

## Calendar No. 526

111TH CONGRESS  
2D SESSION**S. 1270****[Report No. 111–256]**

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 16, 2009

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

AUGUST 5, 2010

Reported by Mr. BINGAMAN, with an amendment

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

**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 2009”.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Oregon Caves National Monument—

4 (A) is comprised of a rectangular area of  
5 approximately 480 acres located in the Siskiyou  
6 Mountains of southern Oregon; and

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

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

17 (3) the 1999 general management plan for the  
18 Monument contains a recommendation for adding  
19 surrounding land to the Monument—

20 (A) to provide better protection for—

- 21 (i) cave ecology;  
22 (ii) surface and subsurface hydrology;  
23 (iii) public water supplies; and  
24 (iv) trails and views;

25 (B) to establish a logical topographical  
26 boundary; and

1                   (C) to enhance public outdoor recreation  
2                   opportunities.

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

5                   (1) to enhance the protection of the resources  
6                   associated with the Monument; and

7                   (2) to increase public recreation opportunities.

8 **SEC. 3. DEFINITIONS.**

9           In this Act:

10                   (1) GRAZING ALLOTMENT.—The term “grazing  
11 allotment” means—

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

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

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

20                                   (ii) located in close proximity to the  
21                                   land described in subparagraph (A).

22                   (2) GRAZING LEASE; GRAZING PERMIT.—The  
23                   terms “grazing lease” and “grazing permit” mean  
24                   any document authorizing the use of a grazing allot-

1       ment for the purpose of grazing livestock for com-  
2       mercial purposes.

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

7           ~~(4) MAP.~~—The term “map” means the map en-  
8       titled “Oregon Caves National Monument, Proposed  
9       Boundary” numbered 150/80,023, and dated June  
10      2008.

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

15          ~~(6) NATIONAL PARK SERVICE SITE.~~—The term  
16      “National Park Service site” means the aggregate  
17      parcel of land that is comprised of 2 parcels of land  
18      depicted on the map as—

19           ~~(A) the “Existing Oregon Caves National~~  
20           ~~Monument”;~~ and

21           ~~(B) the “Proposed Addition Lands”.~~

22          ~~(7) NATIONAL PRESERVE.~~—The term “National  
23      Preserve” means the National Preserve designated  
24      by section 4(d).

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

3           ~~(9) SECRETARY CONCERNED.~~—The term “Sec-  
4           retary concerned” means—

5                   (A) the Secretary of Agriculture (acting  
6                   through the Chief of the Forest Service); with  
7                   respect to National Forest System land; and

8                   (B) the Secretary of the Interior, with re-  
9                   spect to land managed by the Bureau of Land  
10                  Management (including land held for the ben-  
11                  efit of an Indian tribe).

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

14   **SEC. 4. BOUNDARY ADJUSTMENT; LAND TRANSFER; DES-**  
15                   **IGNATION.**

16           ~~(a) BOUNDARY ADJUSTMENT.~~—The boundary of the  
17   National Park Service site is modified—

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

21                   ~~(2)~~ to exclude approximately 4 acres of land—

22                           (A) located in the City of Cave Junction;  
23                           and

24                           (B) identified on the map as the “Cave  
25                           Junction Unit”.

1       (b) ~~LAND TRANSFER.~~—The Secretary of Agriculture  
2 shall—

3           (1) transfer the land described in subsection  
4       (a)(1) to the Secretary; and

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

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

11       (d) ~~DESIGNATION.~~—The land described in subsection  
12 (a)(1) is designated as a National Preserve.

13 **SEC. 5. DESIGNATION OF MONUMENT.**

14       (a) ~~IN GENERAL.~~—The Monument shall be known  
15 and designated as the “Oregon Caves National Monument  
16 and Preserve”.

17       (b) ~~REFERENCES.~~—Any reference in a law, map, reg-  
18 ulation, document, paper, or other record of the United  
19 States to the Monument shall be considered to be a ref-  
20 erence to the “Oregon Caves National Monument and Pre-  
21 serve”.

22 **SEC. 6. 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. 7. ADMINISTRATION.**

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

8           (1) this Act;

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

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

15          (b) ECOLOGICAL FOREST RESTORATION ACTIVI-  
16 TIES.—As soon as practicable after the date of enactment  
17 of this Act, in accordance with subsection (a), the Sec-  
18 retary shall carry out forest restoration activities within  
19 the boundaries of the Monument and the National Pre-  
20 serve—

21          (1) to reduce the risk of losing key ecosystem  
22 components;

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



1           ~~(3)~~ to ensure that forest attributes (including  
 2           species composition and structure) remain intact and  
 3           functioning within a historical range.

4 **SEC. 8. VOLUNTARY GRAZING LEASE OR PERMIT DONA-**  
 5 **TION PROGRAM.**

6           ~~(a)~~ DONATION OF LEASE OR PERMIT.—

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

11          ~~(2)~~ TERMINATION.—The Secretary concerned  
 12          shall terminate any grazing lease or grazing permit  
 13          acquired under paragraph ~~(1)~~.

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

18                 ~~(A)~~ not issue any new grazing lease or  
 19                 grazing permit within the grazing allotment  
 20                 covered by the grazing lease or grazing permit;  
 21                 and

22                 ~~(B)~~ ensure a permanent end to livestock  
 23                 grazing on the grazing allotment covered by the  
 24                 grazing lease or grazing permit.

1       (b) **EFFECT OF DONATION.**—A lessee or permittee  
 2 that donates a grazing lease or grazing permit (or a por-  
 3 tion of a grazing lease or grazing permit) under this sec-  
 4 tion shall be considered to have waived any claim to any  
 5 range improvement on the associated grazing allotment or  
 6 portion of the associated grazing allotment, as applicable.

7       (c) **NATIONAL PRESERVE.**—With respect to land lo-  
 8 cated within the National Preserve, the Secretary shall  
 9 permit the grazing of domestic livestock—

10           (1) at a level not greater than the level at which  
 11 the grazing exists as of the date of enactment of this  
 12 Act; and

13           (2) in accordance with each applicable law (in-  
 14 cluding regulations).

15 **SEC. 9. HUNTING, FISHING, AND TRAPPING.**

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

21       (b) **ADMINISTRATIVE EXCEPTIONS.**—In accordance  
 22 with subsection (c), the Secretary may designate areas at  
 23 which, and establish limited periods during which, no  
 24 hunting, fishing, or trapping may be permitted within the  
 25 National Preserve due to concerns relating to—

- 1           (1) public safety;  
 2           (2) the administration of the National Preserve;  
 3       or  
 4           (3) the compliance by the Secretary with any  
 5       applicable law (including regulations).

6       (c) CONSULTATION WITH APPROPRIATE STATE  
 7 AGENCY.—Except to respond to a situation that the Sec-  
 8 retary determines to be an emergency, the Secretary shall  
 9 consult with the appropriate agency of the State before  
 10 taking any act to close any area within the National Pre-  
 11 serve to hunting, fishing, or trapping.

12 **SEC. 10. EFFECT.**

13       Nothing in this Act affects the authority or responsi-  
 14 bility of the State to carry out any law or duty of the  
 15 State relating to fish and wildlife on areas located within  
 16 the National Preserve.

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18       There are authorized to be appropriated such sums  
 19 as are necessary to carry out this Act.

20 **SECTION 1. SHORT TITLE.**

21       *This Act may be cited as the “Oregon Caves National*  
 22 *Monument Boundary Adjustment Act of 2010”.*

23 **SEC. 2. DEFINITIONS.**

24       *In this Act:*

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

4           (2) *MONUMENT.*—*The term “Monument” means*  
 5           *the Oregon Caves National Monument established by*  
 6           *Presidential Proclamation Number 876 (36 Stat.*  
 7           *2497), dated July 12, 1909.*

8           (3) *NATIONAL MONUMENT AND PRESERVE.*—*The*  
 9           *term “National Monument and Preserve” means the*  
 10          *Oregon Caves National Monument and Preserve des-*  
 11          *ignated by section 3(a)(1).*

12          (4) *NATIONAL PRESERVE.*—*The term “National*  
 13          *Preserve” means the National Preserve designated by*  
 14          *section 3(a)(2).*

15          (5) *SECRETARY.*—*The term “Secretary” means*  
 16          *the Secretary of the Interior.*

17          (6) *SECRETARY CONCERNED.*—*The term “Sec-*  
 18          *retary concerned” means—*

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

22                 (B) *the Secretary of the Interior, with re-*  
 23                 *spect to land managed by the Bureau of Land*  
 24                 *Management.*

1           (7) *STATE*.—*The term “State” means the State*  
 2       *of Oregon.*

3   **SEC. 3. DESIGNATIONS; LAND TRANSFER; BOUNDARY AD-**  
 4       **JUSTMENT.**

5       (a) *DESIGNATIONS*.—

6           (1) *IN GENERAL*.—*The Monument and the Na-*  
 7       *tional Preserve shall be administered as a single unit*  
 8       *of the National Park System and collectively known*  
 9       *and designated as the “Oregon Caves National Monu-*  
 10      *ment and Preserve”.*

11          (2) *NATIONAL PRESERVE*.—*The approximately*  
 12      *4,070 acres of land identified on the map as “Pro-*  
 13      *posed Addition Lands” shall be designated as a Na-*  
 14      *tional Preserve.*

15       (b) *TRANSFER OF ADMINISTRATIVE JURISDICTION*.—

16          (1) *IN GENERAL*.—*Administrative jurisdiction*  
 17      *over the land designated as a National Preserve under*  
 18      *subsection (a)(2) is transferred from the Secretary of*  
 19      *Agriculture to the Secretary, to be administered as*  
 20      *part of the National Monument and Preserve.*

21          (2) *EXCLUSION OF LAND*.—*The boundaries of the*  
 22      *Rogue River-Siskiyou National Forest are adjusted to*  
 23      *exclude the land transferred under paragraph (1).*

1       (c) *BOUNDARY ADJUSTMENT.*—*The boundary of the*  
 2       *National Monument and Preserve is modified to exclude ap-*  
 3       *proximately 4 acres of land—*

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

5               (2) *identified on the map as the “Cave Junction*  
 6       *Unit”.*

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

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

14       **SEC. 4. ADMINISTRATION.**

15       (a) *IN GENERAL.*—*The Secretary shall administer the*  
 16       *National Monument and Preserve in accordance with—*

17               (1) *this Act;*

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

20               (3) *any law (including regulations) generally*  
 21       *applicable to units of the National Park System, in-*  
 22       *cluding the National Park Service Organic Act (16*  
 23       *U.S.C. 1 et seq.).*

1       (b) *FIRE MANAGEMENT.*—As soon as practicable after  
 2 the date of enactment of this Act, in accordance with sub-  
 3 section (a), the Secretary shall—

4           (1) *revise the fire management plan for the*  
 5 *Monument to include the land transferred under sec-*  
 6 *tion 3(b)(1); and*

7           (2) *in accordance with the revised plan, carry*  
 8 *out hazardous fuel management activities within the*  
 9 *boundaries of the National Monument and Preserve.*

10       (c) *EXISTING FOREST SERVICE CONTRACTS.*—

11           (1) *IN GENERAL.*—The Secretary shall—

12               (A) *allow for the completion of any Forest*  
 13 *Service stewardship or service contract executed*  
 14 *as of the date of enactment of this Act with re-*  
 15 *spect to the National Preserve; and*

16               (B) *recognize the authority of the Secretary*  
 17 *of Agriculture for the purpose of administering a*  
 18 *contract described in subparagraph (A) through*  
 19 *the completion of the contract.*

20           (2) *TERMS AND CONDITIONS.*—All terms and  
 21 conditions of a contract described in paragraph  
 22 (1)(A) shall remain in place for the duration of the  
 23 contract.

1           (3) *LIABILITY.*—*The Forest Service shall be re-*  
 2           *sponsible for any liabilities relating to a contract de-*  
 3           *scribed in paragraph (1)(A).*

4           (d) *GRAZING.*—

5           (1) *IN GENERAL.*—*Subject to paragraph (2), the*  
 6           *Secretary may allow the grazing of livestock within*  
 7           *the National Preserve to continue as authorized under*  
 8           *permits or leases in existence as of the date of enact-*  
 9           *ment of this Act.*

10          (2) *APPLICABLE LAW.*—*Grazing under para-*  
 11          *graph (1) shall be—*

12                 (A) *at a level not greater than the level at*  
 13                 *which the grazing exists as of the date of enact-*  
 14                 *ment of this Act, as measured in Animal Unit*  
 15                 *Months; and*

16                 (B) *in accordance with each applicable law*  
 17                 *(including National Park Service regulations).*

18          (e) *FISH AND WILDLIFE.*—*The Secretary shall permit*  
 19          *hunting and fishing on land and waters within the Na-*  
 20          *tional Preserve in accordance with applicable Federal and*  
 21          *State laws, except that the Secretary may, in consultation*  
 22          *with the Oregon Department of Fish and Wildlife, designate*  
 23          *zones in which, and establish periods during which, no*  
 24          *hunting or fishing shall be permitted for reasons of public*



1 *safety, administration, or compliance by the Secretary with*  
 2 *any applicable law (including regulations).*

3 **SEC. 5. VOLUNTARY GRAZING LEASE OR PERMIT DONATION**  
 4 **PROGRAM.**

5 *(a) DONATION OF LEASE OR PERMIT.—*

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

7 *The Secretary concerned shall accept a grazing lease*  
 8 *or permit that is donated by a lessee or permittee*  
 9 *for—*

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

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

17 *(2) TERMINATION.—With respect to each grazing*  
 18 *permit or lease donated under paragraph (1), the Sec-*  
 19 *retary shall—*

20 *(A) terminate the grazing permit or lease;*  
 21 *and*

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

24 *(b) EFFECT OF DONATION.—A lessee or permittee that*  
 25 *donates a grazing lease or grazing permit (or a portion of*

1 a grazing lease or grazing permit) under this section shall  
 2 be considered to have waived any claim to any range im-  
 3 provement on the associated grazing allotment or portion  
 4 of the associated grazing allotment, as applicable.

5 **SEC. 6. WILD AND SCENIC RIVER DESIGNATIONS.**

6 (a) *DESIGNATION.*—Section 3(a) of the Wild and Sce-  
 7 nic Rivers Act (16 U.S.C. 1274(a)) is amended by adding  
 8 at the end the following:

9 “(208) *RIVER STYX, OREGON.*—The subterranean  
 10 segment of Cave Creek, known as the River Styx, to  
 11 be administered by the Secretary of the Interior as a  
 12 scenic river.”.

13 (b) *POTENTIAL ADDITIONS.*—

14 (1) *IN GENERAL.*—Section 5(a) of the Wild and  
 15 Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by  
 16 adding at the end the following:

17 “(141) *OREGON CAVES NATIONAL MONUMENT*  
 18 *AND PRESERVE, OREGON.*—

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

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

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

4           “(D) *PANTHER CREEK.*—*The 0.8-mile seg-*  
 5           *ment of Panther Creek from the headwaters to*  
 6           *the confluence with Lake Creek.*

7           “(E) *UPPER CAVE CREEK.*—*The segment of*  
 8           *Upper Cave Creek from the headwaters to the*  
 9           *confluence with River Styx.”.*

10          (2) *STUDY; REPORT.*—*Section 5(b) of the Wild*  
 11          *and Scenic Rivers Act (16 U.S.C. 1276(b)) is amend-*  
 12          *ed by adding at the end the following:*

13               “(20) *OREGON CAVES NATIONAL MONUMENT AND*  
 14               *PRESERVE, OREGON.*—*Not later than 3 years after the*  
 15               *date on which funds are made available to carry out*  
 16               *this paragraph, the Secretary shall—*

17                       “(A) *complete the study of the Oregon Caves*  
 18                       *National Monument and Preserve segments de-*  
 19                       *scribed in subsection (a)(141); and*

20                       “(B) *submit to Congress a report con-*  
 21                       *taining the results of the study.”.*

Calendar No. 526

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

**S. 1270**

[Report No. 111-256]

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**A BILL**

To modify the boundary of the Oregon Caves  
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AUGUST 5, 2010

Reported with an amendment