

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(2)(B), 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.

§ 460ddd-2. San Rafael Swell Recreation Area Advisory Council**(a) Establishment**

Not later than 180 days after March 12, 2019, the Secretary shall establish an advisory council, to be known as the “San Rafael Swell Recreation Area Advisory Council”.

(b) Duties

The Council shall advise the Secretary with respect to the preparation and implementation of the Management Plan for the Recreation Area.

(c) Applicable law

The Council shall be subject to—

- (1) the Federal Advisory Committee Act (5 U.S.C. App.);¹ and
- (2) section 1739 of title 43.

(d) Members

The Council shall include 7 members, to be appointed by the Secretary, of whom, to the maximum extent practicable—

- (1) 1 member shall represent the Emery County Commission;
- (2) 1 member shall represent motorized recreational users;
- (3) 1 member shall represent nonmotorized recreational users;
- (4) 1 member shall represent permittees holding grazing allotments within the Recreation Area or wilderness areas designated in this part;
- (5) 1 member shall represent conservation organizations;
- (6) 1 member shall have expertise in the historical uses of the Recreation Area; and
- (7) 1 member shall be appointed from the elected leadership of a Federally recognized Indian Tribe that has significant cultural or historical connections to, and expertise in, the landscape, archeological sites, or cultural sites within the County.

(Pub. L. 116-9, title I, §1223, Mar. 12, 2019, 133 Stat. 670.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c)(1), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

This part, referred to in subsec. (d)(4), is part II (§§1211-1255) of subtitle C of title I of Pub. L. 116-9, Mar.

¹ See References in Text note below.

12, 2019, 133 Stat. 667, which enacted this subchapter, amended section 1274 of this title, enacted provisions set out as notes under section 1274 of this title, and enacted provisions listed in a table of Wilderness Areas set out under section 1132 of this title and in a table of National Monuments set out under section 320301 of Title 54, National Parks Service and Related Programs.

SUBCHAPTER CXLII—VINAGRE WASH SPECIAL MANAGEMENT AREA**§ 460eeee. Vinagre Wash Special Management Area****(a) Definitions**

In this section:

(1) Management area

The term “Management Area” means the Vinagre Wash Special Management Area established by subsection (b).

(2) Map

The term “map” means the map entitled “Proposed Vinagre Wash Special Management Area and Proposed Wilderness” and dated December 4, 2018.

(3) Public land

The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(4) State

The term “State” means the State of California.

(b) Establishment

There is established the Vinagre Wash Special Management Area in the State, to be managed by the Secretary.

(c) Purpose

The purpose of the Management Area is to conserve, protect, and enhance—

- (1) the plant and wildlife values of the Management Area; and
- (2) the outstanding and nationally significant ecological, geological, scenic, recreational, archaeological, cultural, historic, and other resources of the Management Area.

(d) Boundaries

The Management Area shall consist of the public land in Imperial County, California, comprising approximately 81,880 acres, as generally depicted on the map as “Proposed Special Management Area”.

(e) Map; legal description**(1) In general**

As soon as practicable, but not later than 3 years, after March 12, 2019, the Secretary shall submit a map and legal description of the Management Area to—

- (A) the Committee on Natural Resources of the House of Representatives; and
- (B) the Committee on Energy and Natural Resources of the Senate.

(2) Effect

The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this section, except

that the Secretary may correct any errors in the map and legal description.

(3) Availability

Copies of the map submitted under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(f) Management

(1) In general

The Secretary shall manage the Management Area—

(A) in a manner that conserves, protects, and enhances the purposes for which the Management Area is established; and

(B) in accordance with—

- (i) this section;
- (ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
- (iii) other applicable laws.

(2) Uses

The Secretary shall allow only those uses that are consistent with the purposes of the Management Area, including hiking, camping, hunting, and sightseeing and the use of motorized vehicles, mountain bikes, and horses on designated routes in the Management Area in a manner that—

(A) is consistent with the purpose of the Management Area described in subsection (c);

(B) ensures public health and safety; and

(C) is consistent with all applicable laws (including regulations), including the Desert Renewable Energy Conservation Plan.

(3) Off-highway vehicle use

(A) In general

Subject to subparagraphs (B) and (C) and all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area as generally depicted on the map.

(B) Closure

The Secretary may close or permanently reroute a portion of a route described in subparagraph (A)—

(i) to prevent, or allow for restoration of, resource damage;

(ii) to protect Tribal cultural resources, including the resources identified in the Tribal cultural resources management plan developed under section 410aaa-75(d) of this title;

(iii) to address public safety concerns; or

(iv) as otherwise required by law.

(C) Designation of additional routes

During the 3-year period beginning on March 12, 2019, the Secretary—

(i) shall accept petitions from the public regarding additional routes for off-highway vehicles; and

(ii) may designate additional routes that the Secretary determines—

(I) would provide significant or unique recreational opportunities; and

(II) are consistent with the purposes of the Management Area.

(4) Withdrawal

Subject to valid existing rights, all Federal land within the Management Area is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

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

(C) right-of-way, leasing, or disposition under all laws relating to—

(i) minerals and mineral materials; or

(ii) solar, wind, and geothermal energy.

(5) No buffer zone

The establishment of the Management Area shall not—

(A) create a protective perimeter or buffer zone around the Management Area; or

(B) preclude uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

(6) Notice of available routes

The Secretary shall ensure that visitors to the Management Area have access to adequate notice relating to the availability of designated routes in the Management Area through—

(A) the placement of appropriate signage along the designated routes;

(B) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate; and

(C) restoration of areas that are not designated as open routes, including vertical mulching.

(7) Stewardship

The Secretary, in consultation with Indian Tribes and other interests, shall develop a program to provide opportunities for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

(A) route signage;

(B) restoration of closed routes;

(C) protection of Management Area resources; and

(D) recreation education.

(8) Protection of tribal cultural resources

Not later than 2 years after March 12, 2019, the Secretary, in accordance with chapter 2003 of title 54 and any other applicable law, shall—

(A) prepare and complete a Tribal cultural resources survey of the Management Area; and

(B) consult with the Quechan Indian Nation and other Indian Tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the Tribal cultural resources survey under subparagraph (A).

(9) Military use

The Secretary may authorize use of the non-wilderness portion of the Management Area by

the Secretary of the Navy for Naval Special Warfare Tactical Training, including long-range small unit training and navigation, vehicle concealment, and vehicle sustainment training, consistent with this section and other applicable laws.

(Pub. L. 103-433, title I, §109, as added Pub. L. 116-9, title I, §1421, Mar. 12, 2019, 133 Stat. 696.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (f)(1)(B)(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.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Section 103 of Pub. L. 103-433 provided in part that in this subchapter “Secretary” means the Secretary of the Interior.

SUBCHAPTER CXLIII—ALABAMA HILLS NATIONAL SCENIC AREA

§ 460fff. Definitions

In this subchapter:

(1) Management plan

The term “management plan” means the management plan for the Scenic Area developed under section 460fff-2(a) of this title.

(2) Map

The term “Map” means the map entitled “Proposed Alabama Hills National Scenic Area” and dated November 7, 2018.

(3) Motorized vehicle

The term “motorized vehicle” means a motorized or mechanized vehicle and includes, when used by a utility, mechanized equipment, a helicopter, and any other aerial device necessary to maintain electrical or communications infrastructure.

(4) Scenic area

The term “Scenic Area” means the Alabama Hills National Scenic Area established by section 460fff-1(a) of this title.

(5) State

The term “State” means the State of California.

(6) Tribe

The term “Tribe” means the Lone Pine Paiute-Shoshone Tribe.

(Pub. L. 103-433, title XIV, §1401, as added Pub. L. 116-9, title I, §1441, Mar. 12, 2019, 133 Stat. 706.)

§ 460fff-1. Alabama Hills National Scenic Area, California

(a) Establishment

Subject to valid existing rights, there is established in Inyo County, California, the Alabama Hills National Scenic Area, to be comprised of

the approximately 18,610 acres generally depicted on the Map as “National Scenic Area”.

(b) Purpose

The purpose of the Scenic Area is to conserve, protect, and enhance for the benefit, use, and enjoyment of present and future generations the nationally significant scenic, cultural, geological, educational, biological, historical, recreational, cinematographic, and scientific resources of the Scenic Area managed consistent with section 302(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(a)).

(c) Map; legal descriptions

(1) In general

As soon as practicable after March 12, 2019, the Secretary shall file a map and a legal description of the Scenic Area with—

- (A) the Committee on Energy and Natural Resources of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

(2) Force of law

The map and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subchapter, except that the Secretary may correct any clerical and typographical errors in the map and legal descriptions.

(3) Public availability

Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

(d) Administration

The Secretary shall manage the Scenic Area—

- (1) as a component of the National Landscape Conservation System;
- (2) so as not to impact the future continuing operation and maintenance of any activities associated with valid, existing rights, including water rights;
- (3) in a manner that conserves, protects, and enhances the resources and values of the Scenic Area described in subsection (b); and
- (4) in accordance with—
 - (A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
 - (B) this subchapter; and
 - (C) any other applicable laws.

(e) Management

(1) In general

The Secretary shall allow only such uses of the Scenic Area as the Secretary determines would further the purposes of the Scenic Area as described in subsection (b).

(2) Recreational activities

Except as otherwise provided in this subchapter or other applicable law, or as the Secretary determines to be necessary for public health and safety, the Secretary shall allow existing recreational uses of the Scenic Area to continue, including hiking, mountain biking, rock climbing, sightseeing, horseback riding, hunting, fishing, and appropriate authorized motorized vehicle use in accordance with paragraph (3).