

119TH CONGRESS
1ST 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”.

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 within the boundary of the National Scenic
11 Area that is administered as a component
12 of the National Wilderness Preservation
13 System under the amendments made by
14 section 4.

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

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

20 (4) WILDERNESS AREA.—The term “Wilderness
21 Area” means a wilderness area designated by para-
22 graphs (21) through (25) of section 1 of Public Law
23 100–326 (16 U.S.C. 1132 note; 102 Stat. 584; 114
24 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 92,562
6 acres of National Forest System land in the George Wash-
7 ington and Jefferson National Forests, as generally de-
8 picted on the map 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 above sea level elevation, including the Cow
21 Knob salamander;

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

25 (5) to protect the Wilderness Areas; and

1 (6) to provide for a variety of, and improve ex-
2 isting, recreation settings and opportunities in the
3 National Scenic Area in a manner consistent with
4 the purposes of the National Scenic Area described
5 in paragraphs (1) through (5).

6 (c) ADMINISTRATION.—

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

10 (A) this section; and

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

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

22 (3) EFFECT; CONFLICTS.—

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

1 (B) CONFLICTS.—In the case of any con-
2 flict between the laws applicable to the Wilder-
3 ness Areas, the Wilderness Act (16 U.S.C.
4 1131 et seq.) shall control.

5 (4) NO BUFFER ZONES.—

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

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

18 (d) RECREATIONAL USES.—

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

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

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

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

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

12 (D) to evaluate applications for, and issue
13 or deny, special use authorizations in connec-
14 tion with recreation within the National Scenic
15 Area.

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

20 (e) NATIONAL FOREST SYSTEM TRAIL PLAN.—

21 (1) IN GENERAL.—Not later than 2 years after
22 the date of enactment of this Act, the Secretary
23 shall develop a National Forest System trail plan for
24 National Forest System land in the National Scenic
25 Area that is not located in a Wilderness Area in

1 order to construct, maintain, and improve non-
2 motorized recreation National Forest System trails
3 in a manner consistent with the purposes of the Na-
4 tional Scenic Area described in subsection (b).

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

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

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

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

22 (B) consider natural resource protection,
23 trail sustainability, and trail maintenance needs
24 as primary factors in determining the location

1 or relocation of National Forest System trails;
2 and

3 (C) develop a National Forest System trail
4 outside the Little River Wilderness Area in the
5 area of the Tillman Road corridor (along Na-
6 tional Forest System road 101) to connect the
7 Wolf Ridge Trail parking area to the Wild Oak
8 National Recreation Trail, as generally depicted
9 on the applicable map filed under section
10 5(a)(2), pending completion of the required en-
11 vironmental analysis.

12 (5) IMPLEMENTATION REPORT.—Not later than
13 2 years after the date of enactment of this Act, the
14 Secretary shall submit to Congress a report that de-
15 scribes the implementation of the National Forest
16 System trail plan developed under paragraph (1), in-
17 cluding the identification of the National Forest Sys-
18 tem trail described in paragraph (4)(C) and any
19 other priority National Forest System trails identi-
20 fied for development.

21 (f) ROADS.—

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

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

4 (B) modify public access within the Na-
5 tional Scenic Area.

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

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

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

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

19 (C) alters the authority of the State—

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

23 (ii) to realign the access road de-
24 scribed in clause (i) if necessary for rea-

1 sons of sound resource management or
2 public safety.

3 (4) PARKING AREAS.—

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

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

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

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

23 (i) WATER IMPOUNDMENTS.—The establishment of
24 the National Scenic Area shall not prohibit—

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

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

9 (j) TIMBER HARVEST.—

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

13 (2) EXCEPTIONS.—

14 (A) NECESSARY HARVESTING.—The Sec-
15 retary may authorize harvesting of timber in
16 the National Scenic Area if the Secretary deter-
17 mines that the harvesting is necessary—

18 (i) to control fire;

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

21 (iii) to construct or maintain over-
22 looks and vistas; or

23 (iv) to control insect or disease out-
24 breaks.

1 (B) FIREWOOD FOR PERSONAL USE.—

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

6 (k) INSECT AND DISEASE OUTBREAKS.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary may carry out activities necessary to
9 control insect and disease outbreaks in a manner
10 consistent with the purposes of the National Scenic
11 Area described in subsection (b)—

12 (A) to maintain scenic quality;

13 (B) to reduce hazards to visitors; or

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

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

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

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

22 (ii) to protect threatened, endangered,
23 sensitive, or locally rare species, with bio-
24 logical control methods being favored; and

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

4 (l) VEGETATION MANAGEMENT.—The Secretary may
5 engage in vegetation management practices within the Na-
6 tional Scenic Area in a manner consistent with the pur-
7 poses of the National Scenic Area described in subsection
8 (b)—

9 (1) to maintain wildlife clearings and scenic en-
10 hancements in existence on the date of enactment of
11 this Act; or

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

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

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

18 (m) WILDFIRE SUPPRESSION.—

19 (1) IN GENERAL.—Nothing in this section pro-
20 hibits the Secretary, in cooperation with other Fed-
21 eral, State, and local agencies, as appropriate, from
22 carrying out wildfire suppression activities within the
23 National Scenic Area.

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

4 (A) in a manner consistent with the pur-
5 poses of the National Scenic Area described in
6 subsection (b); and

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

9 (n) PRESCRIBED FIRE.—Nothing in this section pro-
10 hibits the Secretary from conducting prescribed burns and
11 necessary burn unit preparation within the National Sce-
12 nic Area in a manner consistent with the purposes of the
13 National Scenic Area described in subsection (b).

14 (o) WITHDRAWAL.—

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

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

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

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

24 (D) wind, solar, or other renewable energy
25 development; and

1 (E) designation of new utility corridors,
2 utility rights-of-way, or communications sites.

3 (2) EFFECT.—Consistent with subsection
4 (f)(3)(A), the withdrawal under paragraph (1) shall
5 not deny access to private land or an interest in pri-
6 vate land within the National Scenic Area.

7 (p) MANAGEMENT PLAN.—

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

17 (2) EFFECT.—Nothing in this subsection re-
18 quires the Secretary to revise the land management
19 plan for the George Washington and Jefferson Na-
20 tional Forests under section 6 of the Forest and
21 Rangeland Renewable Resources Planning Act of
22 1974 (16 U.S.C. 1604).

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

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

5 “(21) SKIDMORE FORK WILDERNESS.—Certain
6 National Forest System land in the George Wash-
7 ington and Jefferson National Forests comprising
8 approximately 5,088 acres, as generally depicted on
9 the applicable map filed under section 5(a)(2) of the
10 Shenandoah Mountain Act, which shall be known as
11 the ‘Skidmore Fork Wilderness’.

12 “(22) RAMSEYS DRAFT WILDERNESS ADDI-
13 TION.—Certain National Forest System land in the
14 George Washington and Jefferson National Forests
15 comprising approximately 6,961 acres, as generally
16 depicted on the applicable map filed under section
17 5(a)(2) of the Shenandoah Mountain Act, which
18 shall be incorporated into the Ramseys Draft Wil-
19 derness designated by Public Law 98–586 (16
20 U.S.C. 1132 note; 98 Stat. 3106).

21 “(23) LYNN HOLLOW WILDERNESS.—Certain
22 National Forest System land in the George Wash-
23 ington and Jefferson National Forests comprising
24 approximately 3,568 acres, as generally depicted on
25 the applicable map filed under section 5(a)(2) of the

1 Shenandoah Mountain Act, which shall be known as
2 the ‘Lynn Hollow Wilderness’.

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

10 “(25) BEECH LICK KNOB WILDERNESS.—Cer-
11 tain National Forest System land in the George
12 Washington and Jefferson National Forests com-
13 prising approximately 5,779 acres, as generally de-
14 picted on the applicable map filed under section
15 5(a)(2) of the Shenandoah Mountain Act, which
16 shall be known as the ‘Beech Lick Knob Wilder-
17 ness’.”.

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.