

110TH CONGRESS  
1ST SESSION

# H. R. 1011

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.

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## 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

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## 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”;

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

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

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

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

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

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

23          “(12) Certain lands in the Jefferson National  
24          Forest, which comprise approximately 3,270 acres,  
25          as generally depicted on the map entitled ‘Stone

1 Mountain’ and dated February 2007, and which  
2 shall be known as the Stone Mountain Wilderness.

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

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

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

23 “(16) Certain lands in the Jefferson National  
24 Forest, which comprise approximately 308 acres, as  
25 generally depicted on the map entitled ‘Lewis Fork

1 Addition and Little Wilson Creek Additions’ and  
2 dated February 2007, and which are hereby incor-  
3 porated in the Lewis Fork Wilderness designated by  
4 section 2(3) of the Virginia Wilderness Act of 1984  
5 (Public Law 98–586; 98 Stat. 3105).

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

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

21 “(19) Certain lands in the Jefferson National  
22 Forest, which comprise approximately 1,203 acres,  
23 as generally depicted on the map entitled ‘Peters  
24 Mountain Addition’ and dated February 2007, and  
25 which are hereby incorporated in the Peters Moun-

1       tain Wilderness designated by section 2(7) of the  
2       Virginia Wilderness Act of 1984 (Public Law 98–  
3       586; 98 Stat. 3105).

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

12      (b) DESIGNATION OF WILDERNESS STUDY AREA.—  
13      Section 6(a) of the Virginia Wilderness Act of 1984 (Pub-  
14      lic Law 98–586; 98 Stat. 3108) is amended—

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

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

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

21              (4) by adding at the end the following new  
22      paragraph:

23              “(5) Certain lands in the Jefferson National  
24      Forest, which comprise approximately 3,226 acres,  
25      as generally depicted on a map entitled ‘Lynn Camp

1 Creek Wilderness Study Area’ and dated February  
2 2007, and which shall be known as the Lynn Camp  
3 Creek Wilderness Study Area.”.

4 (c) MAPS AND LEGAL DESCRIPTIONS.—

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

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  
22 the acreage specified in the amendments made by  
23 subsection (a) or (b) and the corresponding map  
24 filed under paragraph (1), the map shall control.

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

5       (d) ADMINISTRATION.—

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

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



1 that Act shall be deemed to be a reference to the  
2 date of the enactment of this Act.

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

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

16 (b) MAP AND LEGAL DESCRIPTIONS.—

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

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

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

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

18           (d) ECOLOGICAL RESTORATION.—

19           (1) IN GENERAL.—For purposes of ecological  
20 restoration (including the elimination of non-native  
21 species, removal of illegal, unused, or decommis-  
22 sioned roads, and any other activities necessary to  
23 restore the natural ecosystems in the potential wil-  
24 derness area), the Secretary of Agriculture may use  
25 motorized equipment and mechanized transport in

1 the potential wilderness area until its incorporation  
2 in the Kimberling Creek Wilderness.

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

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

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

18 (2) the date that is five years after the date of  
19 the enactment of this Act.

20 (f) ADMINISTRATION.—Subject to valid existing  
21 rights, upon incorporation of the lands designated as wil-  
22 derness under subsection (e) in the Kimberling Creek Wil-  
23 derness, the Secretary of Agriculture shall administer the  
24 lands in accordance with the Wilderness Act (16 U.S.C.  
25 1131 et seq.) and other laws applicable to that wilderness

1 area, except that, with respect to such lands, any reference  
2 in the Wilderness Act to the effective date of that Act shall  
3 be deemed to be a reference to the date on which the lands  
4 are designated as wilderness under subsection (e).

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

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

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

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

23 (b) MAPS AND LEGAL DESCRIPTIONS.—

24 (1) FILING.—As soon as practicable after the  
25 date of the enactment of this Act, the Secretary of

1 Agriculture shall file with the Committee on Agri-  
2 culture, Nutrition, and Forestry of the Senate and  
3 the Committee on Natural Resources and the Com-  
4 mittee on Agriculture of the House of Representa-  
5 tives a map and legal description of each of the sce-  
6 nic areas.

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

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

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

22 (1) ensuring the protection and preservation of  
23 scenic quality, water quality, natural characteristics,  
24 and water resources;

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

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

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

7           (d) ADMINISTRATION.—

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

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

18          (e) MANAGEMENT PLAN.—Within two years after the  
19          date of the enactment of this Act, the Secretary of Agri-  
20          culture shall develop a management plan for the scenic  
21          areas consistent with this section. The management plan  
22          shall be developed as an amendment to the land and re-  
23          source management plan for the Jefferson National For-  
24          est, except that nothing in this section requires the Sec-  
25          retary to revise the land and resource management plan

1 for the Jefferson National Forest pursuant to section 6  
2 of the Forest and Rangeland Renewable Resources Plan-  
3 ning Act of 1974 (16 U.S.C. 1604).

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

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

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

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

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

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

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

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

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

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

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

24          (a) TRAIL PLAN.—The Secretary of Agriculture shall  
25          establish a trail plan for National Forest System lands



1 described in this subsection in order to develop the fol-  
2 lowing:

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

8           (2) Nonmotorized recreation trails within the  
9           Seng Mountain and Bear Creek Scenic Areas des-  
10          ignated by section 4.

11          (b) CONSULTATION.—The Secretary of Agriculture  
12 shall establish the trail plan in consultation with interested  
13 parties.

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

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

○