

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 structures 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), 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 management 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—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

**(k) Water**

The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

**(l) Withdrawal**

Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

(Pub. L. 111–11, title I, §1104, Mar. 30, 2009, 123 Stat. 1004.)

REFERENCES IN TEXT

This subtitle, referred to in subsec. (c)(1)(A), is subtitle B (§§1101–1107) of title I of Pub. L. 111–11, Mar. 30,

2009, 123 Stat. 1002, which enacted this section and section 546b-1 of this title, enacted provisions set out as a note below, and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of subtitle B to the Code, see Tables.

DEFINITIONS

Pub. L. 111-11, title I, §1101, Mar. 30, 2009, 123 Stat. 1002, provided that: “In this subtitle [subtitle B (§§1101-1107) of title I of Pub. L. 111-11, enacting this section and section 546b-1 of this title and enacting and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title]:

“(1) SCENIC AREAS.—The term ‘scenic areas’ means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.”

§ 546b-1. Maps and boundary descriptions

(a) In general

As soon as practicable after March 30, 2009, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

- (1) the scenic areas;
- (2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));
- (3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) (as added by section 1102(b)(2)(D)); and
- (4) the potential wilderness area designated by section 1103(a).<sup>1</sup>

(b) Force and effect

The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) Availability of map and boundary description

The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) Conflict

In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

(Pub. L. 111-11, title I, §1106, Mar. 30, 2009, 123 Stat. 1007.)

REFERENCES IN TEXT

Paragraphs (9) through (20) of section 1 of Public Law 100-326 as added by section 1102(a)(5), referred to in subsec. (a)(2), means paragraphs (9) through (20) of section 1 of Public Law 100-326 as added by section 1102(a)(5) of Pub. L. 111-11, which enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

Section 6(a)(5) of the Virginia Wilderness Act of 1984 (Public Law 98-586) (as added by section 1102(b)(2)(D)),

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

referred to in subsec. (a)(3), is section 6(a)(5) of Pub. L. 98-586, as added by section 1102(b)(2)(D) of Pub. L. 111-11, title I, Mar. 30, 2009, 123 Stat. 1004, which is not classified to the Code.

Section 1103(a), referred to in subsec. (a)(4), means section 1103(a) of Pub. L. 111-11, which amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

This subtitle, referred to in subsecs. (b) and (d), is subtitle B (§§1101-1107) of title I of Pub. L. 111-11, Mar. 30, 2009, 123 Stat. 1002, which enacted this section and section 546b of this title, enacted provisions set out as a note under section 546b of this title, and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

DEFINITIONS

For definitions of terms used in this section, see section 1101 of Pub. L. 111-11, set out as a note under section 546b of this title.

CHAPTER 3—FORESTS; FOREST SERVICE; REFORESTATION; MANAGEMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
551.	Protection of national forests; rules and regulations.
551a.	Cooperation by Secretary of Agriculture with States and political subdivisions in law enforcement.
551b.	Omitted.
551c.	Planning for fire protection.
551c-1.	Limitations on prescribed burns.
551d.	Wildland firefighter safety.
552.	Consent to agreement by States for conservation of forests and water supply.
552a.	Restoration of withdrawn national forest lands to appropriation.
552b.	Administration of withdrawn lands; rules and regulations.
552c.	Reimbursement of United States for loss of revenue.
552d.	Punishment of violations of regulations.
553.	Duties of officials of Forest Service; stock laws; protection of fish and game.
553a.	Repealed.
554.	Forest supervisors and rangers.
554a.	Employees to be appointed without regard to political affiliations.
554b.	Medical care for employees engaged in hazardous work; notification and transportation of employees.
554c.	Care of employees' graves.
554d.	Recreation facilities for employees of Forest Service and their immediate families.
554e.	Employment of workers for emergencies.
555.	Forest headquarters, ranger stations, dwellings, or other needed sites.
555a.	Exchange of lands.
555b.	Street improvements; availability of Forest Service funds.
556.	Appropriations for Forest Service; use for transportation or traveling expenses; preparation or publication of newspaper or magazine articles.
556a.	Omitted.
556b.	Use of appropriations for expenses of transporting automobiles of employees between points in Alaska.
556c.	Reimbursement of employees for property losses resulting from fires, floods, or other casualties.
556d.	Advances of public moneys to Forest Service for fighting forest fires in emergency cases.
556e.	Emergency appropriations for rehabilitation and wildfire suppression.
556f.	Expenses of student interns.
556g.	Reimbursement of employee license costs and certification fees.