

as amended, which is classified generally to chapter 19B (§1962 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1962 of Title 42 and Tables.

AMENDMENTS

1986—Subsec. (d). Pub. L. 99-590 added subsec. (d).

1976—Subsec. (b). Pub. L. 94-486 struck out provision which directed that no river be added to the national wild and scenic river system after October 2, 1968, until the close of the next full session of the State legislature or legislatures, if more than one State was involved, which began following submission of the proposed addition to the President.

1975—Subsec. (a). Pub. L. 93-621, in first paragraph, designated provision relating to the developments, which, if undertaken, would render the rivers unsuitable for inclusion in the system as cl. (i), and added cl. (ii).

1974—Subsec. (a). Pub. L. 93-279, in first paragraph, substituted provisions requiring submission of reports to the President on the suitability or unsuitability for addition to the national wild and scenic river system of rivers designated by Congress as potential additions to such system, and submission by President of recommendations and proposals to the Congress, for provisions for submission of proposals to the President and the Congress, struck out reference to section 1273(b) of this title and administration by an agency of the United States, inserted provisions that the studies relating to rivers named in section 1276(a) of this title be completed by Oct. 2, 1978, and that the Secretary of the Interior and the Secretary of Agriculture give priority to rivers which may be unsuitable for inclusion in the national wild and scenic river system if developments were undertaken, and in second paragraph, substantially incorporated the existing provisions with minor changes.

TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted for “Chairman of the Federal Power Commission” in subsecs. (b) and (c) pursuant to Pub. L. 95-91, §301(b), which is classified to section 7151(b) of Title 42, The Public Health and Welfare.

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42.

§ 1276. Rivers constituting potential additions to national wild and scenic rivers system

(a) Enumeration of designated rivers

The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the

South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this chapter.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to

the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(28) American, California: The North Fork from the Cedars to the Auburn Reservoir.

(29) Au Sable, Michigan: The segment downstream from Foot Dam to Oscoda, and upstream from Loud Reservoir to its source, including its principal tributaries and excluding Mio and Bamfield Reservoirs.

(30) Big Thompson, Colorado: The segment from its source to the boundary of Rocky Mountain National Park.

(31) Cache la Poudre, Colorado: Both forks from their sources to their confluence, thence the Cache la Poudre to the eastern boundary of Roosevelt National Forest.

(32) Cahaba, Alabama: The segment from its junction with United States Highway 31 south of Birmingham downstream to its junction with United States Highway 80 west of Selma.

(33) Clark's Fork, Wyoming: The segment from the Clark's Fork Canyon to the Crandall Creek Bridge.

(34) Colorado, Colorado and Utah: The segment from its confluence with the Dolores River, Utah, upstream to a point 19.5 miles from the Utah-Colorado border in Colorado.

(35) Conejos, Colorado: The three forks from their sources to their confluence, thence the Conejos to its first junction with State Highway 17, excluding Platoro Reservoir.

(36) Elk, Colorado: The segment from its source to Clark.

(37) Encampment, Colorado: The Main Fork and West Fork to their confluence, thence the Encampment to the Colorado-Wyoming border, including the tributaries and headwaters.

(38) Green, Colorado: The entire segment within the State of Colorado.

(39) Gunnison, Colorado: The segment from the upstream (southern) boundary of the Black Canyon of the Gunnison National Monument to its confluence with the North Fork.

(40) Illinois, Oklahoma: The segment from Tenkiller Ferry Reservoir upstream to the Arkansas-Oklahoma border, including the Flint and Barren Fork Creeks.

(41) John Day, Oregon: The main stem from Service Creek Bridge (at river mile 157) downstream to Tumwater Falls (at river mile 10).

(42) Kettle, Minnesota: The entire segment within the State of Minnesota.

(43) Los Pinos, Colorado: The segment from its source, including the tributaries and headwaters within the San Juan Primitive Area, to the northern boundary of the Granite Peak Ranch.

(44) Manistee, Michigan: The entire river from its source to Manistee Lake, including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs.

(45) Nolichucky, Tennessee and North Carolina: The entire main stem.

(46) Owyhee, South Fork, Oregon: The main stem from the Oregon-Idaho border downstream to the Owyhee Reservoir.

(47) Piedra, Colorado: The Middle Fork and East Fork from their sources to their confluence, thence the Piedra to its junction with Colorado Highway 160.

(48) Shepaug, Connecticut: The entire river.

(49) Sipsey Fork, West Fork, Alabama: The segment, including its tributaries, from the impoundment formed by the Lewis M. Smith Dam upstream to its source in the William B. Bankhead National Forest.

(50) Snake, Wyoming: The segment from the southern boundaries of Teton National Park to the entrance to Palisades Reservoir.

(51) Sweetwater, Wyoming: The segment from Wilson Bar downstream to Spring Creek.

(52) Tuolumne, California: The main river from its source on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir.

(53) Upper Mississippi, Minnesota: The segment from its source at the outlet of Itasca Lake to its junction with the northwestern boundary of the city of Anoka.

(54) Wisconsin, Wisconsin: The segment from Prairie du Sac to its confluence with the Mississippi River at Prairie du Chien.

(55) Yampa, Colorado: The segment within the boundaries of the Dinosaur National Monument.

(56) Dolores, Colorado: The segment of the main stem from Rico upstream to its source, including its headwaters; the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem; and the segment from the west boundary, section 2, township 38 north, range 16 west, NMPM, below the proposed McPhee Dam, downstream to the Colorado-Utah border, excluding the segment from one mile above Highway 90 to the confluence of the San Miguel River.

(57) Snake, Washington, Oregon, and Idaho: The segment from an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, downstream to the town of Asotin, Washington.

(58) Housatonic, Connecticut: The segment from the Massachusetts-Connecticut boundary downstream to its confluence with the Shepaug River.

(59) Kern, California: The main stem of the North Fork from its source to Isabella Reservoir excluding its tributaries.

(60) Loxahatchee, Florida: The entire river including its tributary, North Fork.

(61) Ogeechee, Georgia: The entire river.

(62) Salt, Arizona: The main stem from a point on the north side of the river intersected by the Fort Apache Indian Reservation boundary (north of Buck Mountain) downstream to Arizona State Highway 288.

(63) Verde, Arizona: The main stem from the Prescott National Forest boundary near Paulden to the vicinity of Table Mountain, approximately 14 miles above Horseshoe Reservoir, except for the segment not included in the national forest between Clarkdale and Camp Verde, North segment.

(64) San Francisco, Arizona: The main stem from confluence with the Gila upstream to the Arizona-New Mexico border, except for the segment between Clifton and the Apache National Forest.

(65) Fish Creek, New York: The entire East Branch.

(66) Black Creek, Mississippi: The segment from Big Creek Landing in Forrest County downstream to Old Alexander Bridge Landing in Stone County.

(67) Allegheny, Pennsylvania: The main stem from Kinzua Dam downstream to East Brady.

(68) Cacapon, West Virginia: The entire river.

(69) Escatawpa, Alabama and Mississippi: The segment upstream from a point approximately one mile downstream from the confluence of the Escatawpa River and Jackson Creek to a point where the Escatawpa River is joined by the Yellowhouse Branch in Washington County, Alabama, near the town of Deer Park, Alabama; and the segment of Brushy Creek upstream from its confluence with the Escatawpa to its confluence with Scarsborough Creek.

(70) Myakka, Florida: The segment south of the southern boundary of the Myakka River State Park.

(71) Soldier Creek, Alabama: The segment beginning at the point where Soldier Creek intersects the south line of section 31, township 7 south, range 6 east, downstream to a point on the south line of section 6, township 8 south, range 6 east, which point is 1,322 feet west of the south line of section 5, township 8 south, range 6 east in the county of Baldwin, State of Alabama.

(72) Red, Kentucky: The segment from Highway numbered 746 (also known as Spradlin Bridge) in Wolf County, Kentucky, downstream to the point where the river descends below seven hundred feet above sea level (in its normal flow) which point is at the Menifee and Powell County line just downstream of the iron bridge where Kentucky Highway numbered 77 passes over the river.

(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.

(76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.

(77) Colville, Alaska.

(78) Etivluk-Nigu, Alaska.

(79) Utukok, Alaska.

(80) Kanektok, Alaska.

(81) Kisaralik, Alaska.

(82) Melozitna, Alaska.

(83) Sheenjek (lower segment), Alaska.

(84) Situk, Alaska.

(85) Porcupine, Alaska.

(86) Yukon (Ramparts section), Alaska.

(87) Squirrel, Alaska.

(88) Koyuk, Alaska.

(89) Wildcat Brook, New Hampshire: The segment from its headwaters including the principal tributaries to its confluence with the Ellis River. The study authorized in this paragraph shall be completed no later than six years from June 19, 1984, and an interim report shall be prepared and submitted to the Congress no later than three years from June 19, 1984.

(90) Horsepasture, North Carolina: The segment from Bohaynee Road (N.C. 281) downstream to Lake Jocassee.

(91) The North Umpqua, Oregon: The segment from the Soda Springs Powerhouse to the confluence of Rock Creek. The provisions of section

1278(a) of this title shall apply to tributary Steamboat Creek in the same manner as such provisions apply to the rivers referred to in such section 1278(a) of this title. The Secretary of Agriculture shall, in the Umpqua National Forest plan, provide that management practices for Steamboat Creek and its immediate environment conserve, protect, and enhance the anadromous fish habitat and population.

(92) Farmington, West Branch, Connecticut and Massachusetts: The segment from the intersection of the New Hartford-Canton, Connecticut, town line upstream to the base of the West Branch Reservoir in Hartland, Connecticut; and the segment from the confluence with Thorp Brook in Sandisfield, Massachusetts, to Hayden Pond in Otis, Massachusetts.

(93) Great Egg Harbor River, New Jersey: The entire river.

(94) KICKITAT, WASHINGTON: The segment from the southern boundary of the Yakima Indian Reservation, Washington, as described in the Treaty with the Yakimas of 1855 (12 Stat. 951), and as acknowledged by the Indian Claims Commission in *Yakima Tribe of Indians v. U.S.*, 16 Ind. Cl. Comm. 536 (1966), to its confluence with the Little Klickitat River, Washington: *Provided*, That said study shall be carried on in consultation with the Yakima Indian Nation and shall include a determination of the degree to which the Yakima Indian Nation should participate in the preservation and administration of the river segment should it be proposed for inclusion in the Wild and Scenic Rivers system.

(95) WHITE SALMON, WASHINGTON: The segment from its confluence with Trout Lake Creek, Washington, to its confluence with Gilmer Creek, Washington, near the town of B Z Corner, Washington.

(96) MAURICE, NEW JERSEY.—The segment from Shell Pile to the point three miles north of Laurel Lake.

(97) MANUMUSKIN, NEW JERSEY.—The segment from its confluence with the Maurice River to the crossing of State Route 49.

(98) MENANTICO CREEK, NEW JERSEY.—The segment from its confluence with the Maurice River to its source.

(99) MERCED, CALIFORNIA.—The segment from a point 300 feet upstream of the confluence with Bear Creek downstream to the point of maximum flood control storage of Lake McClure (elevation 867 feet mean sea level).

(100) BLUE, OREGON.—The segment from its headwaters to the Blue River Reservoir; by the Secretary of Agriculture.

(101) CHEWAUCAN, OREGON.—The segment from its headwaters to the Paisley Urban Growth boundary to be studied in cooperation with, and integrated with, the Klamath River Basin Plan; by the Secretary of Agriculture.

(102) NORTH FORK MALHEUR, OREGON.—The segment from the Malheur National Forest boundary to Beulah Reservoir; by the Secretary of the Interior.

(103) SOUTH FORK MCKENZIE, OREGON.—The segments from its headwaters to the upper end of Cougar Reservoir and from the lower end of Cougar Reservoir to its confluence with the McKenzie River; by the Secretary of Agriculture.

(104) STEAMBOAT CREEK, OREGON.—The entire creek; by the Secretary of Agriculture.

(105) WALLOWA, OREGON.—The segment from its confluence with the Minam River to its confluence with the Grande Ronde River; by the Secretary of Agriculture.

(106) MERRIMACK RIVER, NEW HAMPSHIRE.—The segment from its origin at the confluence of the Pemigewasset and Winnepesaukee Rivers in Franklin, New Hampshire, to the backwater impoundment at Hooksett Dam, excluding the Garvins Falls Dam and its impoundment.

(107) PEMIGEWASSET, NEW HAMPSHIRE.—The segments from Profile Lake downstream to the southern boundary of the Franconia Notch State Park and from the northern Thornton town-line downstream to the backwater of the Ayers Island Dam; by the Secretary of the Interior.

(108) ST. MARYS RIVER, FLORIDA AND GEORGIA.—The segment from its headwaters to its confluence with the Bells River.

(109) MILLS RIVER, NORTH CAROLINA.—The North Fork from the bottom of the spillway of the Hendersonville Reservoir downstream to its confluence with the South Fork; the South Fork from its confluence with the Pigeon Branch downstream to its confluence with the North Fork; and the main stem from the confluence of the North and South Forks downstream to a point 750 feet upstream from the centerline of North Carolina Highway 191/280.

(110) SUDBURY, ASSABET, AND CONCORD, MASSACHUSETTS.¹—The segment of the Sudbury from the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet, the Assabet from 1,000 feet downstream of the Damon Mill Dam in Concord to its confluence with the Sudbury and the Concord from the confluence of the Sudbury and Assabet downstream to the Route 3 Bridge in the town of Billerica. The study of such river segments shall be completed and the report submitted thereon not later than at the end of the third fiscal year beginning after November 28, 1990.

(111) NIobrARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek.

(112) LAMPREY, NEW HAMPSHIRE.—The segment from the southern Lee town line downstream to the confluence with Woodman's Brook at the base of Sullivan Falls in Durham.

(113) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The headwaters of the river in Pennsylvania to its confluence with the Christina River in Delaware, including the East, West, and Middle Branches, Middle Run, Pike Creek, Mill Creek, and other main branches and tributaries as determined by the Secretary of the Interior (herein after referred to as the White Clay Creek).

(114) BRULE, MICHIGAN AND WISCONSIN.—The 33-mile segment from Brule Lake in the northeast quarter of section 15, township 41 north, range 13 east, to the National Forest boundary at the southeast quarter of section 31, township 41 north, range 17 east.

(115) CARP, MICHIGAN.—The 7.6-mile segment from its origin at the confluence of the outlets of Frenchman Lake and Carp Lake in section 26,

township 44 north, range 6 west, to the west section line of section 30, township 43 north, range 5 west.

(116) LITTLE MANISTEE, MICHIGAN.—The 42-mile segment within the Huron-Manistee National Forest.

(117) WHITE, MICHIGAN.—The 75.4-mile segment within the Huron-Manistee National Forest as follows:

(A) The 30.8-mile segment of the main stem from U.S. 31 to the Huron-Manistee National Forest boundary at the north line of section 2, township 13 north, range 15 west, 1.5 miles southwest of Hesperia.

(B) The 18.9-mile segment of the South Branch White from the Huron-Manistee National Forest boundary east of Hesperia at the west line of section 22, township 14 north, range 14 west, to Echo Drive, section 6, township 13 north, range 12 west.

(C) The 25.7-mile segment of the North Branch White from its confluence with the South Branch White in section 25, township 13 north, range 16 west, to McLaren Lake in section 11, township 14 north, range 15 west.

(118) ONTONAGON, MICHIGAN.—The 32-mile segment of the Ontonagon as follows:

(A) The 12-mile segment of the West Branch from the Michigan State Highway 28 crossing to Cascade Falls.

(B) The 20-mile segment of the South Branch from the confluence of the Cisco Branch and Tenmile Creek to the confluence with the West Branch Ontonagon.

(119) PAINT, MICHIGAN.—The 70-mile segment as follows:

(A) 34 miles of the mainstream beginning at the eastern boundary of the Ottawa National Forest in section 1, township 44 north, range 35 west, to the city of Crystal Falls.

(B) 15 miles of the mainstream of the Net River from its confluence with the east and west branches to its confluence with the mainstream of the Paint River.

(C) 15 miles of the east branch of the Net River from its source in section 8, township 47 north, range 32 west, to its confluence with the mainstream of the Net River in section 24, township 46 north, range 34 west.

(D) 14 miles of the west branch of the Net River from its source in section 35, township 48 north, range 34 west, to its confluence with the mainstream of the Net River in section 24, township 46 north, range 34 west.

(120) PRESQUE ISLE, MICHIGAN.—The 13-mile segment of the mainstream from Minnewawa Falls to Lake Superior.

(121) STURGEON, OTTAWA NATIONAL FOREST, MICHIGAN.—The 36-mile segment of the mainstream from the source at Wagner Lake in section 13, township 49 north, range 31 west, to the eastern boundary of the Ottawa National Forest in section 12, township 48 north, range 35 west.

(122) STURGEON, HIAWATHA NATIONAL FOREST, MICHIGAN.—The 18.1-mile segment from Sixteen Mile Lake to the north line of section 26, township 43 north, range 19 west.

(123) TAHQUAMENON, MICHIGAN.—The 103.5-mile segment as follows—

(A) the 90-mile segment of the mainstream beginning at the source in section 21, township

¹ So in original. Probably should be "MASSACHUSETTS."

47 north, range 12 west, to the mouth at Whitefish Bay; and

(B) the 13.5-mile segment of the east branch from the western boundary of the Hiawatha National Forest in section 19, township 46 north, range 6 west, to its confluence with the mainstream.

(124) WHITEFISH, MICHIGAN.—The 26-mile segment of the West Branch Whitefish from its source in section 26, township 46 north, range 23 west, to County Road 444.

(125) CLARION, PENNSYLVANIA.—The segment of the main stem of the river from Ridgway to its confluence with the Allegheny River. The Secretary of Agriculture shall conduct the study of such segment.

(126) MILL CREEK, JEFFERSON AND CLARION COUNTIES, PENNSYLVANIA.—The segment of the main stem of the creek from its headwaters near Gumbert Hill in Jefferson County, downstream to the confluence with the Clarion River.

(127) PIRU CREEK, CALIFORNIA.—The segment of the main stem of the creek from its source downstream to the maximum pool of Pyramid Lake and the segment of the main stem of the creek beginning 300 feet below the dam at Pyramid Lake downstream to the maximum pool at Lake Piru, for a total distance of approximately 49 miles.

(128) LITTLE SUR RIVER, CALIFORNIA.—The segment of the main stem of the river from its headwaters downstream to the Pacific Ocean, a distance of approximately 23 miles. The Secretary of Agriculture shall consult with the Big Sur Multiagency Advisory Council during the study of the river.

(129) MATILJA CREEK, CALIFORNIA.—The segment from its headwaters to its junction with Murietta Canyon, a distance of approximately 16 miles.

(130) LOPEZ CREEK, CALIFORNIA.—The segments from its headwaters to Lopez Reservoir, a distance of approximately 11 miles.

(131) SESPE CREEK, CALIFORNIA.—The segment from Chorro Grande Canyon downstream to its confluence with Rock Creek and Howard Creek, a distance of about 10.5 miles.

(132) NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River, by the Secretary of Agriculture and the Secretary of the Interior.

(133) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—(A) The approximately 3.6-mile segment from the Erie Lackawanna Railroad Bridge to the southern tip of Dildine Island.

(B) The approximately 2-mile segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey.

(C) The approximately 12.5-mile segment from the southern border of the town of Belvidere, New Jersey, to the northern border of the city of Easton, Pennsylvania, excluding river mile 196.0 to 193.8.

(D) The approximately 9.5-mile segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of the Gilbert Generating Station.

(E) The approximately 14.2-mile segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station.

(F) The approximately 6.5-mile segment from a point just south of the Point Pleasant Pumping Station to the north side of the Route 202 bridge.

(G) The approximately 6-mile segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania.

(H) The Cook's Creek tributary.

(I) The Tinicum Creek tributary.

(J) The Tohickon Creek tributary.

(134) NEW RIVER, WEST VIRGINIA AND VIRGINIA.—The segment defined by public lands commencing at the U.S. Route 460 bridge over the New River in Virginia to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake in West Virginia; by the Secretary of the Interior. Nothing in this chapter 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 October 26, 1992. The study of the river segment identified in this paragraph shall be completed and reported on within one year after October 26, 1992.

(135) RIO GRANDE, NEW MEXICO.—The segment from the west section line of Section 15, Township 23 North, Range 10 East, downstream approximately 8 miles to the southern line of the northwest quarter of Section 34, Township 23 North, Range 9 East.

(136) WEKIVA RIVER, FLORIDA.—(A) The entire river.

(B) The Seminole Creek tributary.

(C) The Rock Springs Run tributary.

(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.

(138) EIGHTMILE RIVER, CONNECTICUT.—The segment from its headwaters downstream to its confluence with the Connecticut River.

(b) Studies and reports

(1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: *Provided*, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from January 3, 1975, whichever is earlier. Studies of the river² named in paragraphs (38), (55), (83), and (87) shall be completed and the reports transmitted to the Congress not later than January 1, 1987.

(2) The study of the river named in subparagraph (56) of subsection (a) of this section shall be completed and the report thereon submitted by not later than January 3, 1976.

(3) The studies of the rivers named in paragraphs (59) through (76) of subsection (a) of this section shall be completed and reports submitted thereon not later than five full fiscal years

² So in original. Probably should be "rivers".

after November 10, 1978. The study of rivers named in paragraphs (62) through (64) of subsection (a) of this section shall be completed and the report thereon submitted by not later than April 1981. The study of the river named in paragraph (90) of subsection (a) of this section shall be completed not later than three years after October 17, 1984. The study of the river named in paragraph (93) of subsection (a) of this section shall be completed not later than three years after October 30, 1986.

(4) For the purposes of conducting the studies of rivers named in subsection (a) of this section, there are authorized to be appropriated such sums as necessary.

(5) The studies of the rivers in paragraphs (77) through (88) shall be completed and reports transmitted thereon not later than three full fiscal years from December 2, 1980. For the rivers listed in paragraphs (77), (78), and (79) the studies prepared and transmitted to the Congress pursuant to section 6505(c) of title 42 shall satisfy the requirements of this section.

(6) Studies of rivers listed in paragraphs (80) and (81) shall be completed, and reports submitted within and not later than the time when the Bristol Bay Cooperative Region Plan is submitted to Congress in accordance with section 3183³ of this title.

(7) The study of the West Branch of the Farmington River identified in paragraph (92) of subsection (a) of this section shall be completed and the report submitted thereon not later than the end of the third fiscal year beginning after October 30, 1986. Such report shall include a discussion of management alternatives for the river if it were to be included in the national wild and scenic river system.

(8) The study of the Merrimack River, New Hampshire, shall be completed and the report thereon submitted not later than three years after August 10, 1990.

(9) The study of the Pemigewasset River, New Hampshire, shall be completed and the report thereon submitted not later than three years after August 10, 1990.

(10) The study of the river named in paragraph (106)⁴ of subsection (a) of this section shall be completed not later than three years after August 15, 1990. In carrying out the study, the Secretary of the Interior shall consult with the Governors of the States of Florida and Georgia or their representatives, representatives of affected local governments, and owners of land adjacent to the river. Such consultation shall include participation in the assessment of resource values and the development of alternatives for the protection of those resource values, and shall be carried out through public meetings and media notification. The study shall also include a recommendation on the part of the Secretary as to the role the States, local governments and landowners should play in the management of the river if it were designated as a component of the National Wild and Scenic Rivers System.

(11) The study of the Lamprey River, New Hampshire, shall be completed by the Secretary

of the Interior and the report thereon submitted not later than 3 years after December 11, 1991.

(12)(A) The study of the White Clay Creek in Delaware and Pennsylvania shall be completed and the report submitted not later than 3 years after December 11, 1991.

(B) In carrying out the study, the Secretary of the Interior shall prepare a map of the White Clay Creek watershed in Delaware and Pennsylvania, and shall develop a recommended management plan for the White Clay Creek. The plan shall provide recommendations as to the protection and management of the White Clay Creek, including the role the State and local governments, and affected landowners, should play in the management of the White Clay Creek if it is designated as a component of the National Wild and Scenic Rivers System.

(C) The Secretary shall prepare the study, including the recommended management plan, in cooperation and consultation with appropriate State and local governments, and affected landowners.

(13) The study of segments of the Brule, Carp, Little Manistee, White, Paint, Presque Isle, Ontonagon, Sturgeon (Hiawatha), Sturgeon (Ottawa), Whitefish, and Tahquamenon Rivers in Michigan under subsection (a) of this section shall be completed by the Secretary of Agriculture and the report submitted thereon not later than at the end of the third fiscal year beginning after March 3, 1992. For purposes of such river studies, the Secretary shall consult with each River Study Committee authorized under section 5 of the Michigan Scenic Rivers Act of 1990,⁵ and shall encourage public participation and involvement through hearings, workshops, and such other means as are necessary to be effective.

(14)(A) The study of the Delaware River segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System pursuant to subsection (a)()⁶ of this section shall be completed and the report submitted to Congress not later than one year after October 23, 1992.

(B) The Secretary shall—

(i) prepare the study in cooperation and consultation with appropriate Federal, State, regional, and local agencies, including but not limited to, the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection and Energy, the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, and the Delaware and Raritan Canal Commission; and

(ii) consider previous plans for the protection of affected cultural, recreational, and natural resources (including water supply and water quality) and existing State and local regulations, so as to avoid unnecessary duplication.

(C) Pursuant to section 1282(b)(1) of this title, the Secretary shall undertake a river conservation plan for the segment of the Delaware River from the northern city limits of Trenton, New

³ See Codification note below.

⁴ So in original. Probably should be "(108)".

⁵ See References in Text note below.

⁶ So in original. Probably should be subsection "(a)(133)".

Jersey, to the Southern⁷ boundary of Bucks County, Pennsylvania.

(15) The study of the Rio Grande in New Mexico shall be completed and the report submitted not later than 3 years after May 4, 1994.

(16) The study of the Wekiva River and the tributaries designated in paragraph (136) of subsection (a) of this section shall be completed and the report transmitted to Congress not later than two years after October 19, 1996.

(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after October 19, 2000, the Secretary of the Interior—

(A) shall complete the study of the Taunton River, Massachusetts; and

(B) shall submit to Congress a report describing the results of the study.

(18) The study of the Eightmile River, Connecticut, named in paragraph (138) of subsection (a) of this section shall be completed by the Secretary of the Interior and the report thereon submitted to Congress not later than 3 years after November 6, 2001.

(c) State participation

The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) Continuing consideration by Federal agencies to potential national, wild, scenic and recreational river areas

(1) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

(2) The Congress finds that the Secretary of the Interior, in preparing the Nationwide Rivers Inventory as a specific study for possible additions to the National Wild and Scenic Rivers System, identified the Upper Klamath River from below the John Boyle Dam to the Oregon-California State line. The Secretary, acting through the Bureau of Land Management, is authorized under this subsection to complete a study of the eligibility and suitability of such segment for potential addition to the National Wild and Scenic Rivers System. Such study shall be completed, and a report containing the results of the study shall be submitted to Con-

gress by April 1, 1990. Nothing in this paragraph shall affect the authority or responsibilities of any other Federal agency with respect to activities or actions on this segment and its immediate environment.

(Pub. L. 90-542, § 5, Oct. 2, 1968, 82 Stat. 910; Pub. L. 93-279, § 1(b)(2), May 10, 1974, 88 Stat. 123; Pub. L. 93-621, § 1(a), (b), Jan. 3, 1975, 88 Stat. 2094, 2095; Pub. L. 94-199, § 5(a), Dec. 31, 1975, 89 Stat. 1118; Pub. L. 94-486, title IV, § 401, title VII, § 701, Oct. 12, 1976, 90 Stat. 2330; Pub. L. 95-625, title VII, §§ 721-736, title XI, § 1108, Nov. 10, 1978, 92 Stat. 3530-3532, 3547; Pub. L. 96-87, title IV, § 404, Oct. 12, 1979, 93 Stat. 667; Pub. L. 96-199, title I, § 102, Mar. 5, 1980, 94 Stat. 68; Pub. L. 96-487, title VI, § 604, Dec. 2, 1980, 94 Stat. 2415; Pub. L. 98-323, title II, § 201, June 19, 1984, 98 Stat. 261; Pub. L. 98-484, § 5, Oct. 17, 1984, 98 Stat. 2259; Pub. L. 98-494, § 2, Oct. 19, 1984, 98 Stat. 2274; Pub. L. 99-590, title II, § 202(b), (c), title III, § 301, title V, § 503, Oct. 30, 1986, 100 Stat. 3332-3335; Pub. L. 99-663, § 13(d), Nov. 17, 1986, 100 Stat. 4294; Pub. L. 100-33, § 1, May 7, 1987, 101 Stat. 299; Pub. L. 100-149, § 2, Nov. 2, 1987, 101 Stat. 879; Pub. L. 100-557, title I, §§ 103, 104, Oct. 28, 1988, 102 Stat. 2790; Pub. L. 101-40, § 2(b), June 20, 1989, 103 Stat. 82; Pub. L. 101-356, §§ 2, 3, Aug. 10, 1990, 104 Stat. 417; Pub. L. 101-357, §§ 2, 3, Aug. 10, 1990, 104 Stat. 418; Pub. L. 101-364, § 1, Aug. 15, 1990, 104 Stat. 428; Pub. L. 101-538, § 1, Nov. 8, 1990, 104 Stat. 2376; Pub. L. 101-628, title VII, § 703, Nov. 28, 1990, 104 Stat. 4497; Pub. L. 102-50, § 3(a), May 24, 1991, 105 Stat. 254; Pub. L. 102-214, §§ 2, 3, Dec. 11, 1991, 105 Stat. 1663; Pub. L. 102-215, §§ 3, 4, Dec. 11, 1991, 105 Stat. 1664; Pub. L. 102-249, § 4, Mar. 3, 1992, 106 Stat. 48; Pub. L. 102-271, § 5(a), Apr. 20, 1992, 106 Stat. 110; Pub. L. 102-301, § 7(a), June 19, 1992, 106 Stat. 245; Pub. L. 102-432, § 2, Oct. 23, 1992, 106 Stat. 2213; Pub. L. 102-460, § 1(a), (b), Oct. 23, 1992, 106 Stat. 2270; Pub. L. 102-525, title IV, § 401, Oct. 26, 1992, 106 Stat. 3441; Pub. L. 103-242, § 3, May 4, 1994, 108 Stat. 611; Pub. L. 104-311, Oct. 19, 1996, 110 Stat. 3818; Pub. L. 104-333, div. I, title IV, § 407(b), Nov. 12, 1996, 110 Stat. 4152; Pub. L. 106-318, §§ 3, 4, Oct. 19, 2000, 114 Stat. 1278; Pub. L. 107-65, §§ 3, 4, Nov. 6, 2001, 115 Stat. 484.)

REFERENCES IN TEXT

Section 5 of the Michigan Scenic Rivers Act of 1990, referred to in subsec. (b)(13), probably means section 5 of Pub. L. 102-249, Mar. 3, 1992, 106 Stat. 50, known as the Michigan Scenic Rivers Act of 1991, which is not classified to the Code.

CODIFICATION

Section 3183 of this title, referred to in subsec. (b)(6), was in the original "section 1204 of the Alaska National Interest Lands Conservation Act" and has been editorially translated as section 3183 of this title, which is section 1203 of that Act, as the probable intent of Congress, in view of that Act being enacted without a section 1204 and section 1203 of that Act relating to the Bristol Bay Cooperative Region Plan.

AMENDMENTS

2001—Subsec. (a)(138). Pub. L. 107-65, § 3, added par. (138).

Subsec. (b)(18). Pub. L. 107-65, § 4, added par. (18).

2000—Subsec. (a)(136). Pub. L. 106-318, § 3(1), designated unnumbered par. relating to Wekiva River, Florida, as par. (136).

Subsec. (a)(137). Pub. L. 106-318, § 3(2), added par. (137).

Subsec. (b)(8), (10). Pub. L. 106-318, § 4(1), redesignated par. (8) relating to study of St. Marys River, Florida and Georgia, as (10).

⁷ So in original. Probably should not be capitalized.

Subsec. (b)(11) to (14). Pub. L. 106-318, §4(2)-(4), redesignated par. (11) relating to study of White Clay Creek, Delaware and Pennsylvania, as (12), par. (11) relating to study of segments of Brule, Carp, and other rivers in Michigan as (13), and par. (11) relating to study of segments of Delaware River in Pennsylvania and New Jersey as (14).

Subsec. (b)(15). Pub. L. 106-318, §4(5), designated unnumbered par. relating to study of Rio Grande, New Mexico, as par. (15).

Subsec. (b)(16). Pub. L. 106-318, §4(6), (7), designated unnumbered par. relating to study of Wekiva River, Florida, and its tributaries as par. (16) and substituted "paragraph (136)" for "paragraph ()".

Subsec. (b)(17). Pub. L. 106-318, §4(8), added par. (17). 1996—Subsec. (a). Pub. L. 104-311, §1, added unnumbered par. relating to Wekiva River, Florida.

Subsec. (a)(106), (108). Pub. L. 104-333, §407(b)(1), redesignated par. (106), relating to St. Marys River, Florida, as (108).

Subsec. (a)(109) to (111). Pub. L. 104-333, §407(b)(3), designated unnumbered pars. relating to Mills River, North Carolina, Sudbury, Assabet, and Concord, Massachusetts, and Niobrara, Nebraska, as pars. (109) to (111), respectively.

Subsec. (a)(112), (113). Pub. L. 104-333, §407(b)(2), (3), designated unnumbered par. relating to Lamprey, New Hampshire as par. (112) and redesignated former par. (112), relating to White Clay Creek, Delaware and Pennsylvania, as (113).

Subsec. (a)(114) to (135). Pub. L. 104-333, §407(b)(3), designated unnumbered pars. relating to various rivers as pars. (114) to (135).

Subsec. (b). Pub. L. 104-311, §2, added unnumbered par. relating to study of Wekiva River, Florida, and its tributaries.

1994—Subsec. (a). Pub. L. 103-242, §3(a), added unnumbered par. relating to Rio Grande, New Mexico.

Subsec. (b). Pub. L. 103-242, §3(b), added unnumbered par. relating to study of Rio Grande, New Mexico.

1992—Subsec. (a). Pub. L. 102-525 added unnumbered par. relating to New River, West Virginia and Virginia.

Pub. L. 102-460, §1(a), added unnumbered par. relating to Delaware River, Pennsylvania and New Jersey.

Pub. L. 102-432 added unnumbered par. relating to North Fork Merced, California.

Pub. L. 102-301 added unnumbered pars. relating to the following rivers in California: Piru Creek, Little Sur River, Matilija Creek, Lopez Creek, and Sespe Creek.

Pub. L. 102-271 added unnumbered pars. relating to Clarion River and Mill Creek, Pennsylvania.

Pub. L. 102-249, §4(a), added unnumbered pars. relating to the Brule River in Michigan and Wisconsin, and the following rivers in Michigan: Carp, Little Manistee, White, Ontonagon, Paint, Presque Isle, Sturgeon (Ottawa National Forest), Sturgeon (Hiawatha National Forest), Tahquamenon, and Whitefish.

Subsec. (b)(11). Pub. L. 102-460, §1(b), added par. (11) relating to study of segments of Delaware River in Pennsylvania and New Jersey.

Pub. L. 102-249, §4(b), added par. (11) relating to study of segments of Brule, Carp, and other rivers in Michigan.

1991—Subsec. (a). Pub. L. 102-214, §2, added unnumbered par. relating to Lamprey River, New Hampshire.

Pub. L. 102-50 added unnumbered par. relating to Niobrara River, Nebraska.

Subsec. (a)(112). Pub. L. 102-215, §3, added par. (112).

Subsec. (b)(11). Pub. L. 102-215, §4, added par. (11) relating to study of White Clay Creek, Delaware and Pennsylvania.

Pub. L. 102-214, §3, added par. (11) relating to study of Lamprey River, New Hampshire.

1990—Subsec. (a). Pub. L. 101-628 added unnumbered par. relating to Sudbury, Assabet, and Concord rivers in Massachusetts.

Pub. L. 101-538 added unnumbered par. relating to Mills River, North Carolina.

Subsec. (a)(106). Pub. L. 101-364, §1(a), added par. (106) relating to St. Marys River, Florida and Georgia.

Pub. L. 101-356, §2, added par. (106) relating to Merrimack River, New Hampshire.

Subsec. (a)(107). Pub. L. 101-357, §2, added par. (107).

Subsec. (b)(8). Pub. L. 101-364, §1(b), added par. (8) relating to study of St. Marys River, Florida and Georgia.

Pub. L. 101-356, §3, added par. (8) relating to study of Merrimack River, New Hampshire.

Subsec. (b)(9). Pub. L. 101-357, §3, added par. (9).

1989—Subsec. (a)(96), (99). Pub. L. 101-40, §2(b)(1), redesignated par. (96), relating to Merced River, California, as par. (99).

Subsec. (a)(100) to (105). Pub. L. 101-40, §2(b)(2), designated unnumbered paragraphs relating to rivers in Oregon as pars. (100) to (105).

1988—Subsec. (a). Pub. L. 100-557, §103, added unnumbered pars. relating to the following rivers in Oregon: Blue, Chewaucan, North Fork Malheur, South Fork McKenzie, Steamboat Creek, and Wallowa.

Subsec. (d). Pub. L. 100-557, §104, designated existing provisions as par. (1) and added par. (2).

1987—Subsec. (a)(94), (95). Pub. L. 100-149, §2(b), designated pars. relating to Klickitat and White Salmon as pars. (94) and (95), respectively.

Subsec. (a)(96). Pub. L. 100-149, §2(a), added par. (96) relating to Merced, California.

Pub. L. 100-33 added par. (96) relating to Maurice, New Jersey.

Subsec. (a)(97), (98). Pub. L. 100-33 added pars. (97) and (98).

1986—Subsec. (a)(90), (91). Pub. L. 99-590, §503(a), redesignated par. (90), relating to North Umpqua, Oregon, as par. (91).

Subsec. (a)(92), (93). Pub. L. 99-590, §§201(b), 301(a), added pars. (92) and (93).

Subsec. (a)(94), (95). Pub. L. 99-663 added at end two unnumbered pars., relating to Klickitat, Washington, and White Salmon, Washington, which were designated as pars. (94) and (95), respectively, by Pub. L. 100-149.

Subsec. (b)(1). Pub. L. 99-590, §503(b), inserted provisions relating to completion and transmission of reports to Congress not later than Jan. 1, 1987.

Subsec. (b)(3). Pub. L. 99-590, §301(b), inserted provisions relating to completion date of study of river named in subsec. (a)(93).

Subsec. (b)(4). Pub. L. 99-590, §503(c), amended par. (4) generally, substituting provisions authorizing appropriations for purposes of conducting studies of rivers named in subsec. (a), for provisions authorizing appropriations for the purpose of conducting studies of rivers named in pars. (28) through (56), (59) through (76), (90), and (93) of subsec. (a).

Pub. L. 99-590, §301(c), inserted provisions authorizing an appropriation of not to exceed \$150,000 for conducting study of river named in subsec. (a)(93).

Subsec. (b)(7). Pub. L. 99-590, §202(c), added par. (7).

1984—Subsec. (a)(89). Pub. L. 98-323 added par. (89).

Subsec. (a)(90). Pub. L. 98-494 added par. (90) appearing second relating to North Umpqua, Oregon.

Pub. L. 98-484, §5(a), added par. (90) appearing first relating to Horsepasture, North Carolina.

Subsec. (b)(3). Pub. L. 98-484, §5(b), required completion of the study of the Horsepasture River, North Carolina, within three years after Oct. 17, 1984.

Subsec. (b)(4). Pub. L. 98-484, §5(c), authorized appropriations for conducting study of the Horsepasture River, North Carolina.

Subsec. (b)(5), (6). Pub. L. 98-484, §5(c), redesignated pars. (4) and (5) added by Pub. L. 96-487, §604(b), as pars. (5) and (6), respectively.

1980—Subsec. (a)(76). Pub. L. 96-199, §102(a), added par. (76).

Subsec. (a)(77) to (88). Pub. L. 96-487, §604(a), added pars. (77) to (88).

Subsec. (b)(3), (4). Pub. L. 96-199, §102(b), substituted "(76)" for "(75)".

Subsec. (b)(4), (5). Pub. L. 96-487, §604(b), added second par. (4) and par. (5). See 1984 Amendment note above.

1979—Subsec. (b)(3). Pub. L. 96-87, §404(a), substituted "paragraphs (59) through (75)" for "paragraphs (59) through (72)".

Subsec. (b)(4). Pub. L. 96-87, §404(b), substituted “subparagraphs (59) through (75)” for “subparagraphs (59) through (74)”.

1978—Subsec. (a)(59) to (75). Pub. L. 95-625, §§721-734, 1108, added pars. (59) to (75).

Subsec. (b)(3), (4). Pub. L. 95-625, §§735, 736, added par. (3), redesignated former par. (3) as (4), and increased appropriations authorization for certain studies to \$4,060,000 from \$2,175,000 and authorized necessary appropriations for certain other river studies.

1976—Subsec. (a)(47). Pub. L. 94-486, §701, struck out “including the tributaries and headwaters on national forest lands” after “Colorado Highway 160”.

Subsec. (a)(58). Pub. L. 94-486, §401, added par. (58).

1975—Subsec. (a)(28) to (56). Pub. L. 93-621, §1(a), added pars. (28) to (56).

Subsec. (a)(57). Pub. L. 94-199 added par. (57).

Subsecs. (b) to (d). Pub. L. 93-621, §1(b), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1974—Subsecs. (b) to (d). Pub. L. 93-279 redesignated subsecs. (c) and (d) as (b) and (c), respectively. Former subsec. (b), relating to the study of rivers named in subsec. (a) of this section for inclusion in the national wild and scenic river system and submission of reports to the President and the Congress, was incorporated in section 1275(a) of this title.

CHANGE OF NAME

The Delaware and Lehigh Navigation Canal National Heritage Corridor was redesignated the Delaware and Lehigh National Heritage Corridor by Pub. L. 105-355, title IV, §401, Nov. 6, 1998, 112 Stat. 3258.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 6 of Pub. L. 98-484 provided that: “The provisions of this Act [amending this section] shall take effect on the date of the enactment of this Act [Oct. 17, 1984].”

GENESSEE RIVER PROTECTION

Pub. L. 101-175, Nov. 27, 1989, 103 Stat. 1294, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Genesee River Protection Act of 1989’.

“SEC. 2. PROTECTION OF THE GENESSEE RIVER.

“In order to protect for present and future generations the outstanding scenic, natural, recreational, scientific, cultural, and ecological values of the Genesee River within Letchworth Gorge State Park in the State of New York, and to assist in the protection and enhancement of the Gorge’s archeological sites of sacred significance to the Seneca Nation, historic areas, endangered plant communities, and diverse recreation uses, the protections afforded for rivers listed in section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) for study for potential addition to the National Wild and Scenic Rivers System shall apply to the segment of the Genesee River beginning at the southern boundary of Letchworth Gorge State Park and extending downstream to the Mt. Morris Dam, except that the protection so afforded shall not interfere with the Secretary of the Army’s operation and management of Mt. Morris Dam as authorized for purposes of flood control.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460gg-13, 544k, 1275, 1278, 1279, 1280, 1283 of this title; title 30 section 1272.

§ 1277. Land acquisition

(a) Grant of authority to acquire; State and Indian lands; use of appropriated funds; acquisition of tracts partially outside component boundaries; disposition of lands

(1) The Secretary of the Interior and the Secretary of Agriculture are each authorized to ac-

quire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 1274 of this title, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation or by exchange in accordance with subsection (d) of this section. Lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this chapter. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this chapter.

(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate Secretary may, with the consent of the landowners for the portion outside the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average one-hundred-acre-per-mile fee title limitation of subsection (a)(1) of this section. The lands or interests therein outside such boundaries, shall be disposed of, consistent with existing authorities of law, by sale, lease, or exchange.

(b) Curtailment of condemnation power in area 50 per centum or more of which is owned in fee title by Federal or State government

If 50 per centum or more of the entire acreage outside the ordinary high water mark on both sides of the river within a federally administered wild, scenic or recreational river area is owned in fee title by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this chapter. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Curtailment of condemnation power in urban areas covered by valid and satisfactory zoning ordinances

Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance