



Legislative Bulletin.....October 23, 2007

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

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 6

Total Cost of Discretionary Authorizations: \$3 million through 2012

Effect on Revenue: \$0

Total Change in Mandatory Spending: 0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 1011 — Virginia Ridge and Valley Act of 2007 (*Boucher, D-VA*)

Order of Business: H.R. 1011 is scheduled to be considered on Tuesday, October 23, 2007, subject to a structured rule (H.Res. 763) that allows for ten minutes of debate on one amendment. The rule would waive all points of order against consideration of the bill—except those for PAYGO and earmarks—and would waive all points of order against the bill itself—except that for earmarks. The rule would make in order one motion to recommit (with or without instructions).

Summary: H.R. 1011 would designate approximately 50,000 acres of land in Virginia and West Virginia as new wilderness areas, wilderness study areas, and national scenic areas under the

Wilderness Act of 1964. The bill would also direct the Secretary of Agriculture to create a recreation trail system for the newly designated areas.

The following land would be designated as 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

The following land would be added 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

The bill would also set aside the Lynn Camp Creek Wilderness Study Area, comprised of 3,226 acres in Bland County, VA. The land would then be studied for future designation as a wilderness area.

H.R. 1011 would designate 349 acres in Bland County, VA, as the Kimberling Creek Potential Wilderness Area so that the land may be included in the Kimberling Creek Wilderness Addition after ecological restoration is complete.

In addition, H.R. 1011 would as create two new national scenic areas. The first, the Seng Mountain National Scenic Area, would be comprised of 6,455 acres in Smyth County, VA. The second, the Bear Creek National Scenic Area, would include an additional 5,128 in Smyth County, VA. The bill specifies that no logging, use of motorized transportation, or road construction may take place on these lands.

Finally, the bill would require the Secretary of Agriculture to create a recreational trail plan for the National Forest System for non-motorized transportation such as hiking, biking, or horseback riding.

Amendment Information: The following amendment is debatable for 10 minutes.

Goodlatte (R-VA). Removes 26 acres from the boundaries of the Brush Mountain East wilderness area and 1,263 acres from the Seng Mountain Scenic Area. According to the Rules Committee, the changes have been made to allow for access to power lines and to maintain the use of the Barton Gap Motorized trail.

Additional Background: The Wilderness Act of 1964 established “wilderness” as a legal designation used for long-term preservation of public land. According to the original legislation, wilderness is defined as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain...Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.”

In general, the designation is reserved for the country’s most undeveloped land. According to the Bureau of Land Management (BLM), since the 1964 law was initially passed there have been 680 wilderness areas designated around the nation, taking up some 106 million acres. These acres are managed jointly by four separate federal agencies, the BLM, the Fish and Wildlife Service, the Forest Service, and the National Park Service (NPS).

For the most part, wilderness areas have the same restrictions all across the country. Motor vehicles are generally prohibited in wilderness areas. Landowners whose property is completely surrounded by wilderness areas may access their property to the same degree they were able to prior to the designation. Managing agencies are given the power to purchase property of willing sellers within the designated wilderness area. Wilderness areas are often used for grazing animals, which is completely allowed so long as the animals grazed the land prior to the designation. And, while hunting, fishing, and camping are perfectly acceptable, no permanent roads may ever be built inside a wilderness area.

For more information about wilderness areas, including maps of designated wildernesses around the country, visit, <http://www.blm.gov/nlcs/wilderness/index.html>.

Committee Action: H.R. 1011 was introduced on February 13, 2007, and referred to the Committee on Natural Resources as well as the Committee on Agriculture. On June 28, 2007, the Natural Resources Committee held a mark-up and reported the bill, as amended, by voice vote.

Administration Position: A statement of the Administration’s position is currently unavailable.

Cost to Taxpayers: According to CBO, implementing H.R. 1011 will cost \$3 million from FY 2008 – FY 2012, of which \$2 million would be used for agency planning and trail development, while \$1 million would be spent on administrative costs.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill expands the amount of land considered as a federal wilderness area by roughly 50,000 acres.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Natural Resources Committee, in [House Report 110 – 315](#), asserts that, “H.R. 1011 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Constitutional Authority: The Natural Resources Committee, in [House Report 110 – 315](#), cites constitutional authority in Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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