

- (I) to close the road or trail to access; and
- (II) to minimize impacts to natural resources; and
- (ii) has closed the road or trail to access as described in clause (i)(I).

(B) Requirement

Each project carried out under the Program shall be on a National Forest System road or trail, except with respect to—

- (i) a project described in subsection (b)(2); or
- (ii) a project carried out on a watershed for which the Secretary has entered into a cooperative agreement under section 1011a of this title.

(2) Annual selection of projects for funding

The Secretary shall—

- (A) establish a process for annually selecting projects for funding under the Program, consistent with the requirements of this section;

- (B) solicit and consider public input regionally in the ranking of projects for funding under the Program;

- (C) give priority for funding under the Program to projects that would—

 - (i) protect or improve water quality in public drinking water source areas;

 - (ii) restore the habitat of a threatened, endangered, or sensitive fish or wildlife species; or

 - (iii) maintain future access to the adjacent area for the public, contractors, permittees, or firefighters; and

- (D) publish on the website of the Forest Service—

 - (i) the selection process established under subparagraph (A); and

 - (ii) a list that includes a description and the proposed outcome of each project funded under the Program in each fiscal year.

(d) Implementation

In implementing the Program, the Secretary shall ensure that—

- (1) the system of roads and trails on the applicable unit of the National Forest System—

 - (A) is adequate to meet any increasing demands for timber, recreation, and other uses;

 - (B) provides for intensive use, protection, development, and management of the land under principles of multiple use and sustained yield of products and services;

 - (C) does not damage, degrade, or impair adjacent resources, including aquatic and wildlife resources, to the extent practicable;

 - (D) reflects long-term funding expectations; and

 - (E) is adequate for supporting emergency operations, such as evacuation routes during wildfires, floods, and other natural disasters; and

- (2) all projects funded under the Program are consistent with any applicable forest plan or travel management plan.

(e) Savings clause

A decision to fund a project under the Program shall not affect any determination made

previously or to be made in the future by the Secretary with regard to road or trail closures. (Pub. L. 88-657, §8, as added Pub. L. 117-58, div. D, title VIII, §40801(a), Nov. 15, 2021, 135 Stat. 1094.)

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

§ 539. Additions to existing national forests; administration

(a) The following units of the National Forest System are hereby expanded:

- (1) Chugach National Forest by the addition of four areas, Nellie Juan, College Fjord, Copper/Rude River, and Controller Bay, containing approximately one million nine hundred thousand acres of public land, as generally depicted on the map entitled “Chugach National Forest additions—proposed”, and dated October 1978; and

- (2) Tongass National Forest by the addition of three areas, Kates Needle, Juneau Icefield, and Brabazon Range, containing approximately one million four hundred and fifty thousand acres of public lands, as generally depicted on the map entitled “Tongass National Forest additions—proposed”, and dated October 1978.

- (b) Subject to valid existing rights, lands added to the Tongass and Chugach National Forests by this section shall be administered by the Secretary in accordance with the applicable provisions of this Act and the laws, rules, and regulations applicable to the national forest system: *Provided*, That the conservation of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper/Rude River addition and the Copper River-Bering River portion of the existing Chugach National Forest, as generally depicted on the map appropriately referenced and dated October 1978: *Provided*, That the taking of fish and wildlife shall be permitted within zones established by this subsection pursuant to the provisions of this Act and other applicable State and Federal law. Multiple use activities shall be permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the Secretary.

(Pub. L. 96-487, title V, §501, Dec. 2, 1980, 94 Stat. 2398.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Statutory Notes and Related Subsidiaries**CHUGACH NATIONAL FOREST BOUNDARY CHANGE**

Pub. L. 102-415, §6, Oct. 14, 1992, 106 Stat. 2113, as amended by Pub. L. 113-287, §5(d)(12), Dec. 19, 2014, 128 Stat. 3265, provided that:

“(a) BOUNDARY ADJUSTMENT.—The boundary of the Chugach National Forest, Alaska, is modified to include the approximately 9,300 acres as generally depicted on the map entitled ‘Official Map, Boundary Modification, Chugach National Forest’ and dated September 1988. The map shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

“(b) ADMINISTRATION.—Subject to valid existing rights, all Federal lands brought within the boundary of the Chugach National Forest by subsection (a) are added to and shall be administered as part of the Chugach National Forest.

“(c) TERMS AND CONDITIONS.—(1) Nothing in this Act [see Short Title of 1992 Amendment note set out under section 1601 of Title 43, Public Lands] shall be construed to affect the validity of, or the terms and conditions of, any right-of-way, easement, lease, license, or permit on lands transferred by this section that is in existence on the date of enactment of this Act [Oct. 14, 1992].

“(2) Notwithstanding any other provision of law, the Secretary of the Interior shall delegate, as necessary, to the Secretary of Agriculture the authority to renew or reissue the authorizations described in paragraph (1). The change of administrative jurisdiction over these lands resulting from subsection (a) shall not constitute a ground for the denial of renewal or reissuance of the authorizations described in paragraph (1).

“(d) LAND AND WATER CONSERVATION FUND ACT.—For purposes of section 100506 of title 54, United States Code, the boundary of the Chugach National Forest, as modified by this section, shall be treated as if it were the boundary of the Chugach National Forest as of January 1, 1965.”

§ 539a. Mining and mineral leasing on certain national forest lands

Subject to valid existing rights, the minerals in public lands within the Copper River addition to the Chugach National Forest, are hereby withdrawn from location, entry, and patent under the United States mining laws. With respect to such areas, the Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of nonleasable minerals from the lands in the manner prescribed by Reorganization Plan Numbered 3 of 1946 and section 520 of this title, and the removal of leasable minerals from such lands in accordance with the mineral leasing laws, if the Secretary finds that such disposition would not have significant adverse effects on the administration of the area. All receipts derived from disposal of nonleasable minerals under this section shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests.

(Pub. L. 96-487, title V, §502, Dec. 2, 1980, 94 Stat. 2399.)

Editorial Notes**REFERENCES IN TEXT**

Reorganization Plan Numbered 3 of 1946, referred to in text, is Reorg. Plan No. 3 of 1946, July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 539b. Fisheries on national forest lands in Alaska**(a) Regulations for protection and maintenance of habitats**

The Secretary of Agriculture shall, in consultation with the Secretaries of Commerce and the Interior, and with the State of Alaska, pursuant to his existing authority to manage surface resources, promulgate such reasonable regulations as he determines necessary after consideration of existing laws and regulations to maintain the habitats, to the maximum extent feasible, of anadromous fish and other foodfish, and to maintain the present and continued productivity of such habitat when such habitats are affected by mining activities on national forest lands in Alaska. The Secretary of Agriculture, in consultation with the State, shall assess the effects on the populations of such fish in determinations made pursuant to this subsection.

(b) Approved plan for mining operations; requirements; review; modification; suspension of activities

Because of the large scale of contemplated mining operations and the proximity of such operations to important fishery resources, with respect to mining operations in the Quartz Hill area of the Tongass National Forest, the regulations of the Secretary shall, pursuant to this subsection, include a requirement that all mining operations involving significant surface disturbance shall be in accordance with an approved plan of operations. Before approving any proposed plan or distinct stages of such plan of operations for any such claims when any fishery habitat or fishery value may be affected, the Secretary shall, in consultation with the Secretaries of Commerce and the Interior and the State of Alaska, determine—

(1) that such plan or stages of such plan are based upon and shall include studies or information which he determines are adequate for—

(A) evaluating the water quality and water quantity, fishery habitat, and other fishery values of the affected area; and

(B) evaluating to the maximum extent feasible and relevant, the sensitivity to environmental degradation from activities carried out under such plan of the fishery habitat as it affects the various life stages of anadromous fish and other foodfish and their major food chain components;

(2) that such plan adequately identifies the risks the operations under such plan or such stages might pose to and the benefits the operations under such plan might provide to—

(A) the natural stability and the present and continued productivity of anadromous fish and other foodfish;

(B) fishery habitat, including but not limited to water quality and water quantity; and

(C) other fishery values;

(3) that such plan includes provisions which he determines are adequate for the purposes of—

(A) preventing significant adverse environmental impacts to the fishery habitat (in-