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The Trump-Lilly, Richmond-Hamilton, and Phillips nineteenth-century subsistence farms are preserved in the southern end of the park. (Photo: WRT/E. Clarke)



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.



The railroad town of Thurmond was one of more than fifty towns that lined the steep canyon walls of the gorge during the coal boom years.

Opposite side: Panorama of miners at Nuttallburg, circa 1920. Like most towns in the New River Gorge, Nuttallburg miners were integrated inside the mines, but segregated outside the mines.

U.S. Department of the Interior
National Park Service
New River Gorge National River

RECORD OF DECISION

**General Management Plan and Environmental Impact Statement
New River Gorge National River**

Recommended: Deborah A. Parker Date: 11/8/2011
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**United States Department of the Interior
National Park Service**

RECORD OF DECISION

**General Management Plan and Environmental Impact Statement
New River Gorge National River
West Virginia**

The United States Department of the Interior, National Park Service (NPS), has prepared this Record of Decision for the *General Management Plan/Environmental Impact Statement* for New River Gorge National River. This Record of Decision (ROD) includes: the project background; a statement of the decision made; a description of the alternative selected for implementation; a listing of measures to minimize and/or mitigate environmental harm; a synopsis of other alternatives considered; the basis for the decision; findings on impairment of park resources and values; a description of the environmentally preferred alternative; and a summary of public and agency involvement in the decision-making process.

1.0 PROJECT BACKGROUND

The General Management Plan (GMP) for New River Gorge National River was developed over several years under the guidance of an interdisciplinary planning team including the park superintendent, deputy superintendent, and staff, as well as staff from the NPS Northeast Regional Office and consultants. During this process, the GMP planning team: involved the public; gathered background information; examined park legislation; compared similar sites; consulted with other agencies; partners, and resource experts; explored solutions; assessed impacts; and, published draft and final plans.

With public and stakeholder involvement, the GMP planning team developed statements of park purpose and significance, outlined interpretive themes, analyzed fundamental resources and values, identified planning issues, and formed goals for the park. Based on this foundation, the GMP planning team identified the issues and concerns for which management guidance is needed at New River Gorge National River. The issues and concerns fell into several broad categories. Resource management issues focused on maintaining natural processes and restoring natural systems, particularly limiting future man-made forest fragmentation, improving water quality in the New River and its tributaries, and protecting scenic resources in and around New River Gorge. Visitor experience issues focused on enhancing visitor orientation and understanding of the experiences the park offers and increasing the types of experiences visitors can have in the park. Other concerns included the challenges of sustaining communities that

remain within the park and working cooperatively with the owners of private land remaining within the park boundary. The need for better collaborative partnerships with the park's gateway communities was recognized as critical to the park's future management, with great interest in expanding participation in regional economic development planning efforts, in expanding collaboration with the park's other partners (such as the state parks, state and county agencies, non-profit and private partners for special projects, and organized stakeholder groups) and enhancing local appreciation of the park.

The Draft GMP/EIS considered five alternatives for future management of the park. Each alternative assumed a different management approach to addressing the major park management issues, including the Continuation of Current Management (alternative 1) and four action alternatives (alternatives 2, 3, 4, and 5). The Abbreviated Final GMP/EIS addressed public and agency comments on the Draft and identified the NPS preferred alternative which incorporated the results of public and agency comments.

2.0 DECISION

2.1 Description of the Selected Alternative

The NPS has selected Alternative 5 – Exploration Experiences for implementation as the approved GMP for New River Gorge National River. Alternative 5 was identified as the NPS preferred alternative in the Abbreviated Final GMP/EIS and is described in section 2.8 of the Draft GMP/EIS on pages 2-134 through 2-164. Following is a summary description of the selected alternative.

The selected alternative– alternative 5 – would preserve areas for primitive recreational experiences from end to end of the park. Interspersed with these primitive areas would be cultural and interpretive resource focal areas where visitors could explore communities and other places that once populated the gorge, experience the river, and enjoy a variety of recreational experiences. A north-south through park connector composed of improved scenic roads and trails would enable visitors to travel the length of the park, visiting these areas and accessing the backcountry. Primitive recreation experiences would be emphasized throughout the park along the new through park connector; river gateways and focal areas would be managed for a broad variety of interpretive and recreational experiences.

Large tracts of intact forest along one or both sides of the New River throughout the park would be managed as backcountry (66.4%) with negligible new forest fragmentation. Significant cultural resources in river gateways and focal areas would be restored or rehabilitated and adaptively reused; many sites along the through park connector would be managed as discovery sites which visitors would find and learn about as they explore remote areas of the park.

The through park connector would connect the park from end to end linking portions of scenic roads and trails along the length of the park. In the long-term, the NPS is committed to developing additional segments of trail limited to hiking/biking only to create a through park trail. Other trails would connect the rim to the river and would provide access to recreation and interpretive sites in the vicinity of river gateways. New facilities would expand visitor opportunities in the vicinity of river gateways and in focal areas.

Partnerships with gateway communities and improved rim to river experiences would foster links to the park as a whole and to specific cultural and interpretive resource areas within the park. NPS would expand participation in regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups. Other connecting trails outside the park – made possible through partnerships – would offer visitors an opportunity to hike or bike from New River Gorge National River to the Bluestone National Scenic River, the Gauley River National Recreation Area, and other attractions in the region.

The desired resource conditions and desired visitor experiences for specific areas of the park in the selected alternative are identified in Table 2.32 of the Draft GMP/EIS. The area-specific desired conditions focus on fundamental and other important resources and values and the visitor experience opportunities associated with them that would be appropriate in particular locations based on proposed management zoning. Also identified are the general types of actions in specific areas of the park that would be needed and allowable to achieve desired conditions in the selected alternative. These are examples of the actions needed to move from existing conditions to desired conditions. Identifying the types of needed and allowable changes helps 1) to provide a sense of what management actions might occur and what development might look like, 2) to identify the impacts of these actions, and 3) to estimate the general costs of implementing the actions.

2.2 Mitigation Measures/Monitoring

Over the next 20 years as the NPS implements the actions associated with the selected action it must protect unimpaired the park's natural and cultural resources and the quality of the visitor experience. To ensure that this happens, a consistent set of mitigation measures will be applied to all management actions in the park. In the future the NPS will complete appropriate review of environmental impacts associated with management actions (i.e., those reviews required by the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other relevant legislation). As part of the environmental reviews, the NPS will avoid, minimize, and mitigate adverse impacts of management actions when practicable. The implementation of a compliance-monitoring program will be within the parameters of NEPA and NHPA compliance documents, U.S. Army Corps of Engineers Section 404 permits, etc. The compliance-monitoring program will oversee these mitigation measures and would include reporting protocols. The mitigation measures and best management practices that will generally be applied to avoid or minimize potential impacts from implementation of future management

actions in the park are listed in Table 2-34 of the Draft GMP/EIS (pages 2-175 to 2-177) and are incorporated by reference into the selected alternative in this ROD.

3.0 OTHER ALTERNATIVES CONSIDERED

3.1 Alternative 1 – Continuation of Current Management)

Alternative 1 is a continuation of current management and trends. The park's enabling legislation and the existing *General Management Plan* (NPS 1982) would continue to guide park management. The NPS would manage park resources and visitor use as it does today, with no major change in direction. Improvements to visitor facilities and park operations facilities would include only projects that are already approved and fully funded. (Built aspects of this alternative would be included in the action alternatives (alternatives 2 to 5).)

3.2 Alternative 2 – Themed Gorge Segments

Alternative 2 emphasizes the substantial differences among subareas of the gorge, improving them to reflect their differing character, resources, and visitor experiences. Cultural resources and interpretive experiences would be emphasized in themed areas in the north and south ends of the park; primitive recreation would be emphasized in the middle of the park. Throughout the middle of the park large tracts of intact forest would be managed as backcountry (68.5%) with negligible new forest fragmentation. Significant cultural resources in the north and south ends of the park would be restored or rehabilitated and adaptively reused; a few sites in the middle of the park would be managed as discovery sites which visitors would find and learn about as they explore remote areas of the park. Trails would connect major cultural sites in the north and south ends of the park. New visitor facilities would expand opportunities in the north and south ends of the park. NPS would provide technical assistance to gateway communities. NPS would expand participation in regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups.

3.3 Alternative 3 – Through Park Connection

Alternative 3 would unify the park by providing a north-south through park hike and bike trail that enables visitors to travel the park on singletrack trails at or near the river. Recreation, scenic experiences, and discovery of cultural resources would be emphasized along the new through park trail. Only the park's most intact and unfragmented forest tracts – dispersed throughout the park – would be managed as backcountry (43%) with negligible new forest fragmentation. Numerous cultural resources along the through park trail and in the vicinity of visitor facilities would be managed as discovery sites would find and learn about as they explore remote areas of the park. The through park trail would connect the park from end to end; other trails would parallel the river. New visitor facilities would be added in the middle of the park. NPS would provide technical assistance to gateway communities. NPS would expand participation in

regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups.

3.4 Alternative 4 – River Gateways and Rim to River Experiences

Alternative 4 recognizes river gateways and the rim to river experiences that take visitors to them as the primary access points and orientation venues in the park. Cultural and recreation resources and experiences would be emphasized in proximity to gateways and along rim to river trails and roads. Large tracts of intact forest that are not near river gateways and primary rim to river travel routes would be managed as backcountry (60.8%) with negligible new forest fragmentation. Significant cultural resources in the vicinity of river gateways would be rehabilitated and adaptively reused; many sites along rim to river trails and near gateways would be managed as discovery sites which visitors would find and learn about as they explore remote areas of the park. Trails would connect the rim to the river and provide access to recreation and interpretive sites in the vicinity of river gateways. New visitor facilities would be added in the vicinity of river gateways. NPS and gateway communities would enter into cooperative partnerships. NPS would expand participation in regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups.

4.0 BASIS FOR DECISION

Alternative 5 was selected for implementation as the approved GMP based on analysis and findings of the GMP planning team as well as public comments received during the planning process. The NPS selected Action Alternative 5 because it best fulfills the purposes of the park and conveys the greatest number of beneficial results in comparison with the other alternatives. The selected alternative results in major beneficial impacts to natural and scenic resources, primarily as a result of managing large areas of the park as unfragmented backcountry forest. The selected alternative addresses the long-term preservation needs of the park's cultural resources and, through the park's leasing program, provides an income stream for their long-term maintenance. The selected alternative emphasizes primitive recreational experiences throughout the park and along the new through park connector by linking portions of scenic roads and trails along the length of the park. In the long-term, the NPS will develop additional segments of trail limited to hiking/biking only to create a through park trail. New facilities will expand visitor opportunities in the vicinity of river gateway communities and in focal areas. The selected alternative addresses the majority of visitor use issues and provides the greatest direct and indirect economic impact in terms of jobs, earnings, NPS spending, and visitor spending. More aggressive partnering with gateway communities will better enhance relevance of the park to local visitors and better enable the NPS to respond to concerns of local residents about how the park is managed. Overall, the selected alternative provides the highest degree of protection of the park's natural and cultural resources and it provides the most exceptional opportunities for visitors. In addition, the selected alternative offers the best value as it has the greatest increase in

the total importance of advantages for not much more money when compared to the other alternatives evaluated.

5.0 FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC § 1). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (16 USC 1a-1).

NPS Management Policies 2006, Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the Nation Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The NPS has discretion to allow impacts on Park resources and values when necessary and appropriate to fulfill the purposes of a Park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3). An action constitutes an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006 sec 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (NPS 2006 sec 1.4.5).

The NPS has determined that the selected alternative will not result in impairment of any park resources or values. A final determination on impairment for the selected alternative is attached to this Record of Decision (attachment A).

6.0 ENVIRONMENTALLY PREFERRED ALTERNATIVE

In accordance with the Council on Environmental Quality (CEQ) regulations, the NPS is required to identify the environmentally preferred alternative in a Record of Decision [40 CFR 1505.2(b)]. The environmentally preferred alternative is defined by the CEQ in their *NEPA's Forty Most Asked Questions*: "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a). The Department of the Interior NEPA regulations further explain: "The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources" (43 CFR 46.30).

The NPS has determined that the selected alternative is also the environmentally preferred alternative. This conclusion is based on careful review of potential impacts as a result of implementing any of the management alternatives evaluated in the Draft and Abbreviated Final GMP/EIS and assessing proposed mitigation for cultural and natural resource impacts. Collaborative partnerships in the selected alternative would generate new funding sources and volunteer services that would have a major positive impact on resource protection activities. The selected alternative would preserve only 1,500 fewer acres of unfragmented backcountry forest (47,500 acres total) when compared to alternative 2 (49,000 acres total). The selected alternative would rehabilitate and lease the greatest number of historic structures, better protecting their integrity and generating a major income stream for their ongoing maintenance. Collectively the management actions in the selected alternative would better enhance NPS's ability to conserve the scenery, natural and historic resources, and wildlife at New River Gorge National River.

7.0 PUBLIC AND AGENCY INVOLVEMENT

A summary of public and agency involvement in the New River Gorge National River GMP/EIS is provided here. Detailed discussions are provided in chapter 5 of the Draft GMP/EIS and of the Abbreviated Final GMP/EIS (chapters 1 & 2/appendices A & B).

7.1 Scoping

The NPS began project scoping in February 2004 when the project agreement and list of potential GMP issues were developed. The NPS initiated the public scoping process with a series of stakeholder meetings held during the week of June 28, 2005. Scoping was ongoing throughout the planning process, both internally with the NPS staff and externally with federal, state, and local agencies and with the general public.

External scoping included a variety of public involvement activities beginning early in, and continuing throughout, the GMP planning process. Initially NPS hosted a series of stakeholder meetings involving 40 people and groups. After that, at four key points in the planning process NPS hosted public meetings in three communities in the park vicinity. During the public comment period on the Draft GMP/EIS, an additional set of public meetings was held. Prior to each meeting, press releases were printed in several local papers and newsletters were mailed to parties on the park's mailing list. Newsletters and announcements were also posted on the NPS Planning, Environment, and Public Comment (PEPC) web site (<http://parkplanning.nps.gov/neri>), which provided opportunities for the public to review the GMP planning team's findings and allowed the public to submit comments electronically through the PEPC system.

7.2 Public Comment Received on the Draft GMP/EIS

Public review of the Draft GMP/EIS occurred from January 13, 2010 through April 16, 2010. Approximately 300 interested individuals, agencies, and organizations received either a CD or paper copy of the plan. An additional 550 individuals, agencies, and organizations received postcards announcing availability of the plan. The NPS made the plan available for review at park headquarters, Canyon Rim Visitor Center, Sandstone Visitor Center, and three local libraries. The NPS Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov/NERI>) offered interested parties an opportunity to review and comment on the plan via the internet. On March 9, 10, and 11, 2010, the NPS hosted open house meetings in Hinton, Beckley, and Fayetteville, WV, respectively, where the public had opportunities to review the plan and provide comments. Press releases in three local newspapers and the park's nps.gov homepage announced the availability of the plan, as well as the public open house meeting dates and times.

The park superintendent received 77 pieces of correspondence in the form of letters (14), comment sheets from the open houses (1), and electronic comments submitted through the NPS PEPC website (65). Approximately 30 percent of the correspondence was "form letters" or correspondence from different people containing nearly identical content. Form letters that were "personalized" were treated as unique pieces of correspondence, as some were personalized. Three letters were received in duplicate with the same comments submitted in multiple ways (letters and NPS PEPC website).

Fourteen commenters identified the selected alternative (alternative 5) as their preferred alternative. Many commenters stated support for particular components of the selected alternative. One individual identified alternative 1, the continuation of current management, as his/her preferred alternative.

Topics on which more than three comments were received included:

- significance of the park as a whitewater recreation experience

- BASE jumping as an appropriate activity that should be permitted on a regular basis in the park
- need for safe access for private boaters at Fayette Station
- need for a river gauge at Cunard

The comments received on the Draft GMP/EIS required only minor responses and editorial corrections; thus, an abbreviated format was used for the Final GMP/EIS. The Abbreviated Final GMP/EIS, issued on October 7, 2011, included an analysis of agency and public comments received on the Draft GMP/EIS with NPS responses, errata sheets detailing editorial corrections to the Draft GMP/EIS, and copies of agency and substantive public comments. No changes were made to the alternatives or to the impact analysis presented in the Draft GMP/EIS. Therefore, Action Alternative 5 remained as the NPS Preferred Alternative and the environmentally preferred alternative.

7.3 Tribal Coordination

Indian tribes with possible cultural associations with sites within New River Gorge National River were contacted via letter to initiate consultation regarding management planning for the park. The initial consultation letter provided tribes with copies of the park's purpose, significance, and fundamental resource statements. The initial consultation letter in 2006 provided tribes with copies of the park's purpose, significance, and fundamental resource statements. Letters inviting comments were sent to the following federally- and state-recognized tribes and interested parties:

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Appalachian American Indians of West Virginia
- Cayuga Nation
- Eastern Shawnee Tribe of Oklahoma
- Haudenosaunee Cultural Resource Center
- Haudenosaunee Standing Committee on Burial Rules and Regulations
- Monacan Indian Nation
- Onondaga Nation
- Seneca-Cayuga Tribe of Oklahoma
- Shawnee Tribe
- Tonawanda Seneca Nation
- Tuscarora Nation
- Tuscarora Tribe

- **Virginia Council on Indians**

Subsequent to sending these letters additional information was provided, as requested, to the Onondaga Nation and to the Absentee-Shawnee Tribe of Indians of Oklahoma. No further comments were received.

In early 2010, the Draft General Management Plan/Environmental Impact Statement was sent to the federally- and state-recognized tribes and interested parties listed above. No comments were received.

In 2011, the Abbreviated Final General Management Plan/Environmental Impact Statement was sent to the federally- and state-recognized tribes and interested parties listed above as well as the Remnant Yuchi Nation and eleven additional federally recognized tribes identified in the recently completed *Cultural Affiliation Statement* (Maslowski 2011).

Consultation with tribes will continue during implementation of the GMP, as needed. This effort will also be continued throughout the Section 106 compliance process

7.4 Section 106 Consultation

On February 6, 2006 and April 11, 2007, New River Gorge National River sent letters to the West Virginia Deputy SHPO to initiate consultation for the GMP/EIS. The SHPO commented on the Draft GMP/EIS in a letter dated May 25, 2010, stating that there were no objections at that time to the implementation of the selected alternative (alternative 5) and referencing the programmatic agreement between the NPS and the SHPO in accordance with which future implementation of specific actions associated with the selected alternative would occur. A copy of the Abbreviated Final GMP/EIS has been provided to the SHPO.

7.5 Section 7 Consultation

On April 10, 2008, New River Gorge National River sent a letter to the Wildlife Resources Section of the West Virginia Division of Natural Resources (WV DNR) and to the West Virginia Field Office of the U.S. Fish and Wildlife Service for consultation purposes and to request information about special status species within New River Gorge National River. WV DNR Wildlife Resources Section responded by letter on December 8, 2008. The response included lists of the rare, threatened, and endangered species and critical habitats that could be present within the park. WV DNR requested that the NPS take these species into consideration when planning future projects for the park. As requested, the actions proposed in the GMP have been designed to avoid and/or minimize adverse impacts to these species and their habitats. As individual management actions are implemented in the future, the park will survey the specific area of potential impact and if species are encountered will coordinate with the WV DNR and other state agencies, as appropriate.

The U.S. Fish and Wildlife Service commented on the Draft GMP/EIS in a letter dated September 15, 2010, stating that the service concluded that implementation of the programmatic measures as outlined for the selected alternative (alternative 5) in the GMP/EIS may affect, but are not likely to adversely affect any federally-listed endangered or threatened species. The letter further stated that this determination may be reconsidered if: 1) proposed project plans change; or 2) amendments to the GMP/EIS are proposed; or 3) additional information on listed species becomes available that alters the level of potential effects to these species; or 4) new information on candidate species becomes available.

The WV DNR Wildlife Resources Section commented on the Draft GMP/EIS in a letter dated March 26, 2010, raising numerous comments. One was determined to be substantive, challenging NPS jurisdiction over the protection and management of wildlife within the park. The Abbreviated Final GMP/EIS provides a response to this comment as well as to numerous additional non-substantive comments made by WV DNR which required clarification (some of which also required text changes).

8.0 CONCLUSION

The above factors and considerations warrant implementing alternative 5 (preferred alternative), including the elements common to all alternatives, as described and analyzed in the Draft GMP/EIS and in the Abbreviated Final GMP/EIS for New River Gorge National River and this Record of Decision. All practical means to avoid and minimize environmental harm from implementation of the selected alternative have been incorporated, as described in the Draft GMP/EIS and Abbreviated Final GMP/EIS and this Record of Decision. The alternative selected for implementation will not impair park resources or values and will allow the NPS to preserve park resources and provide for their enjoyment by future generations.

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**National Park Service
United States Department of the Interior**

FINAL IMPAIRMENT DETERMINATION

**General Management Plan and Environmental Impact Statement
New River Gorge National River
West Virginia**

The Prohibition on Impairment of Park Resources and Values

NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values, as follows:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

What is Impairment?

NPS *Management Policies 2006*, Section 1.4.5, *What Constitutes Impairment of Park Resources and Values*, and Section 1.4.6, *What Constitutes Park Resources and Values*, provide an explanation of impairment.

Impairment is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.

The NPS has discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park (NPS 2006 section 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 section 1.4.3).

Section 1.4.5 of *NPS Management Policies 2006* states:

An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- *necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or*
- *key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or*
- *identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.*

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Per section 1.4.6 of *NPS Management Policies 2006*, park resources and values that may be impaired include:

- *the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;*
- *appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;*
- *the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and*
- *any additional attributes encompassed by the specific values and purposes for which the park was established.*

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessionaires, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park, but this would not be a violation of the Organic Act unless the NPS was in some way responsible for the action.

How is an Impairment Determination Made?

Section 1.4.7 of *NPS Management Policies 2006* states:

...[i]n making a determination of whether there would be an impairment, an NPS decision-maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); consultations required under Section 106 of the National Historic Preservation Act (NHPA); relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

NPS Management Policies 2006 further define "professional judgment" as:

...a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account:

- the decision-maker's education, training, and experience;*
- advice or insights offered by subject matter experts and others who have relevant knowledge and experience;*
- good science and scholarship; and, whenever appropriate;*
- the results of civic engagement and public involvement activities relation to the decision.*

Impairment Determination for the Selected Alternative

This determination on impairment has been prepared for the alternative selected for implementation in the approved *General Management Plan/Environmental Impact Statement for New River Gorge National River*, as described in this Record of Decision. An impairment determination is made for all resource impact topics analyzed for the selected alternative in the *Draft GMP/EIS* and *Abbreviated Final GMP/EIS*. An impairment determination is not made for the regional and local economy, communities, park access, and park operations because impairment findings relate back to park resources and values; these are not generally considered to be park resources or values according to the Organic Act and cannot be impaired in the same way that an action can impair park resources and values.

Based on the environmental impact analysis for cultural resources, composed of archeological sites, cultural landscapes, historic structures, ethnographic resources, and park museum collections, the NPS has determined that there are no identified permanent major negative impacts on a resource or value whose conservation (1) would be necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, (2) is key to the natural or cultural integrity of the park or to opportunities to enjoy it, or (3) has been identified as a goal in the park's general management plan or other relevant NPS planning documents. Thus, implementing the selected alternative will not constitute an impairment of cultural resources.

Based on the environmental impact analysis for natural resources, composed of physiography, geology, soils, floodplains, water quality, vegetation, aquatic wildlife, terrestrial wildlife, rare,

threatened, and endangered species, and scenic resources, the NPS has determined that there are no identified permanent major negative impacts on a resource or value whose conservation (1) would be necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, (2) is key to the natural or cultural integrity of the park or to opportunities to enjoy it, or (3) has been identified as a goal in the park's general management plan or other relevant NPS planning documents. Thus, implementing the selected alternative will not constitute an impairment of natural resources.

APPENDIX B

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).....	B-1
Public Law 100-534, Section 1 (West Virginia National Interest River Conservation Act of 1987) (102 Stat. 2699-2708, October 26, 1988)	B-5

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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."

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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

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(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.**

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“(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.

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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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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

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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

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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

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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

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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

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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. 105. 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.

Federal Register, publication.

"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."

Approved October 26, 1988.

LEGISLATIVE HISTORY—H.R. 980:

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.

New River Gorge National River – 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 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	Authorizes NERI and BLUE boundary modifications and management of fish and wildlife resources.
		110 Stat. 4243-4244	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		Amends the park's enabling legislation to provide that hunting and fishing shall be permitted in accordance with federal and state laws.

New River Gorge National River – Other Special Mandates

Party with Whom Agreement Exists	Type of Agreement and General Provisions
<ul style="list-style-type: none"> ■ Arnott Property 	<p>Memorandum of Agreement (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.</p>
<ul style="list-style-type: none"> ■ CSX Transportation Police 	<p>Memorandum of Agreement (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.</p>
<ul style="list-style-type: none"> ■ Concord University 	<p>General Agreement (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 since expired.</p>
<ul style="list-style-type: none"> ■ New River Blueway Partners 	<p>Memorandum of Understanding (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.</p>
<ul style="list-style-type: none"> ■ New River Parkway Authority ■ Federal Highway Administration ■ WV DOT Division of Highways 	<p>Memorandum of Understanding (MOU), signed in 1999 and referenced in the 2003 Final Environmental Impact Statement (FEIS) for the New River Parkway, provides 14 conditions for 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 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 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 planning and construction activities for the parkway.</p>
<ul style="list-style-type: none"> ■ New River Parkway Authority ■ Federal Highway Administration ■ WV DOT Division of Highways ■ WV State Historic Preservation Officer 	<p>Memorandum of Agreement (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.</p>

New River Gorge National River – Other Special Mandates (continued)

Party with Whom Agreement Exists	Type of Agreement and General Provisions
<ul style="list-style-type: none"> ■ Theatre West Virginia 	<p>Memorandum of Agreement 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..."</p>
<ul style="list-style-type: none"> ■ Town of Fayetteville 	<p>GA establishes standards, terms, and conditions under which the NPS and the town of Fayetteville will provide access and maintain trails and foot paths on NPS and town properties near the Fayetteville Town Park. The current GA, signed in 2004, has a five-year term.</p>
<ul style="list-style-type: none"> ■ WV Division of Natural Resources 	<p>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.</p>
<ul style="list-style-type: none"> ■ Local Fire and Law Enforcement Entities 	<p>Agreements to provide for coordinated communications and response to emergency situations for better public service.</p>
<ul style="list-style-type: none"> ■ Specific Properties 	<p>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.</p>

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Glossary

Accessibility. Accessibility occur when individuals with disabilities are able to reach, use, understand, or appreciate NPS programs, facilities, and services, or to enjoy the same benefits that are available to persons without disabilities. (see also, “universal design”)

Affected environment. The existing biological, physical, cultural, social, and economic conditions that are subject to direct and indirect changes which result from actions described in alternatives under consideration.

Alternative. A possible course of action, one of several ways to achieve an objective or vision. The term is used in a GMP to describe different management actions.

Area-specific management prescriptions. Area-specific guidance about the desired resource conditions, visitor experience opportunities, and appropriate kinds and levels of management, development, and access (modes of transportation) for each area of a park, based on how it is zoned; also the kinds of changes needed to move from the existing to the desired conditions.

Best management practices (BMPs). Practices that apply the most current means and technologies available to not only comply with mandatory environmental regulations, but also maintain a superior level of environmental performance.

Carrying capacity. The type and level of visitor use that can be accommodated while sustaining the desired resource and visitor experience conditions in a park.

Cooperating agency. A federal action other than the one preparing the National Environmental Policy Act document (lead agency) that has jurisdiction over the proposal by virtue of law or special expertise and that has been deemed a cooperating agency by the lead agency. State or local governments, and/or Indian tribes, may be designated cooperating agencies as appropriate.

Cultural landscape. A geographic area (including both cultural and natural resources and the wildlife and domestic animals therein) associated with a historic event, activity or person or exhibiting other cultural or aesthetic values. There are four types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

Cultural resources. Aspects of a cultural system that are valued by or significantly representative of a culture or that contain significant information about a cultural. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for NPS management purposes.

Cumulative actions. Actions that, when viewed with other actions in the past, the present, or the foreseeable future regardless of who has undertaken or will undertake them, have an additive impact on the resource the proposal would affect.

Cumulative impact. The impacts of cumulative actions.

Desired condition. A qualitative description of the integrity and character for a set of resources and values, including visitor experiences, that park management has committed to achieve and maintain.

Developed area. An area managed to provide and maintain facilities (e.g. roads, campgrounds, housing) serving park managers and visitors. Includes areas where park development or intensive use may have substantially altered the natural environment or the setting for culturally significant resources.

Direct effect. An impact that occurs as a result of the proposed action or alternative in the same place and at the same time as the action.

Discovery sites. Cultural resource sites in remote areas of the park which visitors would come upon as they experience the park. Treatment would seek to balance natural and cultural resource management demands with the goal of maintaining ruins and mitigating degradation of cultural resources by natural resources and processes and by visitor use. Interpretive media would likely be present.

Environmental consequences. The scientific and analytic basis for comparing alternatives in an environmental impact statement, based on their environmental effects, including any unavoidable adverse effects. Environmental consequences include short-term, long-term, and cumulative impacts to ecological, aesthetic, historical, cultural, economic, and social environments.

Environmental impact statement. A detailed National Environmental Policy Act document that is prepared when a proposal or alternatives have the potential for significant impact on the human environment.

Ethnographic resources. Objects and places, including sites, structures, landscapes, and natural resources, with traditional cultural meaning and value to associated peoples. Research and consultation with people identifies and explains the places and things they find culturally meaningful. Ethnographic resources eligible for the National Register are called traditional cultural properties.

Environmentally preferred alternative. Of the action alternatives analyzed, the one that would best promote the policies in NEPA Section 101.

Fundamental resources and values. Those features, systems, processes, experiences, stories, scenes, sounds, smells, or other attributes, including opportunities for visitor enjoyment, determined to warrant primary consideration during planning and management because they are critical to achieving the park's purpose and maintaining its significance.

General Management Plan (GMP). A National Park Service planning document which clearly defines direction for resource preservation and visitor use in a park, and serves as the basic foundation for decision making. GMPs are developed with broad public involvement.

Historic site. A landscape significant for its association with a historic event, activity or person.

Indicators of user capacity. Specific, measurable physical, ecological, or social variables that can be measured to track changes in conditions caused by public use, so that progress toward attaining the desired conditions can be assessed.

Impact topics. Specific natural, cultural, or socioeconomic resources that would be affected by the proposed action or alternatives (including no action). The magnitude, duration, and timing of the effect to each of these resources is evaluated in the impact section of an EIS.

Impairment. An impact so severe that, in the professional judgment of a responsible NPS manager, it would harm the integrity of park resources or values and violate the 1916 NPS Organic Act.

Indirect effect. Reasonably foreseeable impacts that occur removed in time or space from the proposed action.

Interpretation. Activities or media designed to help people understand, appreciate, enjoy, and care for the natural and cultural environment.

Issue. Some point of debate that needs to be decided. For GMP planning purposes issues can be divided into "major questions to be answered by the GMP" (also referred to as the decision points of the GMP) and the "NEPA issues" (usually environmental problems related to one or more of the planning alternatives).

Lead agency. The agency either preparing or taking primary responsibility for preparing the National Environmental Policy Act document.

Management concept. A brief, inspirational statement of the kind of place a park should be (a "vision" statement).

Management prescription. A description of the specific resource conditions and visitor experiences along with appropriate kinds and levels of management, use, and development for each area of a park that are to be achieved and maintained.

Mitigation. Modification of a proposal to lessen the intensity of its impact on a particular resource.

No Action Alternative. An alternative in an environmental impact statement that continues the current management direction. This alternative serves as a benchmark against which action alternatives are compared.

Notice of intent. The notice submitted to the Federal Register that an environmental impact statement will be prepared. It describes the proposed action and alternatives, identifies a contact person in the National Park Service, and gives time, place, and descriptive details of the agency's proposed scoping process.

Other important resources and values. Those attributes that are determined to be particularly important to park management and planning, although they are not related to the park's purpose and significance.

Park purpose. The specific reason(s) for establishing a particular park.

Preferred alternative. The alternative an NPS decision-maker has identified as preferred at the draft EIS stage. It is identified to show the public which alternative is likely to be selected to help focus its comments.

Primary interpretive themes. The most important ideas or concepts to be communicated to the public about a park.

Projected implementation costs. A projection of the probably range of recurring annual costs, initial one-time costs, and life-cycle costs of plan implementation.

Proposal. The stage at which the National Park Service has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal. The goal can be a project, plan, policy, program, and so forth. The National Environmental Policy Act process begins when the effects can be meaningfully evaluated.

Record of decision. The document that is prepared to substantiate a decision based on an environmental impact statement. It includes a statement of the decision made, a detailed discussion of decision rationale, and the reasons for not adopting all mitigation measures analyzed, if applicable.

River left. Includes the shoreline and adjacent upland on the left side of the New River when looking downstream.

River right. Includes the shoreline and adjacent upland on the right side of the New River when looking downstream.

Significance. Statements of why, within a national, regional, and systemwide context, the park's resources and values are important enough to warrant national park designation.

Scoping. Internal NPS decision-making on issues, alternatives, mitigation measures, the analysis boundary, appropriate level of documentation, lead and cooperating agency roles, available references and guidance, defining purpose and need, and so forth. External scoping is the early involvement of interested and affected public.

Special mandates. Legal mandates specific to the park that expand upon or contradict a park's legislated purpose.

Stakeholders. Individuals and organizations that are actively involved in the project, or whose interests may be positively or negatively affected as a result of the project execution/completion. They may also exert an influence over the project and its results. For GMP planning purposes, the term stakeholder includes NPS officials/staff as well as public and private sector partners and the public, which may have varying levels of involvement.

Universal design. The design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design.

User capacity. The types and levels of visitor and other public use that can be accommodated while sustaining the desired resource conditions and visitor experiences that complement the purposes of a park.

Visitor experience. The perceptions, feeling, and interactions that visitors have with the park's environment and programs. The experience is affected by the setting, the types and levels of activities permitted, and the interpretive techniques used to convey park themes.

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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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