

(Pub. L. 113-291, div. B, title XXX, §3065, Dec. 19, 2014, 128 Stat. 3833.)

REFERENCES IN TEXT

The Act of March 1, 1911, referred to in subsec. (b)(1)(C)(ii)(I)(aa), is act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the Weeks Law, which enacted former sections 513 and 514 and sections 515 to 519, 521, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (b)(1)(C)(ii)(II), (3)(A)(ii)(II), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Wilderness Act, referred to in subsec. (c)(1), (2), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The first section of Public Law 92-395, referred to in subsec. (c)(1)(B), enacted provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

The Noxious Weed Control and Eradication Act of 2004, referred to in subsec. (e)(2)(E), is subtitle E (§§451-457) of title IV of Pub. L. 106-224, as added by Pub. L. 108-412, §1, Oct. 30, 2004, 118 Stat. 2320, which is classified generally to subchapter V (§7781 et seq.) of chapter 104 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of Title 7 and Tables.

SUBCHAPTER II—SCENIC AREAS

**§ 541. Cascade Head Scenic-Research Area; establishment**

In order to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries, and forested areas, to insure the protection and encourage the study of significant areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment, there is hereby established, subject to valid existing rights, the Cascade Head Scenic-Research Area (hereinafter referred to as “the Area”) in the Siuslaw National Forest in the State of Oregon.

(Pub. L. 93-535, §1, Dec. 22, 1974, 88 Stat. 1732.)

**§ 541a. Administration, protection, development, and regulation of use**

The administration, protection, development, and regulation of use of the Area shall be by the Secretary of Agriculture (hereinafter referred to as the “Secretary”) in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purpose of this subchapter.

(Pub. L. 93-535, §2, Dec. 22, 1974, 88 Stat. 1732.)

**§ 541b. Boundaries of scenic-research area; adjustments to subarea boundaries; development of management plan; establishment of subareas; management objectives**

**(a) Boundaries; adjustments to boundaries of subareas**

The boundaries of the Area, and the boundaries of the subareas included therein, shall be those shown on the map entitled “Proposed Cascade Head Scenic-Research Area”, dated June 1974, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture: *Provided*, That, from time to time, the Secretary may, after public hearing or other appropriate means for public participation, make adjustments in the boundaries of subareas to reflect changing natural conditions or to provide for more effective management of the Area and each of the subareas in accordance with the purposes and provisions of this subchapter.

**(b) Management plan; development; time; contents**

As soon as practicable after December 22, 1974, the Secretary shall, with provisions for appropriate public participation in the planning process, develop a comprehensive management plan for the Area. Said plan shall prescribe specific management objectives and management controls necessary for the protection, management, and development of the Area and each of the subareas established pursuant to subsection (c) of this section.

**(c) Subareas; establishment; management objectives**

Within the Area, the following subareas shall be established and shall be managed in accord with the following primary management objectives which shall be supplemental to the general management objectives applicable to the entire Area:

(1) Estuary and Associated Wetlands Subarea: An area managed to protect and perpetuate the fish and wildlife, scenic, and research-education values, while allowing dispersed recreation use, such as sport fishing, nonmotorized pleasure boating, waterfowl hunting, and other uses which the Secretary determines are compatible with the protection and perpetuation of the unique natural values of the subarea. After appropriate study, breaching of existing dikes may be permitted within the subarea.

(2) Lower Slope-Dispersed Residential Subarea: An area managed to maintain the scenic, soil and watershed, and fish and wildlife values, while allowing dispersed residential occupancy, selective recreation use, and agricultural use.

(3) Upper Timbered Slope and Headlands Subareas: Areas managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing selective recreation and extensive research-educational activities. Timber harvesting activity may occur in these subareas only when the Secretary determines that such harvesting is to be conducted in connection with research activities or that the preservation of the timber resource is immi-

nently threatened by fire, old age, infestation, or similar natural occurrences.

(4) Coastline and Sand Dune-Spit Subareas: Areas managed to protect and maintain the scenic and wildlife values while allowing selective recreation and extensive research-educational activities.

(Pub. L. 93-535, §3, Dec. 22, 1974, 88 Stat. 1732.)

**§ 541c. Extension of boundaries of Siuslaw National Forest; transfer of Federal property to Secretary**

(a) The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands lying within the Area as described in accordance with section 541b of this title which are not within the national forest boundaries on December 22, 1974.

(b) Notwithstanding any other provision of law, any Federal property located on the lands added to the Siuslaw National Forest by this section may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary. Any lands so transferred shall become part of the Siuslaw National Forest.

(Pub. L. 93-535, §4, Dec. 22, 1974, 88 Stat. 1733.)

**§ 541d. Acquisition of property within the scenic-research area; consent of owner; substantial change in use or maintenance of property**

**(a) Acquisition of lands, waters and interests by donation, purchase, etc.**

Subject to the provisions of subsection (b) of this section, the Secretary is authorized to acquire lands, waters, or interests therein within the Area by donation, purchase, exchange, or otherwise.

**(b) Consent of owner for acquisition of lands in sub-areas; exceptions; guidelines for determination of substantial change in land use or maintenance**

Within all subareas of the Area except the estuary and associated wetlands subarea, the Secretary may not acquire any land or interest in land without the consent of the owner or owners so long as the owner or owners use such land for substantially the same purposes and in the same manner as it was used and maintained on June 1, 1974: *Provided, however,* That the Secretary may acquire any land or interest in land without the consent of the owner or owners when such land is in imminent danger of being used for different purposes or in a different manner from the use or uses existing on June 1, 1974. The Secretary shall publish, within one hundred and eighty days of December 22, 1974, guidelines which shall be used by him to determine what constitutes a substantial change in land use or maintenance for the non-federally-owned lands within the Area. Within the estuary and associated wetlands subarea the Secretary may acquire any land or interest in land without the consent of the owner or owners at any time, after public hearing.

**(c) Substantial change in land use or maintenance; notice by owner; time; manner**

At least thirty days prior to any substantial change in the use or maintenance of any non-

federally-owned land within the Area, the owner or owners of such land shall provide notice of such proposed change to the Secretary or his designee, in accordance with such guidelines as the Secretary may establish.

(Pub. L. 93-535, §5, Dec. 22, 1974, 88 Stat. 1733.)

**§ 541e. Availability of funds for acquisition of lands, etc., within added area**

Notwithstanding the provisions of section 200306(a)(2) of title 54, moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of any lands, waters, or interests therein within the area added to the Siuslaw National Forest by this subchapter.

(Pub. L. 93-535, §6, Dec. 22, 1974, 88 Stat. 1733; Pub. L. 113-287, §5(d)(15), Dec. 19, 2014, 128 Stat. 3265.)

AMENDMENTS

2014—Pub. L. 113-287 substituted “section 200306(a)(2) of title 54” for “section 4607-9(a)(1) of this title”.

**§ 541f. Withdrawal from location, entry and patent under mining laws; withdrawal from disposition under mineral leasing laws**

The lands within the Area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(Pub. L. 93-535, §7, Dec. 22, 1974, 88 Stat. 1733.)

**§ 541g. Advisory council for scenic-research area; membership; designation of chairman; compensation; consultation by Secretary**

**(a) Advisory council; establishment; consultation; members; term; appointment**

The Secretary, pursuant to the Federal Advisory Committee Act, shall establish an advisory council for the Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management of the Area. The members of the advisory council, who shall not exceed eleven in number, shall serve for the individual staggered terms of three years each and shall be appointed by the Secretary as follows—

(1) a member to represent each county in which a portion of the Area is located, each such appointee to be designated by the respective governing body of the county involved;

(2) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon; and

(3) not to exceed eight members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the Area.

**(b) Chairman; vacancies**

The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

**(c) Compensation; reimbursement for expenses**

The members shall not receive any compensation for their services as members of the advisory council.