

# Union Calendar No. 285

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2889

**[Report No. 111-500]**

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

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2009

Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. WU, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Natural Resources

MAY 28, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 16, 2009]

# **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 2010”.*

6        **SEC. 2. PURPOSE.**

7        *The purpose of this Act is to add surrounding land*  
 8        *to the Monument—*

9                *(1) to enhance the protection of the resources as-*  
 10        *sociated with the Monument; and*

11                *(2) to increase public recreation opportunities.*

12        **SEC. 3. DEFINITIONS.**

13        *In this Act:*

14                *(1) MAP.—The term “map” means the map ti-*  
 15        *tled “Oregon Caves National Monument and Pre-*  
 16        *serve” numbered 150/80,023, and dated May 2010.*

17                *(2) MONUMENT.—The term “Monument” means*  
 18        *the Oregon Caves National Monument established by*  
 19        *Presidential Proclamation Number 876 (36 Stat.*  
 20        *2497), dated July 12, 1909.*

21                *(3) NATIONAL PRESERVE.—The term “National*  
 22        *Preserve” means the National Preserve designated by*  
 23        *section 4(a).*

24                *(4) SECRETARY.—The term “Secretary” means*  
 25        *the Secretary of the Interior.*

1           (5) *SECRETARY CONCERNED.*—*The term “Sec-*  
 2       *retary concerned” means—*

3                     *(A) the Secretary of Agriculture (acting*  
 4       *through the Chief of the Forest Service), with re-*  
 5       *spect to National Forest System land; and*

6                     *(B) the Secretary of the Interior, with re-*  
 7       *spect to land managed by the Bureau of Land*  
 8       *Management.*

9           (6) *STATE.*—*The term “State” means the State*  
 10       *of Oregon.*

11   **SEC. 4. DESIGNATION; LAND TRANSFER; BOUNDARY AD-**  
 12       **JUSTMENT.**

13       (a) *IN GENERAL.*—*The Monument shall be known and*  
 14       *designated as the “Oregon Caves National Monument and*  
 15       *Preserve”. The land identified on the map as “Proposed Ad-*  
 16       *dition Lands” shall be designated as a National Preserve.*

17       (b) *LAND TRANSFER.*—*The Secretary of Agriculture*  
 18       *shall—*

19                     *(1) transfer approximately 4,070 acres of land*  
 20       *identified on the map as the “Proposed Addition*  
 21       *Lands” to the Secretary to be administered as part*  
 22       *of the Oregon Caves National Monument and Pre-*  
 23       *serve; and*

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

4           (c) *BOUNDARY ADJUSTMENT.—The boundary of the*  
5           *National Monument is modified to exclude approximately*  
6           *4 acres of land—*

7                 (1) *located in the City of Cave Junction; and*

8                 (2) *identified on the map as the “Cave Junction*  
9           *Unit”, as depicted on the map.*

10          (d) *AVAILABILITY OF MAP.—The map shall be on file*  
11          *and available for public inspection in the appropriate of-*  
12          *fices of the National Park Service.*

13          (e) *REFERENCES.—Any reference in a law, map, regu-*  
14          *lation, document, paper, or other record of the United*  
15          *States to the Monument shall be considered to be a reference*  
16          *to the “Oregon Caves National Monument and Preserve”.*

17       **SEC. 5. ADMINISTRATION.**

18          (a) *IN GENERAL.—The Secretary, acting through the*  
19          *Director of the National Park Service, shall administer the*  
20          *National Monument and Preserve in accordance with—*

21                 (1) *this Act;*

22                 (2) *Presidential Proclamation Number 876 (36*  
23           *Stat. 2497), dated July 12, 1909; and*

24                 (3) *any law (including regulations) generally*  
25           *applicable to units of the National Park System, in-*

1       cluding the National Park Service Organic Act (16  
2       U.S.C. 1 et seq.).

3       (b) *FIRE MANAGEMENT.*—As soon as practicable after  
4 the date of enactment of this Act, in accordance with sub-  
5 section (a), the Secretary shall revise the fire management  
6 plan for the Monument to include the National Preserve  
7 and, in accordance with the revised plan, carry out haz-  
8 ardous fuel management activities within the boundaries  
9 of the National Monument and Preserve.

10       (c) *EXISTING FOREST SERVICE CONTRACTS.*—The  
11 Secretary shall allow for the completion of existing Forest  
12 Service stewardship and service contracts executed as of the  
13 date of enactment of this Act and shall recognize the author-  
14 ity of the Secretary of Agriculture for the purpose of admin-  
15 istering the existing Forest Service contracts through their  
16 completion. All terms and conditions of existing Forest  
17 Service contracts shall remain in place for the duration of  
18 those contracts. Any such liability existing at the time of  
19 enactment of this Act shall be that of the Forest Service.

20       (d) *GRAZING.*—The Secretary may allow the grazing  
21 of livestock within the preserve to continue where authorized  
22 under permits or leases in existence as of the date of enact-  
23 ment of this Act. Grazing shall be at no more than the cur-  
24 rent level, as measured in Animal Unit Months, and subject  
25 to applicable laws and National Park Service regulations.

1 **SEC. 6. VOLUNTARY GRAZING LEASE OR PERMIT DONATION**  
2 **PROGRAM.**

3 *(a) DONATION OF LEASE OR PERMIT.—*

4 *(1) ACCEPTANCE BY SECRETARY CONCERNED.—*

5 *The Secretary concerned shall accept the donation of*  
6 *a grazing lease or permit from a leasee or permittee*  
7 *for—*

8 *(A) the Big Grayback Grazing Allotment lo-*  
9 *cated in the Rogue River-Siskiyou National For-*  
10 *est; and*

11 *(B) the Billy Mountain Grazing Allotment*  
12 *located on a parcel of land that is managed by*  
13 *the Secretary (acting through the Director of the*  
14 *Bureau of Land Management).*

15 *(2) TERMINATION.—With respect to each permit*  
16 *or lease donated under subparagraph (a), the Sec-*  
17 *retary shall—*

18 *(A) terminate the grazing permit or lease;*  
19 *and*

20 *(B) ensure a permanent end to grazing on*  
21 *the land covered by the permit or lease.*

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

1 *provement on the associated grazing allotment or portion*  
2 *of the associated grazing allotment, as applicable.*

3 **SEC. 7. HUNTING, FISHING, AND TRAPPING.**

4       (a) *IN GENERAL.*—*Except as provided in subsection*  
5 *(b), the Secretary shall permit hunting, fishing, and trap-*  
6 *ping on land and water within the National Preserve in*  
7 *accordance with each applicable law (including regula-*  
8 *tions) of the Federal Government and the State.*

9       (b) *ADMINISTRATIVE EXCEPTIONS.*—*In accordance*  
10 *with subsection (c), the Secretary may designate areas in*  
11 *which, and establish limited periods during which, no hunt-*  
12 *ing, fishing, or trapping may be permitted within the Na-*  
13 *tional Preserve due to concerns relating to—*

14               (1) *public safety;*

15               (2) *the administration of the National Preserve;*

16       *or*

17               (3) *the compliance by the Secretary with any*  
18 *applicable law (including regulations).*

19       (c) *CONSULTATION WITH APPROPRIATE STATE AGEN-*  
20 *CY.*—*Except to respond to a situation that the Secretary*  
21 *determines to be an emergency, the Secretary shall consult*  
22 *with the appropriate agency of the State before taking any*  
23 *act to close any area within the National Preserve to hunt-*  
24 *ing, fishing, or trapping.*



1 **SEC. 8. EFFECT.**

2 *Nothing in this Act affects the authority or responsi-*  
 3 *bility of the State to carry out any law or duty of the State*  
 4 *relating to fish and wildlife on areas located within the Na-*  
 5 *tional Preserve.*

6 **SEC. 9. WILD AND SCENIC RIVER DESIGNATION, RIVER**  
 7 **STYX, OREGON.**

8 *Section 3(a) of the Wild and Scenic Rivers Act (16*  
 9 *U.S.C. 1274(a)) is amended by inserting the following*  
 10 *paragraph:*

11 *“(\_\_\_\_) RIVER STYX, OREGON.—The subterra-*  
 12 *nean segment of Cave Creek, known as the River*  
 13 *Styx, to be administered by the Secretary of the Inte-*  
 14 *rior as a scenic river.”.*

15 **SEC. 10. WILD AND SCENIC RIVER DESIGNATION FOR**  
 16 **STUDY.**

17 *Section 5(a) of the Wild and Scenic Rivers Act (16*  
 18 *U.S.C. 1276(a)) is amended by adding at the end the fol-*  
 19 *lowing:*

20 *“(\_\_\_\_) OREGON CAVES NATIONAL MONUMENT*  
 21 *AND PRESERVE, OREGON.—*

22 *“(A) CAVE CREEK, OREGON.—The 2.6-mile*  
 23 *segment of Cave Creek from the headwaters at*  
 24 *the River Styx to the boundary of the Rogue*  
 25 *River Siskiyou National Forest.*

1                   “(B) LAKE CREEK, OREGON.—The 3.6-mile  
2                   segment of Lake Creek from the headwaters at  
3                   Bigelow Lakes to the confluence with Cave Creek.

4                   “(C) NO NAME CREEK, OREGON.—The 0.6-  
5                   mile segment of No Name Creek from the head-  
6                   waters to the confluence with Cave Creek.

7                   “(D) PANTHER CREEK.—The 0.8-mile seg-  
8                   ment of Panther Creek from the headwaters to  
9                   the confluence with Lake Creek.

10                  “(E) UPPER CAVE CREEK.—The segment of  
11                  Upper Cave Creek from the headwaters to the  
12                  confluence with River Styx.”.

13 **SEC. 11. STUDY AND REPORT.**

14                  Section 5(b) of the Wild and Scenic Rivers Act (16  
15                  U.S.C. 1276(b)) is amended by adding at the end the fol-  
16                  lowing:

17                  “(\_\_\_\_) OREGON CAVES NATIONAL MONUMENT  
18                  AND PRESERVE, OREGON.—Not later than 3 years  
19                  after funds are made available to carry out this para-  
20                  graph, the Secretary shall complete the study of the  
21                  Oregon Caves National Monument and Preserve seg-  
22                  ments designated for study in subsection (a), and  
23                  shall submit to Congress a report containing the re-  
24                  sults of the study.”.



Union Calendar No. 285

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 2889**

[Report No. 111-500]

**A BILL**

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

MAY 28, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed