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

April 22, 2008

REFERENCE: Vol. 154, No. 64

SECTION: House

SPEAKER: Mr. RAHALL; Mr. DUNCAN; Mrs. CAPITO; Mr. BROUN of Georgia

TEXT: [*2497]

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Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

[H.R. 5151](#)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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.](#)). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods **Wilderness** addition designated by paragraph (3) of subsection (a) and the Roaring Plains West **Wilderness** Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas 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" [*2498]

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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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. Rahall) and the gentleman from Tennessee (Mr. Duncan) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

General Leave

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West

Virginia?

There was no objection.

Mr. RAHALL. Today, it is my privilege to bring to the floor of the House of Representatives the "Wild Monongahela Act: A National Legacy for West Virginia's Special Places."

This legislation is supported by the entire West Virginia delegation: In this body, my colleagues Representatives Alan Mollohan and Shelley Moore Capito, and in the other body, our Senators, Robert C. Byrd and Jay Rockefeller.

The pending measure would designate 37,771 acres of Federal land as **wilderness** within the Monongahela National Forest.

Included in this legislation is the expansion of three existing **wilderness** areas: Cranberry, Dolly Sods and Otter Creek. Additionally, three new **wilderness** areas would be established: The Big Draft, the Roaring Plains West, and Spice Run.

The issue of **wilderness** has captivated many Americans since the passage of the **Wilderness** Act in 1964. According to this landmark statute, these are places "where the Earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

To be in a **wilderness** area is, to me, truly a humbling experience. To be part of designating **wilderness** is even more humbling because **wilderness** is an effort to retain the landscape as God has created it.

As the Reverend Dennis Sparks, Executive Director of the West Virginia Council of Churches wrote to me, and I quote, "We believe that carefully protecting this wonderful national forest and its **wilderness**-quality lands not only has a sound biblical basis, but is also the best and most practical course of action for safeguarding the world which we will pass along to our children."

A great many people have worked to make this legislation possible: Matt Keller, Dave Saville, Mary Wimmer, Beth Little, Mayor John Manchester of Lewisburg, West Virginia, Bob Bittner, Jr., Mike Price, as well as the Reverend Sparks. And there are many others with whom I've hiked and with whom I've worked on this legislation for which time will not allow me to name them all.

I would also like to express my appreciation to the Monongahela National Forest Supervisor, Clyde Thompson, as well as to Sammie Lammie, for his excellent map making.

And finally, to the Governor of West Virginia, Joe Manchin, and to the Division of our Natural Resources Director, Frank Jeziro. We have and will continue to work to ensure that appropriate wildlife management activities can take place in the areas designated by this bill.

Mr. Speaker, I submit the following exchange of letters for the Record.

House of Representatives,

Committee on Agriculture,

Washington, DC, April 17, 2008.

Hon. Nick J. Rahall II,

Chairman, Committee on Natural Resources, Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: On April 2, 2008 the Committee on Natural Resources favorably reported an amended version of [H.R. 5151](#), the "Wild Monongahela Act: A National Legacy for West Virginia's Special Places." As you are aware, the bill was primarily referred to Committee of Natural Resources, while the Agriculture Committee received an additional referral.

[H.R. 5151](#) seeks, among other policy objectives, to designate as "**wilderness**" certain Federal Lands within the Monongahela National Forest in the State of West Virginia. Clause 1(a) of Rule X confers upon the Agriculture Committee jurisdiction over bills relating to forestry in general and forests other than those created from the public domain. In the past, the Committee on Agriculture has worked cooperatively with the Committee on Natural Resources regarding matters that generally concern forestry.

It is my understanding that the Committee on Natural Resources wishes to have the House of Representatives consider the bill next week. Given the need to expedite this legislation, I will agree to discharge [H.R. 5151](#) from further consideration by the Committee on Agriculture. I do so with the understanding that this action in no way waives the Committee on Agriculture's jurisdictional interests in the subject matter of the legislation or serves as a precedent for future referrals. Furthermore, in the event a House-Senate conference is requested on this matter, the Committee on Agriculture reserves the right to seek the appointment of conferees.

I ask that you insert a copy of our exchange letters into the Congressional Record during consideration of this measure on the House floor.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between the Committee on Natural Resources and the Committee on Agriculture as we deal with forestry issues in the future.

Sincerely,

Collin C. Peterson,

Chairman.

House of Representatives,

Committee On Natural Resources,

Washington, DC, April 18, 2008.

Hon. Collin C. Peterson,

Chairman, Committee on Agriculture, Longworth H.O.B., Washington, DC.

Dear Mr. Chairman: Thank you for your letter on April 18, 2008, indicating jurisdictional interests in [H.R. 5151](#), the "Wild Monongahela Act: A National Legacy for West Virginia's Special Places." As you are aware, the Committee on Natural Resources favorably reported an amended version of the bill on April 2, 2008, and would like to have the House of Representatives consider the legislation next week.

I acknowledge your jurisdictional interests in the bill, and note that the Committee on Natural Resources and the Committee on Agriculture have had a history of working cooperatively on matters that generally concern forestry. I appreciate your willingness to discharge the bill without further consideration by the Agriculture Committee and understand that this action will in no way waive your Committee's jurisdictional interests in the subject matter of the legislation or serve as a precedent for future referrals.

Furthermore, in the event that a conference with the Senate is requested on this matter, I would support naming Agriculture Committee members to the conference committee. A copy of our exchange letters regarding this bill will be inserted into the Congressional Record during floor consideration.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective Committees as we deal with forestry issues in the future.

With warm regards, I am

Sincerely,

Nick J. Rahall II,

Chairman.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, at this time I yield such time as she may consume to the gentlelady from West Virginia (Mrs. Capito).

Mrs. CAPITO. Mr. Speaker, I rise today on Earth Day in support of [H.R. 5151](#), the Wild Monongahela Act: A National Legacy for West Virginia's Special Places, introduced by my colleague from West Virginia's Third District and the chairman of the Natural Resources Committee, Congressman Nick Rahall.

I'm proud to be an original cosponsor of this important legislation, and I [*2499]

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commend the chairman for all of his hard work on this bill.

In 1964, Congress enacted the **Wilderness** Act that permanently protected some of the most natural and undisturbed places in America. Today the U.S. Forest Service preserves the natural and cultural resources and values of the forest system, including those of the Monongahela National Forest for the enjoyment, education and inspiration of this and future generations.

West Virginia's **wilderness** is part of our history and heritage, and it is passed on as a legacy. This bipartisan bill will protect approximately 38,000 acres of the Mon Forest in West Virginia through the designation of three additional **wilderness** areas and expansion of three existing Federal **wilderness** areas including: Big Draft, Cranberry Expansion, Dolly Sods Expansion, Dry Fork Expansion, Roaring Plains West and Spice Run.

West Virginia's national forest provides an excellent outdoor experience with our State's majestic mountains, winding rivers and superb hunting, camping, fishing, backpacking and other activities. Protecting these additional acres of pristine forest will ensure that future generations will be able to enjoy the natural beauty of our home State of West Virginia.

Over the last several months I've engaged in discussion with many of my constituents, many whom are avid hunters, anglers, mountain bikers and outdoorsmen who have a unique and vested interest in the impact of the **wilderness** designation on their local community. The people of this area are well acquainted with **wilderness**, and [H.R. 5151](#) reflects their desire to preserve their natural treasures, while maintaining important flexibility for the local residents.

Mr. Speaker, this bill is vitally important to guaranteeing that future generations of Americans can experience the natural wonder and beauty of West Virginia. I applaud Chairman Rahall and his staff for all of their hard work on this bill and all those in West Virginia who have seen it come

to this point.

I encourage my colleagues to support the legislation, and I encourage each of them to experience firsthand the pristine natural beauty of West Virginia and the Mon National Forest.

Mr. RAHALL. Mr. Speaker, I have no further requests for time. But, in conclusion, I want to commend the staff of our Natural Resources Committee as well, Mr. Jim Zoia, who's been with me for numerous years and knows our people in West Virginia, has been with this legislation almost daily.

Rick Healy, our chief counsel. And I wish as well to commend the ranking minority member on my committee, Mr. Don Young, for his assistance and willingness to work with us on this as well, and today's acting ranking member, Mr. Jimmy Duncan, for his help on this legislation.

I have no further requests for time, and I'll reserve, pending any further requests that the ranking member has.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

[H.R. 5151](#) will designate portions of the Monongahela National Forest in West Virginia as **wilderness**, and it is my understanding that Members of Congress whose districts are affected support the bill.

Although we should give considerable deference to those who have been elected to represent the people in the area, I do not necessarily agree that **wilderness** designation is always the wisest conservation decision we can make. **Wilderness** designation is the most restrictive policy we can impose on an area, and there are often far better, more creative ways to conserve our forests and other natural areas. In many instances, it is a mistake to foreclose active management options that can improve fish and game habitat, increase recreational access and lessen the severity of wildfires. And to protect our economic well-being, provide jobs for young people and protect our national security, our country is going to need continued access to the rich resources our own public lands provide.

We now have over 100 million acres in **wilderness** areas, and we keep adding to that at a record level. And we are very close to getting to the point where that's beginning to hurt us economically at a time when we don't need more blows to our economy.

Nevertheless, I do wish the people of West Virginia good luck living around these **wilderness** areas, and I know that they, like the people of my State, will in the long run prove to be better guardians of their mountains, rivers and wildlife than bureaucrats in Washington.

I yield back the balance of my time.

Mr. RAHALL. I yield back, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. Rahall) that the House suspend the rules and pass the bill, [H.R. 5151](#), as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.