

**Calendar No. 781**110TH 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.

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**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*]

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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”;

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 see-  
8           nie 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 ignated 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       *“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

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 570**

[Report No. 110-349]

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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.

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JUNE 16, 2008

Reported with an amendment