

110TH CONGRESS  
2D SESSION

# S. 3148

To modify the boundary of the Oregon Caves National Monument, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2008

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

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## A BILL

To modify the boundary of the Oregon Caves National Monument, 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 “Oregon Caves National  
5       Monument Boundary Adjustment Act of 2008”.

6       **SEC. 2. FINDINGS; PURPOSE.**

7       (a) FINDINGS.—Congress finds that—

8               (1) the Oregon Caves National Monument—

1 (A) is comprised of a rectangular area of  
2 approximately 480 acres located in the Siskiyou  
3 Mountains of southern Oregon; and

4 (B) was established by Presidential Procla-  
5 mation Number 876 (36 Stat. 2497), dated  
6 July 12, 1909, to protect the caves, which were  
7 determined to have unusual scientific interest  
8 and importance;

9 (2) on June 10, 1933, in accordance with Exec-  
10 utive Order 6166 (5 U.S.C. 901 note), the adminis-  
11 tration of the Monument was transferred from the  
12 Secretary of Agriculture to the Secretary of the In-  
13 terior; and

14 (3) the 1999 general management plan for the  
15 Monument contains a recommendation for adding  
16 surrounding land to the Monument—

17 (A) to provide better protection for—

- 18 (i) cave ecology;  
19 (ii) surface and subsurface hydrology;  
20 (iii) public water supplies; and  
21 (iv) trails and views;

22 (B) to establish a logical topographical  
23 boundary; and

24 (C) to enhance public outdoor recreation  
25 opportunities.

1 (b) PURPOSE.—The purpose of this Act is to add sur-  
2 rounding land to the Monument—

- 3 (1) to enhance the protection of the resources  
4 associated with the Monument; and  
5 (2) to increase public recreation opportunities.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) GRAZING ALLOTMENT.—The term “grazing  
9 allotment” means—

10 (A) the Big Grayback Grazing Allotment  
11 located in the Rogue River-Siskiyou National  
12 Forest; and

13 (B) the Billy Mountain Grazing Allotment  
14 located in a parcel of land that is—

15 (i) managed by the Secretary (acting  
16 through the Director of the Bureau of  
17 Land Management); and

18 (ii) located in close proximity to the  
19 land described in subparagraph (A).

20 (2) GRAZING LEASE; GRAZING PERMIT.—The  
21 terms “grazing lease” and “grazing permit” mean  
22 any document authorizing the use of a grazing allot-  
23 ment for the purpose of grazing livestock for com-  
24 mercial purposes.

1           (3) LESSEE; PERMITTEE.—The terms “lessee”  
2           and “permittee” mean a livestock operator that  
3           holds a valid existing grazing lease or permit for a  
4           grazing allotment.

5           (4) MAP.—The term “map” means the map en-  
6           titled “Oregon Caves National Monument, Proposed  
7           Boundary” numbered 150/80,023, and dated June  
8           2008.

9           (5) MONUMENT.—The term “Monument”  
10          means the Oregon Caves National Monument estab-  
11          lished by Presidential Proclamation Number 876 (36  
12          Stat. 2497), dated July 12, 1909.

13          (6) SECRETARY.—The term “Secretary” means  
14          the Secretary of the Interior.

15          (7) SECRETARY CONCERNED.—The term “Sec-  
16          retary concerned” means—

17                (A) the Secretary of Agriculture (acting  
18                through the Chief of the Forest Service), with  
19                respect to National Forest System land; and

20                (B) the Secretary of the Interior, with re-  
21                spect to land managed by the Bureau of Land  
22                Management (including land held for the ben-  
23                efit of an Indian tribe).

1 **SEC. 4. BOUNDARY ADJUSTMENT; LAND TRANSFER.**

2 (a) BOUNDARY ADJUSTMENT.—The boundary of the  
3 Monument is modified—

4 (1) to include approximately 4,070 acres of  
5 land identified on the map as the “Proposed Addi-  
6 tion Lands”; and

7 (2) to exclude approximately 4 acres of land—

8 (A) located in the City of Cave Junction;

9 and

10 (B) identified on the map as the “Cave  
11 Junction Unit”.

12 (b) LAND TRANSFER.—The Secretary of Agriculture  
13 shall—

14 (1) transfer the land described in subsection

15 (a)(1) to the Secretary; and

16 (2) adjust the boundary of the Rogue River-  
17 Siskiyou National Forest to exclude the land trans-  
18 ferred under paragraph (1).

19 (c) AVAILABILITY OF MAP.—The map shall be on file  
20 and available for public inspection in the appropriate of-  
21 fices of the National Park Service.

22 **SEC. 5. WILD AND SCENIC RIVER DESIGNATIONS.**

23 Section 3(a) of the Wild and Scenic Rivers Act (16  
24 U.S.C. 1274(a)) is amended by adding at the end the fol-  
25 lowing:

1           “(171) OREGON CAVES NATIONAL MONUMENT,  
 2           OREGON.—The following segments in the State of  
 3           Oregon, to be administered by the Secretary of the  
 4           Interior:

5           “(A) CAVE CREEK.—The 2.6-mile segment  
 6           of Cave Creek from the headwaters at the River  
 7           Styx to the boundary of the Rogue River-  
 8           Siskiyou National Forest as a recreational river.

9           “(B) LAKE CREEK.—The 3.6-mile segment  
 10          of Lake Creek from the headwaters at Bigelow  
 11          Lakes to the confluence with Cave Creek as a  
 12          scenic river.

13          “(C) NO NAME CREEK.—The 0.6-mile seg-  
 14          ment of No Name Creek from the headwaters  
 15          to the confluence with Cave Creek as a wild  
 16          river.

17          “(D) PANTHER CREEK.—The 0.8-mile seg-  
 18          ment of Panther Creek from the headwaters to  
 19          the confluence with Lake Creek as a scenic  
 20          river.

21          “(E) RIVER STYX.—The segment of River  
 22          Styx from the source to the confluence with  
 23          Cave Creek as a recreational river.

24          “(F) UPPER CAVE CREEK.—The segment  
 25          of Upper Cave Creek from the headwaters to

1           the confluence with River Styx as a recreational  
2           river.”.

3 **SEC. 6. ADMINISTRATION.**

4           (a) IN GENERAL.—The Secretary, acting through the  
5 Director of the National Park Service, shall administer the  
6 Monument in accordance with—

7           (1) this Act;

8           (2) Presidential Proclamation Number 876 (36  
9 Stat. 2497), dated July 12, 1909; and

10          (3) any law (including regulations) generally  
11 applicable to units of the National Park System, in-  
12 cluding the National Park Service Organic Act (16  
13 U.S.C. 1 et seq.).

14          (b) ECOLOGICAL FOREST RESTORATION ACTIVI-  
15 TIES.—As soon as practicable after the date of enactment  
16 of this Act, the Secretary shall carry out forest restoration  
17 activities within the boundaries of the Monument—

18          (1) to reduce the risk of losing key ecosystem  
19 components;

20          (2) to restore the proper role of fire in the eco-  
21 system; and

22          (3) to ensure that forest attributes (including  
23 species composition and structure) remain intact and  
24 functioning within a historical range.

1 **SEC. 7. VOLUNTARY GRAZING LEASE OR PERMIT DONA-**  
 2 **TION PROGRAM.**

3 (a) DONATION OF LEASE OR PERMIT.—

4 (1) ACCEPTANCE BY SECRETARY CON-  
 5 CERNED.—The Secretary concerned shall accept any  
 6 grazing lease or grazing permit that is donated by  
 7 a lessee or permittee.

8 (2) TERMINATION.—The Secretary concerned  
 9 shall terminate any grazing lease or grazing permit  
 10 acquired under paragraph (1).

11 (3) NO NEW GRAZING LEASE OR PERMIT.—  
 12 With respect to each grazing lease or grazing permit  
 13 donated under paragraph (1), the Secretary con-  
 14 cerned shall—

15 (A) not issue any new grazing lease or  
 16 grazing permit within the grazing allotment  
 17 covered by the grazing lease or grazing permit;  
 18 and

19 (B) ensure a permanent end to livestock  
 20 grazing on the grazing allotment covered by the  
 21 grazing lease or grazing permit.

22 (b) EFFECT OF DONATION.—A lessee or permittee  
 23 that donates a grazing lease or grazing permit (or a por-  
 24 tion of a grazing lease or grazing permit) under this sec-  
 25 tion shall be considered to have waived any claim to any



1 range improvement on the associated grazing allotment or  
2 portion of the associated grazing allotment, as applicable.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4       There are authorized to be appropriated such sums  
5 as are necessary to carry out this Act.

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