

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. KAINE (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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.