

118TH CONGRESS
1ST SESSION

S. 2990

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

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Benjamin Harrison
5 National Recreation Area and Wilderness Establishment
6 Act of 2023”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ADVISORY COMMITTEE.**—The term “Advi-
10 sory Committee” means the advisory committee for

1 the National Recreation Area established under sec-
2 tion 4(a)(1).

3 (2) MANAGEMENT PLAN.—The term “Manage-
4 ment Plan” means the management plan for the Na-
5 tional Recreation Area and Wilderness developed
6 under section 4(b).

7 (3) MAP.—The term “map” means the map en-
8 titled “Benjamin Harrison National Recreation Area
9 and Wilderness Establishment Act of 2023” and
10 dated September 28, 2023.

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

15 (5) NATIONAL RECREATION AREA AND WILDER-
16 NESS.—The term “National Recreation Area and
17 Wilderness” means the Benjamin Harrison National
18 Recreation Area and Wilderness established by sec-
19 tion 3(a)(1).

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

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

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

4 **SEC. 3. BENJAMIN HARRISON NATIONAL RECREATION**
5 **AREA AND WILDERNESS.**

6 (a) ESTABLISHMENT.—

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

11 (A) the National Recreation Area; and

12 (B) the Wilderness addition.

13 (2) BENJAMIN HARRISON NATIONAL RECRE-
14 ATION AREA.—There is established in the State the
15 Benjamin Harrison National Recreation Area, con-
16 sisting of approximately 29,382 acres of National
17 Forest System land depicted on the map as “Pro-
18 posed National Recreation Area (NRA)”.

19 (3) CHARLES C. DEAM WILDERNESS ADDI-
20 TION.—The approximately 15,300 acres of National
21 Forest System land in the State generally depicted
22 on the map as “Proposed Wilderness” shall be
23 added to and administered as part of the Charles C.
24 Deam Wilderness in accordance with Public Law
25 97–384 (16 U.S.C. 1132 note; 96 Stat. 1942).

1 (4) AVAILABILITY OF MAP.—The map shall be
2 on file and available for public inspection in the ap-
3 propriate offices of the Forest Service.

4 (b) ADMINISTRATION.—The Secretary shall man-
5 age—

6 (1) the Wilderness addition in a manner that is
7 consistent with the Wilderness Act (16 U.S.C. 1131
8 et seq.), except that the setback for trails and roads
9 in the area depicted on the map as “Proposed Wil-
10 derness” and the setback for any trails in the Wil-
11 derness addition established under subparagraph
12 (C)(ii) of paragraph (4) that is excluded from the
13 Wilderness addition under subparagraph (A)(ii) of
14 that paragraph shall not be subject to that Act; and

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

17 (A) the protection of the water quality of
18 the public water supply of Monroe Reservoir in
19 the State in accordance with section 303(e)(1)
20 of the Healthy Forests Restoration Act of 2003
21 (16 U.S.C. 6542(e)(1)); and

22 (B) the promotion of recreational opportu-
23 nities in the National Recreation Area.

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

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the Secretary shall allow hunting,
3 fishing, and trapping in the National Recre-
4 ation Area and Wilderness.

5 (B) LIMITATIONS.—The Secretary, in con-
6 sultation with designees from the State Depart-
7 ment of Natural Resources and the Corps of
8 Engineers, may, for reasons of public safety,
9 species enhancement, or management of a spe-
10 cies listed as endangered or threatened under
11 the Endangered Species Act of 1973 (16 U.S.C.
12 1531 et seq.), designate areas in which, and es-
13 tablish seasons during which, no hunting, fish-
14 ing, or trapping is permitted in the National
15 Recreation Area and Wilderness.

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

20 (4) RECREATION.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the Secretary shall—

23 (i) in the National Recreation Area,
24 continue to permit and provide for appro-
25 appropriate nonmotorized and motorized rec-

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

5 (ii) permit the nonmotorized rec-
6 reational use of the Wilderness addition, in
7 accordance with the Wilderness Act (16
8 U.S.C. 1131 et seq.) within the boundary
9 of the “Proposed Wilderness” indicated on
10 the map (excluding the setback for trails
11 and roads in the area depicted on the map
12 as “Proposed Wilderness” that is excluded
13 from the Wilderness addition pursuant to
14 the setback established under subpara-
15 graph (C)(ii)).

16 (B) LIMITATIONS.—The Secretary, in con-
17 sultation with designees from the State Depart-
18 ment of Natural Resources and the Corps of
19 Engineers, may designate zones in which, and
20 establish periods during which, a recreational
21 use shall not be permitted in the National
22 Recreation Area and Wilderness under subpara-
23 graph (A) for reasons of public safety, species
24 enhancement, or management of a species listed
25 as endangered or threatened under the Endan-

1 gered Species Act of 1973 (16 U.S.C. 1531 et
2 seq.).

3 (C) TRAIL PLAN.—

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

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

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

16 (ii) SETBACK.—There shall be estab-
17 lished a 100-foot setback from the center-
18 line of each trail identified in the Wilder-
19 ness addition in accordance with the trail
20 plan established under clause (i) to exclude
21 the trail from the Wilderness addition
22 under subparagraph (A)(ii).

23 (5) VEGETATION MANAGEMENT.—

24 (A) WILDERNESS ADDITION.—Consistent
25 with the Wilderness Act (16 U.S.C. 1131 et

1 seq.), timber removal or management shall not
 2 be permitted in the Wilderness addition, except
 3 as the Secretary determines to be necessary for
 4 public safety and management of diseases, as
 5 described in section 293.3 of title 36, Code of
 6 Federal Regulations (or a successor regulation).

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

10 (i) the Management Plan; and

11 (ii) any applicable Forest Service land
 12 management plan.

13 **SEC. 4. NATIONAL RECREATION AREA ADVISORY COM-**
 14 **MITTEE; MANAGEMENT PLAN.**

15 (a) NATIONAL RECREATION AREA FEDERAL ADVI-
 16 SORY COMMITTEE.—

17 (1) ESTABLISHMENT.—As soon as practicable
 18 after the date of enactment of this Act, the Sec-
 19 retary shall establish an advisory committee to ad-
 20 vise the Secretary with respect to the management
 21 of the National Recreation Area.

22 (2) MEMBERSHIP.—The Advisory Committee
 23 shall be composed of members appointed by the Sec-
 24 retary, from among—

25 (A) representatives of local government;

1 (B) forest ecologists;

2 (C) experts in dispersed recreation;

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

6 (E) representatives of conservation and
7 outdoor recreation groups;

8 (F) consulting foresters;

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

11 (H) wildlife experts; and

12 (I) designees from the Corps of Engineers.

13 (b) MANAGEMENT PLAN.—

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

19 (2) REQUIREMENTS.—The Management Plan
20 shall—

21 (A) be developed—

22 (i) in consultation with the Advisory
23 Committee;

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

1 (iii) after engaging with interested or
2 affected federally recognized Indian Tribes,
3 other Federal agencies, and State and local
4 governments, including the State Depart-
5 ment of Natural Resources;

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

8 (i) fires;

9 (ii) invasive species;

10 (iii) the response to insect and disease
11 infestations;

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

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

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

20 (C) include—

21 (i) measures to preserve and protect
22 native and historical resources, flora,
23 fauna, and recreational, scenic, and aes-
24 thetic values within the National Recre-
25 ation Area; and

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

4 **SEC. 5. FUNDING.**

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

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

10 **SEC. 6. EFFECT.**

11 Nothing in this Act—

12 (1) affects the Corps of Engineers use permits
13 for flowage rights within the National Recreation
14 Area and Wilderness established by the order enti-
15 tled “Joint Order Interchanging Administrative Ju-
16 risdiction of Department of the Army Lands and
17 National Forest Lands” (35 Fed. Reg. 10382 (June
18 25, 1970));

19 (2) prevents the Corps of Engineers from car-
20 rying out the water control management plan of the
21 Corps of Engineers within the National Recreation
22 Area and Wilderness as described in the Corps of
23 Engineers water control manual;

24 (3) prevents the Corps of Engineers from—

1 (A) disposing of, or otherwise managing,
2 real estate interests held by the Corps of Engi-
3 neers as of the date of enactment of this Act;
4 or

5 (B) acquiring additional real estate inter-
6 ests required to support the operation or main-
7 tenance of Monroe Lake;

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

11 (5) results in the closure of any State or county
12 roadway in the National Recreation Area and Wil-
13 derness;

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

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

20 (8) affects the access to land within the Wilder-
21 ness addition by any State or private entity or orga-
22 nization with a permit, special use authorization, or
23 other right to access land within the Wilderness ad-
24 dition, as described in section 5(a) of the Wilderness
25 Act (16 U.S.C. 1134(a)), for the purpose of main-

1 taining infrastructure located within the Wilderness
2 addition, including access by—

- 3 (A) the Smithville Telephone Company;
- 4 (B) Jackson County Water Utility;
- 5 (C) Jackson County Rural Electric;
- 6 (D) the ANR Pipeline Company;
- 7 (E) the Monroe County commissioners;
- 8 (F) Hoosier Trails Council, BSA; and
- 9 (G) the State Department of Natural Re-
10 sources; or

11 (9) affects the access to land within the Wilder-
12 ness addition by the State Department of Natural
13 Resources or appropriate public safety officers with
14 the use of motor vehicles, mechanized equipment, or
15 motorboats for emergencies involving the health and
16 safety of persons within the Wilderness addition, in
17 accordance with section 4(c) of the Wilderness Act
18 (16 U.S.C. 1133(c)).

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