

§ 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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).¹

(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.)

Editorial Notes

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)), 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.

Statutory Notes and Related Subsidiaries

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.

¹ See References in Text note below.