

son, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of sections 544 to 544p of this title, nor the application of any provisions herein to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

(Pub. L. 99-663, §18, Nov. 17, 1986, 100 Stat. 4302.)

§ 545. Mount Pleasant National Scenic Area; purposes

The purposes of sections 545 and 545a of this title with respect to the Mount Pleasant National Scenic Area are to—

- (1) ensure appropriate protection and preservation of the scenic quality, water quality, natural characteristics, and water resources;
- (2) protect and manage vegetation to provide wildlife and fish habitat, consistent with paragraph (1);
- (3) provide areas that may develop characteristics of old-growth forests; and
- (4) provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(Pub. L. 103-314, §2, Aug. 26, 1994, 108 Stat. 1703; Pub. L. 104-127, title IX, §915, Apr. 4, 1996, 110 Stat. 1187.)

AMENDMENTS

1996—Pub. L. 104-127 substituted “Mount Pleasant National Scenic Area” for “George Washington National Forest Mount Pleasant Scenic Area” in introductory provisions.

SHORT TITLE

Pub. L. 103-314, §1, Aug. 26, 1994, 108 Stat. 1703, as amended by Pub. L. 104-127, title IX, §915, Apr. 4, 1996, 110 Stat. 1187, provided that: “This Act [enacting sections 545 and 545a of this title] may be cited as the ‘Mount Pleasant National Scenic Area Act’.”

§ 545a. Establishment of Mount Pleasant National Scenic Area

(a) In general

(1) Establishment

There is hereby established in the George Washington National Forest, Virginia, the Mount Pleasant National Scenic Area (in this section referred to as the “scenic area”).

(2) Lands included in scenic area

The scenic area shall consist of certain lands in the George Washington National Forest, Virginia, which comprise approximately seven thousand five hundred and eighty acres, as generally depicted on a map entitled “Mount Pleasant National Scenic Area—Proposed”, dated June 21, 1993.

(3) Maps and descriptions

As soon as practicable after August 26, 1994, the Secretary shall file a map and boundary description of the scenic area with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. The map and description shall have the same force and effect as if included in sections 545 and 545a of this title, except that the Secretary is authorized to correct clerical and typographical errors in such boundary description and map. Such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture. In the case of any discrepancy between the acreage and the map described in paragraph (2), the map shall control.

graphical errors in such boundary description and map. Such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture. In the case of any discrepancy between the acreage and the map described in paragraph (2), the map shall control.

(b) Administration

(1) In general

The Secretary of Agriculture (in this section referred to as the “Secretary”) shall administer the scenic area in accordance with sections 545 and 545a of this title and the laws and regulations generally applicable to the National Forest System. In the event of conflict between sections 545 and 545a of this title and other laws and regulations, sections 545 and 545a of this title shall take precedence.

(2) Management plan

Within three years after August 26, 1994, the Secretary shall develop a management plan for the scenic area as an amendment to the Land and Resource Management Plan for the George Washington National Forest. Such an amendment shall conform to the provisions of sections 545 and 545a of this title. Nothing in sections 545 and 545a of this title shall require the Secretary to revise the Land and Resource Management Plan for the George Washington National Forest pursuant to section 1604 of this title.

(c) Roads

After August 26, 1994, no new permanent roads shall be constructed within the scenic area, except that this prohibition shall not be construed to deny access to private lands or interests therein in the scenic area.

(d) 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 existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.

(e) Motorized travel

(1) Authorized routes

Motorized travel in the scenic area shall be allowed on State Route 635. Subject to such conditions as the Secretary may impose, motorized travel in the scenic area shall also be allowed on Forest Development Road 51.

(2) Other areas

Other than as provided in paragraph (1), motorized travel shall not be permitted within the scenic area, except that the Secretary may authorize motorized travel within the scenic area as necessary for administrative use in furtherance of the purposes of sections 545 and 545a of this title and on temporary routes in support of wildlife management projects.

(f) Fire

Wildfires shall be suppressed in a manner consistent with the purposes of sections 545 and 545a

of this title, using such means as the Secretary considers appropriate.

(g) Insects and disease

Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, reduce hazards to visitors, or protect private lands.

(h) Water

The scenic area shall be administered so as to maintain or enhance existing water quality.

(i) Mining withdrawal

Subject to valid existing rights, all federally owned lands in the scenic area are hereby withdrawn from location, entry, and patent under the mining laws of the United States and from leasing claims under the mineral and geothermal leasing laws of the United States, including amendments to such laws.

(Pub. L. 103-314, §3, Aug. 26, 1994, 108 Stat. 1703; Pub. L. 104-127, title IX, §915, Apr. 4, 1996, 110 Stat. 1187.)

REFERENCES IN TEXT

The geothermal leasing laws of the United States, referred to in subsec. (i), are classified principally to chapter 23 (§1001 et seq.) of Title 30, Mineral Lands and Mining.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-127 substituted “Mount Pleasant National Scenic Area” for “George Washington National Forest Mount Pleasant Scenic Area”.

§ 545b. Opal Creek Wilderness and Scenic Recreation Area

(a) Definitions

In this section:

(1) Bull of the Woods Wilderness

The term “Bull of the Woods Wilderness” means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98-328; 16 U.S.C. 1132 note).

(2) Opal Creek Wilderness

The term “Opal Creek Wilderness” means certain land in the Willamette National Forest in the State of Oregon comprising approximately 12,800 acres, as generally depicted on the map entitled “Proposed Opal Creek Wilderness and Scenic Recreation Area”, dated July 1996.

(3) Scenic Recreation Area

The term “Scenic Recreation Area” means the Opal Creek Scenic Recreation Area, comprising approximately 13,000 acres, as generally depicted on the map entitled “Proposed Opal Creek Wilderness and Scenic Recreation Area”, dated July 1996 and established under subsection (c)(1)(C).

(4) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) Purposes

The purposes of this section are—

(1) to establish a wilderness and scenic recreation area to protect and provide for the en-

hancement of the natural, scenic, recreational, historic and cultural resources of the area in the vicinity of Opal Creek;

(2) to protect and support the economy of the communities of the Santiam Canyon; and

(3) to provide increased protection for an important drinking water source for communities served by the North Santiam River.

(c) Establishment

(1) Establishment

On a determination by the Secretary under paragraph (2)—

(A) the Opal Creek Wilderness, as depicted on the map described in subsection (a)(2), is hereby designated as wilderness, subject to the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.], shall become a component of the National Wilderness System, and shall be known as the Opal Creek Wilderness;

(B) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(C) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,000 acres, as generally depicted on the map described in subsection (a)(3).

(2) Conditions

The designations in paragraph (1) shall not take effect unless the Secretary makes a determination, not later than 2 years after November 12, 1996, that the following conditions have been met:

(A) the following have been donated to the United States in an acceptable condition and without encumbrances:

(i) all right, title, and interest in the following patented parcels of land—

(I) Santiam Number 1, mineral survey number 992, as described in patent number 39-92-0002, dated December 11, 1991;

(II) Ruth Quartz Mine Number 2, mineral survey number 994, as described in patent number 39-91-0012, dated February 12, 1991;

(III) Morning Star Lode, mineral survey number 993, as described in patent number 36-91-0011, dated February 12, 1991;

(ii) all right, title, and interest held by any entity other than the Times Mirror Land and Timber Company, its successors and assigns, in and to lands located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, 8, and 13 mining claims; and

(iii) an easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36-91-0017, dated May 9, 1991. In the sole discretion of the Secretary, such easement may be limited to administrative use if an alternative access route, adequate and appropriate for public use, is provided.

(B) a binding agreement has been executed by the Secretary and the owners of record as