

withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

**(d) Timber harvesting**

No timber harvesting shall be allowed within the recreation management area except to the extent that would be permitted in wilderness under section 1133(d)(1) of this title for necessary control of fire, insects, and diseases, and for public safety.

**(e) Livestock grazing**

The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

**(f) Development**

No developed campgrounds shall be constructed within the recreation management area. After August 13, 1993, no new roads or trails may be constructed within the recreation management area.

**(g) Off-road recreation**

Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after August 13, 1993, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

(Pub. L. 103-77, § 5, Aug. 13, 1993, 107 Stat. 760.)

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

Pub. L. 103-77, §1(a), Aug. 13, 1993, 107 Stat. 756, provided that: "This Act [enacting this section and section 539j of this title, enacting provisions set out as a note under section 539j of this title, and enacting and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the 'Colorado Wilderness Act of 1993'."

**§ 539j. Bowen Gulch Protection Area**

**(a) Establishment**

(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres, as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

**(b) Administration**

The Secretary shall administer the protection area in accordance with this section and the

laws and regulations generally applicable to the National Forest System.

**(c) Withdrawal**

Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

**(d) Development**

No developed campgrounds shall be constructed within the protection area. After August 13, 1993, no new roads or trails may be constructed within the protection area.

**(e) Timber harvesting**

No timber harvesting shall be allowed within the protection area except to the extent that would be permitted in wilderness under section 1133(d)(1) of this title for necessary control of fire, insects, and diseases, and for public safety.

**(f) Motorized travel**

Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

**(g) Management plan**

During the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public comment.

(Pub. L. 103-77, § 6, Aug. 13, 1993, 107 Stat. 761.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103-77, Aug. 13, 1993, 107 Stat. 756, known as the Colorado Wilderness Act of 1993. For complete classification of this Act to the Code, see Short Title note set out under section 539i of this title and Tables.

**Statutory Notes and Related Subsidiaries**

ARAPAHO NATIONAL FOREST BOUNDARY ADJUSTMENT

Pub. L. 116-9, title I, §1002, Mar. 12, 2019, 133 Stat. 587, provided that:

"(a) IN GENERAL.—The boundary of the Arapaho National Forest in the State of Colorado is adjusted to incorporate the approximately 92.95 acres of land generally depicted as 'The Wedge' on the map entitled 'Arapaho National Forest Boundary Adjustment' and dated November 6, 2013, and described as lots three, four, eight, and nine of section 13, Township 4 North, Range 76 West, Sixth Principal Meridian, Colorado. A lot described in this subsection may be included in the boundary adjustment only after the Secretary of Agriculture obtains written permission for such action from the lot owner or owners.

"(b) BOWEN GULCH PROTECTION AREA.—The Secretary of Agriculture shall include all Federal land within the boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j).

"(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 200306(a)(2)(B)(i) of title 54, United

States Code, the boundaries of the Arapaho National Forest, as modified under subsection (a), shall be considered to be the boundaries of the Arapaho National Forest as in existence on January 1, 1965.

“(d) PUBLIC MOTORIZED USE.—Nothing in this section opens privately owned lands within the boundary described in subsection (a) to public motorized use.

“(e) ACCESS TO NON-FEDERAL LANDS.—Notwithstanding the provisions of section 6(f) of the Colorado Wilderness Act of 1993 (16 U.S.C. 539j(f)) regarding motorized travel, the owners of any non-Federal lands within the boundary described in subsection (a) who historically have accessed their lands through lands now or hereafter owned by the United States within the boundary described in subsection (a) shall have the continued right of motorized access to their lands across the existing roadway.”

#### DEFINITIONS

Pub. L. 103-77, §1(b), Aug. 13, 1993, 107 Stat. 756, provided that:

“(1) As used in this Act [see Short Title note set out under section 539i of this title] with reference to lands in the National Forest System, the term ‘the Secretary’ means the Secretary of Agriculture.

“(2) As used in this Act with respect to lands not in the National Forest System, the term ‘the Secretary’ means the Secretary of the Interior.”

### § 539k. Kelly Butte Special Management Area

#### (a) Establishment

Upon conveyance to the United States of the Plum Creek offered lands in the Kelly Butte area, there is hereby established the Kelly Butte Special Management Area in the Mt. Baker-Snoqualmie National Forest, Washington, comprising approximately 5,642 acres, as generally depicted on a map entitled “Kelly Butte Special Management Area”, dated October 1998.

#### (b) Management

The Kelly Butte Special Management Area shall be managed by the Secretary in accordance with the laws, rules and regulations generally applicable to National Forest System lands, and subject to the following additional provisions:

(1) the Area shall be managed with special emphasis on:

(A) preserving its natural character and protecting and enhancing water quality in the upper Green River watershed;

(B) permitting hunting and fishing;

(C) providing opportunities for primitive and semi-primitive recreation and scientific research and study;

(D) protecting and enhancing populations of fish, wildlife and native plant species; and

(E) allowing for traditional uses by native American peoples;

(2) commercial timber harvest and road construction shall be prohibited;

(3) the Area shall be closed to the use of motor vehicles, except as may be necessary for administrative purposes or in emergencies (including rescue operations) to protect public health and safety; and

(4) the Area shall, subject to valid existing rights, be permanently withdrawn from all forms of entry and appropriation under the U.S. mining laws and mineral leasing laws, including the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.].

#### (c) No buffer zones

Congress does not intend that the designation of the Kelly Butte Special Management Area lead to the creation of protective perimeters or buffer zones around the Area. The fact that non-compatible activities or uses can be seen or heard from within the Kelly Butte Special Management Area shall not, of itself, preclude such activities or uses up to the boundary of the Area.

(Pub. L. 105-277, div. A, §101(e) [title VI, §611], Oct. 21, 1998, 112 Stat. 2681-231, 2681-334.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Geothermal Steam Act of 1970, referred to in subsec. (b)(4), is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, which is classified principally to chapter 23 (§1001 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

#### Statutory Notes and Related Subsidiaries

##### INTERSTATE 90 LAND EXCHANGE

Pub. L. 106-113, div. B, §1000(a)(3) [title III, §346(a), (e)-(g), (i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-204, 1501A-206, provided that:

“(a) This section [enacting and amending provisions set out as notes below] shall be referred to as the ‘Interstate 90 Land Exchange Amendment’.

“(e) Section 604(b) [section 101(e) [title VI, §604(b)] of Pub. L. 105-277, set out below] is further amended by inserting the following before the colon: ‘except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W $\frac{1}{2}$ W $\frac{1}{2}$  of Section 16, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the S $\frac{1}{2}$  of 16, W.M., which shall be retained by the United States’. The Appraisal shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the S $\frac{1}{2}$  of Section 16, W.M. during the Appraisal process in the context of the whole estate to be conveyed.

“(f) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as follows:

“(1) the appraised value of the offered lands, as such lands and appraised value have been adjusted hereby, minus the appraised value of the offered lands to be placed into escrow, shall be compared to the appraised value of the selected lands, as such lands and appraised value have been adjusted hereby, and the Secretary shall equalize such values by the payment of cash to Plum Creek at the time that deeds are exchanged, such cash to come from currently appropriated funds, or, if necessary, by reprogramming; and

“(2) the Secretary shall compensate Plum Creek for the lands placed into escrow, based upon the values determined for each such parcel during the Appraisal process in the context of the whole estate to be conveyed, through the following, including any combination thereof:

“(A) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and