

# S. 2990

To establish the Benjamin Harrison National Recreation Area and Wilderness in the State of Indiana, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

Mr. BRAUN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To establish the Benjamin Harrison National Recreation Area and Wilderness in the State of Indiana, and for other purposes.

*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 “Benjamin Harrison National Recreation Area and Wilderness Establishment Act of 2023”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the advisory committee for the National Recreation Area established under section 4(a)(1).

(2) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the National Recreation Area and Wilderness developed under section 4(b).

(3) **MAP.**—The term “map” means the map entitled “Benjamin Harrison National Recreation Area and Wilderness Establishment Act of 2023” and dated September 28, 2023.

(4) **NATIONAL RECREATION AREA.**—The term “National Recreation Area” means the Benjamin Harrison National Recreation Area established by section 3(a)(2).

(5) **NATIONAL RECREATION AREA AND WILDERNESS.**—The term “National Recreation Area and Wilderness” means the Benjamin Harrison National Recreation Area and Wilderness established by section 3(a)(1).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(7) **STATE.**—The term “State” means the State of Indiana.

(8) **WILDERNESS ADDITION.**—The term “Wilderness addition” means the land added to the Charles C. Deam Wilderness by section 3(a)(3).

### **SEC. 3. BENJAMIN HARRISON NATIONAL RECREATION AREA AND WILDERNESS.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the State the Benjamin Harrison National Recreation Area and Wilderness as a subunit of the Hoosier National Forest, consisting of—

(A) the National Recreation Area; and

(B) the Wilderness addition.

(2) **BENJAMIN HARRISON NATIONAL RECREATION AREA.**—There is established in the State the Benjamin Harrison National Recreation Area, consisting of approximately 29,382 acres of National Forest System land depicted on the map as “Proposed National Recreation Area (NRA)”.

(3) **CHARLES C. DEAM WILDERNESS ADDITION.**—The approximately 15,300 acres of National Forest System land in the State generally depicted on the map as “Proposed Wilderness” shall be added to and administered as part of the Charles C. Deam Wilderness in accordance with Public Law 97–384 ([16 U.S.C. 1132](#) note; 96 Stat. 1942).

(4) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(b) **ADMINISTRATION.**—The Secretary shall manage—

(1) the Wilderness addition in a manner that is consistent with the Wilderness Act ([16 U.S.C. 1131 et seq.](#)), except that the setback for trails and roads in the area depicted on the map as “Proposed Wilderness” and the setback for any trails in the Wilderness addition established under subparagraph (C)(ii) of paragraph (4) that is excluded from the Wilderness addition under subparagraph (A)(ii) of that paragraph shall not be subject to that Act; and

(2) the National Recreation Area in a manner that ensures—

(A) the protection of the water quality of the public water supply of Monroe Reservoir in the State in accordance with section 303(e)(1) of the Healthy Forests Restoration Act of 2003 ([16 U.S.C. 6542\(e\)\(1\)](#)); and

(B) the promotion of recreational opportunities in the National Recreation Area.

(3) **HUNTING, FISHING, AND TRAPPING.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall allow hunting, fishing, and trapping in the National Recreation Area and Wilderness.

(B) **LIMITATIONS.**—The Secretary, in consultation with designees from the State Department of Natural Resources and the Corps of Engineers, may, for reasons of public safety, species enhancement, or management of a species listed as endangered or threatened under the Endangered Species Act of 1973 ([16 U.S.C. 1531 et seq.](#)), designate areas in which, and establish seasons during which, no hunting, fishing, or trapping is permitted in the National Recreation Area and Wilderness.

(C) **EFFECT.**—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife in the National Recreation Area and Wilderness.

(4) **RECREATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall—

(i) in the National Recreation Area, continue to permit and provide for appropriate nonmotorized and motorized recreational



uses, including hiking, viewing of nature and wildlife, camping, horseback riding, mountain biking, and other existing recreational uses; and

(ii) permit the nonmotorized recreational use of the Wilderness addition, in accordance with the Wilderness Act ([16 U.S.C. 1131 et seq.](#)) within the boundary of the “Proposed Wilderness” indicated on the map (excluding the setback for trails and roads in the area depicted on the map as “Proposed Wilderness” that is excluded from the Wilderness addition pursuant to the setback established under subparagraph (C)(ii)).

(B) LIMITATIONS.—The Secretary, in consultation with designees from the State Department of Natural Resources and the Corps of Engineers, may designate zones in which, and establish periods during which, a recreational use shall not be permitted in the National Recreation Area and Wilderness under subparagraph (A) for reasons of public safety, species enhancement, or management of a species listed as endangered or threatened under the Endangered Species Act of 1973 ([16 U.S.C. 1531 et seq.](#)).

(C) TRAIL PLAN.—

(i) IN GENERAL.—Notwithstanding any provisions of the Wilderness Act ([16 U.S.C. 1131 et seq.](#)) or any other provision of law, the Secretary, in consultation with interested parties, shall establish a trail plan—

(I) to maintain existing mountain biking, hiking, and equestrian trails in the Wilderness addition; and

(II) to develop mountain biking, hiking, and equestrian trails in the National Recreation Area.

(ii) SETBACK.—There shall be established a 100-foot setback from the centerline of each trail identified in the Wilderness addition in accordance with the trail plan established under clause (i) to exclude the trail from the Wilderness addition under subparagraph (A)(ii).

(5) VEGETATION MANAGEMENT.—

(A) WILDERNESS ADDITION.—Consistent with the Wilderness Act ([16 U.S.C. 1131 et seq.](#)), timber removal or management shall not be permitted in the Wilderness addition, except as the Secretary determines to

be necessary for public safety and management of diseases, as described in section 293.3 of title 36, Code of Federal Regulations (or a successor regulation).

(B) NATIONAL RECREATION AREA.—Vegetation management within the National Recreation Area shall be consistent with—

(i) the Management Plan; and

(ii) any applicable Forest Service land management plan.

**SEC. 4. NATIONAL RECREATION AREA ADVISORY COMMITTEE; MANAGEMENT PLAN.**

(a) NATIONAL RECREATION AREA FEDERAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish an advisory committee to advise the Secretary with respect to the management of the National Recreation Area.

(2) MEMBERSHIP.—The Advisory Committee shall be composed of members appointed by the Secretary, from among—

(A) representatives of local government;

(B) forest ecologists;

(C) experts in dispersed recreation;

(D) local residents who own or reside in property located not more than 2 miles from the boundary of the National Recreation Area;

(E) representatives of conservation and outdoor recreation groups;

(F) consulting foresters;

(G) the Director of the State Department of Natural Resources (or designees);

(H) wildlife experts; and

(I) designees from the Corps of Engineers.

(b) MANAGEMENT PLAN.—

(1) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the National Recreation Area.

(2) **REQUIREMENTS.**—The Management Plan shall—

(A) be developed—

(i) in consultation with the Advisory Committee;

(ii) after providing an opportunity for public comment; and

(iii) after engaging with interested or affected federally recognized Indian Tribes, other Federal agencies, and State and local governments, including the State Department of Natural Resources;

(B) address management issues associated with the National Recreation Area, including—

(i) fires;

(ii) invasive species;

(iii) the response to insect and disease infestations;

(iv) measures needed to protect the public water supply provided by Monroe Reservoir;

(v) the establishment, maintenance, and closure of camp sites, campgrounds, trails, and roadways; and

(vi) any other issues identified by the Advisory Committee; and

(C) include—

(i) measures to preserve and protect native and historical resources, flora, fauna, and recreational, scenic, and aesthetic values within the National Recreation Area; and

(ii) measures to prevent degradation of the public water supply provided by Monroe Reservoir.

## **SEC. 5. FUNDING.**

(a) **NO ADDITIONAL FUNDS.**—No additional funds are authorized to be appropriated to carry out this Act.

**(b) USE OF EXISTING FUNDS.**—This Act shall be carried out using amounts otherwise made available to the Secretary.

**SEC. 6. EFFECT.**

Nothing in this Act—

(1) affects the Corps of Engineers use permits for flowage rights within the National Recreation Area and Wilderness established by the order entitled “Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands” (35 Fed. Reg. 10382 (June 25, 1970));

(2) prevents the Corps of Engineers from carrying out the water control management plan of the Corps of Engineers within the National Recreation Area and Wilderness as described in the Corps of Engineers water control manual;

(3) prevents the Corps of Engineers from—

(A) disposing of, or otherwise managing, real estate interests held by the Corps of Engineers as of the date of enactment of this Act; or

(B) acquiring additional real estate interests required to support the operation or maintenance of Monroe Lake;

(4) affects the use of motor vessels (as defined in section 2101 of title 46, United States Code) on Monroe Lake;

(5) results in the closure of any State or county roadway in the National Recreation Area and Wilderness;

(6) precludes the ownership, use, or enjoyment of private land within the National Recreation Area and Wilderness;

(7) otherwise affects access to private land or cemeteries within the National Recreation Area and Wilderness;

(8) affects the access to land within the Wilderness addition by any State or private entity or organization with a permit, special use authorization, or other right to access land within the Wilderness addition, as described in section 5(a) of the Wilderness Act ([16 U.S.C. 1134\(a\)](#)), for the purpose of maintaining infrastructure located within the Wilderness addition, including access by—

(A) the Smithville Telephone Company;

- (B) Jackson County Water Utility;
- (C) Jackson County Rural Electric;
- (D) the ANR Pipeline Company;
- (E) the Monroe County commissioners;
- (F) Hoosier Trails Council, BSA; and
- (G) the State Department of Natural Resources; or

(9) affects the access to land within the Wilderness addition by the State Department of Natural Resources or appropriate public safety officers with the use of motor vehicles, mechanized equipment, or motorboats for emergencies involving the health and safety of persons within the Wilderness addition, in accordance with section 4(c) of the Wilderness Act ([16 U.S.C. 1133\(c\)](#)).

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