

117TH CONGRESS
2D SESSION

S. _____

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.

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.**

4 This Act may be cited as the “Shenandoah Mountain
5 Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) NATIONAL SCENIC AREA.—

9 (A) IN GENERAL.—The term “National
10 Scenic Area” means the Shenandoah Mountain

1 National Scenic Area established by section
2 3(a).

3 (B) INCLUSIONS.—The term “National
4 Scenic Area” includes—

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

9 (ii) any National Forest System land
10 embedded in the National Scenic Area that
11 is administered as a component of the Na-
12 tional Wilderness Preservation System
13 under the amendments made by section 4.

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

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

19 (4) WILDERNESS AREA.—The term “Wilderness
20 Area” means a wilderness area designated by para-
21 graphs (21) through (25) of section 1 of Public Law
22 100–326 (16 U.S.C. 1132 note; 102 Stat. 584; 114
23 Stat. 2057; 123 Stat. 1002) (as added by section 4).

1 **SEC. 3. ESTABLISHMENT OF THE SHENANDOAH MOUNTAIN**
2 **NATIONAL SCENIC AREA.**

3 (a) ESTABLISHMENT.—Subject to valid existing
4 rights, there is established the Shenandoah Mountain Na-
5 tional Scenic Area, consisting of approximately 92,449
6 acres of National Forest System land in the George Wash-
7 ington National Forest, as generally depicted on the map
8 filed under section 5(a)(1).

9 (b) PURPOSES.—The purposes of the National Scenic
10 Area are—

11 (1) to ensure the protection and preservation of
12 the scenic quality, water quality, natural characteris-
13 tics, and water resources of the National Scenic
14 Area;

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

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

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

24 (5) to protect the Wilderness Areas; and

25 (6) to provide for a variety of, and improve ex-
26 isting, recreation opportunities in the National Sce-

1 nic Area in a manner consistent with the purposes
2 of the National Scenic Area described in paragraphs
3 (1) through (5).

4 (c) ADMINISTRATION.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the Secretary shall administer the Na-
7 tional Scenic Area in accordance with—

8 (A) this section; and

9 (B) the laws (including regulations) gen-
10 erally applicable to the National Forest System.

11 (2) EXCEPTION.—Subject to valid existing
12 rights, the Secretary shall administer the Wilderness
13 Areas in accordance with the Wilderness Act (16
14 U.S.C. 1131 et seq.) and any other laws applicable
15 to the Wilderness Areas, except that any reference
16 in that Act to the effective date of that Act shall be
17 considered to be a reference to the date of enact-
18 ment of this Act for purposes of administering the
19 Wilderness Areas.

20 (3) EFFECT; CONFLICTS.—

21 (A) EFFECT.—The establishment of the
22 National Scenic Area shall not affect the ad-
23 ministration of the Wilderness Areas.

24 (B) CONFLICTS.—In the case of any con-
25 flict between the laws applicable to the Wilder-

1 ness Areas, the Wilderness Act (16 U.S.C.
2 1131 et seq.) shall control.

3 (4) NO BUFFER ZONES.—

4 (A) IN GENERAL.—Nothing in this section
5 creates a protective perimeter or buffer zone
6 around the National Scenic Area or a Wilder-
7 ness Area.

8 (B) ACTIVITIES OUTSIDE NATIONAL SCE-
9 NIC AREA OR WILDERNESS AREAS.—The fact
10 that an activity or use on land outside the Na-
11 tional Scenic Area or a Wilderness Area can be
12 seen or heard within the National Scenic Area
13 or Wilderness Area shall not preclude the activ-
14 ity or use outside the boundaries of the Na-
15 tional Scenic Area or Wilderness Area.

16 (d) RECREATIONAL USES.—

17 (1) IN GENERAL.—Except as otherwise pro-
18 vided in this section or under applicable law, the
19 Secretary shall authorize the continuation of, or seek
20 to improve, authorized recreational uses of the Na-
21 tional Scenic Area in existence on the date of enact-
22 ment of this Act.

23 (2) EFFECT.—Nothing in this section interferes
24 with the authority of the Secretary—

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

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

7 (C) to adjust recreational uses within the
8 National Scenic Area for reasons of sound re-
9 source management or public safety; and

10 (D) to approve and issue or deny special
11 use permits in connection with recreation within
12 the National Scenic Area.

13 (3) REQUIREMENT.—Recreation within the Na-
14 tional Scenic Area shall be conducted in a manner
15 consistent with the purposes of the National Scenic
16 Area described in subsection (b).

17 (e) TRAIL PLAN.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, the Secretary
20 shall develop a trail plan for National Forest System
21 land in the National Scenic Area that is not a Wil-
22 derness Area, in order to maintain, improve, and de-
23 velop nonmotorized recreation trails on the National
24 Forest System land in a manner consistent with the

1 purposes of the National Scenic Area described in
2 subsection (b).

3 (2) POTENTIAL INCLUSION.—The Secretary
4 may address in the trail plan developed under para-
5 graph (1) National Forest System land that is near,
6 but not within the boundary of, the National Scenic
7 Area.

8 (3) CONSULTATION.—In developing the trail
9 plan under paragraph (1), the Secretary shall con-
10 sult with interested parties, including members of
11 the public.

12 (4) REQUIREMENTS.—The trail plan developed
13 under paragraph (1) shall—

14 (A) promote sustainable trail management
15 that protects natural resources and provides di-
16 verse, high-quality, and safe recreation opportu-
17 nities, which may include loop trails for all non-
18 motorized uses;

19 (B) consider natural resource protection,
20 trail sustainability, and trail maintenance needs
21 as primary factors in determining the location
22 or relocation of trails; and

23 (C) develop a trail outside of the Little
24 River Wilderness Area in the area of the Till-
25 man Road corridor (along Forest System road

1 101) to connect the Wolf Ridge Trail parking
2 area to the Wild Oak National Recreation Trail,
3 as generally depicted on the applicable map
4 filed under section 5(a)(2).

5 (5) IMPLEMENTATION REPORT.—Not later than
6 2 years after the date of enactment of this Act, the
7 Secretary shall submit to Congress a report that de-
8 scribes the implementation of the trail plan devel-
9 oped under paragraph (1), including the identifica-
10 tion of the trail described in paragraph (4)(C) and
11 any other priority trails identified for development.

12 (f) ROADS.—

13 (1) IN GENERAL.—The establishment of the
14 National Scenic Area shall not—

15 (A) result in the closure of any National
16 Forest System roads, as generally depicted on
17 the map filed under section 5(a)(1); or

18 (B) modify public access within the Na-
19 tional Scenic Area.

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

23 (3) EFFECT.—Nothing in this section—

24 (A) denies any owner of private land or an
25 interest in private land that is located within

1 the National Scenic Area the right to access the
2 private land;

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

8 (C) alters the authority of the State—

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

12 (ii) to realign the access road de-
13 scribed in clause (i) if necessary for rea-
14 sons of sound resource management or
15 public safety.

16 (4) PARKING AREAS.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), the reconstruction, minor relocation,
19 and construction of parking areas in the Na-
20 tional Scenic Area is authorized in a manner
21 consistent with the purposes of the National
22 Scenic Area described in subsection (b).

23 (B) LIMITATION.—Additional trailhead
24 parking areas authorized in the National Scenic

1 Area under subparagraph (A) may only be con-
2 structed along National Forest System roads.

3 (g) **MOTORIZED VEHICLES.**—Motorized travel shall
4 only be allowed on roads within the portions of the Na-
5 tional Scenic Area that are not Wilderness Areas, in a
6 manner consistent with subsection (f).

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

10 (i) **WATER IMPOUNDMENTS.**—The establishment of
11 the National Scenic Area shall not prohibit—

12 (1) the operation, maintenance, or improvement
13 of, or access to, dams, reservoirs, or related infra-
14 structure in existence on the date of enactment of
15 this Act, as generally depicted on the map filed
16 under section 5(a)(1); or

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

20 (j) **TIMBER HARVEST.**—

21 (1) **IN GENERAL.**—Except as provided in para-
22 graph (2), no harvesting of timber shall be allowed
23 within the National Scenic Area.

24 (2) **EXCEPTIONS.**—

1 (A) NECESSARY HARVESTING.—The Sec-
2 retary may authorize harvesting of timber in
3 the National Scenic Area if the Secretary deter-
4 mines that the harvesting is necessary—

5 (i) to control fire;

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

8 (iii) to construct or maintain over-
9 looks and vistas; or

10 (iv) to control insect or disease out-
11 breaks.

12 (B) FIREWOOD FOR PERSONAL USE.—
13 Firewood may be harvested for personal use
14 along roads within the National Scenic Area,
15 subject to any conditions that the Secretary
16 may require.

17 (k) INSECT AND DISEASE OUTBREAKS.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary may carry out activities necessary to
20 control insect and disease outbreaks in a manner
21 consistent with the purposes of the National Scenic
22 Area described in subsection (b)—

23 (A) to maintain scenic quality;

24 (B) to reduce hazards to visitors; or

25 (C) to protect private land.

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

3 (A) native forest insect and disease out-
4 breaks shall be controlled only—

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

7 (ii) to protect threatened, endangered,
8 sensitive, or locally rare species, with bio-
9 logical control methods being favored; and

10 (B) nonnative insects and diseases may be
11 eradicated or suppressed only in order to pre-
12 vent a loss of a special biological community.

13 (1) VEGETATION MANAGEMENT.—The Secretary may
14 engage in vegetation manipulation practices within the
15 National Scenic Area in a manner consistent with the pur-
16 poses of the National Scenic Area described in subsection
17 (b)—

18 (1) to maintain wildlife clearings and scenic en-
19 hancements in existence on the date of enactment of
20 this Act; or

21 (2) to construct not more than 100 acres of ad-
22 ditional wildlife clearings by—

23 (A) expanding wildlife clearings in exist-
24 ence on the date of enactment of this Act; or

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

3 (m) WILDFIRE SUPPRESSION.—

4 (1) IN GENERAL.—Nothing in this section pro-
5 hibits the Secretary, in cooperation with other Fed-
6 eral, State, and local agencies, as appropriate, from
7 carrying out wildfire suppression activities within the
8 National Scenic Area.

9 (2) REQUIREMENTS.—Wildfire suppression ac-
10 tivities within the National Scenic Area shall be car-
11 ried out—

12 (A) in a manner consistent with the pur-
13 poses of the National Scenic Area described in
14 subsection (b); and

15 (B) using such means as the Secretary de-
16 termines to be appropriate.

17 (n) PRESCRIBED FIRE.—Nothing in this section pro-
18 hibits the Secretary from conducting prescribed burns
19 within the National Scenic Area in a manner consistent
20 with the purposes of the National Scenic Area described
21 in subsection (b).

22 (o) WITHDRAWAL.—

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

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

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

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

7 (D) wind energy development; and

8 (E) designation of new utility corridors,
9 utility rights-of-way, or communication sites.

10 (2) EFFECT.—The withdrawal under paragraph
11 (1) shall not deny access to private interests within
12 the National Scenic Area.

13 (p) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—As soon as practicable after
15 the date of the completion of the trail plan under
16 subsection (e), but not later than 2 years after the
17 date of enactment of this Act, the Secretary shall
18 develop as an amendment to the land and resource
19 management plan for the George Washington Na-
20 tional Forest a management plan for the National
21 Scenic Area that is consistent with this section.

22 (2) EFFECT.—Nothing in this subsection re-
23 quires the Secretary to revise the land and resource
24 management plan for the George Washington Na-
25 tional Forest under section 6 of the Forest and

1 Rangeland Renewable Resources Planning Act of
2 1974 (16 U.S.C. 1604).

3 **SEC. 4. DESIGNATION OF WILDERNESS AREAS.**

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

7 “(21) SKIDMORE FORK WILDERNESS.—Certain
8 land in the George Washington National Forest
9 comprising approximately 5,079 acres, as generally
10 depicted on the applicable map filed under section
11 5(a)(2) of the Shenandoah Mountain Act of 2022,
12 which shall be known as the ‘Skidmore Fork Wilder-
13 ness’.

14 “(22) RAMSEYS DRAFT WILDERNESS ADDI-
15 TION.—Certain land in the George Washington Na-
16 tional Forest comprising approximately 6,963 acres,
17 as generally depicted on the applicable map filed
18 under section 5(a)(2) of the Shenandoah Mountain
19 Act of 2022, which shall be incorporated into the
20 Ramseys Draft Wilderness designated by Public Law
21 98–586 (16 U.S.C. 1132 note; 98 Stat. 3106).

22 “(23) LYNN HOLLOW WILDERNESS.—Certain
23 land in the George Washington National Forest
24 comprising approximately 3,574 acres, as generally
25 depicted on the applicable map filed under section

1 5(a)(2) of the Shenandoah Mountain Act of 2022,
2 which shall be known as the ‘Lynn Hollow Wilder-
3 ness’.

4 “(24) LITTLE RIVER WILDERNESS.—Certain
5 land in the George Washington National Forest
6 comprising approximately 12,461 acres, as generally
7 depicted on the applicable map filed under section
8 5(a)(2) of the Shenandoah Mountain Act of 2022,
9 which shall be known as the ‘Little River Wilder-
10 ness’.

11 “(25) BEECH LICK KNOB WILDERNESS.—Cer-
12 tain land in the George Washington National Forest
13 comprising approximately 5,764 acres, as generally
14 depicted on the applicable map filed under section
15 5(a)(2) of the Shenandoah Mountain Act of 2022,
16 which shall be known as the ‘Beech Lick Knob Wil-
17 derness’.”.

18 **SEC. 5. MAPS AND BOUNDARY DESCRIPTIONS.**

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

25 (1) the National Scenic Area; and

1 (2) each of the Wilderness Areas.

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

7 (c) MAPS CONTROL.—In the case of any discrepancy
8 between the acreage of the National Scenic Area or a Wil-
9 derness Area and the applicable map filed under sub-
10 section (a), the applicable map filed under that subsection
11 shall control.

12 (d) AVAILABILITY.—The maps and boundary descrip-
13 tions filed under subsection (a) shall be on file and avail-
14 able for public inspection in the office of the Chief of the
15 Forest Service.