

## Union Calendar No. 147

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3113

[Report No. 111-262]

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

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### IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2009

Mr. RAHALL introduced the following bill; which was referred to the  
Committee on Natural Resources

SEPTEMBER 21, 2009

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DESIGNATION FOR STUDY.**

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

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

15 **SEC. 3. STUDY AND REPORT.**

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

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

1 shall include an analysis of the potential impact of  
2 the designation on private lands within the 5-mile  
3 segment of the Elk River, West Virginia, or abutting  
4 that area.”.

5 **SEC. 4. EFFECT.**

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

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



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11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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