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110TH CONGRESS
2^D SESSION

S. 2379

[Report No. 110–367]

To authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2007

Mr. SMITH (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, 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 “Cascade-Siskiyou Na-
 5 tional Monument Voluntary and Equitable Grazing Con-
 6 flict Resolution Act”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) Presidential Proclamation Number 7318,
 10 dated June 13, 2000 (65 Fed. Reg. 37247), which
 11 established the Cascade-Siskiyou National Monu-
 12 ment, created unique regulatory and statutory over-
 13 lays with respect to the Monument;

14 (2) compensating lessees that voluntarily waive
 15 their grazing leases and end livestock grazing on
 16 Federal land in and near the Monument would pro-
 17 vide lessees new economic opportunities, including
 18 opportunities to—

19 (A) restructure ranch operations;

20 (B) start new businesses; or

21 (C) retire with security;

22 (3) regardless of the legal merits of continued
 23 grazing on the Monument, there is support from the
 24 ranching, environmental, and other local commu-

1 nities and government officials for a fair and equi-
2 table resolution of grazing conflicts;

3 (4) the land exchange authorized under this Act
4 is in the public interest because the exchange—

5 (A) furthers the protective purposes of the
6 Monument;

7 (B) provides for consolidated land owner-
8 ship;

9 (C) improves land and resource manage-
10 ment;

11 (D) decreases management costs; and

12 (E) resolves public conflict;

13 (5) the waiver of grazing leases under this Act
14 is not intended to reflect on—

15 (A) the legal or ecological merit of contin-
16 ued grazing within the Monument; or

17 (B) the merit of proposals to limit or retire
18 grazing permits in the State of Oregon or any
19 other State; and

20 (6) designating certain portions of the Monu-
21 ment as wilderness would ensure that an increasing
22 population, expanding settlement, and increasing
23 mechanization would not modify those portions in a
24 manner that would cumulatively deny future genera-
25 tions the opportunity to the wilderness experience.

1 (b) PURPOSES.—The purposes of this Act are—

2 (1) to maintain the economic viability of cattle
3 ranching in the vicinity of the Monument;

4 (2) to authorize the permanent retirement of
5 certain grazing leases and associated allotments
6 within and in the vicinity of the Monument; and

7 (3) to protect unique ecological diversity and
8 high quality outdoor recreational opportunities in
9 the wildest portions of the Monument by designating
10 the portions as the Soda Mountain Wilderness.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) BUREAU OF LAND MANAGEMENT LAND.—

14 The term “Bureau of Land Management land”
15 means the approximately 40 acres of land under the
16 jurisdiction of the Bureau of Land Management in
17 the Monument, as generally depicted on the land ex-
18 change map.

19 (2) GRAZING ALLOTMENT.—The term “grazing
20 allotment” means the Box R, Buck Lake, Buck
21 Mountain, Buck Point, Conde Creek, Cove Creek,
22 Cove Creek Ranch, Deadwood, Dixie, Grizzly, How-
23 ard Prairie, Jenny Creek, Keene Creek, North Cove
24 Creek, and Soda Mountain grazing allotments in the
25 State.

1 (3) GRAZING LEASE.—The term “grazing
2 lease” means any document authorizing the use of
3 a grazing allotment for the purpose of grazing do-
4 mestic livestock for commercial purposes.

5 (4) LAND EXCHANGE MAP.—The term “land
6 exchange map” means the map entitled “Box R
7 Ranch Land Exchange” and dated [____], 2007.

8 (5) LANDOWNER.—The term “Landowner”
9 means Box-R Ranch in the State.

10 (6) LESSEE.—The term “lessee” means a live-
11 stock operator that holds a valid term grazing lease
12 for a grazing allotment.

13 (7) LIVESTOCK.—The term “livestock” does not
14 include beasts of burden used for recreational pur-
15 poses in the Monument.

16 (8) MONUMENT.—The term “Monument”
17 means the Cascade-Siskiyou National Monument in
18 the State.

19 (9) RANGE DEVELOPMENT.—

20 (A) IN GENERAL.—The term “range devel-
21 opment” means any structure, fence, water de-
22 velopment, or other permanent fixture placed
23 on a grazing allotment relating to grazing do-
24 mestic livestock.

1 ~~(B)~~ EXCLUSIONS.—The term “range devel-
 2 opment” does not include any rolling stock, live-
 3 stock, or diversions of water from Federal land
 4 onto non-Federal land.

5 ~~(10)~~ ROWLETT PARCEL.—The term “Rowlett
 6 parcel” means the parcel of approximately 40 acres
 7 of private land, as depicted on the land exchange
 8 map.

9 ~~(11)~~ SECRETARY.—The term “Secretary”
 10 means the Secretary of the Interior.

11 ~~(12)~~ STATE.—The term “State” means the
 12 State of Oregon.

13 ~~(13)~~ WILDERNESS.—The term “Wilderness”
 14 means the Soda Mountain Wilderness designated by
 15 section 6(a).

16 ~~(14)~~ WILDERNESS MAP.—The term “wilderness
 17 map” means the map entitled “Soda Mountain Wil-
 18 derness” and dated ~~1~~_____, 2007.

19 **SEC. 4. VOLUNTARY GRAZING LEASE WAIVER PROGRAM.**

20 ~~(a)~~ EXISTING GRAZING LEASES.—

21 ~~(1)~~ WAIVER.—The Secretary—

22 ~~(A)~~ shall, subject to the availability of
 23 funds, offer to provide compensation to a lessee
 24 in exchange for the waiver by a lessee of a graz-
 25 ing lease; and

(B) if the lessee accepts the offer in accordance with this section, shall, not later than 30 days after the date on which the lessee accepts the offer, simultaneously—

(i) provide to the lessee the compensation specified in paragraph (2);

(ii) terminate the grazing lease waived; and

(iii) permanently retire the associated grazing allotment or portion of the grazing allotment from livestock grazing use.

(2) AMOUNT OF COMPENSATION.—Compensation for the waiver of a grazing lease under paragraph (1) shall be equal to \$300 per authorized animal unit month.

(3) PARTIAL ALLOTMENT RETIREMENTS.—If a lessee offers to waive only the Monument portion of a grazing lease for a grazing allotment that is partially in the Monument, the Secretary shall, at full Federal expense, construct and maintain a fence to exclude livestock from the portion of the grazing allotment that is within the boundaries of the Monument.

(4) JOINT LEASE.—If a grazing allotment is jointly leased to more than one lessee—

1 (A) the Secretary shall not accept waiver
 2 of a joint grazing lease unless all lessees subject
 3 to the grazing lease exercise the option to waive
 4 the grazing lease under paragraph (1); or

5 (B) if the option is not exercised by all the
 6 lessees under paragraph (1), the Secretary
 7 shall—

8 (i) in communication, consultation,
 9 and cooperation with any lessees that do
 10 not exercise the option under paragraph
 11 (1), construct and maintain a fence at
 12 Federal expense for the purpose of keeping
 13 livestock within a reduced area of the graz-
 14 ing allotment that is commercially and sea-
 15 sonally proportional with the remaining au-
 16 thorized animal unit months in the grazing
 17 allotment, including private land used as
 18 exchange of use on the date of enactment
 19 of this Act; and

20 (ii) accept the waived portion of the
 21 joint lease from any joint lessees that have
 22 exercised the option under paragraph (1).

23 (5) LIMITATIONS.—The Secretary—

24 (A) with respect to the Agate, Emigrant
 25 Creek, and Siskiyou allotments in and near the

1 Monument as of the date of enactment of this
 2 Act—

3 (i) shall not issue grazing leases; and

4 (ii) shall permanently retire the allot-
 5 ments from livestock grazing use; and

6 (B) shall not establish any new allotments
 7 that include—

8 (i) any Federal land within a grazing
 9 allotment or an allotment described in sub-
 10 paragraph (A); or

11 (ii) any Monument land (whether
 12 leased or not leased for grazing on the date
 13 of enactment of this Act).

14 (6) DEADLINE.—To waive a grazing lease in
 15 accordance with this section, a lessee shall exercise
 16 the right to waive the grazing lease by not later than
 17 the date that is 3 years after the date of enactment
 18 of this Act.

19 (7) EFFECT OF WAIVER.—A lessee who receives
 20 compensation for voluntarily waiving a grazing lease
 21 under this section shall be considered to have waived
 22 any claim to all range developments on the associ-
 23 ated grazing allotments.

24 (8) DONATION OF GRAZING LEASES.—

1 (A) ~~IN GENERAL.~~—Nothing in this section
 2 prevents a lessee from donating to the Sec-
 3 retary, at any time, a grazing lease without
 4 Federal compensation, in accordance with this
 5 section.

6 (B) ~~ACCEPTANCE BY.~~—If a lessee donates
 7 a grazing lease to the Secretary, the Secretary
 8 shall accept the donation in accordance with
 9 clauses (ii) and (iii) of paragraph (1)(B).

10 (b) ~~ADDITIONAL ALLOCATIONS.~~—Beginning on the
 11 date of enactment of this Act, the Secretary shall not au-
 12 thorize any allotments for livestock grazing on Monument
 13 land that are not in existence on the date of enactment
 14 of this Act.

15 **SEC. 5. LAND EXCHANGE.**

16 (a) ~~IN GENERAL.~~—For the purpose of protecting and
 17 consolidating Federal land within the Monument, the Sec-
 18 retary—

19 (1) may offer to convey to the Landowner the
 20 Bureau of Land Management land in exchange for
 21 the Rowlett parcel; and

22 (2) if the Landowner accepts the offer, not later
 23 than 70 days after the date on which the Landowner
 24 conveys acceptable title to the Rowlett parcel to the
 25 Secretary, shall convey to the Landowner all right,

1 title, and interest of the United States in and to the
2 Bureau of Land Management land.

3 ~~(b) SURVEYS.—~~

4 ~~(1) IN GENERAL.—~~The exact acreage and legal
5 description of the Bureau of Land Management land
6 and the Rowlett parcel shall be determined by sur-
7 veys approved by the Secretary.

8 ~~(2) COSTS.—~~The Secretary shall be responsible
9 for paying the costs of—

10 ~~(A) any survey conducted under paragraph~~
11 ~~(1); and~~

12 ~~(B) any other administrative costs relating~~
13 ~~to the land exchange authorized under this sec-~~
14 ~~tion.~~

15 ~~(c) CONDITIONS.—~~

16 ~~(1) IN GENERAL.—~~The conveyance of Bureau
17 of Land Management land and the Rowlett parcel
18 under subsection (a) shall be subject to valid exist-
19 ing rights.

20 ~~(2) TITLE APPROVAL.—~~Title to the Rowlett
21 parcel shall conform with the title approval stand-
22 ards applicable to Federal land acquisitions.

23 ~~(d) APPLICABLE LAW.—~~

24 ~~(1) IN GENERAL.—~~Except as otherwise pro-
25 vided in this section, the conveyance of Bureau of

1 Land Management land under this section is subject
 2 to any laws (including regulations) applicable to the
 3 conveyance and acquisition of land under the juris-
 4 diction of the Bureau of Land Management.

5 (2) EXEMPTION.—The exchange of land au-
 6 thorized under this section shall not—

7 (A) require the promulgation of additional
 8 regulations by the Secretary; or

9 (B) be subject to the notice and comment
 10 provisions of section 553 of title 5, United
 11 States Code.

12 (c) GRAZING ALLOTMENT.—On completion of the
 13 land exchange authorized under this section, the holder
 14 of the grazing lease for the Box R grazing allotment shall
 15 donate the Box R grazing lease in accordance with section
 16 4(a)(8).

17 **SEC. 6. SODA MOUNTAIN WILDERNESS.**

18 (a) DESIGNATION.—In accordance with the Wilder-
 19 ness Act (16 U.S.C. 1131 et seq.), approximately 23,000
 20 acres of Monument land, as generally depicted on the wil-
 21 derness map, is designated as wilderness and as a compo-
 22 nent of the National Wilderness Preservation System, to
 23 be known as the “Soda Mountain Wilderness”.

24 (b) MAP AND LEGAL DESCRIPTION.—

1 ~~(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—~~As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

5 ~~(A) the Committee on Energy and Natural Resources of the Senate; and~~

7 ~~(B) the Committee on Natural Resources of the House of Representatives.~~

9 ~~(2) FORCE AND EFFECT.—~~

10 ~~(A) IN GENERAL.—~~The map and legal description filed under paragraph ~~(1)~~ shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical error in the map or legal description.

16 ~~(B) NOTIFICATION.—~~The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph ~~(A)~~, including notice of the reason for the change.

21 ~~(3) PUBLIC AVAILABILITY.—~~The map and legal description filed under paragraph ~~(1)~~ shall be on file and available for public inspection in—

24 ~~(A) the Office of the Director of the Bureau of Land Management;~~

1 (B) the Office of the Oregon State Direc-
2 tor of the Bureau of Land Management; and

3 (C) the Medford District Office of the Bu-
4 reau of Land Management.

5 (e) ADMINISTRATION OF WILDERNESS.—

6 (1) IN GENERAL.—Subject to valid existing
7 rights, the Wilderness shall be administered by the
8 Secretary in accordance with the Wilderness Act (16
9 U.S.C. 1131 et seq.), except that any reference in
10 the Wilderness Act to the effective date of the Wil-
11 derness Act shall be considered to be a reference to
12 the date of enactment of this Act.

13 (2) FIRE, INSECT, AND DISEASE MANAGEMENT
14 ACTIVITIES.—The Secretary may take such meas-
15 ures in the Wilderness as are necessary to control
16 and prevent fire, insects, and diseases, as provided
17 in section 4(d)(1) of the Wilderness Act (16 U.S.C.
18 1133(d)(1)) and the guidelines contained in [the
19 Report of the Committee on Interior and Insular Af-
20 fairs (H. Rept. 98–40) to accompany the California
21 Wilderness Act of 1984 (Public Law 98–425; 16
22 U.S.C. 1131 note).]

23 (3) LIVESTOCK.—

24 (A) ADMINISTRATION.—Except as pro-
25 vided in section 4 and Presidential Proclama-

tion Number 7318, dated June 13, 2000 (65
 Fed. Reg. 37247), any grazing of livestock and
 the maintenance of range development in the
 Wilderness established before the date of enact-
 ment of this Act shall be permitted to continue
 in accordance with—

(i) section 4(d)(4) of the Wilderness
 Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appen-
 dix A of the report of the Committee on
 Interior and Insular Affairs of the House
 of Representatives accompanying H.R.
 2570 of the 101st Congress (H. Rept.
 101—405).

~~(B) RETIREMENT OF CERTAIN PERMITS.—~~

On the retirement of any grazing lease applica-
 ble to any portion of the Wilderness, grazing of
 domestic livestock in the applicable portion of
 the Wilderness shall be prohibited.

~~(4) FISH AND WILDLIFE MANAGEMENT.—~~In ac-
 cordance with section 4(d)(7) of the Wilderness Act
 (16 U.S.C. 1133(d)(7)), nothing in this Act affects
 the jurisdiction of the State with respect to fish and
 wildlife on public land in the State.

~~(5) ADJACENT MANAGEMENT.—~~

1 (A) ~~IN GENERAL.~~—Nothing in this Act
 2 creates a protective perimeter or buffer zone
 3 around the Wilderness.

4 (B) ~~ACTIVITIES OUTSIDE WILDERNESS.~~—
 5 The fact that a nonwilderness activity or use
 6 can be seen or heard from the Wilderness shall
 7 not preclude the conduct of the activity or use
 8 outside the boundary of the Wilderness.

9 **SEC. 7. EFFECT.**

10 Nothing in this Act—

11 (1) affects the authority of a Federal agency to
 12 otherwise modify or terminate grazing permits or
 13 leases without compensation;

14 (2) authorizes the use of eminent domain;

15 (3) creates a property right in any grazing per-
 16 mit or lease on Federal land;

17 (4) establishes a precedent for future grazing
 18 permit or lease buyout programs; or

19 (5) affects the allocation, ownership, interest, or
 20 control, in existence on the date of enactment of this
 21 Act, of any water, water right, or any other valid ex-
 22 isting right held by the United States, an Indian
 23 tribe, a State, or a private individual, partnership, or
 24 corporation.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) **IN GENERAL.**—There is authorized to be appro-
3 priated to the Secretary—

4 (1) \$2,000,000 to provide compensation to les-
5 sees that waive grazing leases under section 4;

6 (2) \$1,500,000 for fence construction and other
7 methods of livestock control in and near the Monu-
8 ment; and

9 (3) for fiscal year 2008 and each fiscal year
10 thereafter (adjusted for inflation), \$150,000 for the
11 purpose of preventing domestic livestock from enter-
12 ing the grazing allotments or portions of the grazing
13 allotments waived under section 4(a).

14 (b) **LIMITATION.**—None of the amounts made avail-
15 able under subsection (a) shall be used by any Federal
16 agency for administrative costs incurred in carrying out
17 this Act.

18 (c) **AVAILABILITY.**—Amounts made available under
19 subsection (a) shall remain available until expended.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Cascade-Siskiyou Na-*
22 *tional Monument Voluntary and Equitable Grazing Con-*
23 *flict Resolution Act”.*

24 **SEC. 2. DEFINITIONS.**

25 *In this Act:*

1 (1) *BOX R RANCH LAND EXCHANGE MAP.*—The
 2 term “Box R Ranch land exchange map” means the
 3 map entitled “Proposed Rowlett Land Exchange” and
 4 dated June 13, 2006.

5 (2) *BUREAU OF LAND MANAGEMENT LAND.*—The
 6 term “Bureau of Land Management land” means the
 7 approximately 40 acres of land administered by the
 8 Bureau of Land Management identified as “Rowlett
 9 Selected”, as generally depicted on the Box R Ranch
 10 land exchange map.

11 (3) *DEERFIELD LAND EXCHANGE MAP.*—The
 12 term “Deerfield land exchange map” means the map
 13 entitled “Proposed Deerfield-BLM Property Line Ad-
 14 justment” and dated May 1, 2008.

15 (4) *DEERFIELD PARCEL.*—The term “Deerfield
 16 parcel” means the approximately 1.5 acres of land
 17 identified as “From Deerfield to BLM”, as generally
 18 depicted on the Deerfield land exchange map.

19 (5) *FEDERAL PARCEL.*—The term “Federal par-
 20 cel” means the approximately 1.3 acres of land ad-
 21 ministered by the Bureau of Land Management iden-
 22 tified as “From BLM to Deerfield”, as generally de-
 23 picted on the Deerfield land exchange map.

24 (6) *GRAZING ALLOTMENT.*—The term “grazing
 25 allotment” means any of the Box R, Buck Lake, Buck

1 *Mountain, Buck Point, Conde Creek, Cove Creek, Cove*
 2 *Creek Ranch, Deadwood, Dixie, Grizzly, Howard*
 3 *Prairie, Jenny Creek, Keene Creek, North Cove Creek,*
 4 *and Soda Mountain grazing allotments in the State.*

5 (7) *GRAZING LEASE.*—*The term “grazing lease”*
 6 *means any document authorizing the use of a grazing*
 7 *allotment for the purpose of grazing livestock for com-*
 8 *mercial purposes.*

9 (8) *LANDOWNER.*—*The term “Landowner”*
 10 *means the owner of the Box R Ranch in the State.*

11 (9) *LESSEE.*—*The term “lessee” means a live-*
 12 *stock operator that holds a valid existing grazing*
 13 *lease for a grazing allotment.*

14 (10) *LIVESTOCK.*—*The term “livestock” does not*
 15 *include beasts of burden used for recreational pur-*
 16 *poses.*

17 (11) *MONUMENT.*—*The term “Monument” means*
 18 *the Cascade-Siskiyou National Monument in the*
 19 *State.*

20 (12) *ROWLETT PARCEL.*—*The term “Rowlett*
 21 *parcel” means the parcel of approximately 40 acres*
 22 *of private land identified as “Rowlett Offered”, as*
 23 *generally depicted on the Box R Ranch land exchange*
 24 *map.*

1 (13) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of the Interior.*

3 (14) *STATE.*—*The term “State” means the State*
4 *of Oregon.*

5 (15) *WILDERNESS.*—*The term “Wilderness”*
6 *means the Soda Mountain Wilderness designated by*
7 *section 6(a).*

8 (16) *WILDERNESS MAP.*—*The term “wilderness*
9 *map” means the map entitled “Soda Mountain Wil-*
10 *derness” and dated May 5, 2008.*

11 **SEC. 3. VOLUNTARY GRAZING LEASE DONATION PROGRAM.**

12 (a) *EXISTING GRAZING LEASES.*—

13 (1) *DONATION OF LEASE.*—

14 (A) *ACCEPTANCE BY SECRETARY.*—*The Sec-*
15 *retary shall accept any grazing lease that is do-*
16 *nated by a lessee.*

17 (B) *TERMINATION.*—*The Secretary shall*
18 *terminate any grazing lease acquired under sub-*
19 *paragraph (A).*

20 (C) *NO NEW GRAZING LEASE.*—*Except as*
21 *provided in paragraph (3), with respect to each*
22 *grazing lease donated under subparagraph (A),*
23 *the Secretary shall—*

1 (i) not issue any new grazing lease
2 within the grazing allotment covered by the
3 grazing lease; and

4 (ii) ensure a permanent end to live-
5 stock grazing on the grazing allotment cov-
6 ered by the grazing lease.

7 (2) DONATION OF PORTION OF GRAZING
8 LEASE.—

9 (A) IN GENERAL.—A lessee with a grazing
10 lease for a grazing allotment partially within the
11 Monument may elect to donate only that portion
12 of the grazing lease that is within the Monument.

13 (B) ACCEPTANCE BY SECRETARY.—The Sec-
14 retary shall accept the portion of a grazing lease
15 that is donated under subparagraph (A).

16 (C) MODIFICATION OF LEASE.—Except as
17 provided in paragraph (3), if a lessee donates a
18 portion of a grazing lease under subparagraph
19 (A), the Secretary shall—

20 (i) reduce the authorized grazing level
21 and area to reflect the donation; and

22 (ii) modify the grazing lease to reflect
23 the reduced level and area of use.

24 (D) AUTHORIZED LEVEL.—To ensure that
25 there is a permanent reduction in the level and

1 *area of livestock grazing on the land covered by*
 2 *a portion of a grazing lease donated under sub-*
 3 *paragraph (A), the Secretary shall not allow*
 4 *grazing to exceed the authorized level and area*
 5 *established under subparagraph (C).*

6 *(3) COMMON ALLOTMENTS.—*

7 *(A) IN GENERAL.—If a grazing allotment*
 8 *covered by a grazing lease or portion of a graz-*
 9 *ing lease that is donated under paragraph (1) or*
 10 *(2) also is covered by another grazing lease that*
 11 *is not donated, the Secretary shall reduce the*
 12 *grazing level on the grazing allotment to reflect*
 13 *the donation.*

14 *(B) AUTHORIZED LEVEL.—To ensure that*
 15 *there is a permanent reduction in the level of*
 16 *livestock grazing on the land covered by the graz-*
 17 *ing lease or portion of a grazing lease donated*
 18 *under paragraph (1) or (2), the Secretary shall*
 19 *not allow grazing to exceed the level established*
 20 *under subparagraph (A).*

21 *(b) LIMITATIONS.—The Secretary—*

22 *(1) with respect to the Agate, Emigrant Creek,*
 23 *and Siskiyou allotments in and near the Monu-*
 24 *ment—*

25 *(A) shall not issue any grazing lease; and*

1 (B) shall ensure a permanent end to live-
 2 stock grazing on each allotment; and

3 (2) shall not establish any new allotments for
 4 livestock grazing that include any Monument land
 5 (whether leased or not leased for grazing on the date
 6 of enactment of this Act).

7 (c) *EFFECT OF DONATION.*—A lessee who donates a
 8 grazing lease or a portion of a grazing lease under this sec-
 9 tion shall be considered to have waived any claim to any
 10 range improvement on the associated grazing allotment or
 11 portion of the associated grazing allotment, as applicable.

12 **SEC. 4. BOX R RANCH LAND EXCHANGE.**

13 (a) *IN GENERAL.*—For the purpose of protecting and
 14 consolidating Federal land within the Monument, the Sec-
 15 retary—

16 (1) may offer to convey to the Landowner the
 17 Bureau of Land Management land in exchange for
 18 the Rowlett parcel; and

19 (2) if the Landowner accepts the offer—

20 (A) the Secretary shall convey to the Land-
 21 owner all right, title, and interest of the United
 22 States in and to the Bureau of Land Manage-
 23 ment land; and

1 (B) the Landowner shall convey to the Sec-
 2 retary all right, title, and interest of the Land-
 3 owner in and to the Rowlett parcel.

4 (b) SURVEYS.—

5 (1) IN GENERAL.—The exact acreage and legal
 6 description of the Bureau of Land Management land
 7 and the Rowlett parcel shall be determined by surveys
 8 approved by the Secretary.

9 (2) COSTS.—The responsibility for the costs of
 10 any surveys conducted under paragraph (1), and any
 11 other administrative costs of carrying out the land ex-
 12 change, shall be determined by the Secretary and the
 13 Landowner.

14 (c) CONDITIONS.—The conveyance of the Bureau of
 15 Land Management land and the Rowlett parcel under this
 16 section shall be subject to—

17 (1) valid existing rights;

18 (2) title to the Rowlett parcel being acceptable to
 19 the Secretary and in conformance with the title ap-
 20 proval standards applicable to Federal land acquisi-
 21 tions;

22 (3) such terms and conditions as the Secretary
 23 may require; and

24 (4) except as otherwise provided in this section,
 25 any laws (including regulations) applicable to the

1 *conveyance and acquisition of land by the Bureau of*
 2 *Land Management.*

3 *(d) APPRAISALS.—*

4 *(1) IN GENERAL.—The Bureau of Land Manage-*
 5 *ment land and the Rowlett parcel shall be appraised*
 6 *by an independent appraiser selected by the Sec-*
 7 *retary.*

8 *(2) REQUIREMENTS.—An appraisal conducted*
 9 *under paragraph (1) shall be conducted in accordance*
 10 *with—*

11 *(A) the Uniform Appraisal Standards for*
 12 *Federal Land Acquisition; and*

13 *(B) the Uniform Standards of Professional*
 14 *Appraisal Practice.*

15 *(3) APPROVAL.—The appraisals conducted under*
 16 *this subsection shall be submitted to the Secretary for*
 17 *approval.*

18 *(e) GRAZING ALLOTMENT.—As a condition of the land*
 19 *exchange authorized under this section, the lessee of the*
 20 *grazing lease for the Box R grazing allotment shall donate*
 21 *the Box R grazing lease in accordance with section 3(a)(1).*

22 **SEC. 5. DEERFIELD LAND EXCHANGE.**

23 *(a) IN GENERAL.—For the purpose of protecting and*
 24 *consolidating Federal land within the Monument, the Sec-*
 25 *retary—*

1 (1) *may offer to convey to Deerfield Learning*
 2 *Associates the Federal parcel in exchange for the*
 3 *Deerfield parcel; and*

4 (2) *if Deerfield Learning Associates accepts the*
 5 *offer—*

6 (A) *the Secretary shall convey to Deerfield*
 7 *Learning Associates all right, title, and interest*
 8 *of the United States in and to the Federal par-*
 9 *cel; and*

10 (B) *Deerfield Learning Associates shall con-*
 11 *vey to the Secretary all right, title, and interest*
 12 *of Deerfield Learning Associates in and to the*
 13 *Deerfield parcel.*

14 (b) *SURVEYS.—*

15 (1) *IN GENERAL.—The exact acreage and legal*
 16 *description of the Federal parcel and the Deerfield*
 17 *parcel shall be determined by surveys approved by the*
 18 *Secretary.*

19 (2) *COSTS.—The responsibility for the costs of*
 20 *any surveys conducted under paragraph (1), and any*
 21 *other administrative costs of carrying out the land ex-*
 22 *change, shall be determined by the Secretary and*
 23 *Deerfield Learning Associates.*

24 (c) *CONDITIONS.—*

1 (1) *IN GENERAL.*—*The conveyance of the Federal*
 2 *parcel and the Deerfield parcel under this section*
 3 *shall be subject to—*

4 (A) *valid existing rights;*

5 (B) *title to the Deerfield parcel being ac-*
 6 *ceptable to the Secretary and in conformance*
 7 *with the title approval standards applicable to*
 8 *Federal land acquisitions;*

9 (C) *such terms and conditions as the Sec-*
 10 *retary may require; and*

11 (D) *except as otherwise provided in this sec-*
 12 *tion, any laws (including regulations) applicable*
 13 *to the conveyance and acquisition of land by the*
 14 *Bureau of Land Management.*

15 (d) *APPRAISALS.*—

16 (1) *IN GENERAL.*—*The Federal parcel and the*
 17 *Deerfield parcel shall be appraised by an independent*
 18 *appraiser selected by the Secretary.*

19 (2) *REQUIREMENTS.*—*An appraisal conducted*
 20 *under paragraph (1) shall be conducted in accordance*
 21 *with—*

22 (A) *the Uniform Appraisal Standards for*
 23 *Federal Land Acquisition; and*

24 (B) *the Uniform Standards of Professional*
 25 *Appraisal Practice.*

1 (3) *APPROVAL.*—*The appraisals conducted under*
 2 *this subsection shall be submitted to the Secretary for*
 3 *approval.*

4 **SEC. 6. SODA MOUNTAIN WILDERNESS.**

5 (a) *DESIGNATION.*—*In accordance with the Wilderness*
 6 *Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres*
 7 *of Monument land, as generally depicted on the wilderness*
 8 *map, is designated as wilderness and as a component of*
 9 *the National Wilderness Preservation System, to be known*
 10 *as the “Soda Mountain Wilderness”.*

11 (b) *MAP AND LEGAL DESCRIPTION.*—

12 (1) *SUBMISSION OF MAP AND LEGAL DESCRIPTION.*—*As soon as practicable after the date of enact-*
 13 *ment of this Act, the Secretary shall file a map and*
 14 *legal description of the Wilderness with—*

16 (A) *the Committee on Energy and Natural*
 17 *Resources of the Senate; and*

18 (B) *the Committee on Natural Resources of*
 19 *the House of Representatives.*

20 (2) *FORCE AND EFFECT.*—

21 (A) *IN GENERAL.*—*The map and legal de-*
 22 *scription filed under paragraph (1) shall have*
 23 *the same force and effect as if included in this*
 24 *Act, except that the Secretary may correct any*

1 *clerical or typographical error in the map or*
 2 *legal description.*

3 (B) NOTIFICATION.—*The Secretary shall*
 4 *submit to Congress notice of any changes made*
 5 *in the map or legal description under subpara-*
 6 *graph (A), including notice of the reason for the*
 7 *change.*

8 (3) PUBLIC AVAILABILITY.—*The map and legal*
 9 *description filed under paragraph (1) shall be on file*
 10 *and available for public inspection in the appropriate*
 11 *offices of the Bureau of Land Management.*

12 (c) ADMINISTRATION OF WILDERNESS.—

13 (1) IN GENERAL.—*Subject to valid existing*
 14 *rights, the Wilderness shall be administered by the*
 15 *Secretary in accordance with the Wilderness Act (16*
 16 *U.S.C. 1131 et seq.), except that—*

17 (A) *any reference in the Wilderness Act to*
 18 *the effective date of the Wilderness Act shall be*
 19 *considered to be a reference to the date of enact-*
 20 *ment of this Act; and*

21 (B) *any reference in that Act to the Sec-*
 22 *retary of Agriculture shall be considered to be a*
 23 *reference to the Secretary of the Interior.*

24 (2) FIRE, INSECT, AND DISEASE MANAGEMENT
 25 *ACTIVITIES.—Except as provided by Presidential*

1 *Proclamation Number 7318, dated June 9, 2000 (65*
 2 *Fed. Reg. 37247), within the wilderness areas des-*
 3 *ignated by this Act, the Secretary may take such*
 4 *measures in accordance with section 4(d)(1) of the*
 5 *Wilderness Act (16 U.S.C. 1133(d)(1)) as are nec-*
 6 *essary to control fire, insects, and diseases, subject to*
 7 *such terms and conditions as the Secretary deter-*
 8 *mines to be desirable and appropriate.*

9 (3) *LIVESTOCK.—Except as provided in section 3*
 10 *and by Presidential Proclamation Number 7318,*
 11 *dated June 9, 2000 (65 Fed. Reg. 37247), the grazing*
 12 *of livestock in the Wilderness, if established before the*
 13 *date of enactment of this Act, shall be permitted to*
 14 *continue subject to such reasonable regulations as are*
 15 *considered necessary by the Secretary in accordance*
 16 *with—*

17 (A) *section 4(d)(4) of the Wilderness Act (16*
 18 *U.S.C. 1133(d)(4)); and*

19 (B) *the guidelines set forth in Appendix A*
 20 *of the report of the Committee on Interior and*
 21 *Insular Affairs of the House of Representatives*
 22 *accompanying H.R. 2570 of the 101st Congress*
 23 *(H. Rept. 101–405).*

24 (4) *FISH AND WILDLIFE MANAGEMENT.—In ac-*
 25 *cordance with section 4(d)(7) of the Wilderness Act*

1 (16 U.S.C. 1133(d)(7)), nothing in this Act affects the
 2 jurisdiction of the State with respect to fish and wild-
 3 life on public land in the State.

4 (5) INCORPORATION OF ACQUIRED LAND AND IN-
 5 TERESTS.—Any land or interest in land within the
 6 boundary of the Wilderness that is acquired by the
 7 United States shall—

8 (A) become part of the Wilderness; and

9 (B) be managed in accordance with this
 10 Act, the Wilderness Act (16 U.S.C. 1131 et seq.),
 11 and any other applicable law.

12 **SEC. 7. EFFECT.**

13 Nothing in this Act—

14 (1) affects the authority of a Federal agency to
 15 modify or terminate grazing permits or leases, except
 16 as provided in section 3;

17 (2) authorizes the use of eminent domain;

18 (3) creates a property right in any grazing per-
 19 mit or lease on Federal land;

20 (4) establishes a precedent for future grazing per-
 21 mit or lease donation programs; or

22 (5) affects the allocation, ownership, interest, or
 23 control, in existence on the date of enactment of this
 24 Act, of any water, water right, or any other valid ex-
 25 isting right held by the United States, an Indian

- 1 *tribe, a State, or a private individual, partnership, or*
- 2 *corporation.*

Calendar No. 799

110TH CONGRESS
2^D Session

S. 2379

[Report No. 110-367]

A BILL

To authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes.

JUNE 16, 2008

Reported with an amendment