

WILD MONONGAHELA ACT: A NATIONAL LEGACY FOR
WEST VIRGINIA'S SPECIAL PLACES

APRIL 22, 2008.—Committed to the Committee of the Whole House on the state of
the Union and 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. 5151]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5151) to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, 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.

This Act may be cited as the “Wild Monongahela Act: A National Legacy for West Virginia’s Special Places”.

SEC. 2. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled “Big Draft Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Big Draft Wilderness”.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled “Cranberry Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97–466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled “Dolly Sods Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the

Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93–622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled “Otter Creek Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93–622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled “Roaring Plains Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Roaring Plains West Wilderness”.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled “Spice Run Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Spice Run Wilderness”.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) **FILING AND AVAILABILITY.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) **FORCE AND EFFECT.**—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the maps and descriptions.

(c) **ADMINISTRATION.**—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). Notwithstanding the designation of the Dolly Sods Wilderness addition by paragraph (3) of subsection (a) and the designation of the Roaring Plains West Wilderness Area by paragraph (5) of such subsection, the Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the new wilderness addition and new wilderness area in a manner compatible with the area’s preservation as wilderness.

(d) **EFFECTIVE DATE OF WILDERNESS ACT.**—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 3. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) **BOUNDARY ADJUSTMENT.**—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97–466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled “Monongahela National Forest Laurel Fork South Wilderness Boundary Modification” and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) **MANAGEMENT.**—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of Public Law 97–466 and this Act.

SEC. 4. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled “Monongahela National Forest Boundary Confirmation” and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

SEC. 5. ENHANCED TRAIL OPPORTUNITIES.

(a) **PLAN.**—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) NONMOTORIZED RECREATION TRAIL DEFINED.—For the purposes of this subsection, the term “nonmotorized recreation trail” means a trail designed for hiking, bicycling, and equestrian use.

(b) 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 plan required under subsection (a), including the identification of priority trails for development.

(c) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

PURPOSE OF THE BILL

The purpose of H.R. 5151 is to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5151, as reported, designates 37,771 acres of National Forest System lands in the Monongahela National Forest in West Virginia as wilderness.

The Monongahela National Forest is comprised of more than 919,000 acres of federal land in ten counties of eastern West Virginia. The forest is a major recreational resource for West Virginians as well as people from neighboring states, hosting approximately three million visitors annually. Currently, the forest has five federally designated wilderness areas comprising 78,041 acres: Otter Creek, Dolly Sods, Laurel Fork North and South, and the Cranberry Wilderness.

As part of the revision of the Forest Plan completed in 2006, 18 roadless areas were inventoried and evaluated for their wilderness potential. As a result of this process, H.R. 5151, as amended, proposes to designate six of the evaluated areas, totaling 37,771 acres, as wilderness. Three of the areas are additions to existing wilderness: the Cranberry Expansion in Webster and Pocahontas Counties, the Dolly Sods Expansion in Tucker County, and the Otter Creek Expansion, also in Tucker County. The remaining three are proposed new wilderness areas: Big Draft in Greenbrier County, Roaring Plains West in Pendleton and Randolph Counties, and Spice Run in Greenbrier and Pocahontas Counties.

Under the new Land and Resource Management Plan for the Monongahela National Forest, all six areas are currently being managed essentially as wilderness. The Cranberry Expansion, the Otter Creek Expansion, and Roaring Plains West are under Management Prescription 5.1, Recommended Wilderness. The Big Draft area, the Dolly Sods Expansion and the Spice Run area are under Management Prescription 6.2, Backcountry Recreation. This management prescription emphasizes a non-motorized setting with a largely natural environment and a lack of management-related disturbance.

The proposed wilderness areas in H.R. 5151 include:

Big Draft: This 5,144-acre area in the southern tip of the forest is located about five miles from White Sulphur Springs, the home of the famed Greenbrier Resort. According to the Forest Service evaluation of the area, the primary vegetative type is oak and hickory with pockets of hemlock and white pine as well as black hickory and sassafras. The evaluation makes note of the area's "natural untrammelled appearance, and natural ecological processes that are the primary factors affecting the area." Trout and small-mouth bass fishing are considered excellent. The area provides critical habitat for various rare and threatened species. The Small Whorled Pogonia, a member of the orchid family, is found here as well as the Candy Darter (a member of the perch family) and Barbara's Buttons (a type of aster). Big Draft has over 13 miles of established hiking trails with connectivity to many more. It is adjacent to the Big Bend Recreation Area, which has a campground and trailhead for the Blue Bend Loop Trail, which travels through the proposed wilderness. The area has also been popular for wilderness quality whitewater trips down Anthony Creek.

Cranberry Expansion: An 11,951-acre addition to the highly popular Cranberry Wilderness, the expansion is located between the Williams River on the North and the Cranberry River on the South and West. According to the Forest Service evaluation, "both natural integrity and appearance are considered high over much of the area." With elevations approaching 4,400 feet along the ridges, the evaluation notes the area "is a deeply dissected high plateau with sharp valleys and many peaks" with vegetation consisting of red spruce, hemlock, mountain ash and aspen. The area provides habitat for the West Virginia northern flying squirrel, as well as black bear, white-tailed deer and beaver. It also contains an excellent trail system and is held in high esteem by hunters, anglers and hikers. The combination of the Cranberry Wilderness, Cranberry Backcountry and Cranberry Expansion would create the largest area of non-motorized recreational opportunities in West Virginia—a vast silent forest primeval.

Dolly Sods Expansion: Another well-known and popular wilderness area, Dolly Sods is proposed to be expanded by 7,156 acres to the north. Most of the area is a rolling plateau of over 3,800 feet in elevation. The Allegheny Front drops 2,200 feet to the east, just outside the proposed wilderness boundary. According to the Forest Service evaluation, "the bog and heath eco-types are more typical of what one would expect to find in Maine or southern Canada rather than West Virginia." Large expanses of heath barrens with blueberries, huckleberries and cranberries occupy portions of the plateau. In addition to whitetail deer, black bear, grouse, wild turkey, and bobcat, snowshoe hares and New England cottontails, unusual in West Virginia, are common here. The Cheat Mountain salamander and West Virginia northern flying squirrel also make their homes in the area. Views west from Cabin Mountain across the Canaan Valley National Wildlife Refuge are outstanding. This high-altitude wind swept plateau is the site of rapid weather changes, including dense fog banks, and sleet and snow can occur at any time of the year.

Otter Creek Expansion: This small 698-acre proposed expansion of the Otter Creek Wilderness area has a high natural integrity and appearance and is dominated by spruce at its higher elevations

with a mixture of northern hardwoods. This area occupies the northern and eastern flanks of McGowan Mountain leading down to the Dry Fork of the Cheat River. It provides much of the scenic view for this popular river which contains excellent whitewater recreation opportunities and trout fishing. The expansion would extend the wildlife habitat protection provided by the existing wilderness for animals such as black bear, wild turkey and white-tailed deer. The red spruce on top of McGowan Mountain provide habitat for the West Virginia northern flying squirrel and Cheat Mountain salamander.

Roaring Plains West: This 6,792-acre area located southwest of Dolly Sods ranges in elevation from 3,700 feet to over 4,700 feet and is, according to the Forest Service evaluation, minimally affected by outside forces. The Roaring Plains and Flatrock Plains areas encompassed by the proposed wilderness comprise the highest plateaus in the eastern United States. They are part of the geologic backbone of West Virginia called the Allegheny Front. The evaluation also notes that this is remote backcountry, providing a good opportunity for solitude. Special features include an area known as Mt. Porte Crayon, with exceptional views. At least seven high elevation wetlands are present and are home to the snowshoe hare, bog lemming, and bobcat. Deer, turkey and bear are also abundant.

Spice Run: A proposed 6,030-acre new wilderness, this area rises from the Greenbrier River on its western boundary and is an extremely remote place primarily accessible from the river. There are no system trails within the area. The elevation ranges from 2,000 feet along the Greenbrier River to 3,284 feet on the top of Slab Camp Mountain. Spice Run, along with Davy Run and Kincaid Run, cut steep hollows which delineate the terrain. Spice Run is one of the most remote places in the state and provides excellent opportunities for solitude and backcountry recreation.

COMMITTEE ACTION

H.R. 5151 was introduced on January 29, 2008 by Committee on Natural Resources Chairman Nick Rahall (D-WV). 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 February 26, 2008, the Subcommittee on National Parks, Forests, and Public Lands held a hearing on the bill.

On April 2, 2008, the Full Natural Resources Committee met to consider the bill. Chairman Rahall offered an amendment in the nature of a substitute to delete the Cheat Mountain Proposed Wilderness Area, make technical corrections to the maps and boundaries of the proposed wilderness areas, allow the Secretary to continue a competitive running event in the vicinity of two proposed wilderness areas, require the Secretary of Agriculture to develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest, and make a boundary adjustment to the Laurel Fork South Wilderness. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites the short title of H.R. 5151 as the “Wild Monongahela Act: A National Legacy for West Virginia’s Special Places.”

Section 2. Designation of wilderness, Monongahela National Forest, West Virginia

Section 2 designates three new proposed wilderness areas in the Monongahela National Forest as wilderness, and expands three wilderness areas in the Monongahela National Forest.

Section 2(a)(1) designates 5,144 acres of the Monongahela National Forest as the Big Draft Wilderness.

Section 2(a)(2) adds 11,951 acres of the Monongahela National Forest to the Cranberry Wilderness designated by section 1(1) of Public Law 97–466.

Section 2(a)(3) adds 7,156 acres of the Monongahela National Forest to the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93–622.

Section 2(a)(4) adds 698 acres of the Monongahela National Forest to the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93–622.

Section 2(a)(5) designates 6,792 acres of the Monongahela National Forest as the Roaring Plains West Wilderness.

Section 2(a)(6) designates 6,030 acres of the Monongahela National Forest as the Spice Run Wilderness.

Section 2(b) states that as soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file with the relevant House and Senate Committees a map and legal description of each wilderness area.

Section 2(c) specifies that the federal lands designated by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act; and allows the Secretary to continue to authorize a competitive running event in the vicinity of the boundaries of the Dolly Sods Wilderness addition and the Roaring Plains West Wilderness Area in a manner compatible with the area’s preservation as wilderness.

Section 2(d) requires that with respect to the federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

Section 2(e) restates that as provided for in the section 4(d)(7) of the Wilderness Act, nothing in this section affects the jurisdiction or responsibilities of the State of West Virginia with respect to wildlife and fish.

Section 3. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest

Section 3(a) adjusts the boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97–466 to exclude two parcels of land which contain existing easements for access to private property.

Section 4. Monongahela National Forest boundary confirmation

Section 4 confirms the boundaries of the Monongahela National Forest to include tracts of land as generally depicted on the map entitled “Monongahela National Forest Boundary Confirmation” and dated March 13, 2008. The purpose of this provision is to incorporate into the National Forest boundary a number of purchase units acquired by the Forest Service over the years that are adjacent to the existing boundaries.

Section 5. Enhanced trail opportunities

Section 5 requires the Secretary of Agriculture, in consultation with other parties, to develop a plan to provide for enhanced non-motorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest. A non-motorized recreational trail is defined as a trail designed for hiking, bicycling, and equestrian use. The Secretary of Agriculture is required to submit to Congress a report on the implementation of the plan not later than two years after the date of the enactment of this Act.

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. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia.

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:

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H.R. 5151 would designate approximately 38,000 acres of the Monongahela National Forest in West Virginia as wilderness. The bill also would adjust the boundary of the forest and require the Secretary of Agriculture to develop a plan to enhance trails within the forest.

Assuming the availability of appropriated funds, CBO estimates that implementing the bill would cost \$1.4 million over the 2009–2013 period. The funds would be used to survey and mark the wilderness area as well as to develop the trail plan. Enacting this legislation would have no net impact on direct spending and would not affect revenues.

H.R. 5151 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 contact for this estimate is Tyler Kruzich. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 5151 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) 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

If enacted, this bill would make no changes in existing law.