

Management Act of 1976, Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

The Oregon Wilderness Act of 1984, referred to in subsec. (d)(3)(A), is Pub. L. 98-328, June 26, 1984, 98 Stat. 272, which enacted subchapter C (§4600o) of chapter 1 of this title and provisions listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of this Act to the Code, see Tables.

The Federal Power Act, referred to in subsec. (d)(9), is act June 10, 1920, ch. 285, 41 Stat. 1063, which is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in subsec. (f)(2)(A), is Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

#### CODIFICATION

Section is comprised of section 1023 of Pub. L. 104-333. Subsec. (c)(1)(A) of section 1023 of Pub. L. 104-333 also enacted provisions listed in a table of Wilderness Areas set out under section 1132 of this title. Subsec. (h) of section 1023 of Pub. L. 104-333 amended section 1274 of this title.

Provisions substantially identical to the text of this section were enacted by title I of div. B of Pub. L. 104-208, Sept. 30, 1996, 110 Stat. 3009-523, known as the Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996.

#### AMENDMENTS

2000—Subsec. (c)(1)(A). Pub. L. 106-176 struck out “of 1964” after “Wilderness Act”.

#### CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### SHORT TITLE

Pub. L. 104-208, div. B, title I, §101, Sept. 30, 1996, 110 Stat. 3009-523, provided that: “This title [see Codification note above] may be cited as the ‘Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996’.”

#### TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 546. Establishment of Saint Helena Island National Scenic Area, Michigan

#### (a) Purpose

The purposes of sections 546 to 546a-5 of this title are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

#### (b) Establishment

For the purposes described in subsection (a) of this section, there shall be established the Saint Helena Island National Scenic Area (in sections 546 to 546a-5 of this title referred to as the “scenic area”).

#### (c) Effective upon conveyance

Subsection (b) of this section shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).

(Pub. L. 106-431, §2, Nov. 6, 2000, 114 Stat. 1905.)

#### REFERENCES IN TEXT

Section 1001 of the Coast Guard Authorization Act of 1996, referred to in subsec. (c), is section 1001 of Pub. L. 104-324, title X, Oct. 19, 1996, 110 Stat. 3948, which is not classified to the Code.

#### SHORT TITLE

Pub. L. 106-431, §1, Nov. 6, 2000, 114 Stat. 1905, provided that: “This Act [enacting sections 546 to 546a-5 of this title] may be cited as the ‘Saint Helena Island National Scenic Area Act’.”

### § 546a. Boundaries

#### (a) Saint Helena Island

The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

#### (b) Boundaries of Hiawatha National Forest extended

Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 4607-9 of this title.<sup>1</sup>

#### (c) Payments to local governments

Solely for purposes of payments to local governments pursuant to section 6902 of title 31, lands acquired by the United States under sections 546 to 546a-5 of this title shall be treated as entitlement lands.

(Pub. L. 106-431, §3, Nov. 6, 2000, 114 Stat. 1905.)

#### REFERENCES IN TEXT

Section 4607-9 of this title, referred to in subsec. (b), was in the original “section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-9)” which was translated as if it referred to section 7 of the Land

<sup>1</sup> See References in Text note below.

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-