

118TH CONGRESS  
2D SESSION

# S. 4402

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

MAY 23, 2024

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 2024”.

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 March 27, 2024.

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) NONWILDERNESS CORRIDOR.—The term  
21 “nonwilderness corridor” means the land 100 feet in  
22 width from either side of the centerline of the exist-  
23 ing trails and roads, as depicted on the map as  
24 “Non-Wilderness Corridor”, which is not included as

1 part of the “Proposed Wilderness”, as depicted on  
2 the map.

3 (7) SECRETARY.—The term “Secretary” means  
4 the Secretary of Agriculture, acting through the  
5 Chief of the Forest Service.

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

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

11 **SEC. 3. BENJAMIN HARRISON NATIONAL RECREATION**  
12 **AREA AND WILDERNESS.**

13 (a) ESTABLISHMENT.—

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

18 (A) the National Recreation Area; and

19 (B) the Wilderness addition.

20 (2) BENJAMIN HARRISON NATIONAL RECRE-  
21 ATION AREA.—There is established in the State the  
22 Benjamin Harrison National Recreation Area, con-  
23 sisting of approximately 29,382 acres of National  
24 Forest System land depicted on the map as “Pro-  
25 posed National Recreation Area (NRA)”.

1           (3) CHARLES C. DEAM WILDERNESS ADDI-  
2           TION.—The approximately 15,300 acres of National  
3           Forest System land in the State generally depicted  
4           on the map as “Proposed Wilderness” shall be  
5           added to and administered as part of the Charles C.  
6           Deam Wilderness in accordance with Public Law  
7           97–384 (16 U.S.C. 1132 note; 96 Stat. 1942), con-  
8           sisting of—

9                   (A) the approximately 2,028.8 acres of Na-  
10                  tional Forest System land in the State generally  
11                  depicted on the map as the “Deckard Ridge  
12                  Units A, B, and C”;

13                   (B) the approximately 2,633 acres of Na-  
14                  tional Forest System land in the State generally  
15                  depicted on the map as the “Panther Creek  
16                  Units A and B”;

17                   (C) the approximately 5,456.9 acres of Na-  
18                  tional Forest System land in the State generally  
19                  depicted on the map as the “Nebo Ridge Units  
20                  A, B, C, D, and E”;

21                   (D) the approximately 2,141.4 acres of  
22                  National Forest System land in the State gen-  
23                  erally depicted on the map as the “Browning  
24                  Mountain Unit”;

1           (E) the approximately 2,161.9 acres of Na-  
2           tional Forest System land in the State generally  
3           depicted on the map as the “Hickory Ridge  
4           Units A, B, C, D, and E”; and

5           (F) the approximately 878.3 acres of Na-  
6           tional Forest System land in the State generally  
7           depicted on the map as the “Mose Ray Branch  
8           Unit”.

9           (4) AVAILABILITY OF MAP.—Not later than 30  
10          days after the date of enactment of this Act, the  
11          Secretary shall file the map, and make the map  
12          available for public inspection, in the appropriate of-  
13          fices of the Forest Service.

14          (b) ADMINISTRATION.—The Secretary shall man-  
15          age—

16               (1) the Wilderness addition (other than the  
17               nonwilderness corridors) in a manner that is con-  
18               sistent with the Wilderness Act (16 U.S.C. 1131 et  
19               seq.); and

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

22                       (A) the protection of the water quality of  
23                       the public water supply of Monroe Reservoir in  
24                       the State in accordance with section 303(e)(1)

1 of the Healthy Forests Restoration Act of 2003  
2 (16 U.S.C. 6542(e)(1)); and

3 (B) the promotion of recreational opportu-  
4 nities in the National Recreation Area.

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

6 (A) IN GENERAL.—Subject to subpara-  
7 graph (B), the Secretary shall allow hunting,  
8 fishing, and trapping in the National Recre-  
9 ation Area and Wilderness.

10 (B) LIMITATIONS.—The Secretary, in con-  
11 sultation with designees from the State Depart-  
12 ment of Natural Resources and the Corps of  
13 Engineers, may, for reasons of public safety,  
14 species enhancement, or management of a spe-  
15 cies listed as endangered or threatened under  
16 the Endangered Species Act of 1973 (16 U.S.C.  
17 1531 et seq.), designate areas in which, and es-  
18 tablish seasons during which, no hunting, fish-  
19 ing, or trapping is permitted in the National  
20 Recreation Area and Wilderness.

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

25 (4) RECREATION.—

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

3 (i) in the National Recreation Area,  
4 continue to permit and provide for appro-  
5 priate nonmotorized and motorized rec-  
6 reational uses, including hiking, viewing of  
7 nature and wildlife, camping, horseback  
8 riding, mountain biking, and other existing  
9 recreational uses; and

10 (ii) permit the nonmechanized rec-  
11 reational use of the Wilderness addition, in  
12 accordance with the Wilderness Act (16  
13 U.S.C. 1131 et seq.) within the boundary  
14 of the “Proposed Wilderness” indicated on  
15 the map.

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

8                   (i) to maintain existing mountain  
9                   biking, hiking, and equestrian trails in the  
10                  nonwilderness corridors; and

11                  (ii) to develop mountain biking, hik-  
12                  ing, and equestrian trails in the National  
13                  Recreation Area.

14       (5) VEGETATION MANAGEMENT.—

15           (A) WILDERNESS ADDITION.—Consistent  
16           with the Wilderness Act (16 U.S.C. 1131 et  
17           seq.), timber removal or management shall not  
18           be permitted in the Wilderness addition, except  
19           as the Secretary determines to be necessary for  
20           public safety and management of diseases, as  
21           described in section 293.3 of title 36, Code of  
22           Federal Regulations (or a successor regulation).

23           (B) NATIONAL RECREATION AREA.—Vege-  
24           tation management within the National Recre-  
25           ation Area shall be consistent with—



- 1 (i) the Management Plan; and  
2 (ii) any applicable Forest Service land  
3 management plan.

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

6 (a) NATIONAL RECREATION AREA FEDERAL ADVI-  
7 SORY COMMITTEE.—

8 (1) ESTABLISHMENT.—As soon as practicable  
9 after the date of enactment of this Act, the Sec-  
10 retary shall establish an advisory committee to ad-  
11 vise the Secretary with respect to the management  
12 of the National Recreation Area.

13 (2) MEMBERSHIP.—The Advisory Committee  
14 shall be composed of members appointed by the Sec-  
15 retary, from among—

16 (A) representatives of local government;

17 (B) forest ecologists;

18 (C) experts in dispersed recreation;

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

22 (E) representatives of conservation and  
23 outdoor recreation groups;

24 (F) consulting foresters;

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

3 (H) wildlife experts; and

4 (I) designees from the Corps of Engineers.

5 (b) MANAGEMENT PLAN.—

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

11 (2) REQUIREMENTS.—The Management Plan  
12 shall—

13 (A) be developed—

14 (i) in consultation with the Advisory  
15 Committee;

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

18 (iii) after engaging with interested or  
19 affected federally recognized Indian Tribes,  
20 other Federal agencies, and State and local  
21 governments, including the State Depart-  
22 ment of Natural Resources;

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

25 (i) fires;

- 1 (ii) invasive species;
- 2 (iii) the response to insect and disease  
3 infestations;
- 4 (iv) measures needed to protect the  
5 public water supply provided by Monroe  
6 Reservoir;
- 7 (v) the establishment, maintenance,  
8 and closure of camp sites, campgrounds,  
9 trails, and roadways; and
- 10 (vi) any other issues identified by the  
11 Advisory Committee; and
- 12 (C) include—
- 13 (i) measures to preserve and protect  
14 native and historical resources, flora,  
15 fauna, and recreational, scenic, and aes-  
16 thetic values within the National Recre-  
17 ation Area; and
- 18 (ii) measures to prevent degradation  
19 of the public water supply provided by  
20 Monroe Reservoir.

21 **SEC. 5. FUNDING.**

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

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

4 **SEC. 6. EFFECT.**

5 Nothing in this Act—

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

13 (2) prevents the Corps of Engineers from car-  
14 rying out the water control management plan of the  
15 Corps of Engineers within the National Recreation  
16 Area and Wilderness as described in the Corps of  
17 Engineers water control manual;

18 (3) prevents the Corps of Engineers from—

19 (A) disposing of, or otherwise managing,  
20 real estate interests held by the Corps of Engi-  
21 neers as of the date of enactment of this Act;  
22 or

23 (B) acquiring additional real estate inter-  
24 ests required to support the operation or main-  
25 tenance of Monroe Lake;

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

4           (5) results in the closure of any State or county  
5           roadway in the National Recreation Area and the  
6           nonwilderness corridors;

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

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

13          (8) affects the access to land within the non-  
14          wilderness corridors and within 100 feet of the outer  
15          boundary of the Wilderness addition by any State or  
16          private entity or organization with a permit, special  
17          use authorization, or other right to access land with-  
18          in the Wilderness addition, as described in section  
19          5(a) of the Wilderness Act (16 U.S.C. 1134(a)), for  
20          the purpose of maintaining infrastructure located  
21          within the Wilderness addition, including access  
22          by—

23                       (A) the Smithville Telephone Company;

24                       (B) Jackson County Water Utility;

25                       (C) Jackson County Rural Electric;

- 1 (D) the ANR Pipeline Company;
- 2 (E) the Monroe County commissioners;
- 3 (F) Hoosier Trails Council, BSA; and
- 4 (G) the State Department of Natural Re-
- 5 sources; or
- 6 (9) affects the access to land within the Wilder-
- 7 ness addition by the State Department of Natural
- 8 Resources or appropriate public safety officers with
- 9 the use of motor vehicles, mechanized equipment, or
- 10 motorboats for emergencies involving the health and
- 11 safety of persons within the Wilderness addition, in
- 12 accordance with section 4(c) of the Wilderness Act
- 13 (16 U.S.C. 1133(c)).

○