

§ 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.

(I) 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).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.

¹ See References in Text note below.

(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)), 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.
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.