

110TH CONGRESS
1ST SESSION

H. R. 1011

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2007

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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 3,743 acres,
7 as generally depicted on the map entitled ‘Brush
8 Mountain and Brush Mountain East’ and dated Oc-
9 tober 2007, and which shall be known as the Brush
10 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 scriptions 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 5,192 acres,
 14 as generally depicted on the map entitled “Seng
 15 Mountain and Raccoon Branch” and dated October
 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 Roads 9410 and
5 84b during deer and bear hunting seasons and on
6 that portion of Forest Development Road 6261 des-
7 ignated on the map referred to in subsection (a)(2)
8 as “open seasonally” during deer and bear hunting
9 seasons.

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

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

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

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23 withdrawn from location, entry, and patent under the min-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

1 under the mineral and geothermal leasing laws of the
2 United States, including amendments to such laws.

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

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

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

13 (2) Nonmotorized recreation trails within the
14 Seng Mountain and Bear Creek Scenic Areas des-
15 ignated by section 4.

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

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

24 (d) TRAIL REQUIRED.—The Secretary of Agriculture
25 shall develop a sustainable trail, using a contour curvi-

1 linear alignment, to provide for non-motorized travel along
2 the southern boundary of the Raccoon Branch Wilderness
3 established by section 1(11) of Public Law 100–326, as
4 added by (2)(a) of this Act, connecting to Forest Develop-
5 ment Road 49352 in Smyth County, Virginia.

6 (e) **MOTORIZED ACCESS IN EMERGENCIES.**—The
7 designation of lands as wilderness or a wilderness study
8 area by an amendment made by this section does not pro-
9 hibit the use of motor vehicles, motorized equipment, or
10 motorboats or the landing of aircraft or other forms of
11 mechanical transport, on the designated lands when re-
12 quired in connection with an emergency involving the
13 health and safety of persons, including search and rescue
14 efforts or the response to an Amber Alert.

Passed the House of Representatives October 23,
2007.

Attest: **LORRAINE C. MILLER,**
Clerk.