

110TH CONGRESS
1ST SESSION

S. 570

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

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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 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.

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

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

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

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

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

20 (4) by striking “; and” at the end of paragraph

21 (7) and inserting a period; and

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

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

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

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

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

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

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

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

21 “(16) Certain lands in the Jefferson National
22 Forest, which comprise approximately 308 acres, as
23 generally depicted on the map entitled ‘Lewis Fork
24 Addition and Little Wilson Creek Additions’ and
25 dated February 2007, and which are hereby incor-

1 porated in the Lewis Fork Wilderness designated by
2 section 2(3) of the Virginia Wilderness Act of 1984
3 (Public Law 98–586; 98 Stat. 3105).

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

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

19 “(19) Certain lands in the Jefferson National
20 Forest, which comprise approximately 1,203 acres,
21 as generally depicted on the map entitled ‘Peters
22 Mountain Addition’ and dated February 2007, and
23 which are hereby incorporated in the Peters Moun-
24 tain Wilderness designated by section 2(7) of the

1 Virginia Wilderness Act of 1984 (Public Law 98–
2 586; 98 Stat. 3105).

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

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

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

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

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

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

22 “(5) Certain lands in the Jefferson National
23 Forest, which comprise approximately 3,226 acres,
24 as generally depicted on a map entitled ‘Lynn Camp
25 Creek Wilderness Study Area’ and dated February

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

3 (c) MAPS AND LEGAL DESCRIPTIONS.—

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

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

24 (3) AVAILABILITY.—The maps and legal de-
25 scriptions referred to in paragraph (1) shall be on

1 file and available for public inspection in the Office
2 of the Chief of the Forest Service.

3 (d) ADMINISTRATION.—

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

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

1 **SEC. 3. 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 lands
6 in the Jefferson National Forest, which comprise approxi-
7 mately 349 acres, as generally depicted on the map enti-
8 tled “Kimberling Creek Additions and Potential Wilder-
9 ness Area” and dated February 2007, are designated as
10 a potential wilderness area for eventual incorporation in
11 the Kimberling Creek Wilderness designated by section
12 2(2) of the Virginia Wilderness Act of 1984 (Public Law
13 98–586; 98 Stat. 3105).

14 (b) MAP AND LEGAL DESCRIPTIONS.—

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

23 (2) FORCE AND EFFECT.—The map and legal
24 description referred to in paragraph (1) shall have
25 the same force and effect as if included in this Act,
26 except that the Secretary of Agriculture may correct

1 clerical and typographical errors in the map and de-
2 scription. In the case of any discrepancy between the
3 acreage specified in subsection (a) and the map filed
4 under paragraph (1), the map shall control.

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

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

14 (d) ECOLOGICAL RESTORATION.—

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

24 (2) LIMITATION.—To the maximum extent
25 practicable, the Secretary shall use the minimum

1 tool or administrative practice necessary to accom-
2 plish ecological restoration with the least amount of
3 adverse impact on wilderness character and re-
4 sources.

5 (e) WILDERNESS DESIGNATION.—The potential wil-
6 derness area shall be designated as wilderness and incor-
7 porated in the Kimberling Creek Wilderness on the earlier
8 of—

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

14 (2) the date that is five years after the date of
15 the enactment of this Act.

16 (f) ADMINISTRATION.—Subject to valid existing
17 rights, upon incorporation of the lands designated as wil-
18 derness under subsection (e) in the Kimberling Creek Wil-
19 derness, the Secretary of Agriculture shall administer the
20 lands in accordance with the Wilderness Act (16 U.S.C.
21 1131 et seq.) and other laws applicable to that wilderness
22 area, except that, with respect to such lands, any reference
23 in the Wilderness Act to the effective date of that Act shall
24 be deemed to be a reference to the date on which the lands
25 are designated as wilderness under subsection (e).

1 **SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR**
2 **CREEK SCENIC AREAS, JEFFERSON NA-**
3 **TIONAL FOREST, VIRGINIA.**

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

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

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

19 (b) MAPS AND LEGAL DESCRIPTIONS.—

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

1 tives a map and legal description of each of the sce-
2 nic areas.

3 (2) FORCE AND EFFECT.—The maps and legal
4 descriptions 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 maps and de-
8 scriptions. In the case of any discrepancy between
9 the acreage specified in subsection (a) and the cor-
10 responding map filed under paragraph (1), the map
11 shall control.

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

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

18 (1) ensuring the protection and preservation of
19 scenic quality, water quality, natural characteristics,
20 and water resources;

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

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

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

3 (d) ADMINISTRATION.—

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

10 (2) CONSISTENT USE.—The Secretary shall
11 only allow such uses of the scenic areas as the Sec-
12 retary finds will further the purposes for which the
13 scenic areas are established.

14 (e) MANAGEMENT PLAN.—Within two years after the
15 date of the enactment of this Act, the Secretary of Agri-
16 culture shall develop a management plan for the scenic
17 areas consistent with this section. The management plan
18 shall be developed as an amendment to the land and re-
19 source management plan for the Jefferson National For-
20 est, except that nothing in this section requires the Sec-
21 retary to revise the land and resource management plan
22 for the Jefferson National Forest pursuant to section 6
23 of the Forest and Rangeland Renewable Resources Plan-
24 ning Act of 1974 (16 U.S.C. 1604).

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

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

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

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

22 (2) in support of wildlife management projects
23 in existence as of the date of the enactment of this
24 Act; and

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

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

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

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

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

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

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

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

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

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

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

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

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