

and Water Conservation Fund Act of 1965, to reflect the probable intent of Congress. Section 8 of the Act is classified to section 4607-10 of this title and does not relate to boundaries of National Forests in existence as of January 1, 1965.

### § 546a-1. Administration and management

#### (a) Administration

Subject to valid existing rights, the Secretary of Agriculture (in sections 546 to 546a-5 of this title referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of sections 546 to 546a-5 of this title.

#### (b) Special management requirements

Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 546a-4 of this title, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area. Such an amendment shall conform to the provisions of sections 546 to 546a-5 of this title. Nothing in sections 546 to 546a-5 of this title shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 1604 of this title. In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

##### (1) Public access

Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of sections 546 to 546a-5 of this title.

##### (2) Roads

After November 6, 2000, no new permanent roads shall be constructed within the scenic area.

##### (3) Vegetation management

No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

##### (4) Motorized travel

Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of sections 546 to 546a-5 of this title.

##### (5) Fire

Wildfires shall be suppressed in a manner consistent with the purposes of sections 546 to 546a-5 of this title, using such means as the Secretary deems appropriate.

##### (6) Insects and disease

Insect and disease outbreaks may be controlled in the scenic area to maintain scenic

quality, prevent tree mortality, or to reduce hazards to visitors.

#### (7) Dockage

The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

#### (8) Safety

The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

#### (c) Consultation

In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

(Pub. L. 106-431, §4, Nov. 6, 2000, 114 Stat. 1906.)

### § 546a-2. Fish and game

Nothing in sections 546 to 546a-5 of this title shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

(Pub. L. 106-431, §5, Nov. 6, 2000, 114 Stat. 1907.)

### § 546a-3. Minerals

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

(Pub. L. 106-431, §6, Nov. 6, 2000, 114 Stat. 1907.)

### § 546a-4. Acquisition

#### (a) Acquisition of lands within the scenic area

The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of sections 546 to 546a-5 of this title.

#### (b) Acquisition of other lands

The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

(Pub. L. 106-431, §7, Nov. 6, 2000, 114 Stat. 1907.)

### § 546a-5. Authorization of appropriations

#### (a) Acquisition of lands

There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or struc-

tures within the scenic area and on the mainland as provided in section 546a-4 of this title.

**(b) Other purposes**

In addition to the amounts authorized to be appropriated under subsection (a) of this section, there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 546a-1(b) of this title.

(Pub. L. 106-431, §8, Nov. 6, 2000, 114 Stat. 1907.)

**§ 546b. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia**

**(a) Establishment**

There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled “Seng Mountain and Raccoon Branch” and dated April 28, 2008, which shall be known as the “Seng Mountain National Scenic Area”; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled “Bear Creek” and dated April 28, 2008, which shall be known as the “Bear Creek National Scenic Area”.

**(b) Purposes**

The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

**(c) Administration**

**(1) In general**

The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

**(2) Authorized uses**

The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

**(d) Management plan**

**(1) In general**

Not later than 2 years after March 30, 2009, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

**(2) Effect**

Nothing in this subsection requires the Secretary to revise the land and resource manage-

ment plan for the Jefferson National Forest under section 1604 of this title.

**(e) Roads**

**(1) In general**

Except as provided in paragraph (2), after March 30, 2009, no roads shall be established or constructed within the scenic areas.

**(2) Limitation**

Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

**(f) Timber harvest**

**(1) In general**

Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

**(2) Exceptions**

The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

**(3) Firewood for personal use**

Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

**(g) Insect and disease outbreaks**

The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

**(h) Vegetation management**

The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on March 30, 2009.

**(i) Motorized vehicles**

**(1) In general**

Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

**(2) Exceptions**

The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on March 30, 2009; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as “open seasonally”.

**(j) Wildfire suppression**

Wildfire suppression within the scenic areas shall be conducted—