

Calendar No. 781110TH CONGRESS
2D SESSION**S. 570****[Report No. 110-349]**

To designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2007

Mr. WARNER (for himself and Mr. WEBB) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for

the development of trail plans for the wilderness areas and scenic areas, 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 AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Virginia Ridge and Valley Act of 2007”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Designation of additional National Forest System lands in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.

Sec. 3. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 4. Designation of Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 5. Trail plan and development.

8 **SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST**
9 **SYSTEM LANDS IN JEFFERSON NATIONAL**
10 **FOREST, VIRGINIA, AS WILDERNESS OR A**
11 **WILDERNESS STUDY AREA.**

12 (a) **DESIGNATION OF WILDERNESS.**—Section 1 of
13 Public Law 100–326 (102 Stat. 584; 16 U.S.C. 1132
14 note), as amended by Public Law 106–471 (114 Stat.
15 2057), is further amended—

16 (1) in the matter preceding paragraph (1), by
17 striking “System—” and inserting “System.”;

18 (2) by striking “certain” at the beginning of
19 paragraphs (1) through (8) and inserting “Certain”;

1 (3) by striking the semicolon at the end of
2 paragraphs (1) through (6) and inserting a period;

3 (4) by striking “; and” at the end of paragraph
4 (7) and inserting a period; and

5 (5) by adding at the end the following new
6 paragraphs:

7 “(9) Certain lands in the Jefferson National
8 Forest, which comprise approximately 3,769 acres,
9 as generally depicted on the map entitled ‘Brush
10 Mountain and Brush Mountain East’ and dated
11 February 2007, and which shall be known as the
12 Brush Mountain East Wilderness.

13 “(10) Certain lands in the Jefferson National
14 Forest, which comprise approximately 4,794 acres,
15 as generally depicted on the map entitled ‘Brush
16 Mountain and Brush Mountain East’ and dated
17 February 2007, and which shall be known as the
18 Brush Mountain Wilderness.

19 “(11) Certain lands in the Jefferson National
20 Forest, which comprise approximately 4,223 acres,
21 as generally depicted on the map entitled ‘Seng
22 Mountain and Raccoon Branch’ and dated February
23 2007, and which shall be known as the Raccoon
24 Branch Wilderness.

1 “(12) Certain lands in the Jefferson National
2 Forest, which comprise approximately 3,270 acres,
3 as generally depicted on the map entitled ‘Stone
4 Mountain’ and dated February 2007, and which
5 shall be known as the Stone Mountain Wilderness.

6 “(13) Certain lands in the Jefferson National
7 Forest, which comprise approximately 8,470 acres,
8 as generally depicted on the map entitled ‘Hunting
9 Camp Creek and Garden Mountain’ and dated Feb-
10 ruary 2007, and which shall be known as the Hunt-
11 ing Camp Creek Wilderness.

12 “(14) Certain lands in the Jefferson National
13 Forest, which comprise approximately 3,291 acres,
14 as generally depicted on the map entitled ‘Hunting
15 Camp Creek and Garden Mountain’ and dated Feb-
16 ruary 2007, and which shall be known as the Gar-
17 den Mountain Wilderness.

18 “(15) Certain lands in the Jefferson National
19 Forest, which comprise approximately 5,476 acres,
20 as generally depicted on the map entitled ‘Mountain
21 Lake Additions’ and dated February 2007, and
22 which are hereby incorporated in the Mountain Lake
23 Wilderness designated by section 2(6) of the Vir-
24 ginia Wilderness Act of 1984 (Public Law 98-586;
25 98 Stat. 3105).

1 “(16) Certain lands in the Jefferson National
2 Forest, which comprise approximately 308 acres, as
3 generally depicted on the map entitled ‘Lewis Fork
4 Addition and Little Wilson Creek Additions’ and
5 dated February 2007, and which are hereby incor-
6 porated in the Lewis Fork Wilderness designated by
7 section 2(3) of the Virginia Wilderness Act of 1984
8 (Public Law 98–586; 98 Stat. 3105).

9 “(17) Certain lands in the Jefferson National
10 Forest, which comprise approximately 1,845 acres,
11 as generally depicted on the map entitled ‘Lewis
12 Fork Addition and Little Wilson Creek Additions’
13 and dated February 2007, and which are hereby in-
14 corporated in the Little Wilson Creek Wilderness
15 designated by section 2(5) of the Virginia Wilder-
16 ness Act of 1984 (Public Law 98–586; 98 Stat.
17 3105).

18 “(18) Certain lands in the Jefferson National
19 Forest, which comprise approximately 2,249 acres,
20 as generally depicted on the map entitled ‘Shawvers
21 Run Additions’ and dated February 2007, and
22 which are hereby incorporated in the Shawvers Run
23 Wilderness designated by paragraph (4).

24 “(19) Certain lands in the Jefferson National
25 Forest, which comprise approximately 1,203 acres,

1 as generally depicted on the map entitled ‘Peters
 2 Mountain Addition’ and dated February 2007, and
 3 which are hereby incorporated in the Peters Moun-
 4 tain Wilderness designated by section 2(7) of the
 5 Virginia Wilderness Act of 1984 (Public Law 98-
 6 586; 98 Stat. 3105).

7 “(20) Certain lands in the Jefferson National
 8 Forest, which comprise approximately 263 acres, as
 9 generally depicted on the map entitled ‘Kimberling
 10 Creek Additions and Potential Wilderness Area’ and
 11 dated February 2007, and which are hereby incor-
 12 porated in the Kimberling Creek Wilderness des-
 13 igned by section 2(2) of the Virginia Wilderness
 14 Act of 1984 (Public Law 98-586; 98 Stat. 3105).”.

15 (b) DESIGNATION OF WILDERNESS STUDY AREA.—
 16 Section 6(a) of the Virginia Wilderness Act of 1984 (Pub-
 17 lie Law 98-586; 98 Stat. 3108) is amended—

18 (1) by striking “certain” at the beginning of
 19 paragraphs (1) through (4) and inserting “Certain”;

20 (2) by striking the semicolon at the end of
 21 paragraphs (1) and (2) and inserting a period;

22 (3) by striking “; and” at the end of paragraph
 23 (3) and inserting a period; and

24 (4) by adding at the end the following new
 25 paragraph:

1 “(5) Certain lands in the Jefferson National
2 Forest, which comprise approximately 3,226 acres,
3 as generally depicted on a map entitled ‘Lynn Camp
4 Creek Wilderness Study Area’ and dated February
5 2007, and which shall be known as the Lynn Camp
6 Creek Wilderness Study Area.”.

7 (c) MAPS AND LEGAL DESCRIPTIONS.—

8 (1) FILING.—As soon as practicable after the
9 date of the enactment of this Act, the Secretary of
10 Agriculture shall file with the Committee on Agri-
11 culture, Nutrition, and Forestry of the Senate and
12 the Committee on Natural Resources and the Com-
13 mittee on Agriculture of the House of Representa-
14 tives a map and legal description of each wilderness
15 area designated or expanded by the amendments
16 made by subsection (a) and of the Lynn Camp
17 Creek Wilderness Study Area designated by the
18 amendment made by subsection (b).

19 (2) FORCE AND EFFECT.—The maps and legal
20 descriptions referred to in paragraph (1) shall have
21 the same force and effect as if included in this Act,
22 except that the Secretary of Agriculture may correct
23 clerical and typographical errors in the maps and de-
24 scriptions. In the case of any discrepancy between
25 the acreage specified in the amendments made by

1 subsection (a) or (b) and the corresponding map
2 filed under paragraph (1), the map shall control.

3 ~~(3) AVAILABILITY.~~—The maps and legal de-
4 scriptions referred to in paragraph (1) shall be on
5 file and available for public inspection in the Office
6 of the Chief of the Forest Service.

7 ~~(d) ADMINISTRATION.~~—

8 ~~(1) NEW WILDERNESS AREAS.~~—Subject to valid
9 existing rights, the Secretary of Agriculture shall ad-
10 minister the lands in the Jefferson National Forest
11 designated as a new wilderness area by the amend-
12 ments made by subsection (a) in accordance with
13 this section and the Wilderness Act (16 U.S.C. 1131
14 et seq.); except that, with respect to such lands, any
15 reference in the Wilderness Act to the effective date
16 of that Act shall be deemed to be a reference to the
17 date of the enactment of this Act.

18 ~~(2) EXPANDED WILDERNESS AREAS.~~—Subject
19 to valid existing rights, the Secretary of Agriculture
20 shall administer the lands in the Jefferson National
21 Forest designated as wilderness and incorporated
22 into an existing wilderness area by the amendments
23 made by subsection (a) in accordance with this sec-
24 tion, the Wilderness Act (16 U.S.C. 1131 et seq.),
25 and other laws applicable to that wilderness area;

1 except that, with respect to such lands, any ref-
2 erence in the Wilderness Act to the effective date of
3 that Act shall be deemed to be a reference to the
4 date of the enactment of this Act.

5 **SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL**
6 **WILDERNESS AREA, JEFFERSON NATIONAL**
7 **FOREST, VIRGINIA.**

8 (a) DESIGNATION.—In furtherance of the purposes of
9 the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands
10 in the Jefferson National Forest, which comprise approxi-
11 mately 349 acres, as generally depicted on the map enti-
12 tled “Kimberling Creek Additions and Potential Wilder-
13 ness Area” and dated February 2007, are designated as
14 a potential wilderness area for eventual incorporation in
15 the Kimberling Creek Wilderness designated by section
16 2(2) of the Virginia Wilderness Act of 1984 (Public Law
17 98–586; 98 Stat. 3105).

18 (b) MAP AND LEGAL DESCRIPTIONS.—

19 (1) FILING.—As soon as practicable after the
20 date of the enactment of this Act, the Secretary of
21 Agriculture shall file with the Committee on Agri-
22 culture, Nutrition, and Forestry of the Senate and
23 the Committee on Natural Resources and the Com-
24 mittee on Agriculture of the House of Representa-

1 tives a map and legal description of potential wilder-
2 ness area.

3 (2) FORCE AND EFFECT.—The map and legal
4 description referred to in paragraph (1) shall have
5 the same force and effect as if included in this Act,
6 except that the Secretary of Agriculture may correct
7 clerical and typographical errors in the map and de-
8 scription. In the case of any discrepancy between the
9 acreage specified in subsection (a) and the map filed
10 under paragraph (1), the map shall control.

11 (3) AVAILABILITY.—The map and legal descrip-
12 tion referred to in paragraph (1) shall be on file and
13 available for public inspection in the Office of the
14 Chief of the Forest Service.

15 (c) MANAGEMENT.—Except as provided in subsection
16 (d) and subject to valid existing rights, the Secretary of
17 Agriculture shall manage the potential wilderness area as
18 wilderness pending its incorporation in the Kimberling
19 Creek Wilderness.

20 (d) ECOLOGICAL RESTORATION.—

21 (1) IN GENERAL.—For purposes of ecological
22 restoration (including the elimination of non-native
23 species, removal of illegal, unused, or decommis-
24 sioned roads, and any other activities necessary to
25 restore the natural ecosystems in the potential wil-

1 derness area), the Secretary of Agriculture may use
2 motorized equipment and mechanized transport in
3 the potential wilderness area until its incorporation
4 in the Kimberling Creek Wilderness.

5 (2) LIMITATION.—To the maximum extent
6 practicable, the Secretary shall use the minimum
7 tool or administrative practice necessary to accom-
8 plish ecological restoration with the least amount of
9 adverse impact on wilderness character and re-
10 sources.

11 (e) WILDERNESS DESIGNATION.—The potential wil-
12 derness area shall be designated as wilderness and incor-
13 porated in the Kimberling Creek Wilderness on the earlier
14 of—

15 (1) the date on which the Secretary of Agri-
16 culture publishes in the Federal Register notice that
17 the conditions in the potential wilderness area that
18 are incompatible with the Wilderness Act (16 U.S.C.
19 ~~1131~~ et seq.) have been removed; or

20 (2) the date that is five years after the date of
21 the enactment of this Act.

22 (f) ADMINISTRATION.—Subject to valid existing
23 rights, upon incorporation of the lands designated as wil-
24 derness under subsection (e) in the Kimberling Creek Wil-
25 derness, the Secretary of Agriculture shall administer the

1 lands in accordance with the Wilderness Act (16 U.S.C.
 2 1131 et seq.) and other laws applicable to that wilderness
 3 area, except that, with respect to such lands, any reference
 4 in the Wilderness Act to the effective date of that Act shall
 5 be deemed to be a reference to the date on which the lands
 6 are designated as wilderness under subsection (c).

7 **SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR**
 8 **CREEK SCENIC AREAS, JEFFERSON NA-**
 9 **TIONAL FOREST, VIRGINIA.**

10 (a) **ESTABLISHMENT.**—The following National For-
 11 est System lands in the State of Virginia are hereby des-
 12 igned as National Scenic Areas (in this section referred
 13 to as the “scenic areas”):

14 (1) Certain lands in the Jefferson National
 15 Forest, which comprise approximately 6,455 acres,
 16 as generally depicted on the map entitled “Seng
 17 Mountain and Raccoon Branch” and dated February
 18 2007, and which shall be known as the Seng Moun-
 19 tain National Scenic Area.

20 (2) Certain lands in the Jefferson National
 21 Forest, which comprise approximately 5,128 acres,
 22 as generally depicted on the map entitled “Bear
 23 Creek” and dated February 2007, and which shall
 24 be known as the Bear Creek National Scenic Area.

25 (b) **MAPS AND LEGAL DESCRIPTIONS.**—

1 (1) FILING.—As soon as practicable after the
2 date of the enactment of this Act, the Secretary of
3 Agriculture shall file with the Committee on Agri-
4 culture, Nutrition, and Forestry of the Senate and
5 the Committee on Natural Resources and the Com-
6 mittee on Agriculture of the House of Representa-
7 tives a map and legal description of each of the sce-
8 nic areas.

9 (2) FORCE AND EFFECT.—The maps and legal
10 descriptions referred to in paragraph (1) shall have
11 the same force and effect as if included in this Act,
12 except that the Secretary of Agriculture may correct
13 clerical and typographical errors in the maps and de-
14 scriptions. In the case of any discrepancy between
15 the acreage specified in subsection (a) and the cor-
16 responding map filed under paragraph (1), the map
17 shall control.

18 (3) AVAILABILITY.—The maps and legal de-
19 scriptions referred to in paragraph (1) shall be on
20 file and available for public inspection in the Office
21 of the Chief of the Forest Service.

22 (c) PURPOSES OF SCENIC AREAS.—The scenic areas
23 are established for the purposes of—

1 (1) ensuring the protection and preservation of
2 scenic quality, water quality, natural characteristics,
3 and water resources;

4 (2) protecting wildlife and fish habitat, con-
5 sistent with paragraph (1);

6 (3) protecting areas that may develop charac-
7 teristics of old-growth forests; and

8 (4) providing a variety of recreation opportuni-
9 ties, consistent with the preceding paragraphs.

10 (d) ADMINISTRATION.—

11 (1) IN GENERAL.—The Secretary of Agriculture
12 shall administer the scenic areas in accordance with
13 this section and the laws and regulations generally
14 applicable to the National Forest System. In the
15 event of conflict between this section and other laws
16 and regulations, this section shall take precedence.

17 (2) CONSISTENT USE.—The Secretary shall
18 only allow such uses of the scenic areas as the Sec-
19 retary finds will further the purposes for which the
20 scenic areas are established.

21 (e) MANAGEMENT PLAN.—Within two years after the
22 date of the enactment of this Act, the Secretary of Agri-
23 culture shall develop a management plan for the scenic
24 areas consistent with this section. The management plan
25 shall be developed as an amendment to the land and re-

1 source management plan for the Jefferson National For-
2 est, except that nothing in this section requires the Sec-
3 retary to revise the land and resource management plan
4 for the Jefferson National Forest pursuant to section 6
5 of the Forest and Rangeland Renewable Resources Plan-
6 ning Act of 1974 (16 U.S.C. 1604).

7 (f) ROADS.—After the date of the enactment of this
8 Act, no roads shall be established or constructed within
9 the scenic areas, except that this prohibition shall not be
10 construed to deny access to private lands or interests
11 therein in the scenic areas.

12 (g) VEGETATION MANAGEMENT.—No timber harvest
13 shall be allowed within the scenic areas, except as the Sec-
14 retary of Agriculture finds necessary in the control of fire,
15 insects, and diseases and to provide for public safety and
16 trail access. Notwithstanding the preceding sentence, the
17 Secretary may engage in vegetation manipulation prac-
18 tices for maintenance of existing wildlife clearings and vis-
19 ual quality. Firewood may be harvested for personal use
20 along perimeter roads under such conditions as the Sec-
21 retary may impose.

22 (h) MOTORIZED TRAVEL.—Motorized travel shall not
23 be permitted within the scenic areas, except that the Sec-
24 retary of Agriculture may authorize motorized travel with-
25 in the scenic areas—

1 (1) as necessary for administrative use in fur-
2 therance of the purposes of this section;

3 (2) in support of wildlife management projects
4 in existence as of the date of the enactment of this
5 Act; and

6 (3) on Forest Development Road 9410 and 84b
7 during deer and bear hunting seasons.

8 (i) FIRE.—Wildfires in the scenic area shall be sup-
9 pressed in a manner consistent with the purposes of this
10 section, using such means as the Secretary of Agriculture
11 considers appropriate.

12 (j) INSECTS AND DISEASE.—Insect and disease out-
13 breaks may be controlled in the scenic areas to maintain
14 scenic quality, prevent tree mortality, reduce hazards to
15 visitors, or protect private lands.

16 (k) WATER.—The Secretary of Agriculture shall ad-
17 minister the scenic areas so as to maintain and enhance
18 water quality.

19 (l) MINING WITHDRAWAL.—Subject to valid existing
20 rights, all federally owned lands in the scenic areas are
21 withdrawn from location, entry, and patent under the min-
22 ing laws of the United States and from leasing claims
23 under the mineral and geothermal leasing laws of the
24 United States, including amendments to such laws.

1 **SEC. 5. TRAIL PLAN AND DEVELOPMENT.**

2 (a) **TRAIL PLAN.**—The Secretary of Agriculture shall
3 establish a trail plan for National Forest System lands
4 described in this subsection in order to develop the fol-
5 lowing:

6 (1) Hiking and equestrian trails on the lands in
7 the Jefferson National Forest designated as wilder-
8 ness by the amendments made by section 2(a), in a
9 manner consistent with the Wilderness Act (16
10 U.S.C. 1131 et seq.).

11 (2) Nonmotorized recreation trails within the
12 Seng Mountain and Bear Creek Scenic Areas des-
13 igned by section 4.

14 (b) **CONSULTATION.**—The Secretary of Agriculture
15 shall establish the trail plan in consultation with interested
16 parties.

17 (c) **IMPLEMENTATION REPORT.**—Not later than two
18 years after the date of the enactment of this Act, the Sec-
19 retary of Agriculture shall submit to Congress a report
20 on the implementation of the trail plan, including the iden-
21 tification of priority trails for development.

22 (d) **TRAIL REQUIRED.**—The Secretary of Agriculture
23 shall develop a sustainable trail, using a contour curvi-
24 linear alignment, to provide a continuous connection for
25 non-motorized travel between County Route 650 and For-
26 est Development Road 4018 in Smyth County, Virginia.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Virginia Ridge and Val-*
 3 *ley Act of 2008”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *SCENIC AREAS.*—*The term “scenic areas”*
 7 *means the Seng Mountain National Scenic Area and*
 8 *the Bear Creek National Scenic Area.*

9 (2) *SECRETARY.*—*The term “Secretary” means*
 10 *the Secretary of Agriculture.*

11 **SEC. 3. DESIGNATION OF ADDITIONAL NATIONAL FOREST**
 12 **SYSTEM LAND IN JEFFERSON NATIONAL FOR-**
 13 **EST, VIRGINIA, AS WILDERNESS OR A WILDER-**
 14 **NESS STUDY AREA.**

15 (a) *DESIGNATION OF WILDERNESS.*—*Section 1 of Pub-*
 16 *lic Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584, 114*
 17 *Stat. 2057), is amended—*

18 (1) *in the matter preceding paragraph (1), by*
 19 *striking “System—” and inserting “System:”;*

20 (2) *by striking “certain” each place it appears*
 21 *and inserting “Certain”;*

22 (3) *in each of paragraphs (1) through (6), by*
 23 *striking the semicolon at the end and inserting a pe-*
 24 *riod;*

25 (4) *in paragraph (7), by striking “; and” and*
 26 *inserting a period; and*

1 (5) by adding at the end the following:

2 “(9) Certain land in the Jefferson National For-
3 est comprising approximately 3,743 acres, as gen-
4 erally depicted on the map entitled ‘Brush Mountain
5 and Brush Mountain East’ and dated May 5, 2008,
6 which shall be known as the ‘Brush Mountain East
7 Wilderness’.

8 “(10) Certain land in the Jefferson National
9 Forest comprising approximately 4,794 acres, as gen-
10 erally depicted on the map entitled ‘Brush Mountain
11 and Brush Mountain East’ and dated May 5, 2008,
12 which shall be known as the ‘Brush Mountain Wilder-
13 ness’.

14 “(11) Certain land in the Jefferson National
15 Forest comprising approximately 4,223 acres, as gen-
16 erally depicted on the map entitled ‘Seng Mountain
17 and Raccoon Branch’ and dated April 28, 2008,
18 which shall be known as the ‘Raccoon Branch Wilder-
19 ness’.

20 “(12) Certain land in the Jefferson National
21 Forest comprising approximately 3,270 acres, as gen-
22 erally depicted on the map entitled ‘Stone Mountain’
23 and dated April 28, 2008, which shall be known as
24 the ‘Stone Mountain Wilderness’.

1 “(13) Certain land in the Jefferson National
2 Forest comprising approximately 8,470 acres, as gen-
3 erally depicted on the map entitled ‘Garden Mountain
4 and Hunting Camp Creek’ and dated April 28, 2008,
5 which shall be known as the ‘Hunting Camp Creek
6 Wilderness’.

7 “(14) Certain land in the Jefferson National
8 Forest comprising approximately 3,291 acres, as gen-
9 erally depicted on the map entitled ‘Garden Mountain
10 and Hunting Camp Creek’ and dated April 28, 2008,
11 which shall be known as the ‘Garden Mountain Wil-
12 derness’.

13 “(15) Certain land in the Jefferson National
14 Forest comprising approximately 5,476 acres, as gen-
15 erally depicted on the map entitled ‘Mountain Lake
16 Additions’ and dated April 28, 2008, which is incor-
17 porated in the Mountain Lake Wilderness designated
18 by section 2(6) of the Virginia Wilderness Act of 1984
19 (16 U.S.C. 1132 note; Public Law 98–586).

20 “(16) Certain land in the Jefferson National
21 Forest comprising approximately 308 acres, as gen-
22 erally depicted on the map entitled ‘Lewis Fork Addi-
23 tion and Little Wilson Creek Additions’ and dated
24 April 28, 2008, which is incorporated in the Lewis
25 Fork Wilderness designated by section 2(3) of the Vir-

1 *ginia Wilderness Act of 1984 (16 U.S.C. 1132 note;*
2 *Public Law 98–586).*

3 “(17) *Certain land in the Jefferson National*
4 *Forest comprising approximately 1,845 acres, as gen-*
5 *erally depicted on the map entitled ‘Lewis Fork Addi-*
6 *tion and Little Wilson Creek Additions’ and dated*
7 *April 28, 2008, which is incorporated in the Little*
8 *Wilson Creek Wilderness designated by section 2(5) of*
9 *the Virginia Wilderness Act of 1984 (16 U.S.C. 1132*
10 *note; Public Law 98–586).*

11 “(18) *Certain land in the Jefferson National*
12 *Forest comprising approximately 2,219 acres, as gen-*
13 *erally depicted on the map entitled ‘Shawvers Run*
14 *Additions’ and dated April 28, 2008, which is incor-*
15 *porated in the Shawvers Run Wilderness designated*
16 *by paragraph (4).*

17 “(19) *Certain land in the Jefferson National*
18 *Forest comprising approximately 1,203 acres, as gen-*
19 *erally depicted on the map entitled ‘Peters Mountain*
20 *Addition’ and dated April 28, 2008, which is incor-*
21 *porated in the Peters Mountain Wilderness designated*
22 *by section 2(7) of the Virginia Wilderness Act of 1984*
23 *(16 U.S.C. 1132 note; Public Law 98–586).*

24 “(20) *Certain land in the Jefferson National*
25 *Forest comprising approximately 263 acres, as gen-*

1 *erally depicted on the map entitled ‘Kimberling Creek*
2 *Additions and Potential Wilderness Area’ and dated*
3 *April 28, 2008, which is incorporated in the*
4 *Kimberling Creek Wilderness designated by section*
5 *2(2) of the Virginia Wilderness Act of 1984 (16*
6 *U.S.C. 1132 note; Public Law 98–586).’.*

7 *(b) DESIGNATION OF WILDERNESS STUDY AREA.—*
8 *Section 6(a) of the Virginia Wilderness Act of 1984 (16*
9 *U.S.C. 1132 note; Public Law 98–586) is amended—*

10 *(1) by striking “certain” each place it appears*
11 *and inserting “Certain”;*

12 *(2) in each of paragraphs (1) and (2), by strik-*
13 *ing the semicolon at the end and inserting a period;*

14 *(3) in paragraph (3), by striking “; and” and*
15 *inserting a period; and*

16 *(4) by adding at the end the following:*

17 *“(5) Certain land in the Jefferson National For-*
18 *est comprising approximately 3,226 acres, as gen-*
19 *erally depicted on the map entitled ‘Lynn Camp*
20 *Creek Wilderness Study Area’ and dated April 28,*
21 *2008, which shall be known as the ‘Lynn Camp Creek*
22 *Wilderness Study Area’.*”

1 **SEC. 4. DESIGNATION OF KIMBERLING CREEK POTENTIAL**
2 **WILDERNESS AREA, JEFFERSON NATIONAL**
3 **FOREST, VIRGINIA.**

4 (a) *DESIGNATION.*—*In furtherance of the purposes of*
5 *the Wilderness Act (16 U.S.C. 1131 et seq.), certain land*
6 *in the Jefferson National Forest comprising approximately*
7 *349 acres, as generally depicted on the map entitled*
8 *“Kimberling Creek Additions and Potential Wilderness*
9 *Area” and dated April 28, 2008, is designated as a poten-*
10 *tial wilderness area for incorporation in the Kimberling*
11 *Creek Wilderness designated by section 2(2) of the Virginia*
12 *Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law*
13 *98–586).*

14 (b) *MANAGEMENT.*—*Except as provided in subsection*
15 *(c) and subject to valid existing rights, the Secretary shall*
16 *manage the potential wilderness area in accordance with*
17 *the Wilderness Act (16 U.S.C. 1131 et seq.).*

18 (c) *ECOLOGICAL RESTORATION.*—

19 (1) *IN GENERAL.*—*For purposes of ecological res-*
20 *toration (including the elimination of nonnative spe-*
21 *cies, removal of illegal, unused, or decommissioned*
22 *roads, and any other activity necessary to restore the*
23 *natural ecosystems in the potential wilderness area),*
24 *the Secretary may use motorized equipment and*
25 *mechanized transport in the potential wilderness area*

1 *until the date on which the potential wilderness area*
 2 *is incorporated into the Kimberling Creek Wilderness.*

3 (2) *LIMITATION.*—*To the maximum extent prac-*
 4 *ticable, the Secretary shall use the minimum tool or*
 5 *administrative practice necessary to accomplish eco-*
 6 *logical restoration with the least amount of adverse*
 7 *impact on wilderness character and resources.*

8 (d) *WILDERNESS DESIGNATION.*—*The potential wil-*
 9 *derness area shall be designated as wilderness and incor-*
 10 *porated in the Kimberling Creek Wilderness on the earlier*
 11 *of—*

12 (1) *the date on which the Secretary publishes in*
 13 *the Federal Register notice that the conditions in the*
 14 *potential wilderness area that are incompatible with*
 15 *the Wilderness Act (16 U.S.C. 1131 et seq.) have been*
 16 *removed; or*

17 (2) *the date that is 5 years after the date of en-*
 18 *actment of this Act.*

19 **SEC. 5. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS,**
 20 **JEFFERSON NATIONAL FOREST, VIRGINIA.**

21 (a) *ESTABLISHMENT.*—*There are designated as Na-*
 22 *tional Scenic Areas—*

23 (1) *certain National Forest System land in the*
 24 *Jefferson National Forest, comprising approximately*
 25 *5,192 acres, as generally depicted on the map entitled*

1 *“Seng Mountain and Raccoon Branch” and dated*
2 *April 28, 2008, which shall be known as the “Seng*
3 *Mountain National Scenic Area”;* and

4 (2) *certain National Forest System land in the*
5 *Jefferson National Forest, comprising approximately*
6 *5,128 acres, as generally depicted on the map entitled*
7 *“Bear Creek” and dated April 28, 2008, which shall*
8 *be known as the “Bear Creek National Scenic Area”.*

9 (b) *PURPOSES.—The purposes of the scenic areas*
10 *are—*

11 (1) *to ensure the protection and preservation of*
12 *scenic quality, water quality, natural characteristics,*
13 *and water resources of the scenic areas;*

14 (2) *consistent with paragraph (1), to protect*
15 *wildlife and fish habitat in the scenic areas;*

16 (3) *to protect areas in the scenic areas that may*
17 *develop characteristics of old-growth forests; and*

18 (4) *consistent with paragraphs (1), (2), and (3),*
19 *to provide a variety of recreation opportunities in the*
20 *scenic areas.*

21 (c) *ADMINISTRATION.—*

22 (1) *IN GENERAL.—The Secretary shall admin-*
23 *ister the scenic areas in accordance with—*

24 (A) *this Act; and*

1 (B) *the laws (including regulations) gen-*
2 *erally applicable to the National Forest System.*

3 (2) *AUTHORIZED USES.—The Secretary shall*
4 *only allow uses of the scenic areas that the Secretary*
5 *determines will further the purposes of the scenic*
6 *areas, as described in subsection (b).*

7 (d) *MANAGEMENT PLAN.—*

8 (1) *IN GENERAL.—Not later than 2 years after*
9 *the date of enactment of this Act, the Secretary shall*
10 *develop as an amendment to the land and resource*
11 *management plan for the Jefferson National Forest a*
12 *management plan for the scenic areas.*

13 (2) *EFFECT.—Nothing in this subsection requires*
14 *the Secretary to revise the land and resource manage-*
15 *ment plan for the Jefferson National Forest under sec-*
16 *tion 6 of the Forest and Rangeland Renewable Re-*
17 *sources Planning Act of 1974 (16 U.S.C. 1604).*

18 (e) *ROADS.—*

19 (1) *IN GENERAL.—Except as provided in para-*
20 *graph (2), after the date of enactment of this Act, no*
21 *roads shall be established or constructed within the*
22 *scenic areas.*

23 (2) *LIMITATION.—Nothing in this subsection de-*
24 *nies any owner of private land (or an interest in pri-*

1 *vate land) that is located in a scenic area the right*
 2 *to access the private land.*

3 *(f) TIMBER HARVEST.—*

4 *(1) IN GENERAL.—Except as provided in para-*
 5 *graphs (2) and (3), no harvesting of timber shall be*
 6 *allowed within the scenic areas.*

7 *(2) EXCEPTIONS.—The Secretary may authorize*
 8 *harvesting of timber in the scenic areas if the Sec-*
 9 *retary determines that the harvesting is necessary*
 10 *to—*

11 *(A) control fire;*

12 *(B) provide for public safety or trail access;*

13 *or*

14 *(C) control insect and disease outbreaks.*

15 *(3) FIREWOOD FOR PERSONAL USE.—Firewood*
 16 *may be harvested for personal use along perimeter*
 17 *roads in the scenic areas, subject to any conditions*
 18 *that the Secretary may impose.*

19 *(g) INSECT AND DISEASE OUTBREAKS.—The Sec-*
 20 *retary may control insect and disease outbreaks—*

21 *(1) to maintain scenic quality;*

22 *(2) to prevent tree mortality;*

23 *(3) to reduce hazards to visitors; or*

24 *(4) to protect private land.*

1 (h) *VEGETATION MANAGEMENT.*—*The Secretary may*
 2 *engage in vegetation manipulation practices in the scenic*
 3 *areas to maintain the visual quality and wildlife clearings*
 4 *in existence on the date of enactment of this Act.*

5 (i) *MOTORIZED VEHICLES.*—

6 (1) *IN GENERAL.*—*Except as provided in para-*
 7 *graph (2), motorized vehicles shall not be allowed*
 8 *within the scenic areas.*

9 (2) *EXCEPTIONS.*—*The Secretary may authorize*
 10 *the use of motorized vehicles—*

11 (A) *to carry out administrative activities*
 12 *that further the purposes of the scenic areas, as*
 13 *described in subsection (b);*

14 (B) *to assist wildlife management projects*
 15 *in existence on the date of enactment of this Act;*
 16 *and*

17 (C) *during deer and bear hunting seasons—*

18 (i) *on Forest Development Roads*
 19 *49410 and 84b; and*

20 (ii) *on the portion of Forest Develop-*
 21 *ment Road 6261 designated on the map de-*
 22 *scribed in subsection (a)(2) as “open season-*
 23 *ally”.*

24 (j) *WILDFIRE SUPPRESSION.*—*Wildfire suppression*
 25 *within the scenic areas shall be conducted—*

1 (1) *in a manner consistent with the purposes of*
2 *the scenic areas, as described in subsection (b); and*

3 (2) *using such means as the Secretary deter-*
4 *mines to be appropriate.*

5 (k) *WATER.*—*The Secretary shall administer the scenic*
6 *areas in a manner that maintains and enhances water*
7 *quality.*

8 (l) *WITHDRAWAL.*—*Subject to valid existing rights, all*
9 *Federal land in the scenic areas is withdrawn from—*

10 (1) *location, entry, and patent under the mining*
11 *laws; and*

12 (2) *operation of the mineral leasing and geo-*
13 *thermal leasing laws.*

14 **SEC. 6. TRAIL PLAN AND DEVELOPMENT.**

15 (a) *TRAIL PLAN.*—*The Secretary, in consultation with*
16 *interested parties, shall establish a trail plan to develop—*

17 (1) *in a manner consistent with the Wilderness*
18 *Act (16 U.S.C. 1131 et seq.), hiking and equestrian*
19 *trails in the wilderness areas designated by para-*
20 *graphs (9) through (20) of section 1 of Public Law*
21 *100–326 (16 U.S.C. 1132 note) (as added by section*
22 *3(a)(5)); and*

23 (2) *nonmotorized recreation trails in the scenic*
24 *areas.*

1 (b) *IMPLEMENTATION REPORT.*—Not later than 2
 2 years after the date of enactment of this Act, the Secretary
 3 shall submit to Congress a report that describes the imple-
 4 mentation of the trail plan, including the identification of
 5 priority trails for development.

6 (c) *SUSTAINABLE TRAIL REQUIRED.*—The Secretary
 7 shall develop a sustainable trail, using a contour curvi-
 8 linear alignment, to provide for nonmotorized travel along
 9 the southern boundary of the Raccoon Branch Wilderness
 10 established by section 1(11) of Public Law 100–326 (16
 11 U.S.C. 1132 note) (as added by section 3(a)(5)) connecting
 12 to Forest Development Road 49352 in Smyth County, Vir-
 13 ginia.

14 **SEC. 7. MAPS AND BOUNDARY DESCRIPTIONS.**

15 (a) *IN GENERAL.*—As soon as practicable after the
 16 date of enactment of this Act, the Secretary shall file with
 17 the Committee on Energy and Natural Resources of the Sen-
 18 ate and the Committee on Natural Resources and the Com-
 19 mittee on Agriculture of the House of Representatives maps
 20 and boundary descriptions of—

21 (1) the scenic areas;

22 (2) the wilderness areas designated by para-
 23 graphs (9) through (20) of section 1 of Public Law
 24 100–326 (16 U.S.C. 1132 note) (as added by section
 25 3(a)(5));

1 (3) *the wilderness study area designated by sec-*
2 *tion 6(a)(5) of the Virginia Wilderness Act of 1984*
3 *(16 U.S.C. 1132 note; Public Law 98–586) (as added*
4 *by section 3(b)(4)); and*

5 (4) *the potential wilderness area designated by*
6 *section 4(a).*

7 (b) *FORCE AND EFFECT.*—*The maps and boundary de-*
8 *scriptions filed under subsection (a) shall have the same*
9 *force and effect as if included in this Act, except that the*
10 *Secretary may correct any minor errors in the maps and*
11 *boundary descriptions.*

12 (c) *AVAILABILITY OF MAP AND BOUNDARY DESCRIP-*
13 *TION.*—*The maps and boundary descriptions filed under*
14 *subsection (a) shall be on file and available for public in-*
15 *spection in the Office of the Chief of the Forest Service.*

16 (d) *CONFLICT.*—*In the case of a conflict between a*
17 *map filed under subsection (a) and the acreage of the appli-*
18 *cable areas specified in this Act, the map shall control.*

19 **SEC. 8. EFFECTIVE DATE.**

20 *Any reference in the Wilderness Act (16 U.S.C. 1131*
21 *et seq.) to the effective date of that Act shall be considered*
22 *to be a reference to the date of enactment of this Act for*
23 *purposes of administering—*

24 (1) *the wilderness areas designated by para-*
25 *graphs (9) through (20) of section 1 of Public Law*

1 *100–326 (16 U.S.C. 1132 note) (as added by section*
2 *3(a)(5)); and*
3 *(2) the potential wilderness area designated by*
4 *section 4(a).*

Calendar No. 781

110TH CONGRESS
2^D SESSION

S. 570

[Report No. 110-349]

A BILL

To designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes.

JUNE 16, 2008

Reported with an amendment