

117TH CONGRESS  
2D SESSION

# S. 3911

To establish the Shenandoah Mountain National Scenic Area in the State of Virginia, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 23, 2022

Mr. KAINE (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To establish the Shenandoah Mountain National Scenic Area in the State of Virginia, and for other purposes.

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 “Shenandoah Mountain  
5       Act of 2022”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) NATIONAL SCENIC AREA.—

9               (A) IN GENERAL.—The term “National  
10       Scenic Area” means the Shenandoah Mountain

1 National Scenic Area established by section  
2 3(a).

3 (B) INCLUSIONS.—The term “National  
4 Scenic Area” includes—

5 (i) any National Forest System land  
6 within the boundary of the National Scenic  
7 Area that is administered as part of the  
8 National Scenic Area; and

9 (ii) any National Forest System land  
10 embedded in the National Scenic Area that  
11 is administered as a component of the Na-  
12 tional Wilderness Preservation System  
13 under the amendments made by section 4.

14 (2) SECRETARY.—The term “Secretary” means  
15 the Secretary of Agriculture, acting through the  
16 Chief of the Forest Service.

17 (3) STATE.—The term “State” means the State  
18 of Virginia.

19 (4) WILDERNESS AREA.—The term “Wilderness  
20 Area” means a wilderness area designated by para-  
21 graphs (21) through (25) of section 1 of Public Law  
22 100–326 (16 U.S.C. 1132 note; 102 Stat. 584; 114  
23 Stat. 2057; 123 Stat. 1002) (as added by section 4).

1 **SEC. 3. ESTABLISHMENT OF THE SHENANDOAH MOUNTAIN**  
2 **NATIONAL SCENIC AREA.**

3 (a) ESTABLISHMENT.—Subject to valid existing  
4 rights, there is established the Shenandoah Mountain Na-  
5 tional Scenic Area, consisting of approximately 92,449  
6 acres of National Forest System land in the George Wash-  
7 ington National Forest, as generally depicted on the map  
8 filed under section 5(a)(1).

9 (b) PURPOSES.—The purposes of the National Scenic  
10 Area are—

11 (1) to ensure the protection and preservation of  
12 the scenic quality, water quality, natural characteris-  
13 tics, and water resources of the National Scenic  
14 Area;

15 (2) to protect wildlife, fish, and plant habitat in  
16 the National Scenic Area;

17 (3) to protect outstanding natural biological  
18 values and habitat for plant and animal species  
19 along the Shenandoah Mountain crest above 3,000  
20 feet elevation, including the Cow Knob salamander;

21 (4) to protect forests in the National Scenic  
22 Area that may develop characteristics of old-growth  
23 forests;

24 (5) to protect the Wilderness Areas; and

25 (6) to provide for a variety of, and improve ex-  
26 isting, recreation opportunities in the National Sce-

1        nic Area in a manner consistent with the purposes  
 2        of the National Scenic Area described in paragraphs  
 3        (1) through (5).

4        (c) ADMINISTRATION.—

5            (1) IN GENERAL.—Except as provided in para-  
 6        graph (2), the Secretary shall administer the Na-  
 7        tional Scenic Area in accordance with—

8            (A) this section; and

9            (B) the laws (including regulations) gen-  
 10        erally applicable to the National Forest System.

11          (2) EXCEPTION.—Subject to valid existing  
 12        rights, the Secretary shall administer the Wilderness  
 13        Areas in accordance with the Wilderness Act (16  
 14        U.S.C. 1131 et seq.) and any other laws applicable  
 15        to the Wilderness Areas, except that any reference  
 16        in that Act to the effective date of that Act shall be  
 17        considered to be a reference to the date of enact-  
 18        ment of this Act for purposes of administering the  
 19        Wilderness Areas.

20          (3) EFFECT; CONFLICTS.—

21            (A) EFFECT.—The establishment of the  
 22        National Scenic Area shall not affect the ad-  
 23        ministration of the Wilderness Areas.

24            (B) CONFLICTS.—In the case of any con-  
 25        flict between the laws applicable to the Wilder-

1           ness Areas, the Wilderness Act (16 U.S.C.  
2           1131 et seq.) shall control.

3           (4) NO BUFFER ZONES.—

4                 (A) IN GENERAL.—Nothing in this section  
5           creates a protective perimeter or buffer zone  
6           around the National Scenic Area or a Wilder-  
7           ness Area.

8                 (B) ACTIVITIES OUTSIDE NATIONAL SCE-  
9           NIC AREA OR WILDERNESS AREAS.—The fact  
10          that an activity or use on land outside the Na-  
11          tional Scenic Area or a Wilderness Area can be  
12          seen or heard within the National Scenic Area  
13          or Wilderness Area shall not preclude the activ-  
14          ity or use outside the boundaries of the Na-  
15          tional Scenic Area or Wilderness Area.

16          (d) RECREATIONAL USES.—

17                 (1) IN GENERAL.—Except as otherwise pro-  
18          vided in this section or under applicable law, the  
19          Secretary shall authorize the continuation of, or seek  
20          to improve, authorized recreational uses of the Na-  
21          tional Scenic Area in existence on the date of enact-  
22          ment of this Act.

23                 (2) EFFECT.—Nothing in this section interferes  
24          with the authority of the Secretary—

1 (A) to maintain or improve nonmotorized  
2 trails and recreation sites within the National  
3 Scenic Area;

4 (B) to construct new nonmotorized trails  
5 and recreation sites within the National Scenic  
6 Area;

7 (C) to adjust recreational uses within the  
8 National Scenic Area for reasons of sound re-  
9 source management or public safety; and

10 (D) to approve and issue or deny special  
11 use permits in connection with recreation within  
12 the National Scenic Area.

13 (3) REQUIREMENT.—Recreation within the Na-  
14 tional Scenic Area shall be conducted in a manner  
15 consistent with the purposes of the National Scenic  
16 Area described in subsection (b).

17 (e) TRAIL PLAN.—

18 (1) IN GENERAL.—Not later than 2 years after  
19 the date of enactment of this Act, the Secretary  
20 shall develop a trail plan for National Forest System  
21 land in the National Scenic Area that is not a Wil-  
22 derness Area, in order to maintain, improve, and de-  
23 velop nonmotorized recreation trails on the National  
24 Forest System land in a manner consistent with the

1 purposes of the National Scenic Area described in  
2 subsection (b).

3 (2) POTENTIAL INCLUSION.—The Secretary  
4 may address in the trail plan developed under para-  
5 graph (1) National Forest System land that is near,  
6 but not within the boundary of, the National Scenic  
7 Area.

8 (3) CONSULTATION.—In developing the trail  
9 plan under paragraph (1), the Secretary shall con-  
10 sult with interested parties, including members of  
11 the public.

12 (4) REQUIREMENTS.—The trail plan developed  
13 under paragraph (1) shall—

14 (A) promote sustainable trail management  
15 that protects natural resources and provides di-  
16 verse, high-quality, and safe recreation opportu-  
17 nities, which may include loop trails for all non-  
18 motorized uses;

19 (B) consider natural resource protection,  
20 trail sustainability, and trail maintenance needs  
21 as primary factors in determining the location  
22 or relocation of trails; and

23 (C) develop a trail outside of the Little  
24 River Wilderness Area in the area of the Till-  
25 man Road corridor (along Forest System road

101) to connect the Wolf Ridge Trail parking area to the Wild Oak National Recreation Trail, as generally depicted on the applicable map filed under section 5(a)(2).

(5) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan developed under paragraph (1), including the identification of the trail described in paragraph (4)(C) and any other priority trails identified for development.

(f) ROADS.—

(1) IN GENERAL.—The establishment of the National Scenic Area shall not—

(A) result in the closure of any National Forest System roads, as generally depicted on the map filed under section 5(a)(1); or

(B) modify public access within the National Scenic Area.

(2) NO NEW ROADS.—No new roads shall be constructed in the National Scenic Area after the date of enactment of this Act.

(3) EFFECT.—Nothing in this section—

(A) denies any owner of private land or an interest in private land that is located within



the National Scenic Area the right to access the private land;

(B) alters the authority of the Secretary to open or close roads in the National Scenic Area in existence on the date of enactment of this Act in furtherance of the purposes of this Act; or

(C) alters the authority of the State—

(i) to maintain the access road to the crest of Shenandoah Mountain (Route 924); or

(ii) to realign the access road described in clause (i) if necessary for reasons of sound resource management or public safety.

(4) PARKING AREAS.—

(A) IN GENERAL.—Subject to subparagraph (B), the reconstruction, minor relocation, and construction of parking areas in the National Scenic Area is authorized in a manner consistent with the purposes of the National Scenic Area described in subsection (b).

(B) LIMITATION.—Additional trailhead parking areas authorized in the National Scenic

1           Area under subparagraph (A) may only be con-  
2           structed along National Forest System roads.

3           (g) **MOTORIZED VEHICLES.**—Motorized travel shall  
4 only be allowed on roads within the portions of the Na-  
5 tional Scenic Area that are not Wilderness Areas, in a  
6 manner consistent with subsection (f).

7           (h) **WATER.**—The Secretary shall administer the Na-  
8 tional Scenic Area in a manner that maintains and en-  
9 hances water quality.

10          (i) **WATER IMPOUNDMENTS.**—The establishment of  
11 the National Scenic Area shall not prohibit—

12           (1) the operation, maintenance, or improvement  
13 of, or access to, dams, reservoirs, or related infra-  
14 structure in existence on the date of enactment of  
15 this Act, as generally depicted on the map filed  
16 under section 5(a)(1); or

17           (2) the establishment of new dams, reservoirs,  
18 or related infrastructure if necessary for municipal  
19 use.

20          (j) **TIMBER HARVEST.**—

21           (1) **IN GENERAL.**—Except as provided in para-  
22 graph (2), no harvesting of timber shall be allowed  
23 within the National Scenic Area.

24           (2) **EXCEPTIONS.**—

(A) NECESSARY HARVESTING.—The Secretary may authorize harvesting of timber in the National Scenic Area if the Secretary determines that the harvesting is necessary—

(i) to control fire;

(ii) to provide for public safety or trail access;

(iii) to construct or maintain overlooks and vistas; or

(iv) to control insect or disease outbreaks.

(B) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along roads within the National Scenic Area, subject to any conditions that the Secretary may require.

(k) INSECT AND DISEASE OUTBREAKS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out activities necessary to control insect and disease outbreaks in a manner consistent with the purposes of the National Scenic Area described in subsection (b)—

(A) to maintain scenic quality;

(B) to reduce hazards to visitors; or

(C) to protect private land.

1           (2) LIMITATIONS.—For purposes of activities  
2 carried out under paragraph (1)—

3           (A) native forest insect and disease out-  
4 breaks shall be controlled only—

5                 (i) to prevent unacceptable damage to  
6 resources on adjacent land; or

7                 (ii) to protect threatened, endangered,  
8 sensitive, or locally rare species, with bio-  
9 logical control methods being favored; and

10           (B) nonnative insects and diseases may be  
11 eradicated or suppressed only in order to pre-  
12 vent a loss of a special biological community.

13       (1) VEGETATION MANAGEMENT.—The Secretary may  
14 engage in vegetation manipulation practices within the  
15 National Scenic Area in a manner consistent with the pur-  
16 poses of the National Scenic Area described in subsection  
17 (b)—

18           (1) to maintain wildlife clearings and scenic en-  
19 hancements in existence on the date of enactment of  
20 this Act; or

21           (2) to construct not more than 100 acres of ad-  
22 ditional wildlife clearings by—

23                 (A) expanding wildlife clearings in exist-  
24 ence on the date of enactment of this Act; or

1 (B) constructing new wildlife clearings of  
2 approximately 2 to 5 acres.

3 (m) WILDFIRE SUPPRESSION.—

4 (1) IN GENERAL.—Nothing in this section pro-  
5 hibits the Secretary, in cooperation with other Fed-  
6 eral, State, and local agencies, as appropriate, from  
7 carrying out wildfire suppression activities within the  
8 National Scenic Area.

9 (2) REQUIREMENTS.—Wildfire suppression ac-  
10 tivities within the National Scenic Area shall be car-  
11 ried out—

12 (A) in a manner consistent with the pur-  
13 poses of the National Scenic Area described in  
14 subsection (b); and

15 (B) using such means as the Secretary de-  
16 termines to be appropriate.

17 (n) PRESCRIBED FIRE.—Nothing in this section pro-  
18 hibits the Secretary from conducting prescribed burns  
19 within the National Scenic Area in a manner consistent  
20 with the purposes of the National Scenic Area described  
21 in subsection (b).

22 (o) WITHDRAWAL.—

23 (1) IN GENERAL.—Subject to valid existing  
24 rights, all Federal land within the National Scenic  
25 Area is withdrawn from—

1 (A) entry, appropriation, or disposal under  
2 the public land laws;

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

5 (C) operation of the mineral leasing and  
6 geothermal leasing laws;

7 (D) wind energy development; and

8 (E) designation of new utility corridors,  
9 utility rights-of-way, or communication sites.

10 (2) EFFECT.—The withdrawal under paragraph  
11 (1) shall not deny access to private interests within  
12 the National Scenic Area.

13 (p) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—As soon as practicable after  
15 the date of the completion of the trail plan under  
16 subsection (e), but not later than 2 years after the  
17 date of enactment of this Act, the Secretary shall  
18 develop as an amendment to the land and resource  
19 management plan for the George Washington Na-  
20 tional Forest a management plan for the National  
21 Scenic Area that is consistent with this section.

22 (2) EFFECT.—Nothing in this subsection re-  
23 quires the Secretary to revise the land and resource  
24 management plan for the George Washington Na-  
25 tional Forest under section 6 of the Forest and

1 Rangeland Renewable Resources Planning Act of  
2 1974 (16 U.S.C. 1604).

3 **SEC. 4. DESIGNATION OF WILDERNESS AREAS.**

4 Section 1 of Public Law 100–326 (16 U.S.C. 1132  
5 note; 102 Stat. 584; 114 Stat. 2057; 123 Stat. 1002) is  
6 amended by adding at the end the following:

7 “(21) SKIDMORE FORK WILDERNESS.—Certain  
8 land in the George Washington National Forest  
9 comprising approximately 5,079 acres, as generally  
10 depicted on the applicable map filed under section  
11 5(a)(2) of the Shenandoah Mountain Act of 2022,  
12 which shall be known as the ‘Skidmore Fork Wilder-  
13 ness’.

14 “(22) RAMSEYS DRAFT WILDERNESS ADDI-  
15 TION.—Certain land in the George Washington Na-  
16 tional Forest comprising approximately 6,963 acres,  
17 as generally depicted on the applicable map filed  
18 under section 5(a)(2) of the Shenandoah Mountain  
19 Act of 2022, which shall be incorporated into the  
20 Ramseys Draft Wilderness designated by Public Law  
21 98–586 (16 U.S.C. 1132 note; 98 Stat. 3106).

22 “(23) LYNN HOLLOW WILDERNESS.—Certain  
23 land in the George Washington National Forest  
24 comprising approximately 3,574 acres, as generally  
25 depicted on the applicable map filed under section

1       5(a)(2) of the Shenandoah Mountain Act of 2022,  
 2       which shall be known as the ‘Lynn Hollow Wilder-  
 3       ness’.

4           “(24) LITTLE RIVER WILDERNESS.—Certain  
 5       land in the George Washington National Forest  
 6       comprising approximately 12,461 acres, as generally  
 7       depicted on the applicable map filed under section  
 8       5(a)(2) of the Shenandoah Mountain Act of 2022,  
 9       which shall be known as the ‘Little River Wilder-  
 10      ness’.

11          “(25) BEECH LICK KNOB WILDERNESS.—Cer-  
 12      tain land in the George Washington National Forest  
 13      comprising approximately 5,764 acres, as generally  
 14      depicted on the applicable map filed under section  
 15      5(a)(2) of the Shenandoah Mountain Act of 2022,  
 16      which shall be known as the ‘Beech Lick Knob Wil-  
 17      derness’.”.

18 **SEC. 5. MAPS AND BOUNDARY DESCRIPTIONS.**

19       (a) FILING.—As soon as practicable after the date  
 20      of enactment of this Act, the Secretary shall file with the  
 21      Committee on Agriculture, Nutrition, and Forestry of the  
 22      Senate and the Committee on Natural Resources and the  
 23      Committee on Agriculture of the House of Representatives  
 24      maps and boundary descriptions of—

25           (1) the National Scenic Area; and



1           (2) each of the Wilderness Areas.

2           (b) FORCE AND EFFECT.—The maps and boundary  
3 descriptions filed under subsection (a) shall have the same  
4 force and effect as if included in this Act, except that the  
5 Secretary may correct clerical and typographical errors in  
6 the maps and boundary descriptions.

7           (c) MAPS CONTROL.—In the case of any discrepancy  
8 between the acreage of the National Scenic Area or a Wil-  
9 derness Area and the applicable map filed under sub-  
10 section (a), the applicable map filed under that subsection  
11 shall control.

12          (d) AVAILABILITY.—The maps and boundary descrip-  
13 tions filed under subsection (a) shall be on file and avail-  
14 able for public inspection in the office of the Chief of the  
15 Forest Service.

○