

109TH CONGRESS
2^D SESSION

H. R. 5612

To establish the Mountaintown National Scenic Area in the Chattahoochee National Forest, Georgia, and to designate additional National Forest System land in the State of Georgia as components of the National Wilderness Preservation System.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2006

Mr. DEAL of Georgia (for himself and Mr. NORWOOD) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Mountaintown National Scenic Area in the Chattahoochee National Forest, Georgia, and to designate additional National Forest System land in the State of Georgia as components of the National Wilderness Preservation System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chattahoochee Na-
5 tional Forest Act of 2006”.

1 **SEC. 2. MOUNTAINTOWN NATIONAL SCENIC AREA, CHAT-**
2 **TAHOOCHEE NATIONAL FOREST, GEORGIA.**

3 (a) ESTABLISHMENT.—There is hereby established in
4 the Chattahoochee National Forest in the State of Georgia
5 the Mountaintown National Scenic Area (in this section
6 referred to as the “scenic area”) consisting of approxi-
7 mately 13,382 acres, as generally depicted on the map en-
8 titled “Mountaintown Proposed Scenic Area—Chattahoo-
9 chee National Forest, Georgia” and dated May 3, 2006.

10 (b) MAP AND DESCRIPTIONS.—As soon as prac-
11 ticable after the date of the enactment of this Act, the
12 Secretary of Agriculture shall submit to Congress a final
13 map and boundary description of the scenic area. The map
14 and description shall have the same force and effect as
15 if included in this Act, except that the Secretary may cor-
16 rect clerical and typographical errors in the map and
17 boundary description. The map and boundary description
18 shall be on file and available for public inspection in the
19 Office of the Chief of the Forest Service. In the case of
20 any discrepancy between the acreage and the map referred
21 to in subsection (a) and the map and boundary description
22 required by this subsection, the map and boundary de-
23 scription required by this subsection shall control.

24 (c) MANAGEMENT.—

25 (1) PURPOSES.—The Secretary shall manage
26 the scenic area for the purposes of—

1 (A) ensuring the appropriate protection
2 and preservation of the scenic quality, water
3 quality, natural characteristics, and water re-
4 sources of the area;

5 (B) protecting and managing vegetation in
6 the area to provide wildlife and fish habitat,
7 consistent with subparagraph (A);

8 (C) providing parcels within the area that
9 may develop characteristics of old-growth for-
10 ests; and

11 (D) providing a variety of recreation op-
12 portunities, consistent with the preceding pur-
13 poses.

14 (2) PRIORITY.—In the case of a conflict be-
15 tween the management purposes specified in para-
16 graph (1) and the laws and regulations generally ap-
17 plicable to the National Forest System, the manage-
18 ment purposes shall take precedence.

19 (d) MANAGEMENT PLAN.—Not later than three years
20 after the date of the enactment of this Act, the Secretary
21 shall develop a management plan for the scenic area as
22 an amendment to the land and resource management plan
23 for the Chattahoochee National Forest. The amendment
24 shall conform to the requirements of this section. Nothing
25 in this section shall require the Secretary to revise the

1 land and resource management plan for the Chattahoo-
2 chee National Forest pursuant to section 6 of the Forest
3 and Rangeland Renewable Resources Planning Act of
4 1974 (16 U.S.C. 1604).

5 (e) ROADS.—After the date of the enactment of this
6 Act, no new roads shall be constructed or established with-
7 in the scenic area, except that this prohibition shall not
8 be construed to deny access to private lands or interests
9 therein in the scenic area.

10 (f) VEGETATION MANAGEMENT.—No timber harvest
11 shall be allowed within the scenic area, except as may be
12 necessary in the control of fire, insects, and diseases and
13 to provide for public safety and trail access. Notwith-
14 standing the foregoing, the Secretary may engage in vege-
15 tation manipulation practices for maintenance of existing
16 wildlife clearings and visual quality. Firewood may be har-
17 vested for personal use along perimeter roads under such
18 conditions as the Secretary may impose.

19 (g) MOTORIZED TRAVEL.—Motorized travel shall not
20 be permitted within the scenic area, except that the Sec-
21 retary may authorize motorized travel within the scenic
22 area as necessary for administrative use in furtherance of
23 the management purposes specified in subsection (e)(1)
24 and in support of wildlife management projects in exist-
25 ence as of the date of the enactment of this Act.

1 (h) FIRE.—Wildfires in the scenic area shall be sup-
2 pressed in a manner consistent with the management pur-
3 poses specified in subsection (c)(1), using such means as
4 the Secretary considers appropriate.

5 (i) INSECTS AND DISEASE.—Insect and disease out-
6 breaks may be controlled in the scenic area to maintain
7 scenic quality, prevent tree mortality, reduce hazards to
8 visitors, or protect private lands.

9 (j) WATER.—The scenic area shall be administered
10 so as to maintain or enhance existing water quality.

11 (k) MINING WITHDRAWAL.—Subject to valid existing
12 rights, all federally owned lands in the scenic area are
13 hereby withdrawn from location, entry, and patent under
14 the mining laws of the United States and from leasing
15 claims under the mineral and geothermal leasing laws of
16 the United States, including amendments to such laws.

17 **SEC. 3. DESIGNATION OF ADDITIONAL NATIONAL FOREST**
18 **SYSTEM LAND AS WILDERNESS IN GEORGIA.**

19 (a) DESIGNATION.—In furtherance of the purposes of
20 the Wilderness Act (16 U.S.C. 1131 et seq.), the following
21 lands in the State of Georgia, which are administered by
22 the Secretary of Agriculture as part of the Chattahoochee
23 National Forest and comprise approximately 8,448 acres,
24 as generally depicted on the maps dated May 3, 2006, and
25 entitled “Proposed Wilderness Additions—Chattahoochee

1 National Forest”, are hereby designated as wilderness and
2 incorporated into the existing wilderness area to which
3 they adjoin:

4 (1) Three additions to the existing Southern
5 Nantahala Wilderness: Ben Gap, consisting of 1,294
6 acres, Shoal Branch, consisting of 412, and Tate
7 Branch, consisting of 1,085 acres.

8 (2) One addition to the existing Blood Moun-
9 tain Wilderness: Cedar Mountain, consisting of 561
10 acres.

11 (3) Two additions to the existing Brasstown
12 Wilderness: Duck Branch, consisting of 190 acres,
13 and Wilson Cove, consisting of 563 acres.

14 (4) One addition to the existing Ellicott Rock
15 Wilderness: Ellicott Rock Addition, consisting of 562
16 acres.

17 (5) Two additions to the existing Cohutta Wil-
18 derness: Foster Branch, consisting of 165 acres, and
19 Ken Mountain, consisting of 527 acres.

20 (6) One addition to the existing Raven Cliffs
21 Wilderness: Helton Creek, consisting of 2,451 acres.

22 (7) One addition to the existing Tray Mountain
23 Wilderness: Tripp Branch, consisting of 638 acres.

24 (b) MAPS AND LEGAL DESCRIPTIONS.—As soon as
25 practicable after the date of the enactment of this Act,

1 the Secretary shall submit to Congress final maps and
2 boundary descriptions of the lands designated as wilder-
3 ness by this section. The maps and descriptions shall have
4 the same force and effect as if included in this Act, except
5 that the Secretary may correct clerical and typographical
6 errors in the maps and boundary descriptions. The maps
7 and boundary descriptions shall be on file and available
8 for public inspection in the Office of the Chief of the For-
9 est Service.

10 (c) ADMINISTRATION.—

11 (1) IN GENERAL.—Subject to valid existing
12 rights, the Secretary shall administer the lands des-
13 igned as wilderness by this section in accordance
14 with the Wilderness Act (16 U.S.C. 1131 et seq.)
15 and this section.

16 (2) EFFECTIVE DATE OF WILDERNESS ACT.—

17 With respect to the land designated as wilderness by
18 this section, any reference in the Wilderness Act (16
19 U.S.C. 1131 et seq.) to the effective date of the Wil-
20 derness Act shall be deemed to be a reference to the
21 date of enactment of this Act.

22 (3) FISH AND WILDLIFE.—As provided in sec-
23 tion 4(d)(7) of the Wilderness Act (16 U.S.C.
24 1133(d)(7)), nothing in this section shall be con-
25 strued as affecting the jurisdiction or responsibilities

1 of the State of Georgia with respect to fish and wild-
2 life in the Chattahoochee National Forest.

3 (4) WITHDRAWAL.—Subject to valid existing
4 rights in existence on the date of enactment of this
5 Act, the Federal land designated as wilderness by
6 this section is withdrawn from all forms of entry,
7 appropriation, or disposal under the public land
8 laws; location, entry, and patent under the mining
9 laws; and disposition under all laws pertaining to
10 mineral and geothermal leasing or mineral materials.

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