

VIRGINIA RIDGE AND VALLEY ACT OF 2007

SEPTEMBER 4, 2007.—Ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1011]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1011) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Virginia Ridge and Valley Act of 2007”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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.

SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LANDS IN JEFFERSON NATIONAL FOREST, VIRGINIA, AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) **DESIGNATION OF WILDERNESS.**—Section 1 of Public Law 100-326 (102 Stat. 584; 16 U.S.C. 1132 note), as amended by Public Law 106-471 (114 Stat. 2057), is further amended—

(1) in the matter preceding paragraph (1), by striking “System—” and inserting “System.”;

(2) by striking “certain” at the beginning of paragraphs (1) through (8) and inserting “Certain”;

(3) by striking the semicolon at the end of paragraphs (1) through (6) and inserting a period;

(4) by striking “; and” at the end of paragraph (7) and inserting a period; and

(5) by adding at the end the following new paragraphs:

“(9) Certain lands in the Jefferson National Forest, which comprise approximately 3,769 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated February 2007, and which shall be known as the Brush Mountain East Wilderness.

“(10) Certain lands in the Jefferson National Forest, which comprise approximately 4,794 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated February 2007, and which shall be known as the Brush Mountain Wilderness.

“(11) Certain lands in the Jefferson National Forest, which comprise approximately 4,223 acres, as generally depicted on the map entitled ‘Seng Mountain and Raccoon Branch’ and dated February 2007, and which shall be known as the Raccoon Branch Wilderness.

“(12) Certain lands in the Jefferson National Forest, which comprise approximately 3,270 acres, as generally depicted on the map entitled ‘Stone Mountain’ and dated February 2007, and which shall be known as the Stone Mountain Wilderness.

“(13) Certain lands in the Jefferson National Forest, which comprise approximately 8,470 acres, as generally depicted on the map entitled ‘Hunting Camp Creek and Garden Mountain’ and dated February 2007, and which shall be known as the Hunting Camp Creek Wilderness.

“(14) Certain lands in the Jefferson National Forest, which comprise approximately 3,291 acres, as generally depicted on the map entitled ‘Hunting Camp Creek and Garden Mountain’ and dated February 2007, and which shall be known as the Garden Mountain Wilderness.

“(15) Certain lands in the Jefferson National Forest, which comprise approximately 5,476 acres, as generally depicted on the map entitled ‘Mountain Lake Additions’ and dated February 2007, and which are hereby incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

“(16) Certain lands in the Jefferson National Forest, which comprise approximately 308 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated February 2007, and which are hereby incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

“(17) Certain lands in the Jefferson National Forest, which comprise approximately 1,845 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated February 2007, and which are hereby incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

“(18) Certain lands in the Jefferson National Forest, which comprise approximately 2,249 acres, as generally depicted on the map entitled ‘Shawvers Run Additions’ and dated February 2007, and which are hereby incorporated in the Shawvers Run Wilderness designated by paragraph (4).

“(19) Certain lands in the Jefferson National Forest, which comprise approximately 1,203 acres, as generally depicted on the map entitled ‘Peters Mountain Addition’ and dated February 2007, and which are hereby incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

“(20) Certain lands in the Jefferson National Forest, which comprise approximately 263 acres, as generally depicted on the map entitled ‘Kimberling Creek Additions and Potential Wilderness Area’ and dated February 2007, and which are hereby incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).”

(b) DESIGNATION OF WILDERNESS STUDY AREA.—Section 6(a) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3108) is amended—

(1) by striking “certain” at the beginning of paragraphs (1) through (4) and inserting “Certain”;

(2) by striking the semicolon at the end of paragraphs (1) and (2) and inserting a period;

(3) by striking “; and” at the end of paragraph (3) and inserting a period; and

(4) by adding at the end the following new paragraph:

“(5) Certain lands in the Jefferson National Forest, which comprise approximately 3,226 acres, as generally depicted on a map entitled ‘Lynn Camp Creek Wilderness Study Area’ and dated February 2007, and which shall be known as the Lynn Camp Creek Wilderness Study Area.”.

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture 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 a map and legal description of each wilderness area designated or expanded by the amendments made by subsection (a) and of the Lynn Camp Creek Wilderness Study Area designated by the amendment made by subsection (b).

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in the amendments made by subsection (a) or (b) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) ADMINISTRATION.—

(1) NEW WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as a new wilderness area by the amendments made by subsection (a) in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(2) EXPANDED WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as wilderness and incorporated into an existing wilderness area by the amendments made by subsection (a) in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands in the Jefferson National Forest, which comprise approximately 349 acres, as generally depicted on the map entitled “Kimberling Creek Additions and Potential Wilderness Area” and dated February 2007, are designated as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

(b) MAP AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture 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 a map and legal description of potential wilderness area.

(2) FORCE AND EFFECT.—The map and legal description referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The map and legal description referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary of Agriculture shall manage the potential wilderness area as wilderness pending its incorporation in the Kimberling Creek Wilderness.

(d) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary of Agriculture may use motorized

equipment and mechanized transport in the potential wilderness area until its incorporation in the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(e) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary of Agriculture publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is five years after the date of the enactment of this Act.

(f) ADMINISTRATION.—Subject to valid existing rights, upon incorporation of the lands designated as wilderness under subsection (e) in the Kimberling Creek Wilderness, the Secretary of Agriculture shall administer the lands in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date on which the lands are designated as wilderness under subsection (e).

SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—The following National Forest System lands in the State of Virginia are hereby designated as National Scenic Areas (in this section referred to as the “scenic areas”):

(1) Certain lands in the Jefferson National Forest, which comprise approximately 6,455 acres, as generally depicted on the map entitled “Seng Mountain and Raccoon Branch” and dated February 2007, and which shall be known as the Seng Mountain National Scenic Area.

(2) Certain lands in the Jefferson National Forest, which comprise approximately 5,128 acres, as generally depicted on the map entitled “Bear Creek” and dated February 2007, and which shall be known as the Bear Creek National Scenic Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture 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 a map and legal description of each of the scenic areas.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in subsection (a) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) PURPOSES OF SCENIC AREAS.—The scenic areas are established for the purposes of—

(1) ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources;

(2) protecting wildlife and fish habitat, consistent with paragraph (1);

(3) protecting areas that may develop characteristics of old-growth forests; and

(4) providing a variety of recreation opportunities, consistent with the preceding paragraphs.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall administer the scenic areas in accordance with this section and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this section and other laws and regulations, this section shall take precedence.

(2) CONSISTENT USE.—The Secretary shall only allow such uses of the scenic areas as the Secretary finds will further the purposes for which the scenic areas are established.

(e) MANAGEMENT PLAN.—Within two years after the date of the enactment of this Act, the Secretary of Agriculture shall develop a management plan for the scenic areas consistent with this section. The management plan shall be developed as an

amendment to the land and resource management plan for the Jefferson National Forest, except that nothing in this section requires the Secretary to revise the land and resource management plan for the Jefferson National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(f) **ROADS.**—After the date of the enactment of this Act, no roads shall be established or constructed within the scenic areas, except that this prohibition shall not be construed to deny access to private lands or interests therein in the scenic areas.

(g) **VEGETATION MANAGEMENT.**—No timber harvest shall be allowed within the scenic areas, except as the Secretary of Agriculture finds necessary in the control of fire, insects, and diseases and to provide for public safety and trail access. Notwithstanding the preceding sentence, the Secretary may engage in vegetation manipulation practices for maintenance of existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.

(h) **MOTORIZED TRAVEL.**—Motorized travel shall not be permitted within the scenic areas, except that the Secretary of Agriculture may authorize motorized travel within the scenic areas—

(1) as necessary for administrative use in furtherance of the purposes of this section;

(2) in support of wildlife management projects in existence as of the date of the enactment of this Act; and

(3) on Forest Development Roads 9410 and 84b during deer and bear hunting seasons and on that portion of Forest Development Road 6261 designated on the map referred to in subsection (a)(2) as “open seasonally” during deer and bear hunting seasons.

(i) **FIRE.**—Wildfires in the scenic area shall be suppressed in a manner consistent with the purposes of this section, using such means as the Secretary of Agriculture considers appropriate.

(j) **INSECTS AND DISEASE.**—Insect and disease outbreaks may be controlled in the scenic areas to maintain scenic quality, prevent tree mortality, reduce hazards to visitors, or protect private lands.

(k) **WATER.**—The Secretary of Agriculture shall administer the scenic areas so as to maintain and enhance water quality.

(l) **MINING WITHDRAWAL.**—Subject to valid existing rights, all federally owned lands in the scenic areas are withdrawn from location, entry, and patent under the mining laws of the United States and from leasing claims under the mineral and geothermal leasing laws of the United States, including amendments to such laws.

SEC. 5. TRAIL PLAN AND DEVELOPMENT.

(a) **TRAIL PLAN.**—The Secretary of Agriculture shall establish a trail plan for National Forest System lands described in this subsection in order to develop the following:

(1) Hiking and equestrian trails on the lands in the Jefferson National Forest designated as wilderness by the amendments made by section 2(a), in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) Nonmotorized recreation trails within the Seng Mountain and Bear Creek Scenic Areas designated by section 4.

(b) **CONSULTATION.**—The Secretary of Agriculture shall establish the trail plan in consultation with interested parties.

(c) **IMPLEMENTATION REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the trail plan, including the identification of priority trails for development.

(d) **TRAIL REQUIRED.**—The Secretary of Agriculture shall develop a sustainable trail, using a contour curvilinear alignment, to provide a continuous connection for non-motorized travel between County Route 650 and Forest Development Road 4018 in Smyth County, Virginia.

PURPOSE OF THE BILL

The purpose of H.R. 1011 is to designate 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1011 designates nearly 43,000 acres of the Jefferson National Forest in southwestern Virginia as wilderness and nearly 12,000 acres as National Scenic Areas. The bill designates six new wilderness areas, makes six additions to existing wilderness areas, adds a new wilderness study area, creates two new National Scenic Areas, and directs the Forest Service to develop trail plans.

The legislation would designate as wilderness a number of significant natural and scenic areas within the Commonwealth of Virginia. The Stone Mountain proposed wilderness area provides outstanding views of Powell Mountain across the Powell River, which is famous for its rich populations of freshwater mussels. The Seng Mountain proposed national scenic area is served by a network of recreational trails. The major scenic attraction is Rowland Creek Falls, a 45-foot cascading waterfall. Much of the terrain provides excellent opportunities for recreation. The Brush Mountain East proposed wilderness area contains beautiful stands of large sugar maples, white pines, white oaks and hemlocks, and about 15 percent of the forest consists of old growth. The Lynn Camp Creek proposed wilderness area provides a microcosm of the Ridge and Valley Province of Virginia. Three parallel ridges enclose the major stream valleys of Lick Creek and Lynn Camp Creek, both of which are excellent brook trout waters. Lick Creek harbors one of the only three Virginia populations of the Tennessee Dace, a state endangered species, also listed as sensitive by the Forest Service. The Raccoon Branch proposed wilderness area contains eight major trails which provide access to the area for hunters, fishermen, hikers and horseback riders. The Appalachian Trail also traverses the area.

Each of the areas contained in H.R. 1011 were either recommended as part of the Jefferson National Forest Plan or have been endorsed by the relevant local County Board of Supervisors. H.R. 1011 has broad bipartisan support from five other Representatives from Virginia, both Virginia Senators, Governor Tim Kaine, four County Boards of Supervisors, local businesses, state organizations, faith groups, the International Mountain Bicycling Association, and local bear hunters.

COMMITTEE ACTION

H.R. 1011 was introduced on February 13, 2007, by Representative Rick Boucher (D-VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On May 10, 2007, the Subcommittee held a hearing on the legislation. On June 28, 2007, the Subcommittee was discharged from further consideration of the bill and the full Natural Resources Committee met to consider the measure.

National Parks, Forests and Public Lands Subcommittee Chairman Raúl Grijalva (D-AZ) offered an amendment to keep the seasonally-opened segment of forest development road 6261 in the proposed Bear Creek National Scenic Area open during bear and deer hunting seasons. The amendment was adopted by voice vote.

Representative Rob Bishop (R-UT) offered an en bloc amendment to strike out the Brush Mountain Wilderness, Brush Moun-

tain East Wilderness, Raccoon Branch Wilderness, Mountain Lake Addition B, Lynn Camp Creek Wilderness Study Area, Kimberling Creek Potential Wilderness Area, and would have deleted portions of the Shawvers Run Additions. The amendment was not adopted by voice vote.

Representative Bill Sali (R-ID) offered an amendment to change the management priorities of the National Scenic Areas in H.R. 1011. The amendment was not adopted by voice vote.

Representative Kevin McCarthy (R-CA) offered an amendment to strike the Brush Mountain Wilderness and Brush Mountain East Wilderness. The amendment was not adopted by voice vote.

Representative Bill Sali (R-ID) also offered an amendment to add a new section to H.R. 1011 to change the management procedures that are enumerated in the Wilderness Act. The amendment was not adopted by voice vote.

H.R. 1011, as amended, was then favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title and table of contents

Section 1 entitles the bill the “Virginia Ridge and Valley Act of 2007” and lists the table of contents.

Section 2. Designation of additional National forest system lands in Jefferson National Forest, Virginia, as wilderness or a wilderness study area

Section 2(a) designates the following new wilderness areas:

- Brush Mountain East Wilderness—3,769 acres in Craig County, VA
- Brush Mountain Wilderness—4,794 acres in Montgomery County, VA
- Raccoon Branch Wilderness—4,223 acres in Smyth County, VA
- Stone Mountain Wilderness—3,270 acres in Lee County, VA
- Hunting Camp Creek Wilderness—8,470 acres in Bland County, VA
- Garden Mountain Wilderness—3,291 acres in Bland County, VA

Section 2(a) also designates the following additions to existing wilderness areas:

- Mountain Lake Wilderness Additions—5,476 acres in Giles and Craig Counties, VA and WVA
- Lewis Fork Wilderness Addition—308 acres in Smyth and Grayson Counties, VA
- Little Wilson Wilderness Creek Additions—1,845 acres in Grayson County, VA
- Shawvers Run Wilderness Additions—2,249 acres in Craig County, VA
- Peters Mountain Wilderness Addition—1,203 acres in Giles County, VA
- Kimberling Creek Wilderness Additions—263 acres in Bland County, VA

Section 2(b) designates the Lynn Camp Creek Wilderness Study Area (WSA), comprising 3,226 acres in Bland County, VA. The area

is designated as a WSA to allow the Forest Service to study the area for possible future wilderness designation by Congress.

Section 3. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia

Section 3 designates the Kimberling Creek Potential Wilderness Area, comprising 349 acres in Bland County, VA. This area is designated as a potential wilderness area for eventual incorporation into the Kimberling Creek Wilderness Addition. The Forest Service has indicated this area needs ecological restoration work. Therefore, the bill provides for designation of the area as potential wilderness, and upon completion of the restoration work or five years from the date of enactment, the area would be automatically designated as wilderness.

Section 4. Designation of Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia

Section 4 designates 2 new National Scenic Areas. The first is the Seng Mountain National Scenic Area, comprising 6,455 acres in Smyth County, VA. The second is the Bear Creek National Scenic Area, comprising 5,128 acres in Smyth County, VA. The language for the Bear Creek National Scenic Area permits the maintenance of existing wildlife clearings for managing bear habitat, and permits motorized travel on three forest development roads during deer and bear hunting seasons.

Section 5. Trail plan and development

Section 5 requires the Forest Service to establish a trail plan for hiking and equestrian trails in the new wilderness areas and wilderness area additions, and non-motorized recreation trails within the two new National Scenic Areas.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not

contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1011—Virginia Ridge and Valley Act of 2007

H.R. 1011 would designate several wilderness, wilderness study, potential wilderness, and scenic areas on approximately 50,000 acres of federal lands within the Jefferson National Forest in Virginia. Under the bill, the Forest Service would develop management plans for the proposed scenic areas within the next two years. Finally, the legislation would prohibit timber harvesting and new mineral leasing within the scenic areas.

Based on information provided by the Forest Service, CBO estimates that implementing H.R. 1011 would cost approximately \$3 million over the 2008–2012 period, assuming appropriation of the necessary amounts. Of this amount, \$2 million would be used by the agency for planning, marking the newly designated areas, developing trails, and preparing legal descriptions and maps. The remaining \$1 million would be spent over the next five years to administer the new areas.

Designating federal lands as wilderness could result in forgone offsetting receipts if, under current law, those lands would generate income from activities such as timber harvesting and mining. According to the Forest Service, the lands affected by H.R. 1011 currently generate no significant receipts but do contain timber valued at \$2 million that may be harvested in the future. Such sales proceeds can be spent by the Forest Service without further appropriation. Thus, CBO estimates that enacting this legislation could affect both offsetting receipts and direct spending, but we estimate that the net effect of any changes would be negligible over the next 10 years. Enacting the bill would not affect revenues.

H.R. 1011 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Deborah Reis and David Reynolds, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1011 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(t) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 1 OF THE ACT OF JUNE 7, 1988

(Public Law 100-326)

An Act 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.

SECTION 1. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the States of Virginia and West Virginia are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation [System—] System:

(1) [certain] *Certain* lands in the George Washington National Forest, which comprise approximately 9,300 acres, as generally depicted on a map entitled “Rough Mountain Wilderness Area—Proposed”, dated June 1987, and which shall be known as the Rough Mountain Wilderness Area[;].

(2) [certain] *Certain* lands in the George Washington National Forest, which comprise approximately 6,450 acres, as generally depicted on a map entitled “Rich Hole Wilderness Area—Proposed”, dated June 1987, and which shall be known as the Rich Hole Wilderness Area[;].

(3) [certain] *Certain* lands in the Jefferson National Forest, and George Washington National Forest which comprise approximately 5,700 acres, as generally depicted on a map entitled “Barbours Creek Wilderness Area—Proposed”, dated June 1987, and which shall be known as the Barbours Creek Wilderness Area[;].

(4) [certain] *Certain* lands in the Jefferson National Forest and George Washington National Forest, which comprise approximately 3,665 acres, as generally depicted on a map entitled “Shawvers Run Wilderness Area—Proposed”, dated October 1987, and which shall be known as the Shawvers Run Wilderness Area[;].

(5) [certain] *Certain* lands in the Jefferson National Forest, which comprise approximately 72 acres, as generally depicted on a map entitled “Lewis Fork Wilderness Area Addition—Proposed”, dated June 1987, and which shall be known as the Lewis Fork Wilderness Area[;].

(6) [certain] *Certain* lands in the Jefferson National Forest, which comprise approximately 2,500 acres, as generally depicted on a map entitled “Mountain Lake Wilderness Area Ad-

dition—Proposed”, dated June 1987, and which shall be known as the Mountain Lake Wilderness Area[;].

(7) [certain] *Certain* lands in the George Washington National Forest, which comprise approximately 5,963 acres, as generally depicted on a map entitled “The Priest Wilderness Study Area”, dated June 6, 2000, and which shall be known as the Priest Wilderness Area[; and].

(8) [certain] *Certain* lands in the George Washington National Forest, which comprise approximately 4,608 acres, as generally depicted on a map entitled “The Three Ridges Wilderness Study Area”, dated June 6, 2000, and which shall be known as the Three Ridges Wilderness Area.

(9) *Certain lands in the Jefferson National Forest, which comprise approximately 3,769 acres, as generally depicted on the map entitled “Brush Mountain and Brush Mountain East” and dated February 2007, and which shall be known as the Brush Mountain East Wilderness.*

(10) *Certain lands in the Jefferson National Forest, which comprise approximately 4,794 acres, as generally depicted on the map entitled “Brush Mountain and Brush Mountain East” and dated February 2007, and which shall be known as the Brush Mountain Wilderness.*

(11) *Certain lands in the Jefferson National Forest, which comprise approximately 4,223 acres, as generally depicted on the map entitled “Seng Mountain and Raccoon Branch” and dated February 2007, and which shall be known as the Raccoon Branch Wilderness.*

(12) *Certain lands in the Jefferson National Forest, which comprise approximately 3,270 acres, as generally depicted on the map entitled “Stone Mountain” and dated February 2007, and which shall be known as the Stone Mountain Wilderness.*

(13) *Certain lands in the Jefferson National Forest, which comprise approximately 8,470 acres, as generally depicted on the map entitled “Hunting Camp Creek and Garden Mountain” and dated February 2007, and which shall be known as the Hunting Camp Creek Wilderness.*

(14) *Certain lands in the Jefferson National Forest, which comprise approximately 3,291 acres, as generally depicted on the map entitled “Hunting Camp Creek and Garden Mountain” and dated February 2007, and which shall be known as the Garden Mountain Wilderness.*

(15) *Certain lands in the Jefferson National Forest, which comprise approximately 5,476 acres, as generally depicted on the map entitled “Mountain Lake Additions” and dated February 2007, and which are hereby incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

(16) *Certain lands in the Jefferson National Forest, which comprise approximately 308 acres, as generally depicted on the map entitled “Lewis Fork Addition and Little Wilson Creek Additions” and dated February 2007, and which are hereby incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

(17) *Certain lands in the Jefferson National Forest, which comprise approximately 1,845 acres, as generally depicted on the map entitled “Lewis Fork Addition and Little Wilson Creek Additions” and dated February 2007, and which are hereby incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

(18) *Certain lands in the Jefferson National Forest, which comprise approximately 2,249 acres, as generally depicted on the map entitled “Shawvers Run Additions” and dated February 2007, and which are hereby incorporated in the Shawvers Run Wilderness designated by paragraph (4).*

(19) *Certain lands in the Jefferson National Forest, which comprise approximately 1,203 acres, as generally depicted on the map entitled “Peters Mountain Addition” and dated February 2007, and which are hereby incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

(20) *Certain lands in the Jefferson National Forest, which comprise approximately 263 acres, as generally depicted on the map entitled “Kimberling Creek Additions and Potential Wilderness Area” and dated February 2007, and which are hereby incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).*

SECTION 6 OF THE VIRGINIA WILDERNESS ACT OF 1984

DESIGNATION OF WILDERNESS STUDY AREAS

SEC. 6. (a) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall review, as to their suitability for preservation as wilderness, the following lands in the State of Virginia:

(1) **[certain]** *Certain lands in the George Washington National Forest, which comprise approximately nine thousand three hundred acres, generally depicted on a map entitled “Rough Mountain Wilderness Study Area—Proposed”, dated January 1984, and which shall be known as the Rough Mountain Wilderness Study Area[;].*

(2) **[certain]** *Certain lands in the George Washington National Forest, which comprise approximately five thousand six hundred acres, as generally depicted on a map entitled “Rich Hole Wilderness Study Area—Proposed”, dated January 1984, and which shall be known as the Rich Hole Wilderness Study Area[;].*

(3) **[certain]** *Certain lands in the Jefferson National Forest, which compromise approximately five thousand eight hundred and seventy-five acres, as generally depicted on a map entitled “Barbours Creek Wilderness Study Area—Proposed”, dated February 1984, and which shall be known as the Barbours Creek Wilderness Study Area[; and].*

(4) **[certain]** *Certain lands in the Jefferson National Forest, which compromise approximately four thousand three hundred acres, as generally depicted on a map entitled “Shawvers Run*

Wilderness Study Area—Proposed”, dated February 1984, and which shall be known as the Shawvers Run Wilderness Study Area.

(5) Certain lands in the Jefferson National Forest, which comprise approximately 3,226 acres, as generally depicted on a map entitled “Lynn Camp Creek Wilderness Study Area” and dated February 2007, and which shall be known as the Lynn Camp Creek Wilderness Study Area.

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