

Union Calendar No. 224

110TH CONGRESS
1ST SESSION

H. R. 1011

[Report No. 110-315, Part I]

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 HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2007

Mr. BOUCHER (for himself, Mr. WOLF, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mrs. JO ANN DAVIS of Virginia, and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Natural 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

SEPTEMBER 4, 2007

Reported from the Committee on Natural Resources with an amendment

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

SEPTEMBER 4, 2007

Referral to Committee on Agriculture extended for a period not to exceed
October 5, 2007

OCTOBER 5, 2007

Additional sponsor: Mrs. NAPOLITANO

OCTOBER 5, 2007

Committee on Agriculture discharged; committed to the Committee of the
Whole House on the State of the Union and ordered to be printed

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 “Vir-*
 5 *ginia 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.

1 **SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST**
2 **SYSTEM LANDS IN JEFFERSON NATIONAL**
3 **FOREST, VIRGINIA, AS WILDERNESS OR A WIL-**
4 **DERNESS STUDY AREA.**

5 (a) *DESIGNATION OF WILDERNESS.*—Section 1 of Pub-
6 lic Law 100–326 (102 Stat. 584; 16 U.S.C. 1132 note), as
7 amended by Public Law 106–471 (114 Stat. 2057), is fur-
8 ther amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “System—” and inserting “System:”;

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

13 (3) by striking the semicolon at the end of para-
14 graphs (1) through (6) and inserting a period;

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

17 (5) by adding at the end the following new para-
18 graphs:

19 “(9) Certain lands in the Jefferson National For-
20 est, which comprise approximately 3,769 acres, as
21 generally depicted on the map entitled ‘Brush Moun-
22 tain and Brush Mountain East’ and dated February
23 2007, and which shall be known as the Brush Moun-
24 tain East Wilderness.

25 “(10) Certain lands in the Jefferson National
26 Forest, which comprise approximately 4,794 acres, as

1 *generally depicted on the map entitled ‘Brush Moun-*
2 *tain and Brush Mountain East’ and dated February*
3 *2007, and which shall be known as the Brush Moun-*
4 *tain Wilderness.*

5 *“(11) Certain lands in the Jefferson National*
6 *Forest, which comprise approximately 4,223 acres, as*
7 *generally depicted on the map entitled ‘Seng Moun-*
8 *tain and Raccoon Branch’ and dated February 2007,*
9 *and which shall be known as the Raccoon Branch*
10 *Wilderness.*

11 *“(12) Certain lands in the Jefferson National*
12 *Forest, which comprise approximately 3,270 acres, as*
13 *generally depicted on the map entitled ‘Stone Moun-*
14 *tain’ and dated February 2007, and which shall be*
15 *known as the Stone Mountain Wilderness.*

16 *“(13) Certain lands in the Jefferson National*
17 *Forest, which comprise approximately 8,470 acres, as*
18 *generally depicted on the map entitled ‘Hunting*
19 *Camp Creek and Garden Mountain’ and dated Feb-*
20 *ruary 2007, and which shall be known as the Hunt-*
21 *ing Camp Creek Wilderness.*

22 *“(14) Certain lands in the Jefferson National*
23 *Forest, which comprise approximately 3,291 acres, as*
24 *generally depicted on the map entitled ‘Hunting*
25 *Camp Creek and Garden Mountain’ and dated Feb-*

1 *ruary 2007, and which shall be known as the Garden*
2 *Mountain Wilderness.*

3 *“(15) Certain lands in the Jefferson National*
4 *Forest, which comprise approximately 5,476 acres, as*
5 *generally depicted on the map entitled ‘Mountain*
6 *Lake Additions’ and dated February 2007, and which*
7 *are hereby incorporated in the Mountain Lake Wil-*
8 *derness designated by section 2(6) of the Virginia*
9 *Wilderness Act of 1984 (Public Law 98–586; 98 Stat.*
10 *3105).*

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

19 *“(17) Certain lands in the Jefferson National*
20 *Forest, which comprise approximately 1,845 acres, as*
21 *generally depicted on the map entitled ‘Lewis Fork*
22 *Addition and Little Wilson Creek Additions’ and*
23 *dated February 2007, and which are hereby incor-*
24 *porated in the Little Wilson Creek Wilderness des-*

1 *ignated by section 2(5) of the Virginia Wilderness Act*
2 *of 1984 (Public Law 98–586; 98 Stat. 3105).*

3 *“(18) Certain lands in the Jefferson National*
4 *Forest, which comprise approximately 2,249 acres, as*
5 *generally depicted on the map entitled ‘Shawvers Run*
6 *Additions’ and dated February 2007, and which are*
7 *hereby incorporated in the Shawvers Run Wilderness*
8 *designated by paragraph (4).*

9 *“(19) Certain lands in the Jefferson National*
10 *Forest, which comprise approximately 1,203 acres, as*
11 *generally depicted on the map entitled ‘Peters Moun-*
12 *tain Addition’ and dated February 2007, and which*
13 *are hereby incorporated in the Peters Mountain Wil-*
14 *derness designated by section 2(7) of the Virginia*
15 *Wilderness Act of 1984 (Public Law 98–586; 98 Stat.*
16 *3105).*

17 *“(20) Certain lands in the Jefferson National*
18 *Forest, which comprise approximately 263 acres, as*
19 *generally depicted on the map entitled ‘Kimberling*
20 *Creek Additions and Potential Wilderness Area’ and*
21 *dated February 2007, and which are hereby incor-*
22 *porated in the Kimberling Creek Wilderness des-*
23 *ignated by section 2(2) of the Virginia Wilderness Act*
24 *of 1984 (Public Law 98–586; 98 Stat. 3105).”.*

1 (b) *DESIGNATION OF WILDERNESS STUDY AREA.*—
2 *Section 6(a) of the Virginia Wilderness Act of 1984 (Public*
3 *Law 98–586; 98 Stat. 3108) is amended—*

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

6 (2) *by striking the semicolon at the end of para-*
7 *graphs (1) and (2) and inserting a period;*

8 (3) *by striking “; and” at the end of paragraph*
9 *(3) and inserting a period; and*

10 (4) *by adding at the end the following new para-*
11 *graph:*

12 “(5) *Certain lands in the Jefferson National For-*
13 *est, which comprise approximately 3,226 acres, as*
14 *generally depicted on a map entitled ‘Lynn Camp*
15 *Creek Wilderness Study Area’ and dated February*
16 *2007, and which shall be known as the Lynn Camp*
17 *Creek Wilderness Study Area.’”.*

18 (c) *MAPS AND LEGAL DESCRIPTIONS.*—

19 (1) *FILING.*—*As soon as practicable after the*
20 *date of the enactment of this Act, the Secretary of Ag-*
21 *riculture shall file with the Committee on Agriculture,*
22 *Nutrition, and Forestry of the Senate and the Com-*
23 *mittee on Natural Resources and the Committee on*
24 *Agriculture of the House of Representatives a map*
25 *and legal description of each wilderness area des-*

1 *ignated or expanded by the amendments made by sub-*
2 *section (a) and of the Lynn Camp Creek Wilderness*
3 *Study Area designated by the amendment made by*
4 *subsection (b).*

5 (2) *FORCE AND EFFECT.*—*The maps and legal*
6 *descriptions referred to in paragraph (1) shall have*
7 *the same force and effect as if included in this Act,*
8 *except that the Secretary of Agriculture may correct*
9 *clerical and typographical errors in the maps and de-*
10 *scriptions. In the case of any discrepancy between the*
11 *acreage specified in the amendments made by sub-*
12 *section (a) or (b) and the corresponding map filed*
13 *under paragraph (1), the map shall control.*

14 (3) *AVAILABILITY.*—*The maps and legal descrip-*
15 *tions referred to in paragraph (1) shall be on file and*
16 *available for public inspection in the Office of the*
17 *Chief of the Forest Service.*

18 (d) *ADMINISTRATION.*—

19 (1) *NEW WILDERNESS AREAS.*—*Subject to valid*
20 *existing rights, the Secretary of Agriculture shall ad-*
21 *minister the lands in the Jefferson National Forest*
22 *designated as a new wilderness area by the amend-*
23 *ments made by subsection (a) in accordance with this*
24 *section and the Wilderness Act (16 U.S.C. 1131 et*
25 *seq.), except that, with respect to such lands, any ref-*

1 *erence in the Wilderness Act to the effective date of*
2 *that Act shall be deemed to be a reference to the date*
3 *of the enactment of this Act.*

4 (2) *EXPANDED WILDERNESS AREAS.*—*Subject to*
5 *valid existing rights, the Secretary of Agriculture*
6 *shall administer the lands in the Jefferson National*
7 *Forest designated as wilderness and incorporated into*
8 *an existing wilderness area by the amendments made*
9 *by subsection (a) in accordance with this section, the*
10 *Wilderness Act (16 U.S.C. 1131 et seq.), and other*
11 *laws applicable to that wilderness area, except that,*
12 *with respect to such lands, any reference in the Wil-*
13 *derness Act to the effective date of that Act shall be*
14 *deemed to be a reference to the date of the enactment*
15 *of this Act.*

16 **SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL**
17 **WILDERNESS AREA, JEFFERSON NATIONAL**
18 **FOREST, VIRGINIA.**

19 (a) *DESIGNATION.*—*In furtherance of the purposes of*
20 *the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands*
21 *in the Jefferson National Forest, which comprise approxi-*
22 *mately 349 acres, as generally depicted on the map entitled*
23 *“Kimberling Creek Additions and Potential Wilderness*
24 *Area” and dated February 2007, are designated as a poten-*
25 *tial wilderness area for eventual incorporation in the*

1 *Kimberling Creek Wilderness designated by section 2(2) of*
2 *the Virginia Wilderness Act of 1984 (Public Law 98–586;*
3 *98 Stat. 3105).*

4 *(b) MAP AND LEGAL DESCRIPTIONS.—*

5 *(1) FILING.—As soon as practicable after the*
6 *date of the enactment of this Act, the Secretary of Ag-*
7 *riculture shall file with the Committee on Agriculture,*
8 *Nutrition, and Forestry of the Senate and the Com-*
9 *mittee on Natural Resources and the Committee on*
10 *Agriculture of the House of Representatives a map*
11 *and legal description of potential wilderness area.*

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

20 *(3) AVAILABILITY.—The map and legal descrip-*
21 *tion referred to in paragraph (1) shall be on file and*
22 *available for public inspection in the Office of the*
23 *Chief of the Forest Service.*

24 *(c) MANAGEMENT.—Except as provided in subsection*
25 *(d) and subject to valid existing rights, the Secretary of Ag-*

1 *riculture shall manage the potential wilderness area as wil-*
2 *derness pending its incorporation in the Kimberling Creek*
3 *Wilderness.*

4 *(d) ECOLOGICAL RESTORATION.—*

5 *(1) IN GENERAL.—For purposes of ecological res-*
6 *toration (including the elimination of non-native spe-*
7 *cies, removal of illegal, unused, or decommissioned*
8 *roads, and any other activities necessary to restore*
9 *the natural ecosystems in the potential wilderness*
10 *area), the Secretary of Agriculture may use motorized*
11 *equipment and mechanized transport in the potential*
12 *wilderness area until its incorporation in the*
13 *Kimberling Creek Wilderness.*

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

19 *(e) WILDERNESS DESIGNATION.—The potential wil-*
20 *derness area shall be designated as wilderness and incor-*
21 *porated in the Kimberling Creek Wilderness on the earlier*
22 *of—*

23 *(1) the date on which the Secretary of Agri-*
24 *culture publishes in the Federal Register notice that*
25 *the conditions in the potential wilderness area that*

1 *are incompatible with the Wilderness Act (16 U.S.C.*
2 *1131 et seq.) have been removed; or*

3 *(2) the date that is five years after the date of*
4 *the enactment of this Act.*

5 *(f) ADMINISTRATION.—Subject to valid existing rights,*
6 *upon incorporation of the lands designated as wilderness*
7 *under subsection (e) in the Kimberling Creek Wilderness,*
8 *the Secretary of Agriculture shall administer the lands in*
9 *accordance with the Wilderness Act (16 U.S.C. 1131 et seq.)*
10 *and other laws applicable to that wilderness area, except*
11 *that, with respect to such lands, any reference in the Wilder-*
12 *ness Act to the effective date of that Act shall be deemed*
13 *to be a reference to the date on which the lands are des-*
14 *ignated as wilderness under subsection (e).*

15 **SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR**
16 **CREEK SCENIC AREAS, JEFFERSON NATIONAL**
17 **FOREST, VIRGINIA.**

18 *(a) ESTABLISHMENT.—The following National Forest*
19 *System lands in the State of Virginia are hereby designated*
20 *as National Scenic Areas (in this section referred to as the*
21 *“scenic areas”):*

22 *(1) Certain lands in the Jefferson National For-*
23 *est, which comprise approximately 6,455 acres, as*
24 *generally depicted on the map entitled “Seng Moun-*
25 *tain and Raccoon Branch” and dated February 2007,*

1 *and which shall be known as the Seng Mountain Na-*
2 *tional Scenic Area.*

3 *(2) Certain lands in the Jefferson National For-*
4 *est, which comprise approximately 5,128 acres, as*
5 *generally depicted on the map entitled “Bear Creek”*
6 *and dated February 2007, and which shall be known*
7 *as the Bear Creek National Scenic Area.*

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

9 *(1) FILING.—As soon as practicable after the*
10 *date of the enactment of this Act, the Secretary of Ag-*
11 *riculture shall file with the Committee on Agriculture,*
12 *Nutrition, and Forestry of the Senate and the Com-*
13 *mittee on Natural Resources and the Committee on*
14 *Agriculture of the House of Representatives a map*
15 *and legal description of each of the scenic areas.*

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

1 (3) *AVAILABILITY.*—*The maps and legal descrip-*
2 *tions referred to in paragraph (1) shall be on file and*
3 *available for public inspection in the Office of the*
4 *Chief of the Forest Service.*

5 (c) *PURPOSES OF SCENIC AREAS.*—*The scenic areas*
6 *are established for the purposes of—*

7 (1) *ensuring the protection and preservation of*
8 *scenic quality, water quality, natural characteristics,*
9 *and water resources;*

10 (2) *protecting wildlife and fish habitat, con-*
11 *sistent with paragraph (1);*

12 (3) *protecting areas that may develop character-*
13 *istics of old-growth forests; and*

14 (4) *providing a variety of recreation opportuni-*
15 *ties, consistent with the preceding paragraphs.*

16 (d) *ADMINISTRATION.*—

17 (1) *IN GENERAL.*—*The Secretary of Agriculture*
18 *shall administer the scenic areas in accordance with*
19 *this section and the laws and regulations generally*
20 *applicable to the National Forest System. In the event*
21 *of conflict between this section and other laws and*
22 *regulations, this section shall take precedence.*

23 (2) *CONSISTENT USE.*—*The Secretary shall only*
24 *allow such uses of the scenic areas as the Secretary*

1 *finds will further the purposes for which the scenic*
2 *areas are established.*

3 (e) *MANAGEMENT PLAN.*—*Within two years after the*
4 *date of the enactment of this Act, the Secretary of Agri-*
5 *culture shall develop a management plan for the scenic*
6 *areas consistent with this section. The management plan*
7 *shall be developed as an amendment to the land and re-*
8 *source management plan for the Jefferson National Forest,*
9 *except that nothing in this section requires the Secretary*
10 *to revise the land and resource management plan for the*
11 *Jefferson National Forest pursuant to section 6 of the Forest*
12 *and Rangeland Renewable Resources Planning Act of 1974*
13 *(16 U.S.C. 1604).*

14 (f) *ROADS.*—*After the date of the enactment of this Act,*
15 *no roads shall be established or constructed within the scenic*
16 *areas, except that this prohibition shall not be construed*
17 *to deny access to private lands or interests therein in the*
18 *scenic areas.*

19 (g) *VEGETATION MANAGEMENT.*—*No timber harvest*
20 *shall be allowed within the scenic areas, except as the Sec-*
21 *retary of Agriculture finds necessary in the control of fire,*
22 *insects, and diseases and to provide for public safety and*
23 *trail access. Notwithstanding the preceding sentence, the*
24 *Secretary may engage in vegetation manipulation practices*
25 *for maintenance of existing wildlife clearings and visual*

1 *quality. Firewood may be harvested for personal use along*
2 *perimeter roads under such conditions as the Secretary may*
3 *impose.*

4 *(h) MOTORIZED TRAVEL.—Motorized travel shall not*
5 *be permitted within the scenic areas, except that the Sec-*
6 *retary of Agriculture may authorize motorized travel within*
7 *the scenic areas—*

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

10 *(2) in support of wildlife management projects*
11 *in existence as of the date of the enactment of this*
12 *Act; and*

13 *(3) on Forest Development Roads 9410 and 84b*
14 *during deer and bear hunting seasons and on that*
15 *portion of Forest Development Road 6261 designated*
16 *on the map referred to in subsection (a)(2) as “open*
17 *seasonally” during deer and bear hunting seasons.*

18 *(i) FIRE.—Wildfires in the scenic area shall be sup-*
19 *pressed in a manner consistent with the purposes of this*
20 *section, using such means as the Secretary of Agriculture*
21 *considers appropriate.*

22 *(j) INSECTS AND DISEASE.—Insect and disease out-*
23 *breaks may be controlled in the scenic areas to maintain*
24 *scenic quality, prevent tree mortality, reduce hazards to*
25 *visitors, or protect private lands.*

1 (k) *WATER.*—*The Secretary of Agriculture shall ad-*
2 *minister the scenic areas so as to maintain and enhance*
3 *water quality.*

4 (l) *MINING WITHDRAWAL.*—*Subject to valid existing*
5 *rights, all federally owned lands in the scenic areas are*
6 *withdrawn from location, entry, and patent under the min-*
7 *ing laws of the United States and from leasing claims under*
8 *the mineral and geothermal leasing laws of the United*
9 *States, including amendments to such laws.*

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

11 (a) *TRAIL PLAN.*—*The Secretary of Agriculture shall*
12 *establish a trail plan for National Forest System lands de-*
13 *scribed in this subsection in order to develop the following:*

14 (1) *Hiking and equestrian trails on the lands in*
15 *the Jefferson National Forest designated as wilderness*
16 *by the amendments made by section 2(a), in a man-*
17 *ner consistent with the Wilderness Act (16 U.S.C.*
18 *1131 et seq.).*

19 (2) *Nonmotorized recreation trails within the*
20 *Seng Mountain and Bear Creek Scenic Areas des-*
21 *ignated by section 4.*

22 (b) *CONSULTATION.*—*The Secretary of Agriculture*
23 *shall establish the trail plan in consultation with interested*
24 *parties.*

1 (c) *IMPLEMENTATION REPORT.*—Not later than two
2 years after the date of the enactment of this Act, the Sec-
3 retary of Agriculture shall submit to Congress a report on
4 the implementation of the trail plan, including the identi-
5 fication of priority trails for development.

6 (d) *TRAIL REQUIRED.*—The Secretary of Agriculture
7 shall develop a sustainable trail, using a contour curvi-
8 linear alignment, to provide a continuous connection for
9 non-motorized travel between County Route 650 and Forest
10 Development Road 4018 in Smyth County, Virginia.

Union Calendar No. 224

110TH CONGRESS
1ST Session

H. R. 1011

[Report No. 110-315, Part I]

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.

OCTOBER 5, 2007

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed