To establish the Shenandoah Mountain National Scenic Area in the State of Virginia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Kaine (for himself and Mr. Warner) introduced the following bill; which was read twice and referred to the Committee on ____________

A BILL

To establish the Shenandoah Mountain National Scenic Area in the State of Virginia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shenandoah Mountain Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) NATIONAL SCENIC AREA.—

(A) IN GENERAL.—The term “National Scenic Area” means the Shenandoah Mountain
National Scenic Area established by section 3(a).

(B) Inclusions.—The term “National Scenic Area” includes—

(i) any National Forest System land within the boundary of the National Scenic Area that is administered as part of the National Scenic Area; and

(ii) any National Forest System land within the boundary of the National Scenic Area that is administered as a component of the National Wilderness Preservation System under the amendments made by section 4.

(2) Secretary.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) State.—The term “State” means the State of Virginia.

SEC. 3. ESTABLISHMENT OF THE SHENANDOAH MOUNTAIN NATIONAL SCENIC AREA.

(a) Establishment.—Subject to valid existing rights, there is established the Shenandoah Mountain National Scenic Area, consisting of approximately 92,562 acres of National Forest System land in the George Washington and Jefferson National Forests, as generally depicted on the map filed under section 5(a)(1).

(b) Purposes.—The purposes of the National Scenic Area are—

(1) to ensure the protection and preservation of the scenic quality, water quality, natural characteristics, and water resources of the National Scenic Area;

(2) to protect wildlife, fish, and plant habitat in the National Scenic Area;

(3) to protect outstanding natural biological values and habitat for plant and animal species along the Shenandoah Mountain crest above 3,000 feet above sea level elevation, including the Cow Knob salamander;

(4) to protect forests in the National Scenic Area that may develop characteristics of old-growth forests;

(5) to protect the Wilderness Areas; and
(6) to provide for a variety of, and improve existing, recreation settings and opportunities in the National Scenic Area in a manner consistent with the purposes of the National Scenic Area described in paragraphs (1) through (5).

(c) Administration.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall administer the National Scenic Area in accordance with—

(A) this section; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) Exception.—Subject to valid existing rights, the Secretary shall administer the Wilderness Areas in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and any other laws applicable to the Wilderness Areas, except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering the Wilderness Areas.

(3) Effect; conflicts.—

(A) Effect.—The establishment of the National Scenic Area shall not affect the administration of the Wilderness Areas.
(B) CONFLICTS.—In the case of any conflict between the laws applicable to the Wilderness Areas, the Wilderness Act (16 U.S.C. 1131 et seq.) shall control.

(4) NO BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around the National Scenic Area or a Wilderness Area.

(B) ACTIVITIES OUTSIDE NATIONAL SCENIC AREA OR WILDERNESS AREAS.—The fact that an activity or use on land outside the National Scenic Area or a Wilderness Area can be seen or heard by humans within the National Scenic Area or Wilderness Area shall not preclude the activity or use outside the boundaries of the National Scenic Area or Wilderness Area.

(d) RECREATIONAL USES.—

(1) IN GENERAL.—Except as otherwise provided in this section or under applicable law, the Secretary shall authorize the continuation of, or seek to improve, authorized recreational uses of the National Scenic Area in existence on the date of enactment of this Act.
(2) EFFECT.—Nothing in this section interferes with the authority of the Secretary—

(A) to maintain or improve nonmotorized trails and recreation sites within the National Scenic Area;

(B) to construct new nonmotorized trails and recreation sites within the National Scenic Area;

(C) to adjust recreational uses within the National Scenic Area for reasons of sound resource management or public safety; and

(D) to evaluate applications for, and issue or deny, special use authorizations in connection with recreation within the National Scenic Area.

(3) REQUIREMENT.—Recreation within the National Scenic Area shall be conducted in a manner consistent with the purposes of the National Scenic Area described in subsection (b).

(e) NATIONAL FOREST SYSTEM TRAIL PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a National Forest System trail plan for National Forest System land in the National Scenic Area that is not located in a Wilderness Area in
order to construct, maintain, and improve non-
motorized recreation National Forest System trails
in a manner consistent with the purposes of the Na-
tional Scenic Area described in subsection (b).

(2) POTENTIAL INCLUSION.—The Secretary
may address in the National Forest System trail
plan developed under paragraph (1) National Forest
System land that is near, but not within the bound-
dary of, the National Scenic Area.

(3) PUBLIC INPUT.—In developing the National
Forest System trail plan under paragraph (1), the
Secretary shall seek input from interested parties,
including members of the public.

(4) REQUIREMENTS.—The National Forest
System trail plan developed under paragraph (1)
shall—

(A) promote sustainable trail management
that protects natural resources and provides di-
verse, high-quality recreation opportunities,
which may include loop trails for nonmotorized
uses;

(B) consider natural resource protection,
trail sustainability, and trail maintenance needs
as primary factors in determining the location
or relocation of National Forest System trails;
and

(C) develop a National Forest System trail outside the Little River Wilderness Area in the area of the Tillman Road corridor (along National Forest System road 101) to connect the Wolf Ridge Trail parking area to the Wild Oak National Recreation Trail, as generally depicted on the applicable map filed under section 5(a)(2), pending completion of the required environmental analysis.

(5) Implementation report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the National Forest System trail plan developed under paragraph (1), including the identification of the National Forest System trail described in paragraph (4)(C) and any other priority National Forest System trails identified for development.

(f) Roads.—

(1) In general.—The establishment of the National Scenic Area shall not—
(A) result in the closure of any National Forest System roads, as generally depicted on the map filed under section 5(a)(1); or

(B) modify public access within the National Scenic Area.

(2) NO NEW ROADS.—No new roads shall be constructed in the National Scenic Area after the date of enactment of this Act.

(3) EFFECT.—Nothing in this section—

(A) denies any owner of private land or an interest in private land that is located within the National Scenic Area the right to access the private land;

(B) alters the authority of the Secretary to open or close roads in the National Scenic Area in existence on the date of enactment of this Act in furtherance of the purposes of this Act;

or

(C) alters the authority of the State—

(i) to maintain the access road to the crest of Shenandoah Mountain (Route 924); or

(ii) to realign the access road described in clause (i) if necessary for rea-
sons of sound resource management or
public safety.

(4) PARKING AREAS.—

(A) IN GENERAL.—Subject to subpara-
graph (B), the reconstruction, minor relocation,
and construction of parking areas and related
facilities within the National Scenic Area are
authorized in a manner consistent with the pur-
oposes of the National Scenic Area described in
subsection (b).

(B) LIMITATION.—Additional trailhead
parking areas authorized in the National Scenic
Area under subparagraph (A) may be con-
structed only along National Forest System
roads.

(g) MOTORIZED TRAVEL.—Motorized travel shall be
allowed only on roads within the portions of the National
Scenic Area that are not Wilderness Areas, in a manner
consistent with subsection (f).

(h) WATER.—The Secretary shall administer the Na-
tional Scenic Area in a manner that maintains and en-
hances water quality.

(i) WATER IMPOUNDMENTS.—The establishment of
the National Scenic Area shall not prohibit—
(1) the operation, maintenance, or improvement of, or access to, dams, reservoirs, or related infrastructure in existence on the date of enactment of this Act, as generally depicted on the map filed under section 5(a)(1); or

(2) the establishment of new dams, reservoirs, or related infrastructure if necessary for municipal use.

(j) Timber Harvest.—

(1) In General.—Except as provided in paragraph (2), no harvesting of timber shall be allowed within the National Scenic Area.

(2) Exceptions.—

(A) Necessary Harvesting.—The Secretary may authorize harvesting of timber in the National Scenic Area if the Secretary determines that the harvesting is necessary—

(i) to control fire;

(ii) to provide for public safety or trail access;

(iii) to construct or maintain overlooks and vistas; or

(iv) to control insect or disease outbreaks.
(B) Firewood for personal use.—

Firewood may be harvested for personal use along roads within the National Scenic Area, subject to any conditions that the Secretary may require.

(k) Insect and Disease Outbreaks.—

(1) In general.—Subject to paragraph (2), the Secretary may carry out activities necessary to control insect and disease outbreaks in a manner consistent with the purposes of the National Scenic Area described in subsection (b)—

(A) to maintain scenic quality;

(B) to reduce hazards to visitors; or

(C) to protect National Forest System land or private land.

(2) Limitations.—For purposes of activities carried out under paragraph (1)—

(A) native forest insect and disease outbreaks shall be controlled only—

(i) to prevent unacceptable damage to resources on adjacent land; or

(ii) to protect threatened, endangered, sensitive, or locally rare species, with biological control methods being favored; and
(B) nonnative insects and diseases may be eradicated or suppressed only in order to prevent a loss of a special biological community.

(l) VEGETATION MANAGEMENT.—The Secretary may engage in vegetation management practices within the National Scenic Area in a manner consistent with the purposes of the National Scenic Area described in subsection (b)—

(1) to maintain wildlife clearings and scenic enhancements in existence on the date of enactment of this Act; or

(2) to construct not more than 100 acres of additional wildlife clearings by—

(A) expanding wildlife clearings in existence on the date of enactment of this Act; or

(B) constructing new wildlife clearings of approximately 2 to 5 acres.

(m) WILDFIRE SUPPRESSION.—

(1) IN GENERAL.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from carrying out wildfire suppression activities within the National Scenic Area.
(2) REQUIREMENTS.—Wildfire suppression activities within the National Scenic Area shall be carried out—

(A) in a manner consistent with the purposes of the National Scenic Area described in subsection (b); and

(B) using such means as the Secretary determines to be appropriate.

(n) PRESCRIBED FIRE.—Nothing in this section prohibits the Secretary from conducting prescribed burns and necessary burn unit preparation within the National Scenic Area in a manner consistent with the purposes of the National Scenic Area described in subsection (b).

(o) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land within the National Scenic Area is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws;

(C) operation of the mineral leasing and geothermal leasing laws;

(D) wind, solar, or other renewable energy development; and
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(E) designation of new utility corridors,
utility rights-of-way, or communications sites.

(2) EFFECT.—Consistent with subsection
(f)(3)(A), the withdrawal under paragraph (1) shall
not deny access to private land or an interest in pri-

(p) MANAGEMENT PLAN.—

(1) IN GENERAL.—As soon as practicable after
the date of the completion of the National Forest
System trail plan under subsection (e), but not later
than 2 years after the date of enactment of this Act,
the Secretary shall develop as an amendment to the
land management plan for the George Washington
and Jefferson National Forests a management plan
for the National Scenic Area that is consistent with
this section.

(2) EFFECT.—Nothing in this subsection re-
quires the Secretary to revise the land management
plan for the George Washington and Jefferson Na-
tional Forests under section 6 of the Forest and
Rangeland Renewable Resources Planning Act of
SEC. 4. DESIGNATION OF WILDERNESS AREAS.

Section 1 of Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584; 114 Stat. 2057; 123 Stat. 1002) is amended by adding at the end the following:

“(21) Skidmore Fork Wilderness.—Certain National Forest System land in the George Washington and Jefferson National Forests comprising approximately 5,088 acres, as generally depicted on the applicable map filed under section 5(a)(2) of the Shenandoah Mountain Act, which shall be known as the ‘Skidmore Fork Wilderness’.


“(23) Lynn Hollow Wilderness.—Certain National Forest System land in the George Washington and Jefferson National Forests comprising approximately 3,568 acres, as generally depicted on the applicable map filed under section 5(a)(2) of the
Shenandoah Mountain Act, which shall be known as the ‘Lynn Hollow Wilderness’.

“(24) LITTLE RIVER WILDERNESS.—Certain National Forest System land in the George Washington and Jefferson National Forests comprising approximately 12,461 acres, as generally depicted on the applicable map filed under section 5(a)(2) of the Shenandoah Mountain Act, which shall be known as the ‘Little River Wilderness’.

“(25) BEECH LICK KNOB WILDERNESS.—Certain National Forest System land in the George Washington and Jefferson National Forests comprising approximately 5,779 acres, as generally depicted on the applicable map filed under section 5(a)(2) of the Shenandoah Mountain Act, which shall be known as the ‘Beech Lick Knob Wilderness’.”.

SEC. 5. MAPS AND BOUNDARY DESCRIPTIONS.

(a) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the National Scenic Area; and
(2) each of the Wilderness Areas.

(b) **FORCE AND EFFECT.**—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the maps and boundary descriptions.

(c) **MAPS CONTROL.**—In the case of any discrepancy between the acreage of the National Scenic Area or a Wilderness Area and the applicable map filed under subsection (a), the applicable map filed under that subsection shall control.

(d) **AVAILABILITY.**—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the office of the Chief of the Forest Service.