquatic Resource of National Importance (U.S. Environmental Protection Agency, 2007)</p>	<p>The New River is designated an Aquatic Resource of National Importance (ARNI). As such, individual permits for discharges of dredged or fill material are eligible for a higher level of review within the Department of the Army. Factors used in identifying ANRIs include: economic importance of the aquatic resource, rarity or uniqueness, and/or importance of the aquatic resource to the protection, maintenance, or enhancement of the quality of the nation's waters.</p>

3.0 PARK PURPOSE

PARK PURPOSE STATEMENTS convey the reasons for which the park was set aside as a unit of the national park system. They are grounded in a thorough analysis of park legislation and legislative history, and provide fundamental criteria against which the appropriateness of general management plan recommendations, operational decisions, and actions are tested.

THE PURPOSES OF NEW RIVER GORGE NATIONAL RIVER ARE TO:

1. preserve an important free-flowing segment of the New River
2. preserve, protect, and conserve outstanding resources and values in and around the New River Gorge, including geologic and hydrologic features, terrestrial and aquatic ecosystems, historic and archeological resources, cultural heritage, and scenic character
3. provide opportunities for public understanding, appreciation, and enjoyment of the park's natural, cultural, scenic, and recreational resources and values



View from Diamond Point

One of the most popular hiking destinations in the park, the Endless Wall Trail's Diamond Point offers views of challenging rapids, popular climbing routes, and cultural remnants of the last mining operation in the gorge at Kaymoor. (Photo: NPS/Gary Hartley)

4.0 PARK SIGNIFICANCE

PARK SIGNIFICANCE STATEMENTS express why, within a national, regional, and systemwide context, the park's resources and values are important enough to warrant national park designation. They describe why an area is important within a global, national, regional, and systemwide context, are directly linked to the purpose of the park, are substantiated by data or consensus, and reflect the most current scientific or scholarly inquiry and cultural perceptions, which may have changed since the park's establishment.

THE FOLLOWING SIX STATEMENTS EXPRESS WHY THE RESOURCES AND VALUES OF NEW RIVER GORGE NATIONAL RIVER ARE IMPORTANT ENOUGH TO WARRANT NATIONAL PARK DESIGNATION:

1. Flowing water is the definitive creative force shaping the geologic features of the New River Gorge. The New River, one of the oldest rivers in the world, continues to sculpt the longest and deepest river gorge in the Appalachian Mountains.
2. The waters of the New River system contain a mosaic of hydrologic features and aquatic habitats, support a unique aquatic ecosystem, and nourish a riparian zone that supports rare plants, animals, and communities.
3. New River Gorge National River lies at the core of a globally significant forest, contains the most diverse flora of any river gorge in central and southern Appalachia, and provides essential habitat for endangered mammals and rare birds and amphibians.
4. New River Gorge National River contains a large, outstanding and representative group of historic places that testify to the experiences of those diverse people who settled and developed this part of Appalachia between the 19th and mid-20th centuries.
5. New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park
6. New River Gorge National River provides visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community.



Rafters

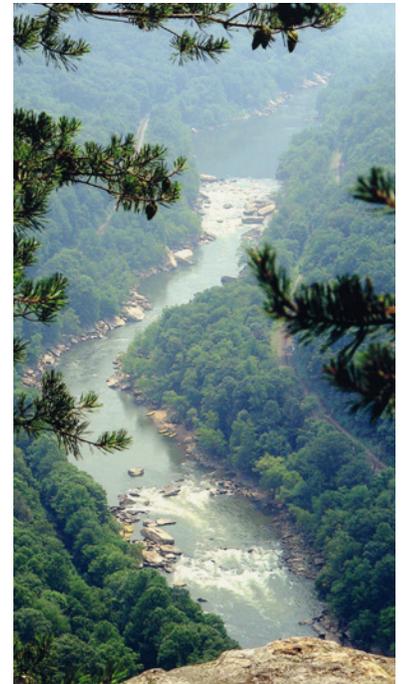
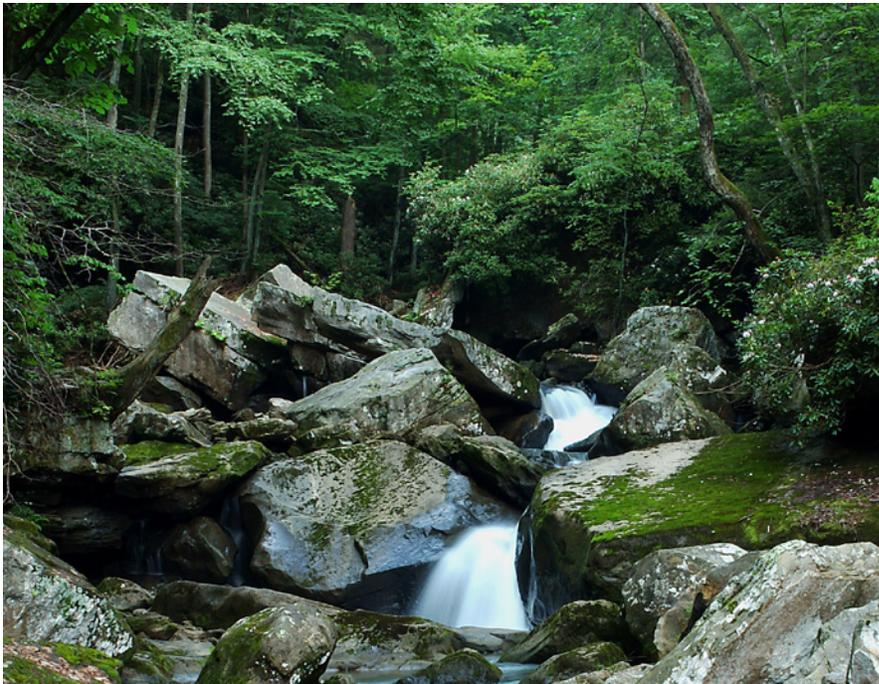
Commercial and private boaters follow the same path that once provided a corridor for early exploration. (Photo: NPS/Gary Hartley)

5.0 FUNDAMENTAL AND OTHER IMPORTANT RESOURCES AND VALUES

PARK FUNDAMENTAL RESOURCES AND VALUES are those features, systems, processes, experiences, stories, scenes, sounds, smells, or other attributes, including opportunities for visitor enjoyment, that warrant primary consideration during planning and management because they are critical to achieving the park's purpose and maintaining its significance.

OTHER IMPORTANT RESOURCES AND VALUES are those attributes that are important to park management and planning, although they are not related to the park's purpose and significance.

The following statements describe the fundamental and other important resources and values of New River Gorge National River that warrant primary consideration during planning and management or that are important to park management and planning.



Significance Statement 1

Flowing water is the definitive creative force shaping the geologic features of the New River Gorge. The New River, one of the oldest rivers in the world, continues to sculpt the longest and deepest river gorge in the Appalachian Mountains.

FUNDAMENTAL RESOURCES AND VALUES

- geologic processes and the features they have created that exemplify the geology of the Appalachian Plateau, including the exposure of 1000 meters of sandstone and shale representing 60 million years of geologic time, house-sized boulders scattered from rim to river, plant and invertebrate fossils, steep channel drop-offs, and coal seams composed of some of the best bituminous coal in the world

From left:

Cascade

Streams, pour-offs and cascades laden with moss covered rocks tumble down densely forested side hollows all along the river. (Photo: NPS/Gary Hartley)

View along New River Gorge

The river has cut a deeper, narrower path on the lower end of the gorge, leaving boulder-strewn rapids that offer a challenge to white-water enthusiasts. (Photo: NPS/Gary Hartley)



From top:

Dunlop Falls

Two miles above the New River, Dunlop Creek Falls cascades 20 feet over a sandstone ledge into quieter pools that harbor aquatic insects and invertebrates. Part of 9,000 miles of tributary that make up the 7,000 square mile New River watershed, water quality is monitored at this and other sites within the park. (Photo: NPS/Gary Hartley)

Riparian Habitat

Ash, birch, sycamore and alder line riverbanks, dominant species found within the bottomland forests that are part of the most biologically diverse river system in the central and southern Appalachia. (Photo: NPS/Gary Hartley)

Significance Statement 2

The waters of this free-flowing segment of the New River system contain a mosaic of hydrologic features and aquatic habitats, support a unique aquatic ecosystem, and nourish a riparian zone that supports rare plants, animals, and communities.

FUNDAMENTAL RESOURCES AND VALUES

- a variety and density of riverine hydrologic features and processes unparalleled in the Eastern United States, including pools, backwaters, glides, runs, shoals, riffles, torrents, cascades, chutes, rapids, and waterfalls
- a highly productive aquatic ecosystem that includes distinct assemblages of native fish (many found nowhere else), mussels, crayfish, macroinvertebrates, and a broad array of other aquatic life, including rare amphibians, reptiles, birds, and mammals
- a riparian zone that is the most biologically diverse part of the park, and that contains globally rare communities and essential habitat for several rare species

OTHER IMPORTANT RESOURCES AND VALUES

- other aquatic/wetland resources, including vernal pools, wetlands, ephemeral streams, and seeps that provide habitat for rare species
- clean water that supports healthy aquatic and riparian environments



Significance Statement 3

New River Gorge National River lies at the core of a globally significant forest, contains the most diverse flora of any river gorge in central and southern Appalachia, and provides essential habitat for endangered mammals and rare birds and amphibians.

FUNDAMENTAL RESOURCES AND VALUES

- rare expanse of unfragmented and varied forest types
- a diverse mosaic of habitats occurring over a large elevational gradient that supports forty identified plant communities containing at least 1,342 species and 54 rare plants
- abundant and diverse breeding populations of birds that spend part of their lives in the tropics but depend upon the unfragmented forests here for breeding, especially wood warblers, vireos, and thrushes

OTHER IMPORTANT RESOURCES AND VALUES

- clean air



From top:

Grandview's Main Overlook

Grandview's main overlook provides sweeping panoramic views that, on a clear day, stretch for miles. (Photo: NPS/Gary Hartley)

Cerulean Warbler

New River's rich forests provide a temporary home to the Cerulean Warbler, a neotropical migrant exhibiting rapid declines due to habitat loss. (Photo: NPS)



From top left, clockwise:

Phillips Farm

Later settlers established homes and subsistence farms up hollows and along ridge tops. (Photo: WRT/E. Clarke)

Nuttallburg Tipple

Considered one of the most complete coal related industrial sites in the US, Nuttallburg spans 90 years of New River history, its most significant period during ownership by Henry Ford. The tipple and other structures related to Ford have been stabilized and interpretive waysides installed. (Photo: NPS/Richard Segars)

Camp Brookside Dining Hall

Established as a summer recreational camp for children of Union Carbide employees, today Camp Brookside serves as a summer work camp for YCC youth. (Photo: WRT/E. Clarke)

Significance Statement 4

New River Gorge National River contains a large, outstanding and representative group of historic places that testify to the experiences of those diverse people who settled and developed this part of Appalachia between the 19th and mid-20th centuries.

FUNDAMENTAL RESOURCES AND VALUES

- rare historic colliery structures and coke ovens of unmatched integrity, such as at Nuttallburg and Kaymoor, and the historic structures and ruins associated with more than 50 company owned towns
- railroad depots, rail yards, rail grades, steel and timber trestle bridges, railroad equipment, archeological sites and associated towns, such as Thurmond, developed to support the railroad
- rare surviving examples of subsistence farms, such as Trump-Lily and Richmond-Hamilton

OTHER IMPORTANT RESOURCES AND VALUES

- former community sites, homesteads, and other places in the park where the ancestors of families long associated with the New River lived and worked and where their living descendants today have traditional associations and land-based ties
- the knowledge and cultural values of the families long associated with New River Gorge who have traditionally used the waters of the New River system, the aquatic plants and animals that inhabit those waters, and the native terrestrial plants and animals in and around New River Gorge
- the history and archeology associated with the park's lumbering industry, Civilian Conservation Corps-era state parks, and Native Americans



Significance Statement 5

New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park.

FUNDAMENTAL RESOURCES AND VALUES

- panoramic views of the New River, its gorge, and other landforms shaped by the New River as it cuts through the Appalachian Plateau
- cultural landscapes that reflect settlement and industry influenced by a rugged and isolated setting

OTHER IMPORTANT RESOURCES AND VALUES

- natural visibility and lightscape, both in daytime and at night



From top, clockwise:

New River

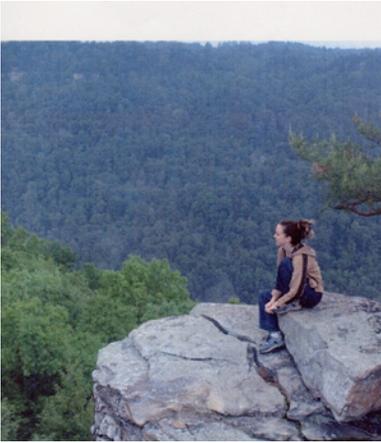
Dusk and dawn offer different moods along the river. (Photo: NPS/Gary Hartley)

Richmond Hamilton Farm

Large bottomland farms such as the Richmond-Hamilton began disappearing in the late 19th century, replaced with railroads and coal mines. (Photo: WRT/E. Clarke)

New River Corridor

The view from a raft provides a perspective much different than that from above. (Photo: WRT/E. Clarke)



From top left, clockwise:

Enjoying the View from Long Point

Hikers along the 1.6 mile Long Point trail are rewarded with one of the best views on the lower gorge. (Photo: NPS/Gary Hartley)

Rock Climbing

New River rock is famous among the climbing community, with more than 1,600 climbing routes lining the walls of the lower gorge. (Photo: NPS/Gary Hartley)

Family Swimming near Stone Cliff

Opportunities to swim, fish, boat, camp and picnic are river-wide, at access points and primitive areas along the river. (Photo: WRT/E. Clarke)



Significance Statement 6

New River Gorge National River provides visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community.

FUNDAMENTAL RESOURCES AND VALUES

- experience and enjoyment visitors derive from the direct interaction with the park’s outstanding scenic, natural, and cultural resources through a variety of recreational activities

OTHER IMPORTANT RESOURCES AND VALUES

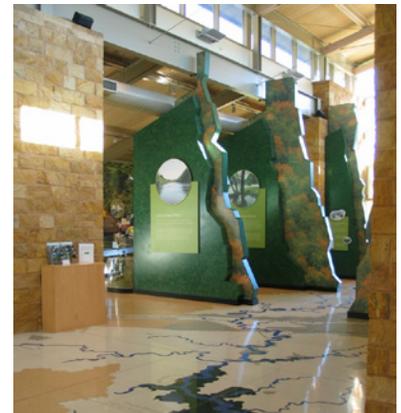
- experience of a tranquil setting characterized by largely natural sounds

6.0 INTERPRETIVE THEMES

INTERPRETIVE THEMES are ideas, concepts, or stories that are central to the park’s purpose, significance, identity, and visitor experience. The primary interpretive theme and subthemes define concepts that every visitor should have the opportunity to learn. They also provide the framework for the park’s interpretation and educational programs, influence the visitor experience, and provide direction for planners and designers of the park’s exhibits, publications, and audiovisual programs. Subsequent interpretive planning may elaborate on these themes.

Primary Interpretive Themes

Primary Interpretive Theme	Related Park Significance Statements
<p>The New River and Geologic Processes</p> <p>The ancient New River and its tributaries, together with the forces of geological processes, continue to sculpt the gorge, shape the landscape of its watershed, and reveal a sequence of rock layers that serve as windows into time</p>	<ul style="list-style-type: none"> • Flowing water is the definitive creative force shaping the geologic features of the New River Gorge. The New River, one of the oldest rivers in the world, continues to sculpt the longest and deepest river gorge in the Appalachian Mountains. (1) • The waters of the New River system contain a mosaic of hydrologic features and aquatic habitats, support a unique aquatic ecosystem, and nourish a riparian zone that supports rare plants, animals, and communities. (2)
<p>Ecological Diversity, Uniqueness, and Abundance</p> <p>With its mosaic of varied, unique, and unbroken habitats, and the quality of its air, water, and night sky, the lands and waters in and around the New River Gorge are sanctuary for a remarkable array of native plants and animals.</p>	<ul style="list-style-type: none"> • The waters of the New River system contain a mosaic of hydrologic features and aquatic habitats, support a unique aquatic ecosystem, and nourish a riparian zone that supports rare plants, animals, and communities. (2) • New River Gorge National River lies at the core or a globally significant forest, contains the most diverse flora of any river gorge in central and southern Appalachia, and provides essential habitat for endangered mammals and rare birds and amphibians. (3)
<p>Barrier, Corridor, and Refuge</p> <p>Through time, the New River Gorge has been: a barrier to travel, economic prosperity, and communication; a corridor for navigation, migration, and exploitation; and a refuge for both people and wildlife.</p>	<ul style="list-style-type: none"> • Flowing water is the definitive creative force shaping the geologic features of the New River Gorge. The New River, one of the oldest rivers in the world, continues to sculpt the longest and deepest river gorge in the Appalachian Mountains. (1) • The waters of the New River system contain a mosaic of hydrologic features and aquatic habitats, support a unique aquatic ecosystem, and nourish a riparian zone that supports rare plants, animals, and communities. (2) • New River Gorge National River lies at the core or a globally significant forest, contains the most diverse flora of any river gorge in central and southern Appalachia, and provides essential habitat for endangered mammals and rare birds and amphibians. (3) • New River Gorge contains a large, outstanding and representative group of historic places that testify to the experiences of those diverse people who settled and developed this part of Appalachia between the 19th and mid-20th centuries. (4)



From top:

Cliff

Scrub pine and oak cling to shallow-soiled rock along the cliff edge, part of a mixed mesophytic deciduous forest that measures approximately two miles wide by sixty miles long. (Photo: NPS/Gary Hartley)

Sandstone Visitor Center

Visitors to Sandstone can trace the path of the New River and major tributaries along the information center’s unique tile floor. Completed in 2003, the environmentally-friendly building has indoor and outdoor displays that highlight the watershed, conservation, and the natural history of the New River basin. (Photo: NPS/Gary Hartley)



From top:

Nuttallburg Mine Entrance

Mine entrances are gated for visitor safety and protection of endangered bat populations. At Nuttallburg, the mine and associated structures serve as one of the park’s primary sites to interpret the region’s industrial period. (Photo: NPS/Richard Segars)

Mining Equipment

Cultural ruins and scattered mining apparatus speak to a time when the gorge was the center of industrial activity. (Photo: NPS/Richard Segars)

Primary Interpretive Themes (continued)

Primary Interpretive Theme	Related Park Significance Statements
<p>Barrier, Corridor, and Refuge (continued)</p>	<ul style="list-style-type: none"> • New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park. (5) • New River Gorge National River provides visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community. (6)
<p>Exploitation</p> <p>The industrialization of America came at a cost; New River Gorge is a reminder not only of the exploitation of resources, but also the exploitation of people in an age of unrestricted capitalism.</p>	<ul style="list-style-type: none"> • New River Gorge contains a large, outstanding and representative group of historic places that testify to the experiences of those diverse people who settled and developed this part of Appalachia between the 19th and mid-20th centuries. (4) • New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park. (5) • New River Gorge National River provides visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community. (6)
<p>A Rugged Land, A Rugged People</p> <p>Whether securing sustenance or extracting wealth from this rugged land, the people of New River Gorge developed a culture of hard labor, perseverance, and faith just to maintain a lifestyle that was devoid of luxury or ease.</p>	<ul style="list-style-type: none"> • New River Gorge contains a large, outstanding and representative group of historic places that testify to the experiences of those diverse people who settled and developed this part of Appalachia between the 19th and mid-20th centuries. (4) • New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park. (5) • New River Gorge National River provides visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community. (6)
<p>Evolving Ethics and Changing Perceptions of the Land</p> <p>Over time, human perceptions of the value of the land in and around the New River Gorge have shifted dramatically from a challenging wilderness to be conquered and exploited to a treasured wildness to be enjoyed and protected for future generations.</p>	<ul style="list-style-type: none"> • New River Gorge contains a large, outstanding and representative group of historic places that testify to the experiences of those diverse people who settled and developed this part of Appalachia between the 19th and mid-20th centuries. (4) • New River Gorge National River has diverse and extraordinary scenic resources and views accessible to visitors from the river, rocky overlooks, trails, and rural roads throughout the park. (5) • New River Gorge National River provides visitors with exceptional opportunities for exploration, adventure, discovery, solitude, and community. (6)

7.0 ANALYSIS OF FUNDAMENTAL AND OTHER IMPORTANT RESOURCES AND VALUES

For every fundamental or other important resource and value, some basic analysis is needed to identify current conditions, potential threats, the level of stakeholder interests, and existing policy guidance. The intention of this analysis is not to be lengthy and exhaustive, but rather to summarize the basic information related to each resource and value that will guide various steps in the GMP process.

Geologic – Geologic Features and Processes

Fundamental Resource/Value	geologic processes and the features they have created that exemplify the geology of the Appalachian Plateau, including the exposure of 1000 meters of sandstone and shale representing 60 million years of geologic time, house-sized boulders scattered from rim to river, plant and invertebrate fossils, steep channel drop-offs, and coal seams composed of some of the best bituminous coal in the world
Importance	<ul style="list-style-type: none"> • The park’s geologic features and the processes that formed them are some of the reasons for establishing the park and why the park is significant, both nationally and internationally. • New River Gorge is the longest (66 miles) and deepest (>1600 feet) of the river gorges in the Appalachian Mountains. • Thickly bedded hard and soft rock layers of the gorge set and preserve the path of the New River and its tributaries and defines the classic V-Shape of the gorge. • The gorge likely contained the continuous flow of the New River since the time of the extinct Teays River system (Ordovician, 440 to 505 MYbp) making it one of the oldest rivers in the world. • Unusually quartz-rich quality of the sandstones creates nearly impervious rock layers that create dramatic channel drop offs, ledges in the New River and its tributaries, and several continuous cliff lines. • Within the park there are important plant fossils (<i>Mariopteris muricata</i> and <i>Neuropteris pocahontas</i>) and invertebrate fossils that distinguish the rock layers of the Pennsylvanian from the Mississippian systems. • Within the park is one of three developed locations in West Virginia showcasing “Rock Cities” (house -size boulders separated by interconnecting passages). At least three distinct locations of this feature are located within New River Gorge. • House-sized boulders and ledges characterize the extreme nature of the rapids in the New River. • Contains the “New River Formation”, a documented beginning and end of a portion of the Pennsylvanian age represented by a single continuous exposure of named rock layers and home to all of the New River coal seams. • Four seams of coal in the park represent the highest quality bituminous coals cheaply converted to coke, a necessary ingredient in the production of steel. • The availability of New River coal fueled western expansion following the Civil War. • The park’s coal resources are of a quality that is valuable and increasingly hard to find.
Current State and Related Trends	<ul style="list-style-type: none"> • The gorge geology has been monitored since 2003. Generally, most of the gorge geologic features are in good condition. • The ‘reasonably foreseeable development scenario’ for natural gas indicate that there are an estimated 39 billion cubic feet in deep (>6000 ') unproven reservoirs. • Erosion processes are still active and require monitoring. • Updated soils data would enhance the park’s ability to manage flora, fauna and hydrology with better efficiency. • Certain rock layers in and around New River Gorge contain plant and invertebrate fossils in discontinuous localities. • Ancient river terraces likely contain cultural resources. • Coal mining in the gorge is not expected due to the restrictions of the Surface Mining Control and Reclamation Act of 1977. • Coal seams in and around the gorge are largely mined out, leaving only small coal remnants. • Garden Ground (approximately 1800 acres outside the park boundary) is the last of the large seams of unmined Sewell coal. • The remnants of these desirable coal seams are still sought after and many are immediately adjacent to the park.

Geologic – Geologic Features and Processes (continued)

Potential Threats

- Erosional processes are expected in and around the gorge. These processes include (but are not limited to) debris flows, rock slides, rock falls, rock topple, landslides, blowouts, and river scour.
- Major storms cause surge events which increase the impacts of river scour, blowouts, debris flows, and landslides.
- Erosion and blowouts along mine benches may impede visitor access to trails and facilities.
- Erosion and blowouts introduce undesirable and hazardous mine spoils into the New River.
- Visitors occasionally deface remote geologic features.
- Should market prices for metallurgical coal further increase, coal operations to extract the remaining coal remnants would likely take place adjacent to the park.
- Mining operations in shared watersheds may alter the gorge with visual and hydrologic consequences.

Stakeholder Interest

- West Virginia Division of Natural Resources, Hawks Nest State Park, and Babcock State Park
- West Virginia Dept of Environmental Protection, Office of Oil and Gas and Division of Mining and Reclamation
- Natural Gas Operators (currently Berwind, Enervest and Cabot have interests within or immediately adjacent to the park)
- coal developers (latest application from Eagle Ridge adjacent to park boundary with potential to impact the Fire Creek watershed)
- U.S. Geological Survey
- West Virginia Geologic and Economic Survey (WVGES)

Applicable Laws and Policies

- National Park Service Organic Act (16 USC 1-4)
- Omnibus Parks and Public Lands Management Act of 1996, established the National Coal Heritage Area (PL 104-333)
- National Park Service Organic Act (16 USC 1-4)
- National Park Service Management Policies 2006, §8.7 (Mineral Exploration and Development)
- 36 CFR §9.b (Oil and Gas operations)
- Surface Mining Control and Reclamation Act of 1977 (SMCRA – Coal Operations)
- Comprehensive Environmental Response, Compensation, and Liability Act 1980 (CERCLA – Acid Mine Discharge)
- Minerals Management Guideline #66
- Operators Handbook for Non-Federal Oil and Gas Development (Geologic Resources Division-2002)

Management Direction:

The NPS will preserve and protect geologic resources as integral components of park natural systems. Natural erosion processes are allowed to continue without interference. New developments are not placed in areas subject to erosion processes unless the development is essential to meeting the park's purposes and 1) no practicable alternative locations are available; 2) the development is reasonably assured of surviving during its planned life span without the need for erosion control measures; and 3) steps are taken to minimize harm to natural resources. Efforts continue to restore disturbed areas and control the spread of nonnative vegetation. Inventorying and monitoring will continue to ensure that the gorge and its geologic features are not adversely affected by human activities.

Mineral exploration or development may be allowed in the park only when prospective operators demonstrate that they hold rights to valid mining claims, federal mineral leases, or non-federally owned minerals. All persons who conduct mineral development within the park will do so only in conformance with applicable statutes, regulations, and NPS policies. The NPS must determine that operations associated with mineral interests would not adversely impact park resources.

Quality and Comprehensiveness of Relevant Existing Information

- There are no 1:24,000 geological maps for the gorge area.
- Potential paleontological resource localities still require ground truthing.
- Latest soil survey data for Raleigh and Fayette County is dated 1975.
- Gas well inventories include good quality and useful data for management purposes.
- Acid mine drainage is currently being documented for management purposes.
- Definitive explanation on the age of the New River continues to be researched and documented with assistance from the USGS.
- Abandoned mineral lands (AML) inventory includes good quality and useful data for management purposes.
- In-situ coal resources in and around the gorge are not well documented but the relationship with the WV DEP includes the ability to comment on surface mine applications when submitted.

Hydrologic – Riverine Hydrologic Features and Processes

Fundamental Resource/Value	a variety and density of riverine hydrologic features and processes unparalleled in the eastern United States, including pools, backwaters, glides, runs, shoals, riffles, torrents, cascades, chutes, rapids and waterfalls
Importance	<ul style="list-style-type: none"> • The New River is the reason the park was created and one reason why it is significant nationally. • Within a relatively small area, the park contains some of the most varied types of running water in the eastern United States. • The river and tributary streams are among the most popular visitor use areas within the park, and provide a variety of water-based recreational opportunities, including whitewater and flatwater boating, angling, and swimming. • The New River was designated as one of the first American Heritage Rivers, and designation of the first group of these rivers occurred in the New River watershed. • The wide range of hydrologic features provides a spectrum of opportunities for contemplation and inspiration.
Current State and Related Trends	<ul style="list-style-type: none"> • The New River is free-flowing within the park boundary, although upstream dams (including Bluestone Dam, located just upstream of the park and operated as a run-of-the-river dam), have reduced maximum peak flows from pre-dam values. • Constriction of flow by roadways, railroads, and their bridges may negatively impact flow regime by acting as de facto channelization. • Flooding in 2001 created new hydrologic features, some of which were temporary and some of which have persisted, at or near the mouth of some tributary streams.
Potential Threats	<ul style="list-style-type: none"> • Proposed modifications to Bluestone Dam, especially the addition of power generating capacity, could result in further changes to the hydrologic regime of the New River within the park. • Potential flood control activities on the Greenbrier River, a major unregulated tributary that joins the New River just upstream of the park boundary could alter flow regime of the New River within the park.
Stakeholder Interest	<ul style="list-style-type: none"> • U.S. Army Corps of Engineers (operates Bluestone Dam just upstream of the park boundary. Bluestone Dam controls most of the flow of the New River into the park) • Tri-Cities Power Authority (planning to develop power generating capacity at Bluestone Dam) • U. S. Geological Survey (operates and maintains a network of stream flow and stage gages in the New River watershed and conducts research into hydrologic phenomena) • Natural Resources Conservation Service (helps design and fund watershed projects on private lands to control flooding and erosion – such projects can affect the hydrologic regime of the New River and its tributaries) • commercial river outfitters, most represented by the West Virginia Professional River Outfitters (are concerned about the hydrologic regime of the New River, particularly as it relates to whitewater boating) • private boaters, as represented by the West Virginia Rivers Coalition and the WV Wildwater Association (are concerned about the hydrologic regime of the New River) • local watershed associations, including the Piney Creek Watershed Association, the Dunloup Creek Watershed Association, and Plateau Action Network (Wolf Creek) (are concerned about hydrologic phenomena, particularly flooding, in tributary streams) • West Virginia Department of Transportation, Division of Highways (maintains and builds state roads and associated appurtenances like bridges and culverts, in and around the park) • CSX Corporation (operates a railroad that runs adjacent to the New River through the length of the park) • R. J. Corman (operates a short line railroad adjacent to Dunloup Creek)

Hydrologic – Riverine Hydrologic Features and Processes (continued)

Applicable Laws and Policies

- 36 CFR (Parks, Forests, and Public Property)
- Rivers and Harbors Act (RHA) of 1899 (30 Stat.1150), as amended (33 USC 401 et seq.) and 1938 amendments (33 USC 540)
- Federal Water Pollution Control Act Amendments of 1972 (PL 92-500)
- National Park Service (Organic) Act of 1916 (PL 64-235, 39 Stat. 535, 16 U.S.C. 1 et seq.)
- Fish and Wildlife Coordination Act of 1934 (PL 85-624, 72 Stat. 563), as amended (16 U.S.C. 661 et seq.)
- Flood Control Act (FCA) of 1936 (PL 74-738) and 1938 (PL 75-761)
- U.S. Supreme Court decision 311 U.S. 377 (1940) held the New River from Allisonia, VA to Hinton, WV to be navigable
- Federal Water Pollution Control Act Amendments of 1961 (PL 87-88), as amended (particularly by PL 92-500 and PL 95-217; 33 USC 1251 et seq.), also referred to as the Clean Water Act
- Water Resources Planning Act of 1965 (PL 89-80, 79 Stat. 245), as amended (42 USC 1962 et seq.)
- Research Grants Act of 1966 (PL 89-672)
- 1968 Wild and Scenic Rivers Act (PL 90-542), as amended (16 USC 1271 et seq.)
- National Park Service General Authorities Act of 1970 (PL 91-383, 84 Stat. 825)
- Redwood National Park Act of 1978 (PL 95-250, 92 Stat. 163)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625, 16 USC 460m-15 et seq.)
- West Virginia National Interest River Conservation Act of 1988 (PL 100-534)
- Water Resources Development Act (WRDA) of 1988 (PL 100-676)
- Omnibus Parks and Public Lands Management Act of 1996 (PL 104-333)
- National Park Omnibus Management Act of 1998 (PL 105-391, 112 Stat. 34997, 16 USC 5901 et seq., 16 USC 5991 et seq.)
- WRDA of 1999 (PL 106-53)
- Energy and Water Development Appropriations Act of 2006 (PL 109–103)
- Executive Order 13061 (Federal Support of Community Efforts Along American Heritage Rivers, signed September 11, 1997) established the American Heritage Rivers initiative
- Executive Order 13080 (American Heritage Rivers Initiative Advisory Committee, signed April 7, 1998)
- Executive Order 13093 (American Heritage Rivers, Amending Executive Orders 13061 and 13080, signed July 27, 1998)
- National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management)

Management Direction:

The hydrologic features and processes of New River Gorge National River are protected and preserved for the benefit, education, recreational use, and enjoyment of the American people. Natural hydrologic processes are allowed to continue without interference. New developments are not placed in areas subject to natural hydrologic fluctuations unless the development is essential to meeting the park's purposes and 1) no practicable alternative locations are available; 2) the development is reasonably assured of surviving during its planned life span without the need for additional protection from hydrologic fluctuation; and 3) steps are taken to minimize harm to other natural resources, including restoration of disturbed areas and elimination of control of non-native vegetation. The NPS will manage watersheds as complete hydrologic systems and minimize human-caused disturbance to the natural upland processes that deliver water, sediment, and woody debris to streams.

Quality and Comprehensiveness of Relevant Existing Information

- Anglers, and for the last 40 years whitewater boaters, have explored the hydrologic features that lie low within New River Gorge National River.
- Several USGS, NPS, and academic studies have analyzed flow dynamics and stream form in the New River Gorge, and have produced longitudinal streambed and water surface profiles.
- The waterfalls, cascades, and other hydrologic features of NRGNR streams are regularly featured in newspaper and magazine articles.
- Park staff have photo-documented many of these features, as have non-park photographers.

Hydrologic – Aquatic Ecosystem

Fundamental Resource/Value	a highly productive aquatic ecosystem that includes distinct assemblages of native fish (many found nowhere else), mussels, crayfish, macroinvertebrates, and a broad array of other aquatic life, including rare amphibians, reptiles, birds and mammals
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Importance	<ul style="list-style-type: none"> • The New River system has pH and alkalinity indicative of a highly productive aquatic ecosystem, and produces the largest number of trophy fish to anglers of any stream in West Virginia. • The New River drainage contains the lowest number of native fish species relative to watershed area of any drainage in the eastern United States. • The New River drainage contains the second highest percentage of endemic fish species to native species of any drainage in the eastern United States. • The New River drainage contains the lowest number of native mussel species relative to watershed area of any drainage in the eastern United States. • The New River drainage contains the lowest number of native crayfish species relative to watershed area of any drainage in the eastern United States.
Current State and Related Trends	<ul style="list-style-type: none"> • Only three game fish species (channel catfish, flathead catfish, and green sunfish) are considered native to the New River system in the vicinity of New River Gorge National River. Recent evidence suggests that a unique population of walleye in the upper New River in Virginia may be native (Palmer 1999; Palmer et al. 2007). All other game fish were introduced. • Introduction of non-native aquatic species, often for sport fishing or bait, has altered natural food webs and other ecological processes/functions, and probably led to decreases of many native fish and crayfish. • The State of West Virginia applies the bacterial insecticide Bti to control black flies in the New River. Black flies are an important component of stream ecosystems, filtering bacteria size particles from moving water and serving as important food items for many other invertebrates, fishes, and amphibians. Monitoring is conducted by both the State and the NPS, but no determination of impacts has been made. • Acid drainage from a coal mine spoil pile outside of the park creates occasional pulses of low-pH water into Wolf Creek, killing aquatic life. The NPS is partner to an agreement that is working to alleviate this problem. • Storm water management in Beckley, the largest community in a tributary to New River within New River Gorge National River, may reduce sediment delivery to, and transport by, Piney Creek and thence the New River. • Erosion adjacent to and subsequent deposition of sediment from, roadways, railroads, and their bridges may reduce effective habitat for aquatic organisms, particularly mussels and other benthic species. • The federally endangered pink pearly mussel is found just downstream from the park, but the same natural barrier (Kanawha Falls) that has resulted in low diversity of native fish and mussel species has probably prevented or retarded its entry into the park.
Potential Threats	<ul style="list-style-type: none"> • The invasive zebra mussel has not yet been found in the park, as its potential upstream migration to the park is probably being curtailed by Kanawha Falls. It is likely that this species will eventually reach the park once it becomes established by accidental transplant into Bluestone Reservoir. • Other non-native invasive species introduced accidentally or on purpose. • Native mussels require specific fishes to host an essential stage in their life cycle. Addition of non-native fishes may alter fish community dynamics and decrease populations of potential host species.

Hydrologic – Aquatic Ecosystem (continued)**Stakeholder Interest**

- West Virginia Division of Natural Resources (state fish and wildlife management agency)
- anglers, including but not limited to those represented by organizations such as Trout Unlimited, Bass Anglers Sportsman Society, and the Glade-Pinch Trout Association (rely on non-native game fish to support their hobby)
- bait and tackle dealers (have an economic interest in selling supplies and equipment to those who angle for non-native fish species)
According to DNR Licensed Hunting and Fishing Guides (2009) there are 14 bait and tackle dealers.
- businesses offering guiding/outfitting services to anglers in pursuit of non-native game fish
- state and local governments (particularly the city of Hinton and the town of Fayetteville) realize sales or business and occupation taxes from bait and tackle dealers and fishing guides)
- The Plateau Action Network and the Wolf Creek Trust want to restore Wolf Creek to the point that it can again support non-native trout
- Scientists at several local universities, including Virginia Tech, Marshall, and West Virginia have conducted research dealing with aquatic species in and around the park
- U.S. Fish and Wildlife Service (federal agency that enforces federal wildlife protection laws, such as Endangered Species Act, restores nationally significant fisheries, conserves wetlands)
- U.S. Geological Survey (conducts research on aquatic biota)

Applicable Laws and Policies

- National Park Service Organic Act (16 USC 1-4)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625)
- West Virginia National Interest River Conservation Act of 1988 (PL 100-534)
- National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management)
- 1938 Rivers and Harbors Act amendments (33 USC 540)
- Fish and Wildlife Coordination Act of 1965 (16 USC 661 et seq.)
- Endangered Species Act of 1973 (PL 93-205, 87 Stat. 884, 16 USC 1531 et seq.)
- Fish and Wildlife Conservation Act of 1980 (Nongame Act, 16 USC 2901-2911, 94 Stat. 1322, PL 96-366)
- Executive Order 11987 (Introduction of Exotic Species, signed May 24, 1977)
- Executive Order 12962 (Recreational Fisheries, signed June 7, 1995)
- Executive Order 13112 (Invasive Species, signed February 3, 1999)

Management Direction:

The NPS maintains as parts of the natural ecosystems all native aquatic species by preserving and restoring the natural abundances, diversities, dynamics, distributions and habitats of populations of these species, and the communities in which they occur. Aquatic species in these communities function in as natural a condition as possible except where special management considerations are warranted. The Park Service works with other land managers, including the state, and other federal agencies, to encourage the conservation of these species and communities. Potential threats to aquatic species survival and health are identified early and proactively addressed. Sources of air, water, nonnative species, and visitor uses adversely affecting aquatic species and communities are limited to the greatest degree possible. In dealing with external threats, the Park Service should work cooperatively with surrounding landowners and managers, and when appropriate, actively participate in the planning and regulatory processes of neighboring jurisdictions, to encourage compatible adjacent land uses to avoid or to mitigate potential adverse effects.

The management of populations of nonnative aquatic species, up to and including eradication, is undertaken wherever such species threaten native aquatic species and communities and when control is prudent and feasible.

Quality and Comprehensiveness of Relevant Existing Information

- The NPS has conducted annual long-term monitoring of the New River that includes fish, benthic macroinvertebrates, seston, algae, and vascular aquatic plants for more than fifteen years.
- The NPS has funded and conducted periodic surveys that describe New River fishes, mussels, crayfish, reptiles and riparian and aquatic birds, and tributary amphibians.
- The West Virginia Division of Natural Resources has extensively monitored game and non-game fish populations in the New River and many of its tributaries.
- Pauley (1997) conducted surveys for invertebrates and vertebrates at proposed development sites in the park.

Hydrologic – Riparian Zone

Fundamental Resource/Value	a riparian zone that is the most biologically diverse part of the park, and contains globally rare communities and essential habitat for several rare species
Importance	<ul style="list-style-type: none"> • The river and tributary streams maintain and nourish important riparian areas. • The riparian zone within New River Gorge National River supports the globally rare Appalachian Rivers Flatrock Community. • The riparian zone within New River Gorge National River provides habitat for federally listed plants, like Virginia spiraea and running buffalo clover, and animals like the Louisiana waterthrush, and a number of species of concern to the State of West Virginia. • Riparian zones provide essential connectivity for species that use different habitats for different parts of their life history. • Riparian areas are important nesting and roosting sites for a number of birds, including the bald eagle.
Current State and Related Trends	<ul style="list-style-type: none"> • The riparian zone is the most popular terrestrial habitat frequented by park visitors, and this has led to trampled riparian vegetation, especially in heavily used areas. • Removal/reduction of natural riparian vegetation has allowed invasive exotic species to encroach into many riparian areas. • Railroad tracks run the length of the park along the river and may limit the upslope extent of riparian zones. Roads and railroads also limit riparian zones in some tributary stream corridors. • Reduction of extreme peak floods has led to declines in the globally rare Appalachian Rivers Flatrock Community.
Potential Threats	<ul style="list-style-type: none"> • Construction of the planned New River Parkway may lead to greater development in the southern end of the park. Increased development is likely to result in increased erosion and decreased riparian continuity and integrity in the area between Hinton and I-64. • Addition of hydropower capability to Bluestone Dam may further reduce peak flows, altering the sediment transport processes that nourish and replenish riparian areas, and reduce the scouring needed to maintain the Appalachian Rivers Flatrock Community. • Flood control activities on tributary streams may reduce the delivery of sediment needed to replenish downstream (including mainstem) riparian areas. • Land disturbing activities in tributary watersheds may increase the delivery of destructive sediment loads to downstream (including mainstem) riparian areas, suffocating some organisms and disturbing natural succession processes. • The distribution and coverage of aggressive exotic plants such as Japanese knotweed, garlic mustard, mile-a-minute vine, and Japanese stiltgrass, threatens the integrity of much of the riparian zone, with many areas already converting to mono-cultures of exotic species.
Stakeholder Interest	<ul style="list-style-type: none"> • U. S. Army Corps of Engineers (operates Bluestone Dam on the New River just upstream of the park boundary) • Tri-Cities Power Authority (working to add power generation capability to Bluestone Dam) • U. S. Fish and Wildlife Service (enforces federal wildlife protection laws, such as Endangered Species Act) • U. S. Geological Survey (conducts research on riparian organisms and ecosystems) • West Virginia Division of Natural Resources (valuable partner in the management of state species of concern) • New River Parkway Authority • landowners, especially in New River Parkway corridor • anglers, commercial outfitters, river-bank recreationists • Brooks Bird Club, Three Rivers Avian Center, West Virginia Native Plants Society, and other natural science clubs and organizations

Hydrologic – Riparian Zone (continued)**Applicable Laws and Policies**

- Fish and Wildlife Coordination Act of 1965 (16 USC 661 et seq.)
- Endangered Species Act of 1973 (PL 93-205, 87 Stat. 884, 16 USC 1531 et seq.)
- Executive Order 11988 (Floodplain Management)
- Executive Order 11990 (Protection of Wetlands), and the 1989 NPS Floodplain Management and Wetland Protection Guidelines (45 CFR 35916, Section 9)
- National Park Service Organic Act (16 USC 1-4)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625)
- West Virginia National Interest River Conservation Act of 1988 (PL 100-534)
- National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management)
- Title I Section 150 of 2003's PL 108-108 (117 Stat, 1241) (directs the NPS to issue a special regulation concerning continued hunting in New River Gorge National River, and stipulates that the existing interim rule allowing continued hunting be in effect until the special regulation supercedes it (references 16 U.S.C. 460m-20)

Management Direction:

The NPS maintains as parts of the natural ecosystems of New River Gorge National River all native plants by preserving and restoring the natural abundances, diversities, dynamics, distributions and habitats of native plant populations and the communities in which they occur. Plant populations in these communities function in as natural a condition as possible except where special management considerations are warranted. The Park Service works with other land managers, including the state, and other federal agencies, to encourage the conservation of these unfragmented forests, rare plant communities and native plant populations. Potential threats to forest integrity and rare plant communities are identified early and proactively addressed. Sources of air, water, nonnative species, and visitor uses adversely affecting the forest and plant communities are limited to the greatest degree possible. In dealing with external threats, the Park Service should work cooperatively with surrounding landowners and managers, and when appropriate, actively participate in the planning and regulatory processes of neighboring jurisdictions, to encourage compatible adjacent land uses to avoid or to mitigate potential adverse effects.

The management of populations of nonnative plant and animal species, up to and including eradication, is undertaken wherever such species threaten rare plant communities and when control is prudent and feasible.

Quality and Comprehensiveness of Relevant Existing Information

- There are nearly as many riparian community types classified in the park (15) as upland forest and woodland community types (16), although area of the park consisting of upland forests is nearly 39 times greater in size than the riparian zone (Vanderhorst 2007).
- Riparian habitats occupy only 2.2% of the park, however these biologically diverse ecosystems contain over 65% of the park's known plant species (2007).
- Seven plant communities within the riparian zone are "globally rare" (NatureServe 2007).
- Phillips (1969) conducted a floristic inventory of several sites along the New River.
- Grafton and Eye (1982) inventoried wetlands and plant life.
- McDonald conducted several rare plant surveys; flatrock communities (1986, 1989, 1990 and 2000) and Brooklyn/Red Ash Island (1999).
- Suiter (1995) conducted a floristic survey of 34 sites within the park.
- VPI (2001) studied the Virginia pine forest on Camp Brookside Island.
- Pauley (1997) conducted surveys for invertebrates and vertebrates at proposed development sites in the park.
- Although eradication of exotic species throughout the park is an unrealistic goal, many high priority areas within the riparian zone should be identified where eradication may be practical.
- There is a heavy concentration of recreational activities in the riparian zone with their associated impacts to flora and faunal communities. Management is needed to protect globally rare resources from visitor impacts.

Hydrologic – Other Aquatic/Wetland Resources

Fundamental Resource/Value	other aquatic/wetland resources, including vernal pools, wetlands, ephemeral streams, and seeps that provide habitat for rare species
Importance	<ul style="list-style-type: none"> • These standing water features provide important breeding habitat for many amphibian species. • This limited resource is important to plant and animal species diversity. • Wetlands are primary habitat for hundreds of species of waterfowl as well as many other birds, fish, mammals and insects. • Wetlands naturally filter and recharge the water table and act to slow the flow of surface water and reduce the impacts of flooding. • These features provide unique lentic (standing water) habitats in a land otherwise defined by flowing water. • These habitats support unique assemblages of aquatic plants (including vascular plants and algae) and animals (including insects, amphibians, birds and mammals). • Many of the species supported by these habitats are locally rare. • These features can act to reduce storm surge from rainfall events by detaining runoff, thus reducing downstream flood risk.
Current State and Related Trends	<ul style="list-style-type: none"> • With development and resource extraction, such as mountain top removal, wetland resources surrounding the park are being impacted and their total area is being reduced. • Regionally and globally, this resource is being degraded at an alarming rate. • Within the park, many of these features, their hydrologic dynamics and the status of many of the species they support are poorly studied and not well understood.
Potential Threats	<ul style="list-style-type: none"> • New visitor facilities must be carefully sited to avoid draining or eliminating any of these seasonal water sources. • Development of private lands within and around the park boundary have the potential to increase the loss of this type of important habitat. • Pollution, agricultural or erosion runoff, and other man-cause impacts have the potential to negatively impact aquatic/wetland resources within the park. • Poor water quality and the development of roads potentially threaten wetlands. • Unpermitted use of off-road vehicles that cause substantial damage to wetland resources. • Lack of knowledge about the status and trends of these features may preclude selection of the best management options. • Invasive plants and animals (including insect pests of plants) may threaten the ecological integrity of these features. • Surface disturbing activities, including road and trail construction and maintenance, other facility development, and development outside the park boundary may threaten the continued existence and ecological integrity of these features, through drainage, filling (including sedimentation) and other means.
Stakeholder Interest	<ul style="list-style-type: none"> • U. S. Fish and Wildlife Service (coordinates response of Department of the Interior agencies (including NPS) to applications under section 404 of the Clean Water Act) • Natural Resources Conservation Service (helps design and fund erosion control projects on private lands that can reduce sedimentation in the New River and its tributaries)

Hydrologic – Other Aquatic/Wetland Resources (continued)

Applicable Laws and Policies

- 36 CFR (Parks, Forests, and Public Property)
- Rivers and Harbors Act (RHA) of 1899 (30 Stat. 1150), as amended (33 USC 401 et seq.)
- 1938 amendments (33 USC 540)
- Federal Water Pollution Control Act Amendments of 1972 (PL 92-500)
- National Park Service (Organic) Act of 1916 (PL 64-235, 39 Stat. 535, 16 U.S.C. 1 et seq.)
- Fish and Wildlife Coordination Act of 1934 (PL 85-624, 72 Stat. 563), as amended (16 U.S.C. 661 et seq.)
- Federal Water Pollution Control Act Amendments of 1961 (PL 87-88), as amended (particularly by PL 92-500 and PL 95-217; 33 USC 1251 et seq.), also referred to as the Clean Water Act
- Water Resources Planning Act of 1965 (PL 89-80, 79 Stat. 245), as amended USC 1962 et seq.)
- 1968 Wild and Scenic Rivers Act (PL 90-542), as amended (16 USC 1271 et seq.)
- National Park Service General Authorities Act of 1970 (PL 91-383, 84 Stat. 825)
- Redwood National Park Act of 1978 (PL 95-250, 92 Stat. 163)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625, 16 USC 460m-15 et seq.)
- West Virginia National Interest River Conservation Act of 1988 (PL 100-534)
- Water Resources Development Act (WRDA) of 1988 (PL 100-676)
- Omnibus Parks and Public Lands Management Act of 1996 (PL 104-333)
- National Park Omnibus Management Act of 1998 (PL 105-391, 112 Stat. 34997, 16 USC 5901 et seq., 16 USC 5991 et seq.)
- WRDA of 1999 (PL 106-53)
- Energy and Water Development Appropriations Act of 2006 (PL 109–103)
- Executive Order 13061 (Federal Support of Community Efforts Along American Heritage Rivers, signed September 11, 1997) established the American Heritage Rivers initiative
- Executive Order 13080 (American Heritage Rivers Initiative Advisory Committee, signed April 7, 1998)
- Executive Order 13093 (American Heritage Rivers, Amending Executive Orders 13061 and 13080, signed July 27, 1998)
- National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management)

Management Direction:

The hydrologic features and processes of New River Gorge National River are protected and preserved for the benefit, education, recreational use, and enjoyment of the American people. Natural hydrologic processes are allowed to continue without interference. New developments are not placed in areas containing aquatic/wetland resources unless the development is essential to meeting the park's purposes and 1) no practicable alternative locations are available; and 2) steps are taken to minimize harm to other natural resources, including restoration of disturbed areas and elimination of control of non-native vegetation. The NPS will manage watersheds as complete hydrologic systems and minimize human-caused disturbance to the natural upland processes that deliver water, sediment, and woody debris to streams.

Quality and Comprehensiveness of Relevant Existing Information

- National Wetlands Inventory (NWI) of the U.S. Fish and Wildlife Service provides a large scale wetlands inventory for the entire park and may not be of fine enough scale to thoroughly delineate the extent of this resource.
- A detailed wetland delineation study was conducted by the WV Department of Transportation for the limited area of the proposed New River Parkway between Hinton and the I-64 bridge.
- A detailed study of the Kates Branch Wetland was completed in 1981.
- Otherwise there is a lack of detailed wetland maps (0.5 ha [<1.2 ac]) for the park.
- Vegetation mapping by Vanderhorst includes a wetland class component.
- A portion of the ephemeral springs in the park have been inventoried and mapped.
- Knowledge of the diversity of lentic wetland organisms within the park, their ecological dynamics, and the interactions of these organisms with surrounding habitats is relatively unstudied.

Hydrologic – Clean Water**Fundamental Resource/Value****clean water that supports healthy aquatic and riparian environments****Importance**

- Water from New River Gorge National River is used for human consumption and water contact recreation.
- Good water quality is required to maintain healthy aquatic communities.
- Water-borne pathogenic organisms can harm or kill humans other animals, including park wildlife.
- Toxic substances in water can kill or harm humans, other animals, and plants.
- Endocrine disruptors, pharmaceuticals, and other substances in water can alter behavior and reproduction in aquatic organisms, and this may result in changes to population and community structure and dynamics.

Current State and Related Trends

- Water quality monitoring continuing since 1987 shows that inadequate sewage treatment has led to the river and many tributaries being placed on the list of impaired waters by the West Virginia Department of Environmental Protection.
- Planned improvements to sewage treatment in several communities will reduce the magnitude and frequency that certain tributary streams and the New River exceed water quality standards for sewage indicator bacteria.
- Roadways and railroads, and their associated bridges and culverts, may negatively impact water quality.

Potential Threats

- Transport of railcars carrying a variety of hazardous chemicals through New River Gorge creates the risk of a derailment or collision that will introduce these chemicals into the aquatic environment and kill (decimate) the downstream aquatic ecosystem.
- Roads traversing New River Gorge National River carries traffic that could experience accidents that would introduce toxic substances into the New River and its tributaries, decimating aquatic life.
- Increased development, both adjacent to and nearby, may lead to increased transport and deposition of eroded sediment and increased levels of untreated sewage in the New River system.
- A broad array of pharmaceutical and human personal care products recently have been shown to affect the health of aquatic organisms. Many of these compounds are not affected by traditional sewage treatment. The dynamics of these products and their effects on biota in New River Gorge National River has not been studied.

Stakeholder Interest

- U. S. Army Corps of Engineers (is the permitting authority under section 404 of the Clean Water Act for applications to remove material from (dredge) or place material in (fill) waters of the United States, including the New River and its tributaries)
- U. S. Fish and Wildlife Service (coordinates response of Department of the Interior agencies (including NPS) to applications under section 404 of the Clean Water Act)
- U. S. Geological Survey (conducts research into water quality phenomena)
- Natural Resources Conservation Service (helps design and fund erosion control projects on private lands that can reduce sedimentation in the New River and its tributaries)
- West Virginia Department of Environmental Protection (promulgates water quality standards, monitors water quality, and enforces violations of water quality standards)
- commercial river outfitting companies, most represented by the West Virginia Professional River Outfitters (WVPRO) (are concerned about water quality)
- private boaters, as represented by the West Virginia Rivers Coalition (are concerned about water quality issues)
- local watershed associations, including the Piney Creek Watershed Association, the Dunloup Creek Watershed Association, and Plateau Action Network (Wolf Creek) (are concerned about water quality)
- West Virginia American Water Co. (draws water for public use from the New River near the downstream end of the park – poorer water quality increases water treatment costs)
- several cities and towns and independent public service districts that operate sewage treatment facilities, as well as residents of areas not served by centralized wastewater treatment, discharge effluent into the New River and its tributaries.
- elected officials at the local, state, and national level (are concerned that poor water quality could have an adverse impact on a tourism-driven economy)

Hydrologic – Clean Water (continued)**Applicable Laws and Policies**

- 1972 Federal Water Pollution Control Act (as amended, also known as the Clean Water Act; 33 USC s/s 1251 et seq.)
- Federal Facilities Compliance Act of 1992 (PL 102-386, 106 Stat. 1505)
- Executive Order 12088 (signed October 13, 1978, Federal Compliance with Pollution Control Standards)
- Safe Drinking Water Act of 1986 (42 USC s/s 33f et seq.)
- National Environmental Policy Act (42 USC 4321-4347)
- WV Title 46 and WV Title 47 – Water quality
- National Park Service Organic Act (16 USC 1-4)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625)
- West Virginia National Interest River Conservation Act of 1988 (PL 100-534)
- National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management)
- Section 10 of the Rivers and Harbors Act of 1899 (as amended, 33 USC 403, 30 Stat. 1151)
- Authority of the Corps of Engineers to issue permits for the discharge of refuse matter into or affecting navigable waters under section 13 of the 1899 Act (33 USC 407; 30 Stat. 1152) was modified by title IV of PL 92-500, October 18, 1972, the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1341-1345; 86 Stat. 877), as amended, which established the National Pollutant Discharge Elimination System Permits
- WRDA of 1992 (PL 102-580) (included \$5 million for the COE to provide environmental design and construction assistance to non-federal interests in southern West Virginia (incl. Fayette, Raleigh, and Summers Counties) for water-related environmental infrastructure including waste water treatment and related facilities)
- PL 76-739 (54 Stat. 752) (created the Ohio River Valley Water Sanitation Commission (ORSANCO))

Management Direction:

The NPS will determine the quality of park surface and groundwater resources and avoid, whenever possible, the pollution of park waters by human activities occurring within and outside the park. The NPS will work with appropriate governmental bodies to obtain the highest possible standards available under the Clean Water Act for the protection of park waters and take all necessary actions to maintain or restore the quality of surface waters and groundwaters within the park.

Quality and Comprehensiveness of Relevant Existing Information

- The NPS has a long-term water quality monitoring program for the New River and its tributaries, focusing on fecal coliform bacteria, but also including basic field parameters. Earlier NPS monitoring also included acid-associated metals.
- The West Virginia Department of Environmental Protection's statewide monitoring includes many sites in New River Gorge National River, and this data, combined with NPS and other data is used to produce the West Virginia list of impaired streams (303d list) and to develop management strategies to reduce pollution (Total Maximum Daily Load, or TMDL).
- The West Virginia Division of Natural Resources maintains fish consumption advisories based on the presence of environmentally derived contaminants.

Ecological – Unfragmented Forest

Fundamental Resource/Value	rare expanse of unfragmented and varied forest types
Importance	<ul style="list-style-type: none"> • NERI is located in the largest remaining example of mid-latitude forest in the world, a globally significant resource; the portion of unfragmented forest protected within New River Gorge National River is a nationally significant resource. • The temperate climate of the Allegheny plateau with its deeply dissected gorge walls and numerous side canyons contribute to the moist cool conditions favorable for the growth of the mixed-mesophytic forest, considered to be the best example in the nation. • This continuous span of primarily mixed deciduous forest (comprised of mixed-mesophytic and oak/pine/hickory forest) is approximately 60 miles long by 2 miles wide, making it one of the largest in the nation. • The park is one of the few sites in West Virginia with thousands of acres of relatively flat undeveloped plateaus, while in the bottom of the gorge can be found miles of roadless bottomlands and riparian habitats. These unfragmented forests include several rare forest types, including the critically imperiled Appalachian flatrock community, as well as rimrock pine forest, cliff communities, river scour prairie and eastern hemlock forest.
Current State and Related Trends	<ul style="list-style-type: none"> • The extent of unfragmented forests in NERI appears to be unchanged and possibly expanding as private lands within the park are continuing to be purchased from willing sellers. • Conversion of adjacent rural forest lands to urbanization. • Absence of natural fire may be negatively impacting rimrock plant communities and oak/hickory forest. It is suggested that the suppression of fires since the 1920s, and increased deer browse, has lead to the encroachment of mesic cove hardwood species into the drier oak/hickory forests which were probably perpetuated by periodic fires. • Significant progress has been made toward restoration of hundreds of acres of abandoned mine lands in the park. There is an existing need to monitor and control exotic plants on these sites. • Historically, the New River experienced catastrophic floods every 50 to 100 years which resulted in severe erosion and scouring of cobble and flatrock communities within the riparian zones. Since the construction of the Bluestone dam in the 1940s, plant communities dependent on thin sterile soils resulting from infrequent scouring are in decline and are being encroached by more mesic species that rely on rich deep soils.
Potential Threats	<ul style="list-style-type: none"> • Exotic plants are effectively competing with native plants on hundreds of acres of diverse riparian habitats and rare communities. • The unfragmented character of the forested landscape at NERI is threatened by roadways and urban encroachment. In addition, because 22% (16,286 acres) of the lands inside the park boundary are in private ownership, forest fragmentation practices (e.g. logging, development, road building, etc.) on these in-holdings may threaten the contiguous, unfragmented forests found in NERI.
Stakeholder Interest	<ul style="list-style-type: none"> • West Virginia Division of Natural Resource (has assisted in the inventory and characterization of the park forest types, and is interested in the protection of this globally rare resource) • National Parks and Conservation Association • The Nature Conservancy • Partners In Flight • academic institutions and researchers in the mid-Atlantic region

Ecological – Unfragmented Forest (continued)**Applicable Laws and Policies**

- National Park Service Organic Act (16 USC 1-4)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625)
- West Virginia National Interest River Conservation Act of 1988 (PL 100-534)
- National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management)

Management Direction:

The NPS maintains as parts of the natural ecosystems of New River Gorge National River all native plants by preserving and restoring the natural abundances, diversities, dynamics, distributions and habitats of native plant populations and the communities in which they occur. Plant populations in these communities function in as natural a condition as possible except where special management considerations are warranted. The Park Service works with other land managers, including the state, and other federal agencies, to encourage the conservation of these unfragmented forests, rare plant communities and native plant populations. Potential threats to forest integrity and rare plant communities are identified early and proactively addressed. Sources of air, water, nonnative species, and visitor uses adversely affecting the forest and plant communities are limited to the greatest degree possible. In dealing with external threats, the Park Service should work cooperatively with surrounding landowners and managers, and when appropriate, actively participate in the planning and regulatory processes of neighboring jurisdictions, to encourage compatible adjacent land uses to avoid or to mitigate potential adverse effects.

The management of populations of nonnative plant and animal species, up to and including eradication, is undertaken wherever such species threaten rare plant communities and when control is prudent and feasible.

Quality and Comprehensiveness of Relevant Existing Information

- The New River Gorge National River forestlands cover approximately 84% of park and 65% of this forest is classified as unfragmented interior forest. For comparison, statewide, only 45% of the forestland is classified as interior forest.
- The following five blocks of unfragmented forest are exceptional for their ecological diversity and size: Glade Creek, Garden Ground Mountain, Mann's Creek-Fire Creek, Big Branch, and Endless Wall.
- The NPS Inventory and Monitoring Program recently completed a comprehensive vegetation classification and mapping project for the New River Gorge National River (2007), which characterized and mapped all vegetation communities within NERI's proclamation boundaries.

Ecological – Habitat Mosaic/ Plant Communities

Fundamental Resource/Value a diverse mosaic of habitats occurring over a large elevational gradient that supports forty identified plant communities containing at least 1,342 species and 54 rare plants.

Importance

- The park's forest communities and abandoned mine portals support a regionally significant assemblage of bats that include 12 of 13 species known to occur in West Virginia. Two federally listed species of bats and two state-rare species have been documented using abandoned mines portals.
- Cool moist mixed-mesophytic forest, seeps and wetlands, and abandoned underground mines, provide suitable habitat for an abundant and diverse, nationally significant collection of amphibians. These species represent 60% (10 of 17 species) of the state species of special concern and include black-bellied salamander, cave salamander, mudpuppy, Jefferson and Cumberland plateau salamanders.
- The Allegheny woodrat is a small mammal characterized by severe population declines throughout much of its range. However, the relatively stable, healthy globally significant woodrat populations in and around NERI may represent the core population for this species in the eastern U.S. Therefore, due to this species decline throughout the eastern U.S., the woodrat populations at NERI are critical from a conservation perspective.
- The New River Gorge contains over 40 plant communities, providing habitat for a vast assemblage of 1,400 plants, making it the most diverse river gorge in the central and southern Appalachians.
- Of the total number of plants species in the park, the West Virginia Division of Natural Resources has documented 54 taxa as Species of Management Concern.

Current State and Related Trends

- The abandoned mines used by most species of bats, several salamanders, and the Allegheny woodrat, are inherently unstable habitats and unstable portions of the mine works collapse on a regular basis. Many of the underground mine works extend beyond the park boundary and are threatened from above ground blasting associated with residential and commercial developments.
- Monitoring indicates that Allegheny woodrat populations appear to be relatively healthy and stable, with the exception of a severe decline in woodrat populations along the base of the Endless Wall, which may be related to increased use of the area by recreational rock climbers.
- The park lacks information on foraging habitat and home range for bats including the endangered bats and data is lacking on the importance of mine for use as hibernacula, maternity colonies, or matting habitat.
- Recent inventory and monitoring work at 36 abandoned mine portals has documented the importance of these man-made habitats to bats, woodrats, and salamanders.
- Increased recreational rock climbing and hiking has contributed to trampled vegetation on the top and bottom of cliff bands where the rare rimrock forest is located.
- The signs of previous industrialization in the park continue to disappear under a thick vegetative cover. Unfortunately, many of these areas are colonized with nonnative plants that have retarded the natural recovery of these areas.
- Nonnative plants in the park number over 150 species and their numbers and spatial extent continue to increase, especially in sensitive riparian areas.

Potential Threats

- Decline in the population of Allegheny woodrats, as seen throughout the rest of its range, is possible in NERI. Increased forest fragmentation, habitat loss, and parasite infection by roundworms carried by raccoons have been suggested for the Allegheny woodrat in other portions of its range.
- Residential and commercial developments, and logging, in and around NERI present threats to breeding, rearing, and foraging habitat of endangered bats and other rare bat species.
- Over-collecting of salamanders by anglers and commercial bait harvesters threaten several species of salamanders. Invasive, non-native plants in wetlands and riparian areas, may adversely affect breeding habitats for salamanders. Introduced non-native sport fish may also threaten salamander populations.
- The exotic gypsy moth poses a significant threat to the mature oak/hickory forest and large mast production, which is a critical food source for Allegheny woodrats and several other wildlife species. Changes in forest structure and composition resulting from gypsy moth mortality could threaten several species dependent on hard mast oak production and mature unfragmented hardwood canopies.
- Nonnative plant and animal encroachment into native habitats has been documented in the park and threatens several rare plant populations.
- Illegal plant harvesting threatens some rare plants and communities and high value tree species.
- Air pollution threats include ozone damage to many sensitive plant species, while dry deposition of elements such as mercury and aluminum are known toxicants to plants.

Ecological – Habitat Mosaic/ Plant Communities (continued)**Stakeholder Interest**

- West Virginia Division of Natural Resources
- U.S. Fish and Wildlife Service
- The Nature Conservancy
- West Virginia Native Plant Society
- Academic institutions and researchers in the mid-Atlantic region
- environmental groups

Applicable Laws and Policies

- National Park Service Organic Act (16 USC 1-4)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625)
- West Virginia National Interest River Conservation Act of 1988 (PL 100-534)
- National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management)

Management Direction:

The NPS maintains as parts of the natural ecosystems all native plants and animals by preserving and restoring the natural abundances, diversities, dynamics, distributions and habitats of native plant populations and the communities in which they occur. Plant populations in these communities function in as natural a condition as possible except where special management considerations are warranted. The Park Service works with other land managers, including the state, and other federal agencies, to encourage the conservation plant communities and rare animal populations. Potential threats to rare plants and animals are identified early and proactively addressed. Sources of air, water, nonnative species, and visitor uses adversely affecting plants and animals are limited to the greatest degree possible. The NPS will inventory, monitor, and manage species of management concern in a manner similar to its treatment of federally listed species, to the greatest extent possible. In dealing with external threats, the Park Service should work cooperatively with surrounding landowners and managers, and when appropriate, actively participate in the planning and regulatory processes of neighboring jurisdictions, to encourage compatible adjacent land uses to avoid or to mitigate potential adverse effects.

Natural processes will be relied upon to maintain native plant species, and to influence natural fluctuations in populations of these species. The NPS may intervene to manage individuals or populations of native plants only when such intervention will not cause unacceptable impacts to the populations of the species or to other components and processes of the ecosystems that support them, and when at least one of the following conditions exists:

- 1) Management is necessary:
 - because a population occurs in an unnaturally high or low concentration as a result of human influences (such as loss of seasonal habitat, the extirpation of predators, the creation of highly productive habitat through agriculture or urban landscapes) and it is not possible to mitigate the effects of the human influences
 - to protect specific cultural resources of the park
 - to accommodate intensive development in portions of park appropriate for, and dedicated to, such development
 - to protect rare, threatened, or endangered species
 - to protect human health
 - to protect property in case where it is not possible to change the pattern of human activities
 - to maintain human safety in cases in which it is not possible to change the pattern of human activities
- 2) Or, removal of individuals or parts thereof:
 - is part of an NPS research project described in an approved management plan, or is part of research being conducted by others who have been issued a scientific research and collecting permit
 - is done to provide plants for restoring native populations in parks or cooperating areas without diminishing the viability of the park populations from which the individuals are taken
 - meets specific park management objectives

The management of populations of nonnative plant and animal species, up to and including eradication, is undertaken wherever such species threaten rare plant communities and when control is prudent and feasible.

Ecological – Habitat Mosaic/ Plant Communities (continued)**Quality and Comprehensiveness of Relevant Existing Information**

- The park recently completed a vegetation inventory and mapping project for all lands within the proclamation boundary of NERI. This 6-year study of plant communities was an exhaustive effort that characterized and identified 40 plant communities.
- The park continues to monitor populations of rare bats and woodrats.
- The park has been surveyed for salamanders, but monitoring activities for this group of animals has been limited to populations in and around proposed park development sites.
- Despite recent studies and ongoing monitoring projects, more research is needed to better understand cliff and rock outcrop ecosystems, especially rare species distribution and abundance. In addition, more research is needed on the extent of cliff-based recreation and their impacts on the natural resources of these fragile environments.
- Parkwide bat populations have been documented by researchers from the University of Georgia (2003), while more intensive bat monitoring efforts have been undertaken at 30+ mine portals by West Virginia University (2002), and University of Maryland (2005). Park staff in cooperation with the West Virginia Natural Heritage Program, have conducted annual bat surveys of mine portals and results collated into a final report (2007).
- Faunal inventories have been conducted parkwide, VPI (1987), and Marshall University (1997). These studies documented the need for further research on declining populations of rare salamanders, select small mammals, timber rattlesnakes, and several avian species.
- Woodrat populations and their habitat have been sampled and characterized in a West Virginia University study. However, more research is needed to understand why populations continue to decline for this rare species.
- A recent assessment of the plant species list for NERI determined that 26% (410 species) probably occur in the park but remain undiscovered or documented.
- Restoration of abandoned mine lands and recently purchased private lands will benefit the long-term recovery of pre-industrial forests and plant communities.
- Information is needed on nonnative plant abundance and distribution, and their threats to native plant communities and rare species.
- Studies at Camp Brookside Island by the West Virginia Natural Heritage Program (1985, 1994, and 200) have documented the importance of this island as a sanctuary for many species of rare plants and communities. Exotic plant encroachment is a serious management issue threatening the integrity of this rare plant assemblage.
- The Vegetation Classification and Mapping Project (Vanderhorst 2007), characterized and mapped all 40 plant communities in the park. This study also documented the need for more research within the under-sampled linear plant communities found along riparian zones and cliff outcrops. The report also recommended further study into the fire regime of the oak/ericad and oak/hickory-sugar maple forests; fire suppression or lack of ignition sources may be responsible for the abundance of sugar maple in these forest types and for the current predominance of mesic species on the landscape.

Ecological – Breeding Bird Populations

Fundamental Resource/Value	abundant and diverse breeding populations of birds that spend part of their lives in the tropics but depend upon the unfragmented forests here for breeding, especially wood warblers, vireos, and thrushes
Importance	<ul style="list-style-type: none"> The New River Gorge is globally-significant in providing critical habitat for neotropical migratory birds, especially the wood warblers. Currently, 223 species of birds are known to occur in the gorge. Rare species of concern with breeding populations include; Swainson’s warbler, golden-winged warbler, Kentucky warbler, worm-eating warbler, wood thrush, and Cerulean warbler. The rare Cerulean warbler is dependent on large tracts of unfragmented hardwood forests with well-developed canopies which are common in the park. This rare warbler is in a steep decline throughout its native range in the Northeast, but appears to have a concentrated distribution in and around NERI. The population of cerulean warblers may be a critical source population for the Appalachians.
Current State and Related Trends	<ul style="list-style-type: none"> Neotropical wood warblers are threatened by loss of forest habitat and forest fragmentation, particularly along waterways and in upland forests. Hemlock dependent species will be adversely threatened if hemlock woolly adelgid causes hemlock decline and tree mortality. Monitoring data for the past 10 years at NERI Monitoring Avian Production and Survivorship (MAPS) station, suggests an increasing stable population of forest dwelling interior species, while migrant species reliant on early successional habitats are in steady decline.
Potential Threats	<ul style="list-style-type: none"> Spread of predators including feral cats and dogs onto parklands is a threat to birds. Populations of neotropical wood warblers are threatened by loss of forest habitat and forest fragmentation, particularly within riparian zones and mature upland forests. Hemlock-dependent species will be adversely threatened if hemlock woolly adelgid causes hemlock mortality in the park.
Stakeholder Interest	<ul style="list-style-type: none"> West Virginia Division of Natural Resources U.S. Fish and Wildlife Service Environmental groups The Nature Conservancy Partners In Flight Brooks Bird Club academic institutions and researchers in the mid-Atlantic region local eco-tourism businesses
Applicable Laws and Policies	<ul style="list-style-type: none"> National Park Service Organic Act (16 USC 1-4) Migratory Bird Treaty Act (40 Stat. 755) Enabling Legislation New River Gorge National River 1978 (PL 95-625) West Virginia National Interest River Conservation Act of 1988 (PL 100-534) National Park Service Management Policies 2006, §3 (Land Protection), §4 (Natural Resource Management) <p>Management Direction: The NPS protects native resident and migratory bird populations and habitats in the park. The Park Service works with other land managers, including state and federal agencies, to encourage the conservation of populations and habitats of migratory and resident birds whenever possible. Potential threats to birds are identified early and proactively addressed. The staff and public recognize and understand the value of park birds. NPS staff monitors bird populations and trends and uses the best available scientific information and technology to manage avian resources.</p>
Quality and Comprehensiveness of Relevant Existing Information	<ul style="list-style-type: none"> The NPS maintains a Monitoring Avian Production and Survivorship (MAPS) station in the park and has obtained 10 years of data on resident breeding bird populations. The park also monitors birds along Point Count Surveys at two areas on the New River and one site of Glade Creek, and has documented the occurrence of many species of rare birds. The Hemlock Ecosystem Monitoring Program has monitored bird populations for the past years in select hemlock stands in an effort to document avian population trends in this dying forest type. Despite these ongoing monitoring studies, more research is needed to better understand avian habitat relationships, avian distribution and abundance, and avian reproductive success. Research is needed on the habitat relationships, distribution and abundance, and reproductive success for cerulean, Swainson’s, Kentucky, worm-eating, and golden-winged warblers in NERI.

Ecological – Clean Air

Fundamental Resource/Value	clean air
Importance	<ul style="list-style-type: none"> • Clean air is important in supporting and sustaining healthy biotic systems. • New River Gorge National River is classified as a Class II area under the Clean Air Act. This air quality classification is the second most stringent and is designed to protect the majority of the country from air quality degradation.
Current State and Related Trends	<ul style="list-style-type: none"> • The effects of human-made air pollution on natural resources at NERI have not been well studied. Air quality data from surrogate nearby sites should be used with caution. Since no monitoring occurs within the park, the actual ground-level ozone, sulfur dioxide, particulate levels within the park are unknown. • Visibility monitoring data collected at NERI from 1995 to 2000 documented visible haze events to be highest during summer months, and viewshed impairment at Grandview was determined to be “moderate” or “considerable” 37% of the time.
Potential Threats	<ul style="list-style-type: none"> • The greatest threat to air quality is due to airborne contamination from distant sources. In particular is the likely influence of urban sources from the Charleston metro area 60 miles away. Another concern is the large concentration of coal fired power generating plants found in the Ohio/Kanawha river valleys. • Increased levels of ozone damage sensitive plant species. • Coal-fired power plant proposed 20 miles from park in adjacent Greenbrier County, has potential to impact visibility and air quality.
Stakeholder Interest	<ul style="list-style-type: none"> • West Virginia Department of Environmental Protection • U.S. Environmental Protection Agency • environmental groups
Applicable Laws and Policies	<ul style="list-style-type: none"> • National Park Service Organic Act (16 USC 1-4) • Clean Air Act, as amended (42 USC §7401 et seq.) • Enabling Legislation New River Gorge National River 1978 (PL 95-625) • West Virginia National Interest River Conservation Act of 1988 (PL 100-534) • National Park Service Management Policies 2006, §4.7 (Air Resource Management) <p>Management Direction: The NPS will seek to perpetuate the best possible air quality in parks to (1) preserve natural resources and systems; (2) preserve cultural resources; and sustain visitor enjoyment, human health, and scenic vistas. The NPS will assume an aggressive role in promoting and pursuing measures to protect these values from the adverse impacts of air pollution. In cases of doubt as to the impacts of existing or potential air pollution on park resources, the NPS will err on the side of protecting air quality related values for future generations (4.7.1.). In addition:</p> <ul style="list-style-type: none"> • inventory the air quality related values • monitor and document the condition of air quality and related values • evaluate air pollution impacts, and identify causes • minimize air quality pollution emissions associated with park operations, including the use of prescribed fire and visitor use activities
Quality and Comprehensiveness of Relevant Existing Information	<ul style="list-style-type: none"> • In order to effectively monitor air pollution, it is necessary to both monitor the concentrations of pollutants in the air and assess the effects of those pollutants on park resources. While the NPS does not operate an ambient air monitor in New River Gorge National River, the state of West Virginia has been operating an acid deposition at Babcock State Park since 1983. The park does not monitor visibility; however there are IMPROVE (Interagency Monitoring of Protected Visual Environments) stations within 120 miles of the park. • Located within 50 miles of NERI are monitors for wet and dry deposition. Most likely, this coverage is adequate for the park. Particulate matter and ozone is monitored within 20 miles of the park. • Effects of gaseous air pollutants on vegetation are the most noticeable biological effects in natural areas. A risk assessment of ozone damage to plants in NERI was conducted in 2004 and indicated a moderate to high risk of ozone injury to sensitive vegetation in the park. • Given the fish consumption advisories for mercury, PCBs and chlordane in West Virginia, the park may want to consider long-term monitoring of contaminant levels in fish or other biota.

Cultural – Historic Coal Industry Resources

Fundamental Resource/Value

rare historic colliery structures and coke ovens of unmatched integrity, such as at Nuttallburg and Kaymoor, and the historic structures and ruins associated with more than 50 company owned towns

Importance

- West Virginia was the leading producer of coal in the United States between 1927 and 1973. There are remains of up to 50 coal mines, towns and related sites in the park that reflect the once intensive extractive industry that was the major economic and social force in West Virginia and the Appalachian region during the late 19th and early 20th centuries.
- Nuttallburg is a nationally significant National Register property based on it being one of the most complete coal-related industrial sites in the gorge, the state, and in the United States and for its association with Henry Ford and his innovative system of vertical integration in American industrial history.
- Kaymoor, listed on the National Register is regionally significant as example of a captive mine, one that was developed by out of state industrial interests and produced coal and coke specifically for the Low Moor Iron Company of Low Moor, Virginia.
- Company owned coal towns were more pervasive in West Virginia than in any other state in the United States, with more than one-half of the nation's company controlled communities located in West Virginia. In 1922, eighty percent of all of the state's miners lived in company owned towns. The cultural landscapes of Nuttallburg and Kaymoor still reveal the physical layout of typical West Virginia company-owned, coal towns that were built in the rugged and remote regions of Appalachia and exemplify the racial, social and economic patterns that developed within these communities.
- The low-volatile or "smokeless" coal necessary to produce high-quality coke required for steel production is found in only three areas of the United States including the New River Gorge. The coke ovens at Nuttallburg, Kaymoor, Sewell, Stonecliff and others exemplify a coal related industry that developed to exploit the unique qualities of New River coal.
- The McKendree Hospital complex is the location of one of three state hospitals built in the early 20th century, specifically for miners. It is also the location of the first nursing school in the state.
- The Company Store came to represent the social control that the coal companies exercised over the miners and their families and was in many coal towns the only place to buy the necessities of life. The Prince Brothers Store, listed on the National Register, is a rare, intact example of a typical coal town company store.

Current State and Related Trends

- The Nuttallburg Coal Mining Complex is currently in poor condition; however the park has received funding for emergency and short term stabilization of the Ford era mine structures, as well as design funds for their long term stabilization. The park has recently started a Development Concept Plan in conjunction with the General Management Plan that will define desired future conditions and visitor use.
- NPS does not own land or have cooperative agreements with owners of adjacent lands at Nuttallburg, specifically at the beginning of the trail to the headhouse and at the beginning of the upper Keeney's Creek branch line trail.
- CSX Right-Of-Way at Nuttallburg impacts stabilization of Tipple.
- Kaymoor resources are in poor condition. The mine bench level is accessible to visitors along the Kaymoor trail and the Kaymoor Miner's trail. The lower bench level is accessible only via a long and steep stair. The area around the lower bench is currently not maintained and is heavily overgrown with invasive exotic vegetation.
- The town sites of the Nuttallburg and Kaymoor are today archeological ruins. Many resources are overgrown with invasive exotic vegetation; however, the park has removed kudzu vines in two large areas at Nuttallburg.
- The coke ovens at Nuttallburg, Kaymoor, Sewell, Stonecliff and others in the Gorge are overgrown with invasive and often exotic vegetation. The roots of invasive trees are causing large amounts of damage and many coke ovens have caved in. Most banks of coke ovens, with the exception of those at Nuttallburg are very remote and difficult for visitors to access.
- The McKendree Hospital complex is a historical archeological ruin. It receives no maintenance and is not interpreted. Access is via the McKendree Road which is unpaved and subject to washouts.
- The coal mine sites and associated cultural landscapes are in the process of reverting back to a forested condition.
- The Prince Brothers Store is located in a sparsely populated town, has no river access, and is remote from other interpretive venues. The building is vacant and fronts onto an active state road. The adjacent parking area has poor site lines to the road and the site has no sewer or water service.
- Historical Archeology Overview and Assessment for mining towns and related sites has been completed (Stahlgren et al. 2007).
- Strategies or potential uses are needed for NPS owned properties in coal towns, such as Terry, Meadow Creek, etc.

Cultural – Historic Coal Industry Resources (continued)**Potential Threats**

- weather
- erosion and slope failures
- limited funding and lack of maintenance
- fire
- invasive vegetation
- lack of tenants or uses
- vandalism

Stakeholder Interest

- adjacent communities, such as Winona
- former residents and their families
- Ford Motor Company
- Nuttall family heirs
- educational and historical associations
- research historians and archeologists
- WV State Historic Preservation Officer
- Keeper of the National Register
- Coal Heritage Trail
- tourism associations
- Beckley Coal Mine and coal related museums
- sportsman and recreational users

Applicable Laws and Policies

- National Park Service Management Policies 2006
- National Park Service Director's Order 28
- National Environmental Policy Act (42 USC 4321-4347)
- Archeological Resources Protection Act, 1979
- Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 Federal Register (FR) 44716-740)
- *Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act* (63 FR 20497-508)

Management Direction:

The NPS will ensure appropriate protection, preservation, treatment, and interpretation of cultural resources and employing the best current scholarship will conduct a vigorous interdisciplinary program of research and inventory. The NPS will develop appropriate technologies and methods for monitoring, protecting, preserving, and treating cultural resources. Cultural resources are subject to several basic treatments, including (1) preservation in their existing states; (2) rehabilitation to serve contemporary uses, consistent with their integrity and character; and (3) restoration to earlier appearances by the removal of later additions and replacement of missing elements.

Quality and Comprehensiveness of Relevant Existing Information

- Extensive documentation and National Register nomination for Nuttallburg (Listed on the National Register on August 22, 2007 with "National Level" significance), including HABS drawings and HSR on mine structures and draft Level II CLI on cultural landscape
- Extensive documentation and National Register nomination for Kaymoor, including HABS drawings and HSR on mine structures
- National Register nomination for the Prince Brothers Store
- Two Historic Resource Studies have listed and analyzed coal related resources

Cultural – Historic Railroading Industry Resources

Fundamental Resource/Value

railroad depots, rail yards, rail grades, steel and timber trestle bridges, railroad equipment, archeological sites and associated towns, like Thurmond, developed to support the railroad

Importance

- Thurmond was a typical boom town of the late 19th and early 20th centuries and was for a time the chief railroad center for the C & O Railroad. In spite of its extreme inaccessibility, it is unique for its commercial vitality and produced more revenue at its height than both Richmond and Cincinnati combined.
- Thurmond was a town created and shaped by the railroad. It had no main street but the C&O mainline.
- Thurmond Depot, where a visitor can still board an Amtrak passenger train, is a fully restored and operating train station. It is listed on the National Register and serves as an NPS visitor contact station.
- Thurmond contains a large and diverse collection of late 19th and early 20th century worker house styles.
- Thurmond's roads, pedestrian paths, retaining walls, gardens and other landscape features give the visitor a vivid taste of life in a rugged West Virginia boomtown.
- Frequent coal trains and passenger trains bring to life the sites, sounds and smells of the industry that transformed the New River Gorge and the Appalachian Region.
- Many popular hiking trails are converted railroad rights-of-way that provide important interpretive and recreational experiences crossing over picturesque creeks and waterfalls on historic timber and steel trestle bridges.
- The Keeneys Creek Branch railroad line built in 1892 and determined eligible for the National Register and nationally significant for engineering is perhaps the most spectacular of the branch line railroads in the gorge. Its steep and dramatic switchback roadbed is still intact and it crosses several creeks and drainages on five spectacular timber and steel trestles bridges.
- Thurmond's historic churches, an African American church now owned by NPS and the white church, privately owned, that exemplify the social history of a society that worked together but lived separately.
- Quinimont, another busy boomtown along the C&O main line, was the location of the first shipment of New River coal in 1873 by pioneer coal operator Joseph L. Beury. Nearby is a 35 foot tall cream-colored granite monument to Beury erected in 1930 that is potentially eligible for listing on the National Register of Historic Places. Located in Quinimont's still active rail yard is one of the few remaining coke-fired iron furnace erected in 1874 that is also potentially eligible.
- Prince, founded by William and James Prince in 1870, quickly became a busy commercial center on the C&O mainline. The Prince Store, a grocery and dry goods store, is listed on the National Register and the foundations and grounds of the Prince Brothers' house remains intact adjacent to the store. The Prince Depot, an art modern building unchanged since its construction in 1946, is potentially eligible for the National Register, and is the only manned depot between Charlottesville, Virginia and Charleston, West Virginia.
- The Hinton Depot, included in Hinton's National Register historic district, is still a place where passengers can board a passenger train and travel across the United States. The adjacent rail yard contains an early twentieth century concrete coaling station and remnants of the original C&O operation.

Current State and Related Trends

- Thurmond consists of privately-owned and park-owned structures.
- The park rehabilitated and maintains the historic C&O passenger depot as a visitor contact station.
- The park has completed or is in the process of stabilizing the commercial buildings and the park owned residential structures in Thurmond.
- The park has removed more than 3 acres of kudzu vines in Thurmond and maintains the landscape along the roads and at the park owned residences.
- Pedestrian and vehicular traffic conflicts with CSX rights-of-way.
- Preservation and maintenance of park owned structures in or adjacent to CSX rights-of-way requires coordination that is sometimes difficult and contentious.
- Agreements are needed for the preservation of privately owned railroad resources that contribute to the railroading scene.
- Tight park budgets impacts the maintenance of Thurmond roads and park-owned properties.
- The lack of water and sewage facilities in Thurmond is a major constraint for the development of viable future uses.
- Historic Leasing agreements could be developed.
- DCP and Interpretive prospectus for Thurmond needs to be re-evaluated and updated.
- Communication with Thurmond residents and other adjacent landowners needs to be continued.
- Coordination with CSX needed for work at commercial row and rail yard.

Cultural – Historic Railroading Industry Resources (continued)**Potential Threats**

- lack of tenants or uses
- vandalism
- limited funding and lack of maintenance
- weather
- fire
- invasive vegetation

Stakeholder Interest

- residents of Thurmond
- CSX and branch line railroads
- C&O Railroad Museum, rail-fans and railroad associations
- educational and historical associations
- research historians and archeologists
- WV State Historic Preservation Officer
- Keeper of the National Register
- Coal Heritage Trail
- tourism associations

Applicable Laws and Policies

- National Park Service Management Policies 2006
- National Park Service Director's Order 28
- National Environmental Policy Act (42 USC 4321-4347)
- Archeological Resources Protection Act, 1979
- Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 Federal Register (FR) 44716-740)
- *Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act* (63 FR 20497-508)

Management Direction:

The NPS will ensure appropriate protection, preservation, treatment, and interpretation of cultural resources and employing the best current scholarship will conduct a vigorous interdisciplinary program of research and inventory. The NPS will develop appropriate technologies and methods for monitoring, protecting, preserving, and treating cultural resources. Cultural resources are subject to several basic treatments, including (1) preservation in their existing states; (2) rehabilitation to serve contemporary uses, consistent with their integrity and character; and (3) restoration to earlier appearances by the removal of later additions and replacement of missing elements.

Quality and Comprehensiveness of Relevant Existing Information

- two historic resource studies have listed and analyzed railroad related resources
- National Register nomination for Thurmond
- approved Level II CLI for Thurmond
- HABS drawings for Commercial Row
- extensive documentation for Thurmond Depot
- NPS development concept plan and interpretive prospectus for Thurmond

Cultural – Historic Subsistence Farming Resources

Fundamental Resource/Value

rare surviving examples of subsistence farms, such as Trump-Lilly and Richmond-Hamilton

Importance

- The Trump-Lilly Farm is a typical upland frontier Appalachian farm, practically unaltered since its development and passed down through one family. It retains more than 90% of its original buildings and landscape features intact.
- The Harrah Homestead is an early 20th century “squatters” home, located on property formerly owned by the Royal Coal Company. It is on a narrow floodplain of the river in one of the steepest portions of New River Gorge National River. The homestead, connected to the outside world only by a very rugged dirt road, the river, and the railroad, has extraordinary integrity and exemplifies a solitary lifestyle that was once prevalent, but has all but vanished from the region.
- The Richmond-Hamilton farm is a typical frontier Appalachian farm of the rich bottomland adjacent to the New River. Originally part of the Richmond Family Farm that was settled in the late eighteenth century, it has changed little since its development in the late 19th century.
- The James Phillips Farm is remarkably intact due to its remote location and may contain a Civil War era log house.
- The isolated locations of the Trump Lilly Farm, the Richmond-Hamilton Farm, the Harrah Homestead and the James Phillips Farm provide a quiet and remote experience uninterrupted by visual intrusions.
- Cultural landscape features of these farmsteads contribute to an overall understanding of the experience of the families that settled West Virginia during the late 19th and early 20th centuries.

Current State and Related Trends

- The Trump-Lilly and Richmond-Hamilton farms have stabilized historic structures, but their cultural landscapes are minimally maintained.
- The Harrah Farm has had emergency stabilization of its buildings. The farm fields have disappeared due to the invasion of volunteer trees.
- The extensive residential development and trailer parks along River Road detracts from the historic agricultural scene.
- The remoteness of several farms limits visitation and interpretation.
- The remoteness of several farms makes them vulnerable to vandalism.
- The maintenance of the original farm fields requires a large investment of time and manpower.
- Potential commercial development along the New River Parkway may be incompatible with the historic agricultural scene. The New River Parkway Land Management System is currently being developed.
- Agreements are needed for preservation of non NPS owned farmland and farm buildings (e.g. Richmond Farm).
- Strategies for potential use are needed with the potential for historic leasing agreements.

Potential Threats

- lack of tenants or uses for farm houses and buildings
- residential and commercial development
- vandalism
- limited funding and lack of maintenance
- weather
- fire
- invasive vegetation
- remoteness of these properties limits public accessibility and interpretation

Stakeholder Interest

- adjacent landowners
- sportsman and recreational users
- educational and historical associations
- research historians and archeologists
- WV State Historic Preservation Officer
- Keeper of the National Register
- tourism associations

Cultural – Historic Subsistence Farming Resources (continued)

Applicable Laws and Policies

- National Park Service Management Policies 2006
- National Park Service Director’s Order 28, Cultural Resource Management
- National Environmental Policy Act (42 USC 4321-4347)
- Archeological Resources Protection Act, 1979
- Secretary of the Interior’s *Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register (FR) 44716-740)*
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Quality and Comprehensiveness of Relevant Existing Information

- National Register listing for Trump-Lilly Farm
- HSR/CLR and HABS drawings for Trump-Lilly Farm
- level 1 cultural landscape inventories for Harrah, Richmond-Hamilton and Vallandingham properties
- no documentation or analysis for the Phillips Farm

Cultural – Places with Traditional Associations

Fundamental Resource/Value	former community sites, homesteads, and other places in the park where the ancestors of families long associated with the New River lived and worked and where their living descendants today have traditional associations and land-based ties
Importance	<ul style="list-style-type: none"> The park contains standing structures, ruins, place names, and natural resources, which are representative of traditional associated peoples' connection to it. The community sites and homesteads associated with traditional uses in the park often reflect bygone aspects of Appalachian culture. Descendants of traditionally associated families still live in and around the park, and maintain and regularly visit family cemeteries.
Current State and Related Trends	<ul style="list-style-type: none"> early settlement and agriculture cultural landscape studies genealogical and kinship studies
Potential Threats	<ul style="list-style-type: none"> deterioration and loss of historic structures and other features at former community sites, homesteads, cemeteries, and other locations significant to traditionally associated people
Stakeholder Interest	<ul style="list-style-type: none"> WV State Historic Preservation Officer American folklife organizations genealogical organizations state and local historical societies universities (history, anthropology, botany, biology, and geography departments) former residents and park neighbors including visitors to family cemeteries and burial plots within the park Native Americans Tamarack (local arts and crafts)
Applicable Laws and Policies	<ul style="list-style-type: none"> Antiquity Act, 1906 (16 USC 431 et seq.; 43 CFR Part 3) Historic Sites Act, 1935 (16 USC 461 et seq.; 36 CFR Part 65) Surplus Property Act, 1944 (50 USC 1611 et seq.) Archeological Recovery Act, 1960 (469 USC et seq.) National Historic Preservation Act, 1966 (amended)(470 USC et seq.; 32 CFR Part 650, 36 CFR Parts 60, 63, 67, 68, 800; also numerous NPS-derived bulletins, guidelines, and fact sheets) Architectural Barriers Act, 1968 (42 USC 4151 et seq.; 36 CFR 1190) National Environmental Policy Act, 1969 (42 USC 4321 et seq.; 40 CFR Parts 1500-1508) Archaeological Resources Protection Act, 1979 (16 USC 470aa et seq.; 32 CFR Part 229, 43 CFR Part 7, Subpart B) American Indian Religious Freedom Act, 1978 (PL 95-341, 42 USC 1996 and 1996a) Native American Graves Protection and Repatriation Act, 1990 (25 USC 3001 et seq.; 43 CFR Part 10 and guidelines) Various presidential memoranda, directives, and executive orders National Park Service Director's Order 28, <i>Cultural Resource Management</i> <p>Management Direction: The NPS will ensure appropriate protection, preservation, treatment, and interpretation of traditional use locations employing the best current scholarship to conduct a vigorous interdisciplinary program of research and inventory. The NPS will develop appropriate technologies and methods for monitoring, protecting, preserving, and treat these cultural resources. The NPS will develop management approaches that ensure consideration of the views held by traditionally associated peoples and others by emphasizing cooperative conservation and civic engagement.</p>
Quality and Comprehensiveness of Relevant Existing Information	<ul style="list-style-type: none"> Preliminary information on community sites, homesteads, cemeteries, and other traditionally significant places is available in the park's lists of classified structures and cultural landscape inventories. Need to more thoroughly document cultural and natural resources of significance to traditionally associated peoples through the park's list of classified structures, cultural landscape inventories, and other baseline databases, and evaluate their potential inclusion to the National Register as traditional cultural properties. Need to identify and interpret salient physical manifestations of cultural and natural resources, which represent significant ties to the park. Need to establish partnerships with traditionally associated peoples and historical and genealogical societies. Need to invest additional resources into recordation of oral histories of traditionally associated peoples. Need to disseminate information about the park's ethnographic resources through exhibits and other educational and outreach forums.

Cultural – Knowledge and Cultural Values

Fundamental Resource/Value	the knowledge and cultural values of the families long associated with New River Gorge who have traditionally used the waters of the New River system, the aquatic plants and animals that inhabit those waters, and the native terrestrial plants and animals in and around New River Gorge
Importance	<ul style="list-style-type: none"> • The park contains sites, structures, landscapes, and objects including plant and animal resources that are important to the non-recreational uses of traditionally associated peoples. • The ethnographic resources of traditionally associated peoples include religious, subsistence, and ritualized cultural practices, music, and stories about significant events in the park. • Knowing about the ethnographic resources of the park’s traditionally associated peoples heightens our appreciation of their traditional methods for curing physical and mental illnesses, the rhythm of their seasonal round, and similar processes.
Current State and Related Trends	<ul style="list-style-type: none"> • Appalachian culture studies • cultural landscape studies • genealogical and kinship studies • tourism and the marketing of local arts and crafts
Potential Threats	<ul style="list-style-type: none"> • loss of the oral history knowledge, photographs and other ethnographic records of traditionally associated peoples
Stakeholder Interest	<ul style="list-style-type: none"> • WV State Historic Preservation Officer • American folklife organizations • genealogical organizations • state and local historical societies • universities (history, anthropology, botany, biology, and geography departments) • former residents and park neighbors including visitors to family cemeteries and burial plots within the park • Native Americans • Tamarack (local arts and crafts)
Applicable Laws and Policies	<ul style="list-style-type: none"> • Antiquity Act, 1906 (16 USC 431 et seq.; 43 CFR Part 3) • Historic Sites Act, 1935 (16 USC 461 et seq.; 36 CFR Part 65) • Surplus Property Act, 1944 (50 USC 1611 et seq.) • Archeological Recovery Act, 1960 (469 USC et seq.) • National Historic Preservation Act, 1966 (amended)(470 USC et seq.; 32 CFR Part 650, 36 CFR Parts 60, 63, 67, 68, 800; also numerous NPS-derived bulletins, guidelines, and fact sheets) • Architectural Barriers Act, 1968 (42 USC 4151 et seq.; 36 CFR 1190) • National Environmental Policy Act, 1969 (42 USC 4321 et seq.; 40 CFR Parts 1500-1508) • Archaeological Resources Protection Act, 1979 (16 USC 470aa et seq.; 32 CFR Part 229, 43 CFR Part 7, Subpart B) • American Indian Religious Freedom Act, 1978 (PL 95-341, 42 USC 1996 and 1996a) • Native American Graves Protection and Repatriation Act, 1990 (25 USC 3001 et seq.; 43 CFR Part 10 and guidelines) • Various presidential memoranda, directives, and executive orders • National Park Service Director’s Order 28, Cultural Resource Management <p>Management Direction: The NPS will ensure appropriate protection, preservation, treatment, and interpretation of traditionally associated peoples employing the best current scholarship to conduct a vigorous interdisciplinary program of research and inventory. The NPS will develop appropriate technologies and methods for monitoring, protecting, preserving, and these cultural resources. The NPS will develop management approaches that ensure consideration of the views held by traditionally associated peoples and others by emphasizing cooperative conservation and civic engagement.</p>
Quality and Comprehensiveness of Relevant Existing Information	<ul style="list-style-type: none"> • Currently the park’s museum collections include audio-visual media with oral histories, and a limited number of transcriptions and accessioned craft items. Unpublished manuscripts, photographs and other records are in the park library. However, the ethnographic resources, which may relate to traditionally associated peoples, are not specifically identified in the museum collections. • Need to develop and implement applied ethnography program emphasizing systematic recordation of oral histories, and disseminated through public programs, partnerships, publications, and on-line methods and family reunions. • Need to inventory cemetery plots in the park. • Need to develop an ethnographic resources inventory. • Need to identify and maintain confidential contact information about park’s traditionally associated peoples. • Need to encourage donations of relevant ethnographic and historic items to the park’s museum collections. • Need to develop and implement programs to sustain ginseng and other natural resources that are important to traditionally associated peoples. • Need to develop cooperative agreements with universities to study subsistence and other issues pertinent to traditionally associated peoples.

Cultural – Historic and Archeological Resources

Fundamental Resource/Value	the history and archeology associated with the park’s lumbering industry, Civilian Conservation Corps-era state parks, and Native Americans
Importance	<ul style="list-style-type: none"> • The park contains representative intact examples of late 19th-early 20th century lumbering sites. • The park contains three State Parks – Babcock State Park, Sandstone State Park, and Grandview State Park – that were built by the Civilian Conservation Corps (CCC) between 1939-1941. • The park contains a large number of intact prehistoric and protohistoric archeological sites dating from the late 17th century to Early Holocene period over 10,000 years ago. These sites occur in a variety of upland and lowland settings and provide insights into the nature of American Indian settlement, travel routes, and hunting and gathering and agricultural practices.
Current State and Related Trends	<ul style="list-style-type: none"> • labor history • community and household studies • Appalachian culture • gender studies • remote sensing of archeological sites • aerial photogrammetry
Potential Threats	<ul style="list-style-type: none"> • loss of oral history knowledge • looting of prehistoric archeological sites • construction • natural deterioration
Stakeholder Interest	<ul style="list-style-type: none"> • WV State Historic Preservation Officer • local/state historical societies • local museums • professional and avocational archeology organizations • universities (geography, anthropology, history departments)
Applicable Laws and Policies	<ul style="list-style-type: none"> • Antiquity Act, 1906 (16 USC 431 et seq.; 43 CFR Part 3) • Historic Sites Act, 1935 (16 USC 461 et seq.; 36 CFR Part 65) • Surplus Property Act, 1944 (50 USC 1611 et seq.) • Archeological Recovery Act, 1960 (469 USC et seq.) • National Historic Preservation Act, 1966 (amended)(470 USC et seq.; 32 CFR Part 650, 36 CFR Parts 60, 63, 67, 68, 800; also numerous NPS-derived bulletins, guidelines, and fact sheets) • Architectural Barriers Act, 1968 (42 USC 4151 et seq.; 36 CFR 1190) • National Environmental Policy Act, 1969 (42 USC 4321 et seq.; 40 CFR Parts 1500-1508) • Archaeological Resources Protection Act, 1979 (16 USC 470aa et seq.; 32 CFR Part 229, 43 CFR Part 7, Subpart B) • American Indian Religious Freedom Act, 1978 (PL 95-341, 42 USC 1996 and 1996a) • Native American Graves Protection and Repatriation Act, 1990 (25 USC 3001 et seq.; 43 CFR Part 10 and guidelines) • various presidential memoranda, directives, and executive orders • National Park Service Director’s Order 28, Cultural Resource Management
Quality and Comprehensiveness of Relevant Existing Information	<p>Management Direction: The NPS will protect, preserve, and foster an appreciation and understanding of the history and archeology associated with the park’s lumbering industry, State parks, and Native American resources.</p> <ul style="list-style-type: none"> • Need more comprehensive list of classified structures, cultural landscape inventories, and ASMIS baseline information including inventory and condition statements on prehistoric archeological sites. • Need to evaluate and/or nominate eligible lumbering, current and former state parks, and prehistoric archeological sites to the NRHP. • Need to study operation of small scale and larger vertically integrated lumbering operations in the gorge; corporate paternalism in logging camps; lumbering industry technology: Shay engines, Humphries and other devices; the role of NPS supporting the development of CCC-era parks; oral histories relating to CCC-era activities; chronometric and subsistence data on prehistoric archeological sites; predictive land use settlement models; late Pleistocene-Holocene environmental reconstruction; and the geological history of New River and possibly Teays River terrace system. • Need to more thoroughly integrate management of these resources into park planning.

Scenic – Panoramic Views of Valleys and the New River Gorge

Fundamental Resource/Value panoramic views of the valleys and gorge of the New River as it cuts through the Allegheny Plateau

Importance

- The park’s size and topographic relief make it an outstanding natural phenomenon in the state of West Virginia and the nation.
- Overlooks are very popular visitor use areas and are among the few places available for visitor appreciation of the scale and topographic diversity of the park.
- The landscape views afford a unique perspective into the complexity of the park’s environment that is vital to understanding the richness of plant and wildlife resources.
- Spectacular panoramic views of the river gorge and the surrounding rugged mountain landscapes are scattered throughout the length of the park from overlooks on the rim.
- Primitive river views are experienced from vantage points on the river against a background of terrain and sky.
- Isolated and remote forest cove communities and cascading streams are captured along scenic roads and trails that crisscross the park.

Current State and Related Trends

- Natural succession is the fundamental objective for all designated natural areas to preserve their unique character and biological integrity.
- State highways, railroad, utility corridors, commercial development and individual housing construction have impacted the integrity of the views, especially in the northern and southern one-third part of the park.
- Visitor impacts to vegetation as a result of trampling damage fragile surfaces on the rim, dispersed camping along the river shoreline, and indiscriminate use of all terrain vehicles outside of designated state highways.
- The New River Parkway Authority in concert with WV Department of Transportation (WVDOT) will construct a bridge across the New river to access the designated roadway in Raleigh and Summers Counties.
- Private lands in the viewshed are subject to current and future timber harvesting and utility corridor development.
- Gypsy moth and hemlock adelgid affecting the diversity and richness of forest species.
- Invasive species such as kudzu and Japanese knotweed compete with native shrubs and reduce regeneration of native forest species.

Potential Threats

- Disturbances such as fire and major storm events can cause landscapes to revert to early successional habitats.
- Major resort and private housing developments are proposed adjacent to the rim of the gorge.
- New bridge construction is frequently proposed by the West Virginia Department of Transportation to replace older structures. Newer structures typically involve new alignments and larger footprints on the river corridor.

Stakeholder Interest

- environmental groups such as the National Parks and Conservation Association, Highlands Conservancy, Sierra Club, Isaac Walton League, Audubon Society, Plateau Action Network, WV Native Plant Society, Partners in Flight, Bat Conservation International, The Nature Conservancy
- user groups such as sportsmen, Access Fund, WV Wildlife Federation, Trout Unlimited, WV Professional River Outfitters
- state agencies, including the WV Division of Natural Resources, WV State Parks and Forests, WV Department of Environmental Protection
- federal agencies, including U.S. Fish and Wildlife Service, U.S. Geological Survey Biological Resource Division, Environmental Protection Agency

Applicable Laws and Policies

- National Park Service Organic Act (16 USC 1-4)
- 36 CFR Parts 1 and 2
- Redwood Act (PL 95-250 Stat 163, as amended 1978)
- Enabling Legislation New River Gorge National River 1978 (PL 95-625)
- National Park Service Management Policies 2006, §4
- Natural Resource Management Reference Manual #77

Management Direction:
 New River Gorge National River’s landscape features and processes are protected and preserved for the benefit, education, recreational use, and enjoyment of the American public. Natural processes are allowed to continue without interference. Natural resource manipulation measures proposed to protect cultural resources may be approved only after an analysis of the degree to which such measures would impact natural resources and processes. New park developments are not placed in areas that present impairment to viewsheds unless the development is essential to meeting the park’s purposes and 1) no practicable alternative locations are available; 2) steps are taken to minimize harm to natural resources. Efforts continue to restore disturbed areas and control the spread of nonnative vegetation.

Quality and Comprehensiveness of Relevant Existing Information

- Although the quality and quantity of the visual resource values is highly subjective and personal, the origins of the idea for a park unit have consistently noted the scenery as a primary resource value to be experienced and protected.
- In 1974, Dr. Otis K. Rice, West VirginiaTech historian, noted in a manuscript that the New River gorge region is recognized foremost for its rugged beauty and its pristine splendor.
- In 1975 Congress requested that the DOI assess the recreational and environmental values of New River Gorge. The BOR report described the topographic features as an outstanding natural phenomenon in the State of West Virginia.

Scenic – Cultural Landscapes

Fundamental Resource/Value

cultural landscapes that reflect settlement and industry influenced by a rugged and isolated setting

Importance

- The natural beauty of New River Gorge revealed in its panoramic views belies the rich and dramatic human history of the recent past. The wilderness that was transformed into a stark industrial landscape is today reasserting its claim to the land and obscuring the remnants of the human endeavors that occurred here in the last century and a half.
- The completion of the C&O railroad in 1873 facilitated the industrialization and exploitation of the natural resources of the gorge. Coal trains and passenger trains still pass through the gorge today on a regular basis and provide the visitor with tangible reminders of that bygone era.
- At the height of industrialization, there was a coal mining town for almost every mile of railroad in the gorge. In most of the coal towns, only a few building foundation ruins remain, but some abandoned coal company towns, such as Nuttallburg and Kaymoor, still retain remnants of roads, paths, building foundations and other landscape elements. These areas immerse the viewer in a rich cultural landscape that affords contrasting views of the remnants and ruins of the towns within the context of the natural views of the river, steep wooded slopes and sandstone cliffs.
- A few towns, such as Thurmond, still sit precariously on steep slopes among the dense vegetation. These become the focus of views from many roads and trails.
- Prior to the industrialization of the gorge, the majority of its inhabitants lived on small subsistence farms along the river's edge and in the upland valleys. Farms, such as the Richmond Farm and the Richmond-Hamilton Farm can be seen from the river and the auto routes in the southern part of the park. Upland Farms, such as the Trump-Lilly Farm and the James Phillips Farm reward the visitor with a sense of serenity and solitude in landscapes unchanged by modern times.
- The bridges over the New River provide expansive views of the gorge and are themselves focal points of many views from the river, hiking trails, overlooks and roads. The New River Gorge Bridge, the second longest single-span steel arch bridge in the world, can be seen not only from the Canyon Rim Visitor Center overlook, but is more dramatic when seen from the river, from below at the bridge buttress overlooks along old State Route 82 and from the sandstone cliffs of Long Point. Other historic railroad and automobile bridges, at Thurmond, Stone Cliff and Prince evoke earlier times when engineering achievements were more obviously expressed in steel trusses and stone river piers.
- At Grandview, Turkey Spur provides dramatic views of modern coal and passenger trains snaking through the gorge on the same route that they took over 130 years ago. Distant views of the historic mining towns of Prince and Quinnimont provide a curious sense of scale across a wide panorama.
- Camp Brookside is a pristine and completely intact former summer camp developed for the families of the Elkem Metals, a division of Union Carbide, on the banks of the New River. The camp is an important example of corporate paternalism of the mid 20th century.
- Grandview was one of the first state parks developed by West Virginia Department of Natural Resources and built by the CCC during the early 1940s. Though greatly expanded in the 1960s, the original portion still maintains the layout and structures original to that era. Other state parks, including Sandstone Falls, which is now part of New River Gorge National River and Babcock, which remains a State Park, retain remarkable integrity.

Current State and Related Trends

- The park has been working extensively on stabilizing and recording historic structures through out the park. The emphasis has been on stabilization of the structures to preserve them for future use. Though this work greatly improves the historic scene, the cultural landscape lacks animation and vitality. New uses for these structures will not only provide new impetus for preservation, but also provide better protection through routine maintenance and discouragement of vandalism.
- Large cultural landscapes such as those at Nuttallburg and Kaymoor are currently either closed to visitors or are difficult to access. Future strategies need to address visitor access and interpretation recommendations in the draft Nuttallburg Implementation Plan.
- Many former coal towns in the park are largely privately-owned, such as Terry, Quinnimont, Prince and Meadow Creek. Some historic buildings and residences remain, though greatly altered, and there are many new intrusions, which greatly impact the integrity of historic views. Many potentially important historic areas, such as the coke ovens and coal town ruins, are difficult to access and the aggressive natural and invasive exotic vegetation obscures their extent and condition.
- Grandview and Camp Brookside are maintained by NPS. Sandstone Falls has had additional interpretive and resource protection development since its inclusion in the National River.

Potential Threats

- Large gated housing developments are proposed along the gorge rim in the northern part of the park. Additional visual threats may emerge as development pressure increases.
- The New River Gorge Parkway will greatly impact River Road. A 600 foot long bridge will be built connecting Interstate 64 with the proposed parkway. The new bridge will visually impact the historic scene of the Richmond Farm.
- CSX has removed many pieces of historic railroad architecture and owns many structures, such as the railroad coal tipple at Thurmond. CSX may continue to remove obsolete structures to decrease their liability.
- Invasive species such as kudzu and Japanese knotweed obscure many cultural landscape features and cover large portions of former industrial and residential areas at Kaymoor and Nuttallburg.

Scenic – Cultural Landscapes (continued)

Potential Threats (continued)

- Lack of maintenance, non-compatible additions to historic structures and new small scale development on adjacent lands, especially in the southern part of the river detracts from a landscape that was once predominantly agricultural.
- The extent of cultural resources in the park is so great that maintenance of ruins, coke ovens, mine sites and even historic structures will be impacted by future park budgets.
- Forest fires, arson, lightning strikes, unstable soil conditions, snow, wind and other severe weather conditions could greatly impact the historic buildings and mine structures in the park.
- The WV Department of Transportation is continually repairing and replacing bridges throughout areas within the park boundary. The impacts range from the replacement of historic one-lane concrete bridges along State Route 25 to Thurmond to the replacement of the historic steel truss bridges over the New River, such as the Thomas Bufford Pugh Bridge along State Route 61, the bridge at Stone Cliff and even the bridge at Thurmond, which would drastically impact not only the historic scene, but even the C&O Depot.

Stakeholder Interest

- park visitors
- residents of historic towns within the park boundary, such as Thurmond, Prince, Quinimont and others
- gateway communities, such as Hinton and Fayetteville
- WV DOT
- CSX Corporation
- educational and historical associations
- research historians and archeologists
- WV State Historic Preservation Officer
- Keeper of the National Register
- Coal Heritage Trail
- tourism associations

Applicable Laws and Policies

- National Park Service Management Policies 2006
- National Park Service Director's Order 28
- National Environmental Policy Act (42 USC 4321-4347)
- Archeological Resources Protection Act, 1979
- Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register (FR) 44716-740)*
- *Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act (63 FR 20497-508)*

Management Direction:

The NPS will ensure appropriate protection, preservation, treatment, and interpretation of cultural resources and employing the best current scholarship will conduct a vigorous interdisciplinary program of research and inventory. The NPS will develop appropriate technologies and methods for monitoring, protecting, preserving, and treating cultural resources. Cultural resources are subject to several basic treatments, including (1) preservation in their existing states; (2) rehabilitation to serve contemporary uses, consistent with their integrity and character; and (3) restoration to earlier appearances by the removal of later additions and replacement of missing elements.

Quality and Comprehensiveness of Relevant Existing Information

- The Trump-Lilly Farm has been documented (HABS 1992) and listed on the National Register; however other farms require extensive documentation.
- Level I Cultural Landscape Inventories have been completed on Camp Brookside, Harrah Homestead, Christina Vallandigham property, the Richmond-Hamilton Farm and should be developed further.
- Kaymoor was listed on the National Register (1990) and documented with HAER drawings, a historic resource study and historic structures report.
- The Nuttallburg Mine Complex and Town Site was listed on the National Register with a level of "national significance" in 2007. There is also an approved cultural landscape inventory (2006), HAER documentation (1992) and a historic structures report (2005). An implementation plan was completed in April, 2009.
- Grandview is documented in a cultural landscape report (1994).
- Thurmond has been listed as a historic district on the National Register (1982). There is also a development concept plan (DCP), and a DCP update with an interpretive prospectus.

Scenic – Natural Visibility

Fundamental Resource/Value	natural visibility and lightscape, both in daytime and at night
Importance	<ul style="list-style-type: none"> Natural visibility allows enjoyment of the inherent beauty and scale of the rugged terrain and a historical perspective on the difficulty of traversing the area and eventual establishment of farms and settlements. Overlooks are very popular visitor use areas and are among the few places available for visitor appreciation of near and distant views of the park features. The landscape views afford a unique perspective into the complexity and richness of the terrain inside and outside the park. The absence of human-caused light at night affects the visibility of the stars, planets, and earth's moon and influences humans and many other species of animals (birds, bats, prey animals).
Current State and Related Trends	<ul style="list-style-type: none"> Summer exhibits the poorest visibility with slight, moderate, and considerable haze events occurring 43%, 20%, and 17% of the time respectively. The best visibility is in the winter with slight, moderate, and considerable haze intensities occurring 64%, 4%, and 1% of the time respectively. Recent studies have indicated that light pollution may have adverse effects on water quality, salamander foraging, migratory birds, and turtle breeding. Construction and use of highways, railroad, utility corridors, commercial development, energy development, and individual housing construction have impacted the integrity of the views and night sky.
Potential Threats	<ul style="list-style-type: none"> The primary threat to visibility impairment in the eastern U.S. is sulfate, which is emitted by coal-fired power plants and oil refineries, mining activities, and other industrial sources. Preserving the air resources and lightscape has become increasingly difficult in parks due to the intensity of land development at park boundaries, increased visitation, and general urban/industrial developments. Disturbances such as fire can cause temporary impairment of view sheds. Wood burning contributes light-absorbing particles to the atmosphere. New roads or upgrades to accommodate increased traffic or to promote access have the potential to increase nitrogen oxide emissions. Windblown dust is a relatively small contributor to visibility impairment in the northeast U.S.
Stakeholder Interest	<ul style="list-style-type: none"> environmental groups such as National Parks and Conservation Association, Highlands Conservancy, Sierra Club, Isaac Walton League, Audubon Society, Plateau Action Network, WV Native Plant Society, Partners in Flight, Bat Conservation International, The Nature Conservancy state agencies, including the WV Division of Air Quality, WV Division of Natural Resources, WV State Parks and Forests, WV Department of Environmental Protection, federal agencies, including the U.S. Fish and Wildlife Service, Environmental Protection Agency
Applicable Laws and Policies	<ul style="list-style-type: none"> National Park Service Organic Act (16 USC 1-4) 36 CFR Parts 1 and 2 Redwood Act PL 95-250 Stat 163, as amended 1978 Enabling Legislation New River Gorge National River 1978 (PL 95-625) National Park Service Management Policies 2006, §4 Natural Resource Management Reference Manual #77 <p>Management Direction: Landscape features and processes are protected and preserved for the benefit, education, recreational use, and enjoyment of the American public. Natural processes and values are allowed to continue without interference. New park developments are designed to reduce or eliminate impairment to night skies. Efforts continue to reduce or eliminate light pollution by: restricting the use of artificial lighting in parks to those areas where security, basic human safety, and specific cultural resource requirements must be met; using minimal impact lighting techniques; and seeking the cooperation of park visitors, neighbors, and local government agencies to prevent or minimize the intrusion of artificial light into the night scene.</p>
Quality and Comprehensiveness of Relevant Existing Information	<ul style="list-style-type: none"> Although the quality and quantity of the visual resource values is highly subjective and personal, the origins of the idea for a park unit have consistently noted the scenery as a primary resource value to be experienced and protected. In the east maximum visual ranges are estimated to be 60 to 80 miles. In 1985, in response to the mandates of the Clean Air Act, Federal and regional/state organizations established the Interagency Monitoring of Protected Visual Environments (IMPROVE) program to protect visibility in Class I air quality areas. All ERMN parks have an IMPROVE monitor within 120 km. While this type of monitoring would not be adequate for regulatory purposes, it is useful for documenting visibility conditions and trends and provides an excellent means of sharing that information with the public. IMPROVE provides maps of visibility conditions at all monitoring sites, pie charts of the pollutants that contribute to visibility impairment at each site, and trend data for sites that have been operating 10 years or longer.

Visitor Opportunities – Experience and Enjoyment Visitors Derive from Recreational Activities

Fundamental Resource/Value	experience and enjoyment visitors derive from the direct interaction with the outstanding scenic, natural, and cultural resources through a variety of recreational activities
Importance	<ul style="list-style-type: none"> • The NPS recorded over 1.1 million visitors to the New River Gorge National River in 2006 and has consistently reported over 1 million visits since 1993. • The recreational opportunities enjoyed by visitors to the park are critically important to the regional, state, and local tourism industry and adjacent gateway communities. • In addition to being nationally renowned for its whitewater, rock climbing activities, and adventure sports, the park is also important to local and visiting recreationists for more traditional activities like hiking, camping, hunting and fishing. • Many visitors return to the historic and remaining communities within the park to connect with the past, to attend family gatherings, to visit the family homesteads, to visit the ruins of the places where they or their parents and grandparents lived and worked. • Heritage tourism is increasingly important to visitors and significant to the state and local economies.
Current State and Related Trends	<ul style="list-style-type: none"> • Visitors currently enjoy two major visitor centers staffed year round and other seasonal facilities, including visitor centers, picnic areas, and an outdoor theatre. • Ranger programs are regularly offered within the park and off-site upon request. • Studies report that Americans continue to participate in a wide range of recreation activities, federal lands continue to be a magnet for recreation, especially national parks, and recreation is increasingly being viewed as a means to achieve important public policy objectives, such as improved health and fitness of participants. • According to the State of West Virginia, tourism is responsible for 85% of all new economic activity in Fayette County. • Tourism studies indicate that visitors to the area are successfully being encouraged to stay longer and enjoy other recreational activities. • Interest is increasing in cultural heritage tourism, especially that related to the coal mining, railroading, and agricultural history.
Potential Threats	<ul style="list-style-type: none"> • Lack of "branding" and product recognition with potential new visitors • Lack of perceived opportunities for activities other than mainstay activities, like whitewater rafting, or major one-day events, like Bridge Day • Lack of expansion of a variety of outdoor activities, including hiking, biking, and equestrian trails, to accommodate visitors desires to enjoy more of the natural beauty of the New River Gorge National River and the nearby Gauley River National Recreation Area and the Bluestone National Scenic River • Continued deterioration of historic resources and inability of aging visitors to access some of these historic/community sites
Stakeholder Interest	<ul style="list-style-type: none"> • outfitters and guides, West Virginia Professional Outfitters, New River Alliance of Climbers, WV Wildwater Association, The Access Fund, American Whitewater, Glade-Pinch Trout Association, Trout Unlimited, International Mountain Bike Association, WV Rails-to-Trails Council, National Wild Turkey Federation • Visit Southern WV Visitor and Convention Bureau, New River CVB, Fayetteville CVB, Fayette County Chamber of Commerce, Hinton Chamber of Commerce, 4C Economic Development Authority • WV Division of Tourism, Division of Natural Resources, Division of Culture and History • gateway communities within and adjacent to the park • National Coal Heritage Area • WV Rails-to-Trails Council

Visitor Opportunities – Experience and Enjoyment Visitors Derive from Recreational Activities (continued)**Applicable Laws and Policies**

- National Park Service Organic Act (16 USC 1-4)
- 36 CFR Parts 1 and 2
- Redwood Act PL 95-250 Stat 163, as amended 1978
- Enabling Legislation New River Gorge National River 1978 (PL 95-625)
- West Virginia National Interest River Conservation Act of 1988 (PL 00-534)
- Omnibus Parks and Public Lands Management Act of 1996, established the National Coal Heritage Area (PL 104-333)
- National Park Service Management Policies 2006, §4

Management Direction:

The NPS will always consider allowing activities that are appropriate to the parks, although conditions may preclude certain activities or require limitations. Park Superintendents must monitor park uses to prevent unanticipated and unacceptable impacts. Preferred forms of visitor enjoyment are those uniquely suited to the natural and cultural resources found in the parks and that foster an understanding and appreciation of those park resources and values or promote enjoyment through a direct association and interaction with the park resources.

Quality and Comprehensiveness of Relevant Existing Information

- A visitor services project report was completed for the New River Gorge National River by the Park Studies Unit in 2004. The visitor study profiled visitors to the park, including socio-demographic information, reasons for visiting the area, sites visited, activities visitors participated in, importance of park resources, and the quality of services and facilities.
- A study of the economic impact of the New River Gorge National River was completed in 2006. The study calculated the direct and indirect impacts of the park on a four county region and estimated total economic impacts to be over \$130 million in annual spending.
- A Fayette County tourism destination study was completed in 2003 for the Fayette County Commission. The report identified recommendations to increase the economic impact of tourism on the local economy and to maximize marketing efforts. The report specifically identifies the New River Gorge National River as a major attraction in Fayette County.

Visitor Opportunities – Experience a Tranquil Setting

Fundamental Resource/Value	experience of a tranquil setting characterized by a largely natural soundscape
Importance	<ul style="list-style-type: none"> • Natural quiet is a key component of the experience many visitors seek, especially those wishing to view and listen to wildlife. • The absence of human-caused sound allows visitors to feel closer to nature and experience a degree of solitude often missing from a busy urban lifestyle. • Natural soundscapes allow visitors to hear the sounds of the wind, the rushing of the water, and experience the tranquility of a quiet pool.
Current State and Related Trends	<ul style="list-style-type: none"> • Construction and use of highways and roads, railroads, utility corridors, commercial developments, and individual housing construction have impacted the integrity of the natural soundscape. • Communities adjacent to and within the park can be a source of noise caused by mechanical and electronic devices.
Potential Threats	<ul style="list-style-type: none"> • Use of motor vehicles on existing and new proposed roads and highways throughout the park. • Human infrastructure in or near the park, including several large housing developments. • Low-level overflights of private and commercial aircraft from nearby airstrips.
Stakeholder Interest	<ul style="list-style-type: none"> • environmental groups such as National Parks and Conservation Association, Highlands Conservancy, Sierra Club, Isaac Walton League, Audubon Society, Plateau Action Network, Partners in Flight, Bat Conservation International, The Nature Conservancy • state agencies, including the WV Division of Air Quality, WV Division of Natural Resources, WV State Parks and Forests, WV Department of Environmental Protection, • Federal Agencies, including the U.S. Fish and Wildlife Service, Environmental Protection Agency • local commercial and private pilots
Applicable Laws and Policies	<ul style="list-style-type: none"> • National Park Service Organic Act (16 USC 1-4) • 36 CFR Parts 1 and 2 • Redwood Act PL 95-250 Stat 163, as amended 1978 • Enabling Legislation New River Gorge National River 1978 (PL 95-625) • West Virginia National Interest River Conservation Act of 1988 (PL 100-534) • National Parks Overflights Act (PL 100-91) • National Parks Air Tour Management Act of 2000 (PL 106-181) • National Park Service Management Policies 2006, §4 • National Park Service Director’s Order 47 <p>Management Direction: The NPS will strive to understand, maintain, restore, and protect the inherent integrity of the natural resources, processes, systems, and values of the parks while providing meaningful and appropriate opportunities to enjoy them. Park natural soundscape resources encompass all the natural sounds that occur in parks, including the physical capacity for transmitting those natural sounds and the interrelationships among park natural sounds of different frequencies and volumes. The NPS will restore to the natural condition wherever possible those park soundscapes that have become degraded by unnatural sounds (noise), and will protect natural soundscapes from unacceptable impacts.</p>
Quality and Comprehensiveness of Relevant Existing Information	<ul style="list-style-type: none"> • Need baseline study to describe the ambient natural sound environments • Need to identify sound sources and levels consistent with park purposes • Need to identify the level, nature, and origin of noise sources affecting the park • Describe desired future conditions for soundscapes and articulate measures that will move the park towards the desired future conditions

8.0 LEGISLATIVE, ADMINISTRATIVE, AND SPECIAL MANDATES AFFECTING PARK MANAGEMENT



From top:

Hunting

Hunting is a popular fall activity, especially in remoter sections of the park where rangers conduct regular patrols to enforce state and federal laws. Hunting is prohibited in higher visitor use areas.

(Photo: NPS/Gary Hartley)

Fayetteville Courthouse

Fayetteville and other towns serve as gateways to the park, with organizations partnering in activities that provide mutual benefits, helping local communities and furthering the agency mission.

(Photo: WRT/E. Clarke)

Legislative, administrative, and special mandates affecting management of the park are mandates specific to the park that expand upon the park's legislated purpose. These, are worthy of discussion and/or special consideration because 1) they may add another dimension to a park's purpose and significance, or 2) they may commit park managers to a specific action, as an example: via court order.

Legislative Mandates (see Appendix A for the full text of legislation)

Public Law 95-625 (1978). The 1978 enabling legislation for New River Gorge National River (NRGNR) contains a number of mandates:

Condemnation authority: Sec. 1102 (a) states that...The authority of the Secretary to condemn in fee, improved properties as defined in subsection (c) of this section shall not be invoked as long as the owner of such improved property holds and uses it in a manner compatible with the purposes of this title. Note: As of the date of publication of this document all NPS acquisitions at New River Gorge National River have been from willing sellers.

Involvement with local government: Sec. 1104 provides for the NPS to be directly involved with local government regarding adjacent land use issues. *The Secretary shall on his own initiative, or at the request of any local government having jurisdiction over land located in or adjacent to the gorge area, assist and consult with the appropriate officials and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this title...which (1) have the effect of restricting incompatible commercial and industrial use of all real property in or adjacent to the gorge area; (2) aid in preserving the character of the gorge area by appropriate restrictions on the use of real property in the vicinity, including, but not limited to, restrictions upon building and construction of all types; signs and billboards; the burning of cover; cutting of timber; removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the esthetic character of the gorge area; and (3) have the effect of providing that the Secretary shall receive advance notice of any hearing for the purpose of granting a variance...Note: In 2005-06, the Superintendent of New River Gorge National River provided information and maps to officials in Fayette County regarding potential impacts to park resources and values from two proposed housing developments.*

Mining and timbering: Sec. 1105 (a) states that...*Notwithstanding any other provision of law, no surface mining of any kind shall be permitted on federally owned lands... and (b) states that...The harvesting of timber on federally owned lands...is prohibited, except...for the Secretary to remove trees for river access, historic sites, primitive campgrounds, scenic vistas, or...public health and safety.*

Hunting and fishing: Sec. 1106 provides that hunting and fishing may be permitted in accordance with federal and state laws. Note: This mandate was amended in 1996 and 2002, (see PL 108-108 below).



Protection of ‘free-flowing’ river segment (mandate for Federal Energy Regulatory Commission): Sec. 1107 directs that *The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works ...*

Bluestone Dam flows (mandate for the Department of the Army): Sec. 1110 states that...the Secretary of the Army shall cooperate with the Secretary of the Interior concerning the water requirements of the national river. The Secretary of the Army shall provide for release of water from the Bluestone Lake project consistent with that project’s purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river. Note: this mandate was amended in 1988 (see below).

Public Law 100-71 (1987). This legislation authorized the West Virginia Division of Natural Resources (WV DNR) to conduct a black fly spraying program for eight years (1987 through 1995). Since then, a Memorandum of Understanding (renewable every five years) between the NPS and WV DNR has provided for the continuation of the pesticide spraying. The WV DNR monitors the timing of the pesticide application and the NPS monitors the effects of the pesticide application, including its impact on natural, cultural and recreational values of the national river.

Rafters on the lower New

Visitors to the three park areas in 2011 spent \$53,000,000 in activities that supported 717 jobs. Per a report completed by the National Park Service available at www.nature.nps.gov/socialscience/products.cfm#MGM (Photo: NPS/Gary Hartley)



Climber

Bridge Buttress is one of the most popular climbing areas in the park, offering ease of access and routes that cater to beginners. Area outfitters obtain special use permits to provide commercial climbing trips in the park. (Photo: NPS/Gary Hartley)

The enabling legislation included for the Gauley River National Recreation Area and the Bluestone National Scenic River provides several additional special mandates.

Cunard river access: Sec. 103 directs that...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. Note: completion of the Cunard River Access in 1992 fulfilled this mandate.

Bluestone Dam flows (mandate for the Department of the Army and the NPS): Sec. 104 states that...*The Congress finds that adjustments of flows from Bluestone Lake project during periods of low flow are necessary to respond to the congressional mandate contained in Section 1110... (of the 1978 legislation). This legislation further directed the Secretary of the Army, in conjunction with the Secretary of the Interior to conduct studies of flow adjustments from the Bluestone Dam...to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. ...*

Regional development and promotion of recreation resources in southern

WV: Sec. 401 provides that...*Subject to existing authority, 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 ...coordinated development and promotion of recreation resources of regional or national significance which are located in southern West Virginia ...*

Commercial watercraft services to be regulated by State of WV: Sec 402 states that ...*Subject to his responsibilities to protect the natural resources of the national park system, the Secretary of the Interior 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 watercraft services ...*

Consolidate administrative offices for New, Gauley and Bluestone NPS units:

Sec. 404 provides that...*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. Note: the management of the Gauley River National Recreation Area and the Bluestone National Scenic River are conducted by the headquarters and district personnel of New River Gorge National River.*

Public Law 102-154 (1991). This legislation authorizes the NPS to make road improvements for the purpose of public safety on State Route 25 between Glen Jean and Thurmond, which is outside the NPS boundary for New River Gorge National River.

Public Law 104-333 (1996). Section 406 of this legislation contains special mandates regarding fish and wildlife management and the application of provisions that were in the 1988 legislation for the Gauley River National Recreation Area.

Fish and Wildlife Management: Paragraph (2) amends Section 1106 of the 1978 legislation by adding the following: *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.*

Maintenance and Improvement of Public Roads and Public Rights-of-Way and Land Acquisition outside the Park Boundaries: Paragraph (3) amends the 1978 legislation by adding the following additions:

Sec. 1117 Applicable Provisions of Other Law (specifically, this referred to the 1988 legislation, which was entitled the West Virginia National Interest River Conservation Act of 1987)

(a) Cooperative Agreements. – The provisions of section 202(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. Section 202(e) (1) states that...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 within the boundaries of the national recreation area to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would not unreasonably diminish the scenic and natural values of the area.

**Commercial rafting bus**

The commercial rafting industry started on the New River in the late 1960's, growing in popularity and eventually opening the doors to other high adventure activities in the area. (Photo: WRT/E. Clarke)



From left:

Backroad

Scenic backroads wind through and around the park, connecting interstate and busy highways with quieter destinations down along the river. (Photo: WRT/E. Clarke)

Mountain Biking

Scenic backroads wind through and around the park, connecting interstate and busy highways with quieter destinations down along the river. (Photo: NPS/Gary Hartley)



(b) Remnant Lands - The provisions of section 203(a)...shall apply to tracts of land partially within the boundary of New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area. Section 203(a) states that: When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside the boundaries in order to minimize the payment of severance costs.

Public Law 108-108 (2003) This law directs the NPS to issue a special hunting regulation for New River Gorge National River and states that the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until it is superseded by the final special regulation.

Public Law 111-11 (2009) Sec 7115 of this law amends the Park’s 1978 enabling legislation to read: Sec. 1106 provides that hunting and fishing shall be permitted in accordance with federal and state laws.

Sec. 7115. New River Gorge National River.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) Is amended in the first sentence by striking “may” and inserting “shall” .

Summary of Park Legislation and Related Legislative Mandates

Year	Public Law	Statute	Summary
1978	PL95-625	92 Stat. 3544-3548	Includes enabling legislation for New River Gorge National River.
1986	PL99-590	100 Stat. 3339-3340	Authorizes acquisition of up to 10 acres outside the park boundary for an administrative site; used to acquire site for park headquarters at Glen Jean.
1987	PL100-71	101 Stat. 415	Authorizes WV DNR to conduct black fly spraying program (HR 1827-86).
1988	PL100-446	102 Stat. 1782	Authorizes NPS to initiate condemnation with the consent of the owner of property, improved or unimproved, within the boundary or at a currently authorized administrative site.
1988	PL100-534	102 Stat. 2699-2708	Includes enabling legislation for Gauley River National Recreation Area and Bluestone National Scenic River. Provides findings and purpose for New River Gorge National River (NERI), Gauley River National Recreation Area (GARI), and the Bluestone National Scenic River (BLUE). For NERI provides boundary modification, cooperative agreements with the state, improvement of access at Cunard, flow management, and visitor facility (Glade Creek). Also includes promotion of recreation in southern West Virginia, state regulation of commercial watercraft services on the New River, Gauley River, and Bluestone River, public awareness of wild/scenic designation on other rivers, and consolidation of management offices for the three parks.
1991	PL102-154	105 Stat. 996	Authorizes NPS to make road improvements for the purpose of public safety on WV Route 25 between Glen Jean and Thurmond.
1992	PL102-381	106 Stat. 1382-1383	Authorizes NPS to spend \$4.2 million on Fayette Station Bridge.
1992	PL102-580	106 Stat. 4810-4811	Directs the U.S. Army Corps of Engineers to study debris removal at Bluestone Dam.
1996	PL104-333	110 Stat. 4149-4153 110 Stat. 4243-4244	Authorizes NERI and BLUE boundary modifications and management of fish and wildlife resources. Establishes National Coal Heritage Area.
1998	PL105-178	112 Stat. 205	Authorizes NPS to spend \$12.2 million for a visitor center in the vicinity of I-64 and Sandstone.
2002	PL107-356	116 Stat. 3013	Authorizes expansion of the NERI boundary to the upstream limit of Hawks Nest State Park.
2003	PL108-108	117 Stat. 1281-1282	Directs NPS to adopt a special regulation concerning continued hunting at NERI.
2009	PL 111-11	123 Stat. 1202	Amends the Park's Enabling Legislation to provide that hunting and fishing shall be permitted in accordance with federal and state laws

Summary of Park Legislation and Related Legislative Mandates

Party with Whom Agreement Exists	Type of Agreement and General Provisions
Arnott Property	MOA provides for public use of private property (Tract 112-15) in order to access the New River in the vicinity of Meadow Creek. Specific provisions address minimal facilities and services to be provided by the NPS as well as Mr. Arnott's right to charge commercial entities for their use of his property. The most recent five-year MOA expired following Mr. Arnott's death in 2011.
CSX Transportation Police	MOA provides for the NPS to enforce certain federal regulations on CSX property within New River Gorge National River in a manner consistent with the NPS mission. The most recent five-year MOA was signed on December 16, 2004.
Concord University	GA sets forth objectives of a feasibility study on the joint future use of the NPS-owned Camp Brookside as a research and educational facility. The GA signed in August 2005 has expired.
New River Blueway Partners	MOU provides for the NPS to cooperate with the US Army Corps of Engineers and various state agencies in Virginia and North Carolina to promote a canoe trail on the New River by the use of a common logo on signs and informational media. This initiative intends to facilitate the public's recreational use of the New River by sharing information about river access sites and support facilities. The most recent five-year MOU was signed in April 2006.
New River Parkway Authority Federal Highway Administration WV DOT Division of Highways	MOU, signed in 1999 and referenced in the 2003 Final Environmental Impact Statement (FEIS) for the New River Parkway, provides 14 conditions attached to selection of West Bank Alternative 2A/2D as the preferred alternative. Included in these conditions is a stipulation that the parkway "shall be located, designed and administered in such a manner as to cause no significant harm, short or long term, to the New River Gorge National River...", and that the NPS "will have a lead role in establishing mitigation and parkway planning standards and actions and will concur in any and all decisions regarding location, design and construction of the parkway. This shall include a Service construction monitor/supervisor on site during construction to ensure the protection of sensitive resources crucial to the park's mission; ..." Further, NPS land required for parkway construction "will be replaced with land of at least fair market value and of reasonably equivalent usefulness and location." The MOU is intended to remain in effect during all planning and construction activities for the parkway.
New River Parkway Authority Federal Highway Administration WV DOT Division of Highways WV State Historic Preservation Officer	MOA, revised in September 2003, defines the process for protecting and/or documenting cultural resources during the remainder of the New River Parkway construction project. Several stipulations provide that the signatories will work together to ensure protection of the Richmond Farm, the Richmond-Hamilton Farm, the Stone Wall, and archeological resources in the project corridor. The New River Parkway Authority is also responsible for developing a land management system to guide future development and minimize future secondary impacts to the area.
Theatre West Virginia	MOA provides conditions allowing Theatre West Virginia to utilize the Cliffside Amphitheater at Grandview for the "sole purpose of operating and maintaining a production company for the performing arts and related activities for the benefit of the general public..." The most recent MOA may be changed following the reorganization of Theatre West Virginia.
WV Division of Natural Resources	MOA to jointly manage a public fishing access area at Camp Brookside. The site was in existence when the NPS purchased the Camp Brookside property in 1933 from Elkem Metals Company in 1993 who had built the camp as a condition of its hydropower license for the Hawks Nest/ Glen Ferris Hydropower Projects. The agreement with WV DNR specifies that NPS will be responsible for maintaining road access, including the vehicle bridge, the grounds, and bulletin board, and will consult with WVDNR on enforcement issues and sign wording. The agreement, signed February 11, 1994, is in effect for 40 years.
Local Fire and Law Enforcement Entities	Agreements to provide for coordinated communications and response to emergency situations for better public service.
Specific Properties	Numerous deeded rights are reserved by previous owners of property now owned by NPS such as cemetery access, utility corridors, and various other rights-of-way.

APPENDIX A

NEW RIVER GORGE NATIONAL RIVER ENABLING LEGISLATION AND OTHER RELEVANT LEGISLATION

Public Law 95-625, Title XI (92 Stat. 3544-3548, November 10, 1978) (Park Enabling Legislation).....	A-1
Public Law 99-590 (100 Stat. 3339-3340, 1986).....	A-5
Public Law 100-71 (101 Stat. 415, 1987).....	A-6
Public Law 100-446 (102 Stat. 1782, 1988).....	A-7
Public Law 100-534, Section 1 (West Virginia National Interest River Conservation Act of 1987) (102 Stat. 2699-2708, October 26, 1988)	A-8
Public Law 102-154 (105 Stat. 996, 1991).....	A-18
Public Law 102-381 (106 Stat. 1382-1383, 1992).....	A-20
Public Law 102-580 (106 Stat. 4810-4811, 1992).....	A-21
Onmnibus Parks and Public Lands Management Act of 1996, Public Law 104-333 (1996)	
110 Stat. 4149-4153, Division I, Title IV, Section 406.....	A-22
110 Stat. 4243-4244, Division II, Title I (National Coal Heritage Area Act of 1996)	A-23
Public Law 105-178 (112 Stat. 205, 1998).....	A-25
Public Law 107-356 (116 Stat. 3013, 2002).....	A-26
Public Law 108-108 (117 Stat. 1281-1282, 2003).....	A-27
Public Law 111-11 (123 Stat. 1202, 2009).....	A-28

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Public Law 95-625
(92 Stat. 3544 to 3548)
95th Congress

An Act

To authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho.

Nov. 10, 1978
[S.791]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**National Parks
and Recreation
Act of 1978.**

16 USC 1 note.

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, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

**Establishment
and
Administration
16 USC
460m-15.**

**Boundary
description ,
availability for
public inspection.**

SEC. 1102. (a) Within the boundaries of the New River Gorge National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange. Lands owned by the State of West Virginia or a political subdivision thereof may be acquired by donation only. The authority of the Secretary to condemn in fee, improved properties as defined in subsection (c) of this section shall not be invoked as long as the owner of such improved property holds and uses it in a manner compatible with the purposes of this title. The Secretary may acquire any such improved property without the consent of the owner whenever he finds that such property has undergone, since January 1, 1978, or is imminently about to undergo, changes in land use which are incompatible with the purposes of the national river. The Secretary may acquire less than fee interest in any improved or unimproved property within the boundaries of the national river.

**Acquisition of
lands, waters, or
interests.
16 USC
460m-16.**

(b) On non-federally owned lands within the national river boundaries, the Secretary is authorized to enter into cooperative agreements with organizations or individuals to mark or interpret properties of significance to the history of the Gorge area.

**Non-federally
owned lands.**

(c) For the purposes of this Act, the term "improved property" means (i) a detached single family dwelling, the construction of which was begun before January 1, 1977 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use,

**"Improved
property."**

together with any structures necessary to the dwelling which are situate on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory there to which were so used on or before January 1, 1977, or (iii) commercial and small business properties which were so used on or before January 1, 1977, the purpose of which is determined by the Secretary to contribute to visitor use and enjoyment of the national river. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1977, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

Right of use and occupancy, term.

(d) The owner of an improved property, as defined in this title, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential, or agricultural purposes, or the continuation of existing commercial operations, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value of the property on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this title, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

Fair market value.

Termination, notification.

Plan, submittal to congressional committees. 16 USC 460m-17.

SEC. 1103. (a) Within two years from the date of enactment of this title, the Secretary shall submit, in writing, to the House Committee on Interior and Insular Affairs, the Senate Committee on Energy and Natural Resources and the Committees on Appropriations of the United States Congress, a detailed plan which shall indicate—

- (i) the lands and areas which he deems essential to the protection and public enjoyment of the natural, scenic, and historic values and objects of this national river;
- (ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this national river;
- (iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing four fiscal years; and
- (iv) the feasibility and suitability of including within the boundaries of the national river, the section of the New River from Fayetteville to Gauley Bridge, and reasons therefor.

Zoning laws and ordinances, establishment assistance. 16 USC 460m-18.

SEC. 1104. The Secretary shall on his own initiative, or at the request of any local government having jurisdiction over land located in or adjacent to the Gorge area, assist and consult with the appropriate officials and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this title. In providing assistance pursuant to this section, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

- (1) have the effect of restricting incompatible commercial and industrial use of all real property in or adjacent to the Gorge area;
- (2) aid in preserving the character of the Gorge area by appropriate restrictions on the use of real property in the vicinity, including, but not limited to, restrictions upon building and construction of all types; signs and billboards; the burning of cover; cutting of timber; removal of topsoil, sand, and gravel; dumping, storage, or piling of refuse; or any other use which would detract from the esthetic character of the Gorge area; and

(3) have the effect of providing that the Secretary shall receive advance notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.

SEC. 1105. (a) Notwithstanding any other provision of law, no surface mining of any kind shall be permitted on federally owned lands within the boundary of the national river where the subsurface estate is not federally owned. Underground mining on such lands may be permitted by the Secretary only if—

(1) the mining operation will have no significant adverse impact on the public use and enjoyment of the national river;

(2) the mining operation will disturb the minimum amount of surface necessary to extract the mineral; and

(3) the surface is not significantly disturbed, unless there is no technologically feasible alternative.

(b) The harvesting of timber on federally owned lands within the national river boundary is prohibited, except insofar as it is necessary for the Secretary to remove trees for river access, historic sites, primitive campgrounds, scenic vistas, or as may be necessary from time to time for reasons of public health and safety.

(c) The owner of a mineral estate subject to this section who believes he has suffered a loss by operation 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.

SEC. 1106. The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the New River Gorge National River 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.

SEC. 1107. The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, power-house, 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, 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 River 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 the date of this section. 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 affect the national river and the values to be protected by it under this section.

SEC 1108. Section 5(a) of the Act of October 2, 1968 (82 Stat. 910) is hereby amended to provide for study of three principal tributaries of the New River in West Virginia, by adding the following new paragraphs:

**Mining,
prohibition and
limitation.
16 USC
460m-19.**

**Timber
harvesting.**

Recovery.

**Hunting and
fishing zones,
designation
16 USC
460m-20.**

**Rules and
regulations
consultation.**

**New River
Gorge National
River, project
work
prohibition.
16 USC
460m-21.**

**Advisement to
Secretary and
report to
Congress.**

**New River,
W.Va.,
tributaries
study.
16 USC 1276.**

“(73) BLUESTONE, WEST VIRGINIA.—From its headwaters to its confluence with the New.”

“(74) GAULEY, WEST VIRGINIA.—Including the tributaries of the Meadow and the Cranberry, from the headwaters to its confluence with the New.”

“(75) GREENBRIER, WEST VIRGINIA.—From its headwaters to its confluence with the New.”

**General
management
plan, submittal to
congressional
committees
16 USC
460m-22.**

SEC. 1109. Within three years from the date of enactment of this title, the Secretary shall develop and transmit to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, a general management plan for the protection and development of the national river consistent with the purposes of this title, indicating—

(1) measures for the preservation of the area’s resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the unit; and

(4) indications of potential modifications to the external boundaries of the unit, and the reasons therefor.

**Cooperation.
16 USC
460m-23.**

SEC. 1110. The Secretary of the Army shall cooperate with the Secretary of the Interior concerning the water requirements of the national river. The Secretary of the Army shall provide for release of water from the Bluestone Lake project consistent with that project’s purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river.

SEC. 1111. For the purposes of part C of the Clean Air Act, the State may redesignate the national river only as class I or class II.

**16 USC
460m-24.
42 USC 7470 et
seq.
Appropriation
authorization.
16 USC
460m-25.**

SEC 1112. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this title, but not to exceed \$20,000,000 for the acquisition of lands and interests in lands, and not to exceed \$500,000 for development.

Public Law 99-590
(100 Stat. 3339 and 3340)
99th Congress

An Act

To amend the Wild and Scenic Rivers Act, and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Oct 30, 1978
[H.R. 4350]

Conservation.
National Parks,
monuments, etc.

TITLE X—NEW RIVER GORGE ADMINISTRATIVE SITE

SEC. 1001. Section 1102(a) of the National Parks and Recreation Act of 1978 (Public Law 95-625) is amended by inserting the following after the second sentence: “In addition, the Secretary may acquire by any of the foregoing methods not to exceed ten acres outside the boundaries of the national river for an administrative headquarters site, and funds appropriated for land acquisition shall be available for the acquisition of the administrative headquarters site.”

16 USC 460m-16.

SEC 1002. Section 1112 of the same act is amended by striking “\$500,000” and inserting “\$3,000,000”.

16 USC 460m-25.

**Public Law 100-71
(101 Stat. 415)
100th Congress**

An Act

Making supplemental appropriations for the fiscal year ending September 30, 1987,
and for other purposes.

Oct 30, 1978
[H.R. 1827]

**Supplemental
Appropriations
Act, 1987**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I – PROGRAM SUPPLEMENTALS

CHAPTER VI

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the pesticide application program described in the West Virginia Department of Natural Resources' permit application to conduct a pesticide (*Bacillus thuringiensis israelensis* ([Bti]) spraying program on the New River, West Virginia, to control the river's black fly (*Simulium jenningsi*) population, received by the Superintendent of New River Gorge National River, West Virginia, on September 9, 1986 is hereby approved as a demonstration project for a period of eight years from the date of enactment of this Act, unless the pesticide Bti is removed from the registered list of pesticides, as determined by the Environmental Protection Agency, at an earlier date. No additional analyses, proposals, or approvals will be required for the State to conduct similar pesticide application programs during the period of the demonstration project provided herein. The State shall notify the National Park Service of its planned annual program at least ninety days in advance of spraying, and shall consider the recommendations provided by the National Park Service, the United States Fish and Wildlife Service, and other parties in the conduct of the pesticide application program. The State shall also enter into an indemnity agreement with the National Park Service which will protect the Service from all tort claims which might arise from the State's spraying program. The State and the National Park Service shall jointly conduct a monitoring program on the effects of the pesticide application, including the impact on natural, cultural and recreational values of the National River.

**Pests and
pesticides,
West Virginia.**

Claims.

**Public Law 100-446
(102 Stat. 1781)
100th Congress**

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

Sept 27, 1988
[H.R. 4867]

**Supplemental
Appropriations
Act, 1988**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes, namely:

TITLE I – DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$72,609,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, including \$3,300,000 to administer the State Assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, \$357,000 shall be available in 1989 for administrative expenses of the State grant program: *Provided further*, That \$3,000,000 of the funds made available herein shall be available for land acquisition at Congaree Swamp National Monument, South Carolina, subject to enactment of authorizing legislation: *Provided, further*, That notwithstanding the provisions of Public Law 95-625, the Secretary may initiate condemnation with the consent of the owner of property, improved or unimproved, within the boundary or at a currently authorized administrative site of the New River Gorge National River, West Virginia.

PUBLIC LAW 100-534—OCT. 26, 1988

102 STAT. 2699

Public Law 100-534
100th Congress

An Act

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.

Oct. 26, 1988
[H.R. 900]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

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

West Virginia
National
Interest River
Conservation
Act of 1987.
National Park
System.
16 USC 460m-15
note.

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- Sec. 1. Short title and table of contents.
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- Sec. 401. Coordination among recreational resources.
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- Sec. 403. Public awareness program.
- Sec. 404. Consolidated management.
- Sec. 405. New spending authority subject to appropriations.

TITLE V--TECHNICAL CHANGE TO WILD AND SCENIC RIVERS ACT

- Sec. 501. Acreage limitations.

SEC. 2. FINDINGS AND PURPOSE.

16 USC 460m-15
note.

(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

102 STAT. 2700

PUBLIC LAW 100-534—OCT. 26, 1988

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 resource. The lower section of the Bluestone River and the lower section of the Meadow River possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Portions of several of the New River tributaries, including segments of the Gauley River, the Meadow River, and the Bluestone River are suitable for inclusion in the National Park System or the National Wild and Scenic Rivers System.

(6) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, 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, 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:

16 USC 460m-26.

Law
enforcement
and crime.

"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 or non-reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive 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:

16 USC 460m-27.

Real property.
Safety.

"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 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 less than three thousand 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.**

16 USC 460m-28.

“(a) **FINDINGS.**—The Congress finds that adjustments of flows from Bluestone Lake project during periods of low flow are 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 Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives not later than December 31, 1989. Before submission of the report to these Committees, 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.

Public information.

“(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 three thousand 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 of such segments.

Fish and fishing.

“(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 twenty-four-hour periods during the summer of 1989 when flows are less than three thousand 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 twenty-four-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the

102 STAT. 2702

PUBLIC LAW 100-534—OCT. 26, 1988

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 one thousand seven hundred cubic feet per second and no test shall reduce flows below that level.”.

SEC. 105. VISITOR FACILITY.

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:

16 USC 460m-29. **“SEC. 1116. GLADE CREEK VISITOR FACILITY.**

Public
information.

“In order to provide for public use and enjoyment of the scenic and natural resources of the New River Gorge National River and in order to provide public information to visitors with respect to the national river and associated State parklands, the Secretary is authorized and directed to construct a scenic overlook and visitor information facility at a suitable location accessible from Interstate 64 in the vicinity of Glade Creek within the boundary of the national river. There is authorized to be appropriated such sums as may be necessary to carry out construction (including all related planning and design) of the scenic overlook and visitor information facility.”.

Appropriation
authorization.

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

16 USC 460ww. **SEC. 201. ESTABLISHMENT.**

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

Public
information.

(b) **AREA INCLUDED.**—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled “Gauley River National Recreation Area”, numbered NRA-GR/20,000A and dated July 1987 and on the boundary map depicting the Meadow River, numbered WSR-MEA/20,000A and dated July 1988. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Reports.

(c) **BOUNDARY MODIFICATIONS.**—Within five 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.

16 USC
460ww-1.

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, trapping and fishing on lands and waters within the recreation area in accordance with applicable Federal and State

laws. The Secretary may, after consultation with the State of West Virginia Department of Natural Resources, designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife habitat or 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. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of West Virginia with respect to fish and wildlife

Safety.

(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, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

Law enforcement and crime.

(d) **APPLICATION OF OTHER PROVISIONS.**—The provisions of section 7(a) of the Act of October 2, 1968 (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 within the boundaries of the national recreation area to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would not unreasonably diminish the scenic and natural values of the area.

Contracts.

(2) **FACILITIES ADJACENT TO DAM.**—In order to accommodate visitation to the recreation area, the Secretary shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and provide river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not provided pursuant to section 205 and such facilities are within the boundaries of the recreation area. 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 to construct such parking and related facilities at other appropriate locations outside the boundaries of, but within one mile of the recreation area as may be necessary and appropriate. Any such lands shall be managed in accordance with the management provisions for the recreation area as defined in subsection (a).

(f) **PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.**—After consultation with any other Federal agency managing lands and waters within or contiguous to the recreation area, the Secretary shall

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enter into a memorandum of understanding with such other Federal agency to identify those areas 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.

16 USC
460ww-2.
Gifts and
property.

SEC. 203. MISCELLANEOUS.

(a) **LANDS AND WATERS.**—The Secretary may acquire lands or interests in lands 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) **JURISDICTION.**—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not identified 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.

(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 to facilitate and enhance whitewater recreational use and other recreational use of the recreation area.

16 USC
460ww-3.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

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

16 USC
460ww-4.
Dams.

SEC. 205. SPECIAL CONDITIONS.

(a) **NEW PROJECT CONSTRUCTION.**—If, after the enactment of this Act, 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 THE 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 202(d), except that during the four-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 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 201 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 201 which are not necessary to the operation of such project.

SEC. 206. ADVISORY COMMITTEE.

16 USC
460ww-5.

(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;

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(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 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 Advisory Committee.

TITLE III—BLUESTONE NATIONAL SCENIC RIVER

SEC. 301. 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:

“() **BLUESTONE, WEST VIRGINIA.**—The segment in Mercer and Summers Counties, West Virginia, from a point approximately two miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake as 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. In carrying out the requirements of subsection (b) of this section, the Secretary shall consult with State and local governments and the interested public. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. 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. Jurisdiction over all lands and improvements on such lands owned by the United States within the boundaries of the segment designated under this paragraph is 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. 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, and such management may be continued pursuant to renewal of such lease agreement. 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 IV—GENERAL PROVISIONS

SEC. 401. COORDINATION AMONG RECREATIONAL RESOURCES.

16 USC 460m-15
note.

Subject to existing authority, 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 purposes of providing for coordinated development and promotion of recreation resources of regional or national significance which are located in southern West Virginia and management by State or Federal agencies, including State, local and National Park System units, State and National Forest System units, and historic sites.

SEC. 402. SPECIAL PROVISIONS.

16 USC 460m-15
note.
Contracts.

Subject to his responsibilities to protect the natural resources of the National Park System, the Secretary of the Interior 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 units of the National Park System and components of the National Wild and Scenic Rivers System subject to this Act.

SEC. 403. PUBLIC AWARENESS PROGRAM.

16 USC 1274
note.

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 Rivers System of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August 1983 but which were not designated by this Act as units of such system. By December 31, 1992, 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, 1992.

Reports.

Termination
date.

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16 USC 460m-15 note. SEC. 404. 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.

16 USC 460m-15 note. SEC. 405. 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 V—TECHNICAL CHANGE TO WILD AND SCENIC RIVERS ACT

SEC. 501. ACREAGE LIMITATIONS.

Notwithstanding the provisions of section 501(b)(1)(B) of Public Law 99-590, section 3(b) of the Wild and Scenic River Act (16 U.S.C. 1274(b)) is amended to read as follows:

“(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)), establish detailed boundaries therefor (which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river); and determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments.

“Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.”

Federal
Register,
publication.

Approved October 26, 1988.

LEGISLATIVE HISTORY—H.R. 900:

HOUSE REPORTS: No. 100-106 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-481 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): May 27, considered and passed House.

Vol. 134 (1988): Sept. 8, considered and passed Senate, amended.

Oct. 3, 4, House concurred in Senate amendment with an amendment.

Oct. 7, Senate concurred in House amendment.

**Public Law 102-154
(105 Stat. 996)
102nd Congress**

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

Nov. 13, 1991
[H.R. 2686]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

**Department of
the Interior and
Related
Agencies
Appropriations
Act, 1992**

TITLE I – DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$566,000 for the Roosevelt Campobello International Park Commission, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$965,665,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$59,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, \$700,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further*, That notwithstanding any other provision of law, hereafter the National Park Service may make road improvements for the purpose of public safety on Route 25 in New River Gorge National River between the towns of Glen Jean and Thurmond: *Provided further*, That none of the funds appropriated to the National Park Service in this Act may be used to construct horse stables or any other facilities for the housing of horses at the Manassas National Battlefield Park: *Provided further*, That of the funds provided herein, \$65,000 is available for a cooperative agreement with the Susan LaFlesche Picotte Center: *Provided further*, That none of the funds appropriated in this Act may be used to implement any increase in Government housing rental rates in excess of ten per centum more than the rental rates which were in effect on September 1, 1991, for such housing: *Provided further*, That of the funds provided under this heading, not to exceed \$500,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-Federal share of a cost-shared feasibility study of flood

16 USC 20b note.

**16 USC 460ff-3
note.**

protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further*, That the aforementioned sum and any sums hereinafter provided in subsequent Acts for said project are to be considered non-Federal monies for the purpose of title I of Public Law 99-662.

**Public Law 102-381
(106 Stat. 1382 and 1383)
102nd Congress**

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

**Oct 5, 1992
[H.R. 5503]**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, namely:

**Department of
the Interior and
Related
Agencies
Appropriations
Act, 1993**

TITLE I – DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

LAND ACQUISITION AND STATE ASSISTANCE

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), \$231,801,000 to remain available until expended, and \$7,705,000 to be derived from amounts made available under this head in Public Law 99-190 for engineering and construction of the Burr Trail National Rural Scenic Road: *Provided*, That not to exceed \$7,000,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That of the funds provided under this heading, \$1,700,000 shall be available for site acquisition and site preparation for the Lincoln Center in Springfield, Illinois: *Provided further*, That of the amounts provided under this heading, \$2,000,000 shall be available for the design of and to initiate construction of a pedestrian walkway and interpretative Park (A Walk on the Mountain) in cooperation with the city of Tacoma, Washington: *Provided further*, That up to \$140,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat.915), as amended (15 U.S.C. 470), shall be available until expended to correct deficiencies at the Botto House American Labor Museum National Historic Landmark: *Provided further*, That of the funds provided under this heading, not to exceed \$450,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further*, That of the funds provided under this heading, \$4,200,000 shall be available to the State of West Virginia for replacement construction of the Fayette Station bridge and related approaches in the New River Gorge National River: *Provided further*, That notwithstanding any other provision of law a single procurement for the construction of the Franklin Delano Roosevelt Memorial may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18: *Provided further*, That up to \$600,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470a (d)(3)(A)(i), shall be available until expended for the stabilization, rehabilitation and long-term protection of Lowell's Boat Shop in Amesbury, Massachusetts.

**Public Law 102-580
(106 Stat. 4810)
102nd Congress**

An Act

To provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.

Oct 31, 1992
[H.R. 6167]

**Water
Resources
Development
Act of 1992**

**33 USC 2201
note.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WATER RESOURCES PROJECTS

SEC. 102. PROJECT MODIFICATIONS.

(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to direct the Secretary to take such measures as are technologically feasible to prohibit the release of drift and debris into waters downstream of the project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through the use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

Public Law 104-333
(110 Stat. 4149 to 4151; 4243 and 4244)
104th Congress

An Act

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

Nov. 12, 1996
[H.R. 4236]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**Omnibus Parks
and Public
Lands
Management Act
of 1996**

16 USC 1 note.

DIVISION I

TITLE IV—RIVERS AND TRAILS

SEC. 406. WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996.

(a) AMENDMENTS PERTAINING TO THE NEW RIVER GORGE NATIONAL RIVER.—

(1) BOUNDARIES.—Section 1102 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-80,028A, dated March 1996”.

(2) FISH AND WILDLIFE MANAGEMENT.—Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended by adding the following at the end thereof: “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

(3) CONFORMING AMENDMENTS.—Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15 et seq.) is amended by adding the following new section at the end thereof:

“SEC. 1117. APPLICABLE PROVISIONS OF 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.”

“(b) REMNANT LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 46022-2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area.

(b) VISITOR CENTER.—The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the new and Gauley Rivers. Such center and related facilities are authorized to be

constructed at a site outside of the boundary of New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

DIVISION II

TITLE I—NATIONAL COAL HERITAGE AREA

National Coal
Heritage Area
Act of 1996,
West Virginia.

16 USC 461 note.

SEC. 101. SHORT TITLE.

This title may be cited as the “National Coal Heritage Area Act of 1996”.

SEC. 102. FINDINGS.

(a) FINDINGS.—Congress finds as follows:

(1) Certain events that led to the development of southern West Virginia’s coalfields during the latter part of the 19th Century and the early part of the current century are of national historic and cultural significance in terms of their contribution to the industrialization of the United States, the organization of workers into trade unions, and the unique culture of the Appalachian Region.

(2) It is in the national interest to preserve and protect physical remnants of this era for the education and benefit of present and future generations.

(3) There is a need to provide assistance for the preservation and promotion of those vestiges of southern West Virginia’s coal heritage which have outstanding cultural, historic, and architectural value.

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain lands and structures with unique and significant historic and cultural value associated with the coal mining heritage of the State of West Virginia and the Nation, there is hereby established the National Coal Heritage Area (hereafter in this title referred to as the “Area”).

(b) BOUNDARIES.—The Area shall be comprised of the counties in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100-699.

(c) ADMINISTRATION.—The Area shall be administered in accordance with this title.

SEC. 104. CONTRACTUAL AGREEMENT.

The Secretary of the Interior (hereafter in this title referred to as the “Secretary”) is authorized to enter into a contractual agreement with the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, pursuant to which the Secretary shall assist the State of West Virginia, its units of local government, and nonprofit organizations in each of the following:

(1) The development and implementation of integrated cultural, historical, and land resource management policies and programs in order to retain, enhance, and interpret the significant values of the lands, water, and structures of the Area.

(2) The preservation, restoration, maintenance, operation, interpretation, and promotion of buildings, structures, facilities, sites, and points of interest for public use that possess cultural, historical, and architectural values associated with the coal mining heritage of the Area.

(3) The coordination of activities by Federal, State, and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization.

(4) The development of guidelines and standards for projects, consistent with standards established by the National Park Service, for the preservation and restoration of historic properties, including interpretative methods, that will further history preservation in the region.

SEC. 105. ELIGIBLE RESOURCES.

The resources eligible for the assistance under paragraphs (2) and (5) of section 104 shall include those set forth in appendix D of the study by the National Park Service, dated 1993, entitled "A Coal Mining Heritage Study: Southern West Virginia", conducted pursuant to title VI of Public Law 100-699. Priority consideration shall be given to those sites listed as "Conservation Priorities" and "Important Historic Resources" as depicted on the map entitled "Study Area: Historic Resources" in such study.

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

(a) IN GENERAL.—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) set forth the integrated cultural, historical, and land resource management policies and programs referred to in section 104;

(2) describe the guidelines and standards for projects referred to in section 104; and

(3) set forth the responsibilities of the State of West Virginia, units of local government, nonprofit entities, or Secretary to administer any properties acquired pursuant to section 104.

(b) PLAN APPROVAL.—Secretary shall approve the plan submitted under subsection (a) unless he determines that it would meet the objectives of this title.

SEC. 107. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

Public Law 105-178
(112 Stat. 205)
105th Congress

An Act

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

June 9, 1998
[H.R. 2400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Transportation
Equity Act for the
21st Century.
Grants.

TITLE I – FEDERAL AID HIGHWAYS

Inter-
governmental
relations.

Subtitle B – General Provisions

Loans.

23 USC 101 note.

SEC. 1214. FEDERAL ACTIVITIES.

(c) NEW RIVER VISITOR CENTER

(1) IN GENERAL.—The Secretary shall allocate by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the I-64 Sandstone intersection.

West Virginia.
16 USC
460m-29a note.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$1,300,000 for fiscal year 1998, \$1,200,000 for fiscal year 1999, and \$9,900,000 for fiscal year 2000.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

**Public Law 107-356
(116 Stat. 3013)
107th Congress**

An Act

To modify the boundaries of the New River Gorge National River, West Virginia.

Dec. 17, 2002
[H.R. 3858]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**New River Gorge
Boundary Act of
2002
16 USC 460m-15
note.**

SECTION 1. SHORT TITLE

This Act may be cited as the “New River Gorge Boundary Act of 2002”.

SEC. 2. NEW RIVER GORGE NATIONAL RIVER BOUNDARY MODIFICATIONS.

(a) BOUNDARY MODIFICATION.—Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking “NERI-80,028A, dated March 1996” and inserting “NERI 80,034, dated May 2001”.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior shall complete a fee simple land exchange in the vicinity of Beauty Mountain, Fayette County, West Virginia, to acquire a tract of land identified as NERI Tract Number 150-07 that lies adjacent to the boundary of the New River Gorge National River in exchange for a tract of land identified as NERI Tract Number 150-08 located within such boundary.

(2) TREATMENT OF EXCHANGED LANDS.—Upon the completion of such land exchange—

(A) the land acquired by the United States in the exchange shall be included in the boundaries, and administered as part, of the New River Gorge National River; and

(B) the land conveyed by the United States in the exchange shall be excluded from the boundaries, and shall not be administered as part, of the New River Gorge National River.

**Public Law 108–108
(117 Stat. 1281 and 1282)
108th Congress**

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 20, 2003
[H.R. 2691]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

**Department of
the Interior and
Related
Agencies
Appropriation
Act, 2004**

Section 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act 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 supersedes it.

**Public Law 111-11
(123 Stat. 1202)
111th Congress**

An Act

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

March 30, 2009
[H.R. 146]

**Omnibus Public
Land
Management Act
of 2009**

16 USC 1 note.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended in the first sentence by striking “may” and inserting “shall.

APPENDIX B

APPLICABLE FEDERAL AND STATE OF WEST VIRGINIA LAWS AND REGULATIONS AND NATIONAL PARK SERVICE POLICIES

Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies

Federal Mandates	Reference	Purpose	Compliance Required by
National Park Service Organic Act of 1916	16 U.S.C. 1-4 et seq.	Promotes and regulates the use of national parks, monuments, and reservations, by such means and measures as to conserve the scenery and the natural and historic objects and the wildlife therein and provides for the enjoyment of the land in such manner as will leave them unimpaired for the enjoyment of future generations	National Park Service
National Parks and Recreation Act of 1978	16. U.S.C. 1(a)-7(b)	Requires the NPS to conduct comprehensive general management planning on park units	National Park Service
Government Performance and Results Act of 1933	P.L. 103-62; 31 U.S.C. 1101	Requires Federal Agencies to develop a strategic planning and performance management system establishing goals and reporting results	Federal Agencies
National Parks Omnibus Management Act of 1998	P.L. 105-391; 112 Stat 3497; 36 CFR 51	Public accommodations, facilities, and services in NPS units shall be limited to those accommodations, facilities, and services necessary for public use and enjoyment, and consistent with the preservation and conservation of the resources and values of the unit	National Park Service
General Authorities Act of 1970, as amended in 1978	16 U.S.C. 1a-1	Affirmed that all national park areas, including historic sites, while acknowledged to be "distinct in character," were "united through their interrelated purposes and resources into one national park system, as cumulative expressions of a single national heritage"	National Park Service
National Environmental Policy Act of 1969 (NEPA)	P.L. 91-190, as amended by P.L. 94-52; 42 U.S.C. 4321-4347	Establishes national policy for protection of the human environment and ensures that decision-makers take into account; requires all Federal Agencies to analyze alternatives and document impacts resulting from proposed actions that could potentially affect the natural and human environment	Federal Agencies
Council on Environmental Quality (CEQ) Regulations, as amended	40 CFR 1500-1508	Implements NEPA and provides guidance to Federal Agencies in the preparation of environmental documents identified under NEPA	Federal Agencies
Procedural Provisions of the National Environmental Policy Act by CEQ, as amended	40 CFR Parts 1500-1508	Provides guidance to Federal Agencies in the preparation of environmental documents	Federal Agencies
Administrative Procedures Act of 1979, as amended	5 U.S.C. 551, et seq	Outlines the forms of administrative proceedings (hearings, adjudication, etc.) and prescribes procedural and substantive limitations thereon; provides for judicial review of federal decision-making actions	Federal Agencies
National Trust Act of 1949	16. U.S.C. 468-c-e	Facilitates public participation in the preservation of sites, buildings, and objects of national significance or interest	Federal Agencies
Historic Sites Act of 1935	16 U.S.C. 461-467; 36 CFR 65	Establishes a national policy to preserve historic sites and objects of national significance for public use	Federal Agencies
National Historic Preservation Act of 1966, as amended; Sec. 106 and Sec. 110	16 U.S.C. 470; 36 CFR 60,63, 65,78-79, 800	Protects and preserves districts, sites, and structures and architectural, archeological, and cultural resources; Section 106 requires consultation with the State Historic Preservation Office; Section 110 requires that NPS identify and nominate all eligible resources under its jurisdiction to the National Register of Historic Places	Federal Agencies

Appendix B. Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies (continued)

Federal Mandates (continued)	Reference	Purpose	Compliance Required by
Antiquities Act of 1906, as amended	16. U.S.C. 431-433	Provides for the protection of historic and prehistoric remains, "or any antiquity," on federal lands; authorizes the President to declare national monuments by proclamation; authorizes the scientific investigation of antiquities on federal lands; provides for protection of historic monuments on public lands	Federal Agencies
Archeological and Historic Preservation Act of 1974, as amended	16 U.S.C. 469-469c	Requires survey, recovery and preservation of significant scientific, prehistorical, historical, archeological, or paleontological data when such data may be destroyed due to a federal project; directs Federal Agencies to notify the Secretary of the Interior whenever they find that such a project may cause loss or damage	Federal Agencies
Archeological Resources Protection Act of 1979, as amended	16 U.S.C. 470aa-mm	Prohibits the unauthorized excavation or removal of archeological resources on federal and Indian land. Archeological resources include sites, features, artifacts, etc.	Federal Agencies
Native American Graves Protection and Repatriation Act	25 U.S.C. 3001 et seq; 43 CFR 10	Requires Federal Agencies and museums receiving federal funding to return Native American cultural items – including human remains – to their respective peoples (allowing a short time for analysis by archeological teams)	Federal Agencies and museums receiving federal funding
American Indian Religious Freedom Act	42 U.S.C. 21	Protects and preserves the traditional religious rights of American Indians, Eskimos, Aleuts, and Native Hawaiians on federal lands	Federal Agencies
Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation	48 CFR 44716	Organizes information about federal preservation activities; describes results to be achieved by Federal Agencies, states, and other when planning for the identification, evaluation, registration and treatment of historic properties; integrates diverse efforts of many entities performing historic preservation into a systematic effort to preserve the nation's cultural heritage	Federal, State, and Local Agencies
Secretary of the Interior's Standards for the Treatment of Historic Properties	36 CFR 68	Provides guidance regarding the treatment of historic properties, focusing treatments: preservation, rehabilitation, restoration, and reconstruction	National Park Service
The Architectural Barriers Act of 1968; the Rehabilitation Act of 1973; and Americans with Disabilities Act of 1990	42 U.S.C. 4157 et seq.; 29 U.S.C. 701, et seq.; 42 U.S.C. 12101, P.L. 101-336. 1-4 Stat. 327	Requires public buildings constructed, altered, leased, or financed with federal funds to be accessible to persons with disabilities; ensures that all facilities and programs are accessible to visitors with disabilities	Federal, State, and Local Agencies
Federal Cave Resources Protection Act	16. U.S.C. 4301-4310	Protects and preserves significant caves on federal lands for the perpetual use, enjoyment, and benefit of all people; fosters increased cooperation and exchange of information between governments and those who use caves on federal land	Federal Agencies
Clean Water Act (CWA) of 1977, as amended, Sec. 401, Sec. 402 and Sec. 404(b)(1)	33 U.S.C. 121, et seq.	Sec. 401 regulates water quality requirements specified under the CWA; Section 402 requires a National Pollutant Discharge Elimination System (NPDES) permit for discharges into waters of the U.S.; Sec. 404 requires a permit before dredging or filling wetlands can occur	Federal, State, and Local Agencies
Rivers and Harbors Act of 1899	33 U.S.C. 403	Prohibits construction of any bridge, dam, dike or causeway over or in navigable waterways of the U.S. without Congressional approval	Federal, State, and Local Agencies
Federal Water Pollution Control Act of 1972, as amended	33 U.S.C. 1251-1376, et seq.	Establishes criteria and performance standards for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters through prevention, reduction, and elimination of pollution	Federal, State, and Local Agencies

Appendix B. Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies (continued)

Federal Mandates (continued)	Reference	Purpose	Compliance Required by
Fish and Wildlife Coordination Act of 1934, as amended	16 U.S.C. 661-666c; 48 Stat. 401	Requires Federal Agencies to coordinate with the FWS when any project involves impoundment, diversion, channel deepening or other modification of a stream or water body	Federal, State, and Local Agencies
Clean Air Act (CAA) Amendments of 1990, as amended; Sec. 118	42 U.S.C. 7401, et seq. 42 U.S.C. 7609	Establishes standards to protect and improve air quality; requires project conformity with State Implementation Plan concerning air quality; Sec. 118 requires federal land managers to protect air quality on federal land	Federal, State, and Local Agencies
Endangered Species Act of 1973, as amended	16 U.S.C. 1531-1543	Establishes a policy to protect and restore federally listed threatened and endangered species of flora and fauna	Federal, State, and Local Agencies
Surface Mining Control and Reclamation Act of 1977, as amended	P.L. 95-87	Provides funding for: <ul style="list-style-type: none"> (1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal area (2) sealing and filling abandoned deep mine entries and voids (3) planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants (4) prevention, abatement, and control of burning Section 522(e) prohibits or restricts surface coal mining operations on certain lands, including, among other areas, units of the National Park System, federal lands in national forests, and buffer zones for public parks, public roads, occupied dwellings, and cemeteries	
Land and Water Conservation Fund Act of 1965, as amended; Section 6(f)	16 U.S.C. 4601-4 to 4601-11	Preserves, develops, and assures the quality and quantity of outdoor recreational resources; applies to all projects that impact recreational lands involving funds obtained from the Land and Water Conservation Fund	Federal, State, and Local Agencies
Federal Farmland Protection Act of 1981	7 U.S.C. 4201-4209	Minimizes impacts of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses; assures to the extent possible that federal programs are administered to be compatible with the farmland protection programs and policies of state and local units of government and private organizations	Federal, State, and Local Agencies
Resource Conservation and Recovery Act, as amended	42 U.S.C. s/s 6901 et seq. (1976)	Authorizes USEPA to control hazardous waste, including the generation, transportation, treatment, storage, and disposal of hazardous waste; RCRA also sets forth a framework for the management of non-hazardous wastes; addresses environmental problems resulting from underground storage tanks; focuses on active and future facilities, not abandoned or historical sites	federal, state and Local Governments; private industry
Federal Communications Commission Procedures Implementing the National Environmental Policy Act of 1969	47 CFR 1.301-1.1319	Addresses impacts that proposed antenna structures may have on historical sites and other protected resources	Federal Communications Commission and cell service carriers

Appendix B. Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies (continued)

Federal Mandates (continued)	Reference	Purpose	Compliance Required by
Uniform Relocation Assistance and Real Property Acquisition Policies Act	42 U.S.C. 4601 et seq.	Establishes uniform policies to compensate people displaced from their homes or businesses by activities that are wholly or partially federally-funded	Federal Agencies
Payments In Lieu of Taxes Act (PILOT or PILT), as amended by P.L. 98-63	P.L. 94-565 (31 U.S.C. 6901-6907), recodified at 31 U.S.C. 6907	Provides certain payments from the Federal Government to Local Governments to compensate for the removal of land from the local real estate tax base and the amount (acres) of certain public lands within the boundaries of local governmental units	National Park Service
Wilderness Act of 1964	P.L. 88-577 (16 U.S.C. 1131-1136)	Establishes the National Wilderness Preservation System to include federal lands designated as "wilderness" by Congress; directs the Secretary of the Interior to review all roadless areas of 5,000 contiguous acres or more in national parks for designation as wilderness	U.S. Department of the Interior

NPS Mandates	Reference	Purpose	Compliance Required by
Final Draft Park Planning Program Standards	NPS 2007	Describes the NPS framework for park planning and decision-making, which includes six discrete kinds of planning, each with its own particular purpose and standards	National Park Service
National Park Service Management Policies 2006	NPS 2006	Sets the policy framework and provides direction for all management decisions for units of the national park system	National Park Service
NPS Special Directive 92-11 and P.L. 105-391	P.L. 105-391	Identifies NPS criteria and qualifications for resource evaluation and determination of a site's suitability and feasibility for inclusion in the national park system; provides guidance for NPS special resource studies	National Park Service
Conservation Planning, Environmental Impact Analyses and Decision-Making	Director's Order 12 and Handbook for Environmental Analysis	Provides bureau guidance on NEPA compliance consistent with CEQ regulations and on approaches to environmental documentation	National Park Service
National Park Service Tourism	Director's Order 17	Promotes and supports sustainable, responsible, informed, and managed visitor use through cooperation and coordination with the tourism industry	National Park Service
Land Protection	Director's Order 25	Articulates the framework for land protection and the process for land acquisition and interests in land within the authorized boundaries of NPS units; the policy includes direction for parks to develop a "land protection plan," which establishes land acquisition priorities	National Park Service
Cultural Resource Management	Director's Order 28	Addresses the preservation and treatment of archeological, cultural, and historic properties and ethnographic resources	National Park Service
Cultural Resource Management Guideline Release No. 5	NPS-28	Addresses standards and requirements for research, planning, and stewardship of cultural resources, as well as management of archeological resources, cultural landscapes, historic, and prehistoric structures, museum objects, and ethnographic resources	National Park Service
Cultural Resource Management	Director's Order 28A	Articulates framework for planning, reviewing, and undertaking archeological activities and other activities that may affect archeological resources within the National Park System; also addresses the manner in which the Service will meet its archeological assistance responsibilities outside the national parks	National Park Service

Appendix B. Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies (continued)

NPS Mandates (continued)	Reference	Purpose	Compliance Required by
Coordination with State Historic Preservation Officers	Programmatic MOA among NPS, Advisory Council on Historic Preservation and National Council of SHPOs (1995; revised 2002)	Describes how the NPS will carry out its Section 106 responsibilities with respect to managing the national park system; states that the NPS will coordinate with SHPO activities for research related to resource management needs and identification, evaluation, and registration of park historic properties	National Park Service
Accessibility for Park Visitors	Director's Order 42	Ensures that all people have the highest level of accessibility that is reasonable to NPS programs, facilities, and services in conformance with applicable regulations and standards	National Park Service
Special Park Uses	Director's Order 53	Provides supplemental guidance to Section 8.6 of NPS Management Policies on permitting special park uses	National Park Service
Natural Resource Management Guidelines	NPS-77	Guides the actions of park managers so that natural resource management activities planned and initiated at field areas comply with federal laws and regulations, and with Department of the Interior and NPS policy	National Park Service
Wetlands Protection	Director's Order 77-1	Establishes NPS policies, requirements and standards for implementing Executive Order 11990, "Protection of Wetlands;" recommends park units obtain a parkwide wetland inventory, based on "Classification of Wetlands and Deepwater Habitats of the U.S.," FWS/OBS-79-31	National Park Service
Wilderness Preservation and Management	Director's Order 41 and Reference Manual 41	Provides accountability, consistency, and continuity to the NPS's wilderness management program and to generally guide NPS policies to comply with the Wilderness Act of 1964	National Park Service
Integrated Pest Management Manual and Integrated Pest Management Plan	Reference Manual 77-7	Describes the biology and management of 21 species or categories of pests; minimizes the use of toxic pesticides and establishes a strategy for the control of invasive species	National Park Service
Structural Fire Management	Directors Order 58 and Reference Manual-58	Supplements the structural fire policy articulated in NPS Management Policies by setting forth the policies and procedures necessary to establish and implement structural fire management programs throughout the national park system	National Park Service

Federal Executive Orders	Reference	Purpose	Compliance Required by
Intergovernmental Review of Federal Programs	E.O. 12372	Establishes clearinghouse coordination required with state and local agencies concerning impacts of federal projects	Federal Agencies
Protection and Enhancement of Environmental Quality	E.O. 11514, as amended by E.O. 11990	Provides federal leadership in protecting and enhancing the quality of the nation's environment to sustain and enrich human life	Federal Agencies
Protection of Floodplains	E.O. 11988	Establishes federal policy to avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to preserve the natural and beneficial values served by floodplains	Federal Agencies
Protection of Wetlands	E.O. 11990	Requires Federal Agencies to consider all practicable alternatives to impacting wetlands	Federal Agencies

Appendix B. Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies (continued)

Federal Executive Orders (continued)	Reference	Purpose	Compliance Required by
Off-Road Vehicles on Public Lands	E.O. 11644, as amended by E.O. 11989	Requires public land managers to establish policies and procedures to ensure that the use of off-road vehicles on public lands will be controlled to protect the resources, to promote the safety of all users of those lands and to minimize conflicts among the various uses of those lands	Federal Agencies
Invasive Species	E.O. 13112	Prevents the introduction of invasive species and provides for their control and to minimize the economic and human health impacts that invasive species cause	Federal Agencies
American Indian Sacred Sites	E.O. 13007	Requires that management of federal land shall, to the extent practicable, permitted by law, accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of sacred sites	Federal Agencies
Greening the Government through Efficient Energy Management	E.O. 13123	Directs the Federal Government to significantly improve its energy management in order to save taxpayer dollars and reduce emissions that contribute to air pollution and global climate change; sets specific goals for federal agencies to reduce energy consumption	Federal agencies
Governmental Actions and Interference with Constitutionally Protected Property Rights	E.O. 12630	Establishes federal policy to assist Federal Agencies in proposing, planning and implementing actions with due regard to the constitutional protections provided by the Fifth Amendment and to reduce undue or inadvertent burdens on the public resulting from lawful government action	Federal Agencies
Federal Actions to Address Env Justice in Minority Populations and Low-Income Populations	E.O. 12898	Established federal policy to avoid federal actions that cause disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment	Federal Agencies
Protection and Enhancement of the Cultural Environment	E.O. 11593	Establishes federal policy to protect and enhance the cultural environment	Federal Agencies
Strengthening Federal Environmental, Energy, and Transportation Management	E.O. 13423	Requires federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner.	Federal Agencies
Government-to- Government Relations with Tribal Governments	Presidential Memorandum of April 29, 1994	Establishes principles to be followed by federal departments and agencies in their interactions with Native American tribal governments and requiring consideration of the impacts of federal actions on tribal trust resources	Federal Agencies

State of West Virginia Mandates	Reference	Purpose	Compliance Required by
Air Pollution Control Act	W.Va. Code, §22-5-1 <i>et seq</i> and W.Va. Code St. Regs. §45	Provides for a coordinated statewide program of air pollution prevention, abatement and control; to facilitate cooperation across jurisdictional lines in dealing with air pollution not confined within single jurisdictions; and to provide a framework within which values may be balanced in the public interest	WV Department of Environmental Protection (DEP)
Water Pollution Control Act	W.Va. Code, §22-12-1 <i>et seq</i>	Establishes as public policy of the state to maintain reasonable standards of purity and quality of water and to make available the quantity of water for the reasonable use by all of the citizens of the state	WV Office of Water Resources (OWR)

Appendix B. Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies (continued)

State of West Virginia Mandates (continued)	Reference	Purpose	Compliance Required by
Groundwater Protection Act	W.Va. Code, §22-12-1 <i>et seq</i>	Establishes as public policy of the state to maintain and protect the state's groundwater so as to support the present and beneficial uses and further to maintain and protect groundwater at existing quality where the existing quality is better than the required to maintain and protect the present and future beneficial uses.	WV Department of Environmental Protection (DEP), Environmental Quality Board (EQB)
Natural Streams Preservation Act	W.Va. Code, §22-13-1 to <i>et seq</i>	Establishes as public policy of the state to secure for the citizens of West Virginia the benefits of an enduring resource of free-flowing streams possessing outstanding scenic, recreational, geological, fish and wildlife, botanical, historical, archeological or other scientific or cultural values; establishes a natural stream preservation system, including among others the New River from its confluence with the Gauley River to its confluence with the Greenbrier River	WV Department of Natural Resources (DNR)
Solid Waste Management Act	W.Va. Code, §22-15-1 <i>et seq</i>	To establish an efficient, environmentally safe procedure for the disposal of sewage sludge and/or domestic sewage from a publicly-owned treatment works facility; requires all solid waste to be disposed, processed, stored, transferred, or recycled only at permitted solid waste facilities.	WV Department of Environmental Protection (DEP)
Hazardous Waste Management Act	W.Va. Code, §22-18-1 <i>seq</i>	To protect public health and safety and the environment from the effects of the improper, inadequate or unsound management of hazardous wastes; to establish a program of regulation over the storage, transportation, treatment, and disposal of hazardous wastes; to assure the safe and adequate management of hazardous wastes	WV Department of Environmental Protection (DEP)
Underground Storage Tank Act	W.Va. Code §22-17-1 <i>et seq</i>	Creates a program to control the installation, operation and abandonment of underground storage tanks and to provide for corrective action to remedy releases of regulated substances from underground storage tanks	WV Department of Environmental Protection (DEP)
Abandoned Well Act	W.Va. Code, §22-10-1 <i>et seq</i>	Declares it a public policy in the state to foster, encourage, and promote the proper plugging of all abandoned oil and gas wells at the time of their abandonment to protect the environment and mineral resources	WV Department of Environmental Protection (DEP)
Game and Wildlife Codes	W.Va. Code, §20-2-1 <i>et seq</i>	Declares it a public policy in the state that the wildlife resources shall be protected for the use and enjoyment of all citizens and that all species of wildlife shall be maintained for values which may be either intrinsic or ecological or of benefit to man, including 1) hunting, fishing, and other diversified recreational uses, 2) economic contributions in the best interests of the people of the state, and 3) scientific and educational uses	WV DNR, Division of Wildlife
Cultural Resources	W.Va. Code, §29-1-1 <i>et seq</i>	Creates the State Historic Preservation Office within the Division of Culture and History and grants to it a number of duties, including the ability to locate, survey, investigate, register, identify, preserve, and protect historic, architectural, archeological and cultural sites, and structures and objects worthy of preservation; also gives the section the ability to review all undertakings permitted, funded, licensed or otherwise assisted by the state in order to protect historic resources	WV State Historic Preservation Office
Whitewater Outfitters and Guides Act	W.Va. Code, §20-2-23 <i>et seq</i>	Creates the WV Whitewater Commission and establishes special provisions for the New River and the Gauley River; calls for implementation of an allocation methodology for commercial outfitter licenses; and calls for a limits of acceptable change study to be completed	WV Department of Natural Resources

Appendix B. Applicable Federal and State of West Virginia Laws and Regulations and National Park Service Policies (continued)

State of West Virginia Mandates (continued)	Reference	Purpose	Compliance Required by
Whitewater Responsibility Act	W.Va. Code, §20-3B-1 et seq	Defines the areas of responsibility and actions for which commercial whitewater outfitters and commercial whitewater guides are liable for loss, damage, or injury	WV Department of Natural Resources
Commercial Whitewater Regulations	W.Va. Code St. Regs. §58	Provides for regulation of commercial whitewater rafting, outfitting, and related activities to assure safe operations and protect the environment	WV Department of Natural Resources
Regulation of All Terrain Vehicles	W.Va. Code §17-F	Defines all terrain vehicles (ATVs), defines safe ATV operations, empowers local communities to regulate the use of ATVs, and requires safety awareness courses for young ATV drivers	Variable
Land Use Planning; Subdivision; Zoning; Farmland Protection	W.Va. Code §8a	Requires communities to adopt comprehensive plans that include a statement on present and future land use, as well as goals and objectives specifically regarding land use, housing, transportation, infrastructure, public services, recreation, economic development, community design, rural areas, preferred development areas, renewal/ redevelopment, financing, and historic preservation; provides enabling legislation for regulating the use of land through subdivision and zoning ordinances; provides enabling legislation for voluntary farmland protection programs	Local Governments

Cover Photo: Sandstone Falls (NPS/Gary Hartley)

As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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New River Gorge National River
National Park Service
2011