

COMMITTEE REPORTS

110th Congress, 2d Session

SENATE Report 110-349

110 S. Rpt. 349

VIRGINIA RIDGE AND VALLEY ACT

June 16, 2008--Ordered to be printed

SPONSOR: Mr. Bingaman submitted the following

COMMITTEE: From the Committee on Energy and Natural Resources

TEXT:

NOTICE:

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June 16, 2008.--ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 570]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 570) 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, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Virginia Ridge and Valley Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) SCENIC AREAS.--The term "scenic areas" means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) SECRETARY.--The term "Secretary" means the Secretary of Agriculture.

SEC. 3. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST, VIRGINIA, AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) DESIGNATION OF WILDERNESS.--Section 1 of [Public Law 100-326](#) ([16 U.S.C. 1132](#) note; [102 Stat. 584](#), [114 Stat. 2057](#)), is amended--

(1) in the matter preceding paragraph (1), by striking "System--" and inserting "System:";

(2) by striking "certain" each place it appears and inserting "Certain";

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

(4) in paragraph (7), by striking "; and" and inserting a period; and

(5) by adding at the end the following:

"(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled `Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the `Brush Mountain East Wilderness'.

"(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled `Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the `Brush Mountain Wilderness'.

"(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled `Seng Mountain and Raccoon Branch' and dated April 28, 2008, which shall be known as the `Raccoon Branch Wilderness'.

"(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled `Stone Mountain' and dated April 28, 2008, which shall be known as the `Stone Mountain Wilderness'.

"(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled `Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the `Hunting Camp Creek Wilderness'.

"(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled `Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the `Garden Mountain Wilderness'.

"(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled `Mountain Lake Additions' and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).

"(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled `Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).

"(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as

generally depicted on the map entitled `Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).

"(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled `Shawvers Run Additions' and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

"(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled `Peters Mountain Addition' and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).

"(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled `Kimberling Creek Additions and Potential Wilderness Area' and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).".

(b) DESIGNATION OF WILDERNESS STUDY AREA.--Section (6)(a) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586) is amended--

(1) by striking "certain" each place it appears and inserting "Certain";

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

(3) in paragraph (3), by striking "; and" and inserting a period; and

(4) by adding at the end the following:

"(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled `Lynn Camp Creek Wilderness Study Area' and dated April 28, 2008, which shall be known as the `Lynn Camp Creek Wilderness Study Area'.".

SEC. 4. 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 land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled "Kimberling Creek Additions and Potential Wilderness Area" and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).

(b) MANAGEMENT.--Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act ([16 U.S.C. 1131 et seq.](#)).

(c) ECOLOGICAL RESTORATION.--

(1) IN GENERAL.--For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into 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.

(d) 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 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 5 years after the date of enactment of this Act.

SEC. 5. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.--There are designated as National Scenic Areas--

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled "Seng Mountain and Raccoon Branch" and dated April 28, 2008, which shall be known as the "Seng Mountain National Scenic Area"; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled "Bear Creek" and dated April 28, 2008, which shall be known as the "Bear Creek National Scenic Area".

(b) PURPOSES.--The purposes of the scenic areas are--

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

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) ADMINISTRATION.--

(1) IN GENERAL.--The Secretary shall administer the scenic areas in accordance with--

(A) this Act; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) AUTHORIZED USES.--The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.--

(1) IN GENERAL.--Not later than 2 years after the date of enactment of this Act, the Secretary

shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) EFFECT.--Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 ([16 U.S.C. 1604](#)).

(e) ROADS.--

(1) IN GENERAL.--Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) LIMITATION.--Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) TIMBER HARVEST.--

(1) IN GENERAL.--Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTIONS.--The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to--

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) FIREWOOD FOR PERSONAL USE.--Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) INSECT AND DISEASE OUTBREAKS.--The Secretary may control insect and disease outbreaks--

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.--The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) MOTORIZED VEHICLES.--

(1) IN GENERAL.--Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) EXCEPTIONS.--The Secretary may authorize the use of motorized vehicles--

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons--

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as "open seasonally".

(j) WILDFIRE SUPPRESSION.--Wildfire suppression within the scenic areas shall be conducted--

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) WATER.--The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) WITHDRAWAL.--Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from--

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing law.

SEC. 6. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.--The Secretary, in consultation with interested parties, shall establish a trail plan to develop--

(1) in a manner consistent with the Wilderness Act ([16 U.S.C. 1131 et seq.](#)), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of [Public Law 100-326 \(16 U.S.C. 1132 note\)](#) (as added by section 3(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) IMPLEMENTATION REPORT.--Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) SUSTAINABLE TRAIL REQUIRED.--The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of [Public Law 100-326 \(16 U.S.C. 1132 note\)](#) (as added by section 3(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 7. MAPS AND BOUNDARY DESCRIPTIONS.

(a) IN GENERAL.--As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of--

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of [Public Law 100-326 \(16 U.S.C. 1132\)](#) note) (as added by section 3(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586) (as added by section 3(b)(4)); and

(4) the potential wilderness area designated by section 4(a).

(b) FORCE AND EFFECT.--The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.--The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) CONFLICT.--In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this Act, the map shall control.

SEC. 8. EFFECTIVE DATE.

Any reference in the Wilderness Act ([16 U.S.C. 1131 et seq.](#)) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering--

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of [Public Law 100-326 \(16 U.S.C. 1132\)](#) note) (as added by section 3(a)(5)); and

(2) the potential wilderness area designated by section 4(a).

Purpose

The purposes of S. 570 are to designate certain National Forest System lands in the State of Virginia as wilderness, a wilderness study area, and national scenic areas, and to provide for the development of trail plans for those areas.

Background and Need

The Jefferson National Forest is composed of approximately 725,000 acres located primarily in the Appalachian Mountains of southwestern Virginia. Currently, the Jefferson National Forest contains 11 wilderness areas totaling approximately 57,000 acres. The Jefferson National Forest contains some of the best wildland recreation and habitat in Virginia, and is host to millions of visitors, hundreds of species of birds, and many dozens of species of mammals, fish, amphibians, and reptiles. It has an existing transportation network of nearly 3,000 miles of roads.

The Virginia Ridge and Valley Act of 2008 would designate nearly 40,000 additional acres of wilderness and more than 10,000 acres as National Scenic Areas. Specifically, the bill designates six new wilderness areas, additions to six existing wilderness areas, a wilderness study area, a potential wilderness area, and two National Scenic Areas, and directs the Forest Service to develop trail plans.

Legislative History

S. 570 was introduced by Senators Warner and Webb on February 13, 2007, and the Subcommittee on Public Lands and Forests held a hearing on the bill on April 15, 2008. At its

business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered S. 570 favorably reported, with an amendment in the nature of a substitute.

A companion measure, H.R. 1011, was reported by the Committee on Natural Resources in the House of Representatives on September 4, 2007, with an amendment. It passed the House of Representatives by voice vote on October 23, 2007, with an additional amendment.

Committee Recommendation

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 570, if amended as described herein.

Committee Amendments

The amendment recommended by the Committee includes a number of adjustments to the boundaries of the designated areas to improve manageability and to address a number of other concerns raised by the Administration and other interested parties. The amendment also provides additional flexibility regarding the development of a trail along the southern boundary of the Raccoon Branch Wilderness, permits seasonal motorized access on specific Forest Service roads within the scenic areas, and includes numerous technical and conforming changes.

Section-by-Section Analysis

Section 1 contains the short title of the bill.

Section 2 contains the definitions for the bill.

Section 3 designates certain lands in the Jefferson National forest as Wilderness by amending section 1 of [Public Law 100-326](#) (as amended by [Public Law 106-471](#)) to add the following twelve paragraphs, beginning with paragraph (9):

Paragraph (9) designates approximately 3,743 acres (identified as "Brush Mountain East" on the referenced map) to be known as the Brush Mountain East Wilderness.

Paragraph (10) designates approximately 4,794 acres (identified as "Brush Mountain" on the referenced map) to be known as the Brush Mountain Wilderness. A 500-foot utility corridor, which is generally described in the Jefferson National Forest's land and resource management plan and is generally depicted on the map, separates the Brush Mountain Wilderness from the Brush Mountain East Wilderness. The boundary of the wilderness also is described by other notations on the map, such as 100 feet from the center of an adjacent road that is depicted on the map.

Paragraph (11) designates approximately 4,223 acres (identified as "Raccoon Branch" on the referenced map) to be known as the Raccoon Branch Wilderness. The Virginia Highlands Horse Trail is a popular trail in the area, and a portion of the Trail would be within the Raccoon Branch Wilderness. In its testimony before the Committee, the Forest Service stated that cooperative agreements and commitments from user groups to help maintain that portion of the trail would be necessary to protect the resources and to provide for continued equestrian use of the trail. It is the Committee's understanding that a number of local user groups have volunteered to do so and agrees that such cooperation will be helpful to the successful implementation of that aspect of the bill.

Paragraph (12) designates approximately 3,270 acres (identified as "Stone Mountain" on the referenced map) to be known as the Stone Mountain Wilderness.

Paragraph (13) designates approximately 8,470 acres (identified as "Hunting Camp Creek" on the referenced map) to be known as the Hunting Camp Creek Wilderness.

Paragraph (14) designates approximately 3,291 acres (identified as "Garden Mountain" on the referenced map) to be known as the Garden Mountain Wilderness.

Paragraph (15) designates approximately 5,476 acres (identified as "Mountain Lake Addition A", "Mountain Lake Addition B", and "Mountain Lake Addition C" on the referenced map) as an addition to the Mountain Lake Wilderness designated by section 2(6) of Public Law 98-586.

Paragraph (16) designates approximately 308 acres (identified as "Lewis Fork Addition" on the referenced map) as an addition to the Lewis Fork Wilderness designated section 2(3) of Public Law 98-586.

Paragraph (17) designates approximately 1,845 acres (identified as "Little Wilson Creek Addition A", "Little Wilson Creek Addition B", and "Little Wilson Creek Addition C" on the referenced map) as an addition to the Little Wilson Creek Wilderness designated section 2(5) of Public Law 98-586.

Paragraph (18) designates approximately 2,219 acres (identified as "Shawvers Run Addition A", "Shawvers Run Addition B", and "Shawvers Run Addition C" on the referenced map) as an addition to the Shawvers Run Wilderness designated by paragraph 4 of Public Law 100-326 (as amended by [Public Law 106-471](#)).

Paragraph (19) designates approximately 1,203 acres (identified as "Peters Mountain Addition" on the referenced map) as an addition to the Peters Mountain Wilderness designated by section 2(7) of Public Law 98-586.

Paragraph (20) designates approximately 263 acres (identified as "Kimberling Creek Addition A" and "Kimberling Creek Addition B" on the referenced map) as an addition to the Kimberling Creek Wilderness designated by section 2(2) of Public Law 98-586.

Subsection (b)--designates approximately 3,226 acres (identified as "Lynn Camp Creek Wilderness Study" on the referenced map) as the Lynn Camp Creek Wilderness Study Area by adding a new paragraph (5) to section 6(a) of Public Law 98-586.

Section 4(a) designates approximately 349 acres of the Jefferson National Forest (identified as "Kimberling Creek Potential Wilderness" on the referenced map) as a potential wilderness area to be added to the Kimberling Creek Wilderness designated by section 2(2) of Public Law 98-586.

Subsection (b) directs the Secretary of Agriculture (hereafter referred to as "Secretary") to manage the potential wilderness area as wilderness, subject to valid existing rights and the provisions in subsection (c).

Subsection (c) provides that the Secretary may use motorized equipment and mechanized transport in the potential wilderness area for ecological restoration until it is designated as wilderness. The use of motorized equipment and mechanized transport also is subject to the limitation that the Secretary shall, to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

Subsection (d) states that the potential wilderness area shall be designated as wilderness either on the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act have been removed or five years after the date of the enactment, whichever is earlier.

Section 5 designates (1) approximately 5,192 acres of the Jefferson National Forest (identified as "Seng Mountain" on the referenced map) as a National Scenic Area to be known as the Seng Mountain National Scenic Area and (2) approximately 5,128 acres of the Jefferson National Forest (identified as "Bear Creek" on the referenced map) as a National Scenic Area to be known as the Bear Creek National Scenic Area.

Subsection (b) provides the purposes for which the National Scenic Areas are established.

Subsection (c) directs the Secretary to administer the National Scenic Areas in accordance with this Act and the laws and regulations generally applicable to the National Forest System, but shall only allow such uses as will further the purposes established in subsection (b).

Subsection (d) directs the Secretary to develop a management plan for the National Scenic Areas through an amendment to the Jefferson National Forest land and resource management plan within two years after the date of enactment. It also makes clear that this section does not require the Secretary to revise the entire land and resource management plan.

Subsection (e) prohibits establishing or constructing roads within the National Scenic Areas, but provides that this prohibition shall not be construed to deny access to private land or interests in land within those National Scenic Areas.

Subsection (f) prohibits the harvest of timber within the National Scenic Areas, except as necessary to control fire, provide for public safety or trail access, or control insect and disease outbreaks, and except for personal firewood use along perimeter roads, subject to any conditions the Secretary may impose.

Subsection (g) states that insect and disease outbreaks within the National Scenic Areas may be controlled by the Secretary for the specified purposes.

Subsection (h) states that the Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings as they exist on the date of enactment.

Subsection (i) prohibits motorized travel within the National Scenic Areas, except as authorized by the Secretary for necessary administrative use in furtherance of the purposes of this section, in support of wildlife management projects that exist on the date of enactment, and on specified roads during deer and bear hunting seasons.

Subsection (j) states that wildfire suppression within the National Scenic Areas shall be conducted in a manner consistent with the purposes of the National Scenic Areas and using such means as the Secretary determines are appropriate.

Subsection (k) directs the Secretary to administer the National Scenic Areas to maintain and enhance water quality.

Subsection (l) withdraws all Federal land within the National Scenic Areas from location, entry, and patent under the mining laws and from leasing under the mineral and geothermal leasing laws, subject to valid existing rights.

Section 6(a) directs the Secretary to establish a trail plan for hiking and equestrian trails in the new wilderness areas and additions designated by section 3(a), as well as nonmotorized recreation trails within the two National Scenic Areas established by section 5(a).

Subsection (b) directs the Secretary to submit a report to Congress on the implementation of the trail plan within 2 years after the date of enactment.

Subsection (c) directs the Secretary to develop a specific trail for non-motorized travel. The Virginia Highlands Horse Trail is a popular trail in the area enjoyed by hikers, equestrians, and trail cyclists. A portion of the Trail within the proposed Raccoon Branch Wilderness is already closed to bicycles and would remain closed upon designation of the wilderness. The development of this sustainable trail is intended to provide users with a continuous route along the southern boundary of the proposed Raccoon Branch Wilderness connecting to forest development road 49352.

Section 7 directs the Secretary to file with the relevant congressional committees a map and legal description of each scenic area designated by section 5, each wilderness area designated or expanded by section 3(a), the wilderness study area designated by section 3(b), and the potential wilderness area designated by section 4(a).

Subsection (b) states that the maps and legal descriptions shall have the same force and effect as if included in the Act, except that the Secretary may correct clerical and typographical errors in the maps and legal descriptions.

Subsection (c) states that the maps and legal descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

Subsection (d) provides that if there is a conflict between one of the filed maps and the acreage estimates specified in the Act, then the map shall control.

Section 8 clarifies that any reference in the Wilderness Act to the effective date of that Act shall be considered to be the date of enactment of this Act for purposes of administering the wilderness areas designated or expanded by section 3(a) and the potential wilderness area designated by section 4(a). ~

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

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S. 570 would designate 53,000 acres of federal lands within the Jefferson National Forest in Virginia as wilderness, wilderness study, potential wilderness, or scenic areas. 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 S. 570 would cost approximately \$3 million over the 2009-2013 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 S. 570 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, enacting this legislation could affect both offsetting receipts and direct spending, but CBO estimates that the net effect of any changes would be negligible over the next 10 years. Enacting the bill would not affect revenues.

S. 570 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.

~On July 30, 2007, CBO transmitted a cost estimate for H.R. 1011, the Virginia Ridge and Valley Act of 2007, as ordered reported by the House Committee on Natural Resources on June 28, 2007. The two versions of the legislation are similar, and their estimated implementation costs are the same.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 570.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 570, as ordered reported.

Congressionally Directed Spending

S. 570, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

Executive Communications~

The views of the Administration were included in testimony received by the Committee at a hearing on S. 570 and H.R. 1011 on April 15, 2008.

Statement of Joel Holtrop, Deputy Chief, National Forest System, Forest Service, Department of Agriculture

S. 570 would designate 27,817 acres in the Jefferson National Forest as new components of the National Wilderness Preservation System (NWPS). Specifically, the bill would designate the following areas: Brush Mountain East Wilderness, Brush Mountain Wilderness, Raccoon Branch Wilderness, Stone Mountain Wilderness, Hunting Camp Creek Wilderness, and Garden Mountain Wilderness. S. 570 would also designate 11,344 acres as additions to existing wilderness areas namely, Mountain Lake Wilderness, Lewis Fork Wilderness, Little Wilson Creek Wilderness, Shawvers Run Wilderness, Peters Mountain Wilderness, and Kimberling Creek Wilderness.

S. 570 would designate 3,226 acres in the Jefferson National Forest as the "Lynn Camp Creek Wilderness Study Area." The bill also would designate 349 acres depicted on the map as the "Kimberling Creek Additions and Potential Wilderness Area" as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness. The bill would set forth requirements regarding ecological restoration within this area and would provide for the designation of the area as a wilderness within five years.

In addition, the bill would designate 11,583 acres of the Seng Mountain and Bear Creek areas as

national scenic areas for purposes of ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources; protecting wildlife and fish habitat; protecting areas that may develop characteristics of old-growth forests; and providing a variety of recreation opportunities.

Finally the bill would direct the Secretary of Agriculture to develop a management plan for the designated national scenic areas. The Secretary also would be required to develop a trail plan for hiking and equestrian trails on lands designated as wilderness by this Act and to develop a plan for non-motorized recreation trails within the Seng Mountain and Bear Creek National Scenic Areas. The bill also would direct the Secretary to develop a sustainable non-motorized trail in Smyth County, Virginia.

We recognize and commend the delegation and the Committee for its collaborative approach and local involvement that has contributed to the development of this bill. The Department supports several of the designations included in the bill but we object to other designations and to mandatory planning and construction requirements. The Department would like to work with the Committee to offer suggestions which we think will improve S. 570.

Wilderness Proposals

During the development or revision of a forest land and resource management plan (LRMP), a national forest conducts an evaluation of potential wilderness or wilderness study areas that satisfies the definition of wilderness found in section 2(c) of the Wilderness Act of 1964. On National Forest System (NFS) lands in the Eastern United States (east of the 100th meridian) the criteria for evaluating potential wilderness recognizes that much, if not all of the land, shows signs of human activity and modification. The Record of Decision for the revised Jefferson National Forest LRMP, signed on January 15, 2004, was developed over an 11-year period with extensive public involvement. It contains recommendations for 25,200 acres of wilderness study areas, including new wilderness study areas and additions to existing areas designated as wilderness.

The Department supports the provisions in S. 570 that would designate new components of the NWPS that are consistent with the Jefferson National Forest LRMP recommendations for wilderness study. These areas are the proposed Garden Mountain, Hunting Creek Camp, and Stone Mountain Wilderness areas.

The Department supports the designation of additions to existing wilderness areas for the following areas: Kimberling Creek A and B Additions, Lewis Fork Addition, Little Wilson Creek Addition, Mountain Lake A and C Additions, Peters Mountain Addition, and Shawvers Run A Addition.

The Department does not oppose the designation of the "Lynn Camp Creek Wilderness Study Area," the Mountain Lake B Addition, and Shawvers Run Additions B and C areas. However, we have concerns about the suitability of the Lynn Camp Creek Wilderness Study Area as a component of the NWPS due to its small size, configuration, and manageability (due to outstanding mineral rights). The Department is willing to work with the committee to look at other options for protection of this area. We also have concerns about the suitability of the Mountain Lake B Addition and the Shawvers Run Additions B and C as components of the NWPS due to their size and configuration. An additional concern with the Mountain Lake Addition B is that it contains a 59-acre private inholding which could require associated road access in the future if the parcel is developed.

The Department does not support the designation as "potential wilderness" for the 349-acre portion of the Kimberling Creek area. The designation "Potential Wilderness" is not a designation referenced in the Wilderness Act of 1964. A subsequent designation of wilderness following a fixed time period and associated compulsory changes in conditions can serve to limit the

Secretary's discretion in the allocation of scarce resources and other management actions associated with the administration of the NFS and the NWPS. We use the term, potential wilderness, in our wilderness evaluation process under our LRMP efforts to evaluate areas as potential additions to the NWPS. The Kimberling Creek addition was recently acquired as NFS land and in its current condition does not contain the basic natural characteristics that make it suitable for wilderness due to an extensive road network. We would recommend that the Committee consider allowing the Secretary to continue the current management prescription for this area which is Dispersed Recreation-Unsuitable. This management emphasis provides for a variety of dispersed recreation uses with minimal vegetation management and would allow use of motorized and mechanized equipment for needed road and trail rehabilitation work. We plan to develop rehabilitation plans and implement these plans within the next 5 to 10 years. While this area was not recommended as a potential wilderness area in the LRMP, future wilderness designation of this area could be reevaluated after restoration activities occur.

The Department does not support wilderness designation for the Brush Mountain and Brush Mountain East areas. These areas lie on the north side of Brush Mountain and are separated by a 345 kilovolt powerline corridor. They were not recommended for wilderness study in LRMP. They contain fire-dependent forest habitat which make up approximately 50 percent of these two areas. Additionally, the areas are largely surrounded by private lands. Wildland urban interface (subdivisions and housing developments) exists on the north and south boundaries. If designated as wilderness, our ability to utilize prescribed fire for the maintenance of southern yellow pine forest communities and to conduct hazardous fuels reduction projects would be hampered in these interface areas. Our ability to use prescribed fire is compromised when we cannot mechanically construct firelines to better control fire management activities. Additionally, the narrow width of these areas and the bisecting powerline corridor within these areas detract from their naturalness and offer few opportunities for solitude. We have also recently identified a need for a small boundary change in the proposed wilderness area along the northwest side of Brush Mountain East. An electric distribution line is located along Craig Creek and the current boundary includes some of the line within the proposed wilderness. If the Committee proceeds with wilderness designation, we would like to work with the Committee to adjust the boundary to exclude this existing line.

The Department could support the designation of the Raccoon Branch area as a wilderness area if agreements are reached in resolving trail maintenance issues in the area and if the requirement contained in section 5(d) of the bill for a sustainable trail is amended to provide more flexibility for any future alternative trail locations. Nearly six miles of the Virginia Highlands Horse Trail (VHHT) and the Dickey Knob Trail traverse this area. These trails are heavily used by both equestrians and mountain bikers. Currently only four of the six miles of the VHHT in the Raccoon Branch area are open to mountain bike use due to the steep nature of the trail where it enter the west end of Raccoon Branch. Wilderness designation would eliminate mountain bike use within the area. While equestrian use is compatible with wilderness designation, heavy use and ground conditions along the VHHT necessitate extensive maintenance to sustain the integrity of the trail and protect watershed and other resources values. To maintain the trail to the standards that are needed without mechanized or motorized equipment will require cooperative agreements and commitments from user groups to help in maintenance to protect the resources and to provide for continued equestrian use of the trail. We would like to work with the Committee to adjust the boundary as now proposed in the bill. The adjustment would exclude the section of VHHT from the western boundary to its intersection with Hickory Ridge Trail #4516 which we believe would alleviate much of the concern with maintaining the trail for equestrian use.

National Scenic Area Proposals

Section 4 of S. 570 would establish Seng Mountain and Bear Creek National Scenic Areas (NSAs). In August 2007, the President signed Executive Order (E.O.) No. 13443, "Facilitation of Hunting Heritage and Wildlife Conservation." This E.O. requires Federal land management agencies to ". . .

. Manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities . . ." Forest Service direction on compliance with the E.O. is being developed. Portions of both the Seng Mountain and Bear Creek NSAs are managed under the LRMP to manage black bear habitat. We would like to work with the Committee on language that would allow a low level of habitat management for black bear that would be consistent with the E.O. and compatible with the purposes for which the scenic areas are being established.

The proposed Seng Mountain NSA is within the congressionally designated Mount Rogers National Recreation Area (NRA). The Mount Rogers NRA is managed to provide public outdoor recreation benefits and the continued use by a diversity of recreation uses. The Seng Mountain area contains a motorized trail, the Barton Gap Trail #4624. Motorized use of the trail would be prohibited under S. 570. The Barton Gap Trail is one of only five designated motorcycle trails on the George Washington and Jefferson National Forests and is an important part of the diversity of recreation opportunities that we provide the visitors that use the Forest and the Mount Rogers NRA. The Department would like to work with the Committee to resolve any confusion resulting from the overlapping designations for the Seng Mountain area. The Department recommends that the overlapping designation be clarified and continued motorized use on the Barton Gap Trail be allowed.

Trail Development Plans

S. 570 would require the Secretary to establish a trail plan to develop hiking and equestrian trails on lands designated as wilderness by this bill. The designated lands would be administered in accordance with the Wilderness Act. The Forest Service already addresses trail management and planning standards within the LRMP planning process. The Department considers the requirement to develop additional trail plans to be unnecessary.

S. 570 also would require the Secretary to develop a sustainable trail to provide a continuous connection for non-motorized travel between State Route (SR) 650 and Forest Development Road 4018. This trail would be along SR 16. We believe that it would be costly and difficult to provide a trail in this general location that would be safe for both equestrians and mountain bikers. The existing gravel road (SR 650) is winding and narrow and contains several blind curves. It receives high local use and is the main access road for campers and recreational vehicles to enter Hurricane Campground. Further, a potential connector trail for horses and bikes from SR 650 along the route of the old Marion-Rye Valley rail bed would require crossing SR 16, a 55-mph State highway that receives heavy commercial use, in a location with poor sight distance. Trail construction along the stream would be unlikely to meet our Forest standards for riparian protection. The bill language that specifies the terminus of the connector route limits our ability to locate and construct a trail that will meet Forest Service standards for safety and in a manner that is environmentally appropriate. We would like to work with the Committee on language that would allow us to construct trail facilities with adequate consideration for alternatives, priorities, and costs.

House Amendment to H.R. 1011

The Department had the opportunity to provide testimony on this bill to the House Natural Resources Committee on two separate occasions, May and September of 2007. H.R. 1011, as passed by the House, contains the following amendments to the bill as introduced.

Section 2 was amended to adjust the acreage of the Brush Mountain East Wilderness from 3,769 acres to 3,743 acres to provide for a setback of 100 feet along the 345 kilovolt powerline corridor. The Department supports this acreage adjustment, but we remain concerned designating this area as wilderness for the reasons stated earlier in this testimony.

Section 4 was amended to adjust the acreage of the Seng Mountain National Scenic Area from 6,455 to 5,192 acres to provide for continued motorized use of the Barton Gap Trail and Black

Bear habitat management. The Department supports this acreage adjustment but would like to work with the Committee to refine the boundaries of the designation further.

Section 4 was amended to authorize motorized travel on Forest Development Road 6261 in the Bear Creek NSA during bear and deer hunting seasons. In testimony before the House Committee on Natural Resources in May 2007, the Department expressed concerns regarding the proposed Bear Creek NSA. Specifically, we were concerned about the limitation on our ability to improve black bear habitat and to provide opportunities for hunting as a result of this designation and mandated closure of the road. The Department indicated it could support the Bear Creek NSA designation if allowances were made for seasonal motorized use of the road during hunting season. The Department supports this amendment since it provides these allowances.

Section 5 was amended to allow motorized access for emergency purposes involving the health and safety of persons, including search and rescue efforts and responses to an Amber Alert. The Department considers this addition to be unnecessary as these actions are currently allowed in wilderness under section 4(c) of the Wilderness Act of 1964 and Forest Service policy, and recommends its deletion from the bill. Section 5 also was amended to provide more flexibility for the location of a non-motorized trail located along the southern boundary of the Raccoon Branch Wilderness. The Department supports this part of the amendment.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 570 as ordered 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):

A. Public Law 98-586

AN ACT To designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited 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) {D> certain <D} *Certain* lands in the George Washington National Forest, which comprise approximately nine thousand three hundred acres, as 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{D> ; <D}.

(2) {D> certain <D} *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{D> ; <D}.

(3) {D> certain <D} *Certain* lands in the Jefferson National Forest, which comprise 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{D> ; and <D}.

(4) {D> certain <D} *Certain* lands in the Jefferson National Forest, which comprise 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 land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled "Lynn Camp Creek Wilderness Study Area" and dated April 28, 2008, which shall be known as the "Lynn Camp Creek Wilderness Study Area".*

B. [Public Law 100-326](#)

AN ACT To designate certain national forest system lands in the States of Virginia and West Virginia as wilderness areas

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

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 {D> System-- <D} *System*:

(1) {D> certain <D} *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{D> ; <D}.

(2) {D> certain <D} *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{D> ; <D}.

(3) {D> certain <D} *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{D> ; <D}.

(4) {D> certain <D} *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{D> ; <D}.

(5) {D> certain <D} *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{D> ; <D}.

(6) {D> certain <D} *Certain* lands in the Jefferson National Forest, which comprise approximately 2,500 acres, as generally depicted on a map entitled "Mountain Lake Wilderness Area Addition--Proposed", dated June 1987, and which shall be known as the Mountain Lake Wilderness Area{D> ; <D}.

(7) {D> certain <D} *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{D> ; and <D}.

(8) {D> certain <D} *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 land in the Jefferson National Forest comprising approximately 3,743 acres as generally depicted on the map entitled "Brush Mountain and Brush Mountain East" and dated May 5, 2008, which shall be known as the "Brush Mountain East Wilderness".*

(10) *Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled "Brush Mountain and Brush Mountain East" and dated May 5, 2008, which shall be known as the "Brush Mountain Wilderness".*

(11) *Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled "Seng Mountain and Raccoon Branch" and dated April 28, 2008, which shall be known as the "Raccoon Branch Wilderness".*

(12) *Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled "Stone Mountain" and dated April 28, 2008, which shall be known as the "Stone Mountain Wilderness".*

(13) *Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled "Garden Mountain and Hunting Camp Creek" and dated April 28, 2008, which shall be known as the "Hunting Camp Creek Wilderness".*

(14) *Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled "Garden Mountain and Hunting Camp Creek" and dated April 28, 2008, which shall be known as the "Garden Mountain Wilderness".*

(15) *Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled "Mountain Lake Additions" and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).*

(16) *Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled "Lewis Fork Addition and Little Wilson Creek Additions" and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).*

(17) *Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled "Lewis Fork Addition and Little Wilson Creek Additions" and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).*

(18) *Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled "Shawvers Run Additions" and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).*

(19) *Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled "Peters Mountain Addition" and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).*

(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled "Kimberling Creek Additions and Potential Wilderness Area" and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 ([16 U.S.C. 1132](#) note; Public Law 98-586).