

112TH CONGRESS
1ST SESSION

H. R. 1414

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2011

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

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 Revital-
5 ization Act of 2011”.

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
10 associated with the Monument; and

1 (2) to increase public recreation opportunities.

2 **SEC. 3. DEFINITIONS.**

3 In this Act:

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

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

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

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

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

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

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

24 (6) STATE.—The term “State” means the State
25 of Oregon.

1 **SEC. 4. DESIGNATION; LAND TRANSFER; BOUNDARY AD-**
2 **JUSTMENT.**

3 (a) IN GENERAL.—The Monument shall be known
4 and designated as the “Oregon Caves National Monument
5 and Preserve”. The land identified on the map as “Pro-
6 posed Addition Lands” shall be designated as a National
7 Preserve.

8 (b) LAND TRANSFER.—The Secretary of Agriculture
9 shall—

10 (1) transfer approximately 4,070 acres of land
11 identified on the map as the “Proposed Addition
12 Lands” to the Secretary to be administered as part
13 of the Oregon Caves National Monument and Pre-
14 serve; and

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

18 (c) BOUNDARY ADJUSTMENT.—The boundary of the
19 National Monument is modified to exclude approximately
20 4 acres of land—

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

22 (2) identified on the map as the “Cave Junction
23 Unit”, as depicted on the map.

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

1 (e) REFERENCES.—Any reference in a law, map, reg-
2 ulation, document, paper, or other record of the United
3 States to the Monument shall be considered to be a ref-
4 erence to the “Oregon Caves National Monument and Pre-
5 serve”.

6 **SEC. 5. ADMINISTRATION.**

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

10 (1) this Act;

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

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

17 (b) FIRE MANAGEMENT.—As soon as practicable
18 after the date of enactment of this Act, in accordance with
19 subsection (a), the Secretary shall revise the fire manage-
20 ment plan for the Monument to include the National Pre-
21 serve and, in accordance with the revised plan, carry out
22 hazardous fuel management activities within the bound-
23 aries of the National Monument and Preserve.

24 (c) EXISTING FOREST SERVICE CONTRACTS.—The
25 Secretary shall allow for the completion of existing Forest

1 Service stewardship and service contracts executed as of
2 the date of enactment of this Act and shall recognize the
3 authority of the Secretary of Agriculture for the purpose
4 of administering the existing Forest Service contracts
5 through their completion. All terms and conditions of ex-
6 isting Forest Service contracts shall remain in place for
7 the duration of those contracts. Any such liability existing
8 at the time of enactment of this Act shall be that of the
9 Forest Service.

10 (d) GRAZING.—The Secretary may allow the grazing
11 of livestock within the preserve to continue where author-
12 ized under permits or leases in existence as of the date
13 of enactment of this Act. Grazing shall be at no more than
14 the current level, as measured in Animal Unit Months,
15 and subject to applicable laws and National Park Service
16 regulations.

17 **SEC. 6. VOLUNTARY GRAZING LEASE OR PERMIT DONA-**
18 **TION PROGRAM.**

19 (a) DONATION OF LEASE OR PERMIT.—

20 (1) ACCEPTANCE BY SECRETARY CON-
21 CERNED.—The Secretary concerned shall accept the
22 donation of a grazing lease or permit from a leasee
23 or permittee for—

1 (A) the Big Grayback Grazing Allotment
2 located in the Rogue River-Siskiyou National
3 Forest; and

4 (B) the Billy Mountain Grazing Allotment
5 located on a parcel of land that is managed by
6 the Secretary (acting through the Director of
7 the Bureau of Land Management).

8 (2) TERMINATION.—With respect to each per-
9 mit or lease donated under subparagraph (a), the
10 Secretary shall—

11 (A) terminate the grazing permit or lease;
12 and

13 (B) ensure a permanent end to grazing on
14 the land covered by the permit or lease.

15 (b) EFFECT OF DONATION.—A lessee or permittee
16 that donates a grazing lease or grazing permit (or a por-
17 tion of a grazing lease or grazing permit) under this sec-
18 tion shall be considered to have waived any claim to any
19 range improvement on the associated grazing allotment or
20 portion of the associated grazing allotment, as applicable.

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

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), the Secretary shall permit hunting, fishing, and trap-
24 ping on land and water within the National Preserve in

1 accordance with each applicable law (including regula-
2 tions) of the Federal Government and the State.

3 (b) ADMINISTRATIVE EXCEPTIONS.—In accordance
4 with subsection (c), the Secretary may designate areas in
5 which, and establish limited periods during which, no
6 hunting, fishing, or trapping may be permitted within the
7 National Preserve due to concerns relating to—

8 (1) public safety;

9 (2) the administration of the National Preserve;

10 or

11 (3) the compliance by the Secretary with any
12 applicable law (including regulations).

13 (c) CONSULTATION WITH APPROPRIATE STATE
14 AGENCY.—Except to respond to a situation that the Sec-
15 retary determines to be an emergency, the Secretary shall
16 consult with the appropriate agency of the State before
17 taking any act to close any area within the National Pre-
18 serve to hunting, fishing, or trapping.

19 **SEC. 8. EFFECT.**

20 Nothing in this Act affects the authority or responsi-
21 bility of the State to carry out any law or duty of the
22 State relating to fish and wildlife on areas located within
23 the National Preserve.

1 **SEC. 9. WILD AND SCENIC RIVER DESIGNATION, RIVER**
2 **STYX, OREGON.**

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

6 “(____) RIVER STYX, OREGON.—The subterra-
7 nean segment of Cave Creek, known as the River
8 Styx, to be administered by the Secretary of the In-
9 terior as a scenic river.”.

10 **SEC. 10. WILD AND SCENIC RIVER DESIGNATION FOR**
11 **STUDY.**

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

15 “(____) OREGON CAVES NATIONAL MONUMENT
16 AND PRESERVE, OREGON.—

17 “(A) CAVE CREEK, OREGON.—The 2.6-
18 mile segment of Cave Creek from the head-
19 waters at the River Styx to the boundary of the
20 Rogue River Siskiyou National Forest.

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

1 “(C) NO NAME CREEK, OREGON.—The
2 0.6-mile segment of No Name Creek from the
3 headwaters 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
8 of Upper Cave Creek from the headwaters to
9 the confluence with River Styx.”.

10 **SEC. 11. STUDY AND REPORT.**

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

14 “(____) OREGON CAVES NATIONAL MONUMENT
15 AND PRESERVE, OREGON.—Not later than 3 years
16 after funds are made available to carry out this
17 paragraph, the Secretary shall complete the study of
18 the Oregon Caves National Monument and Preserve
19 segments designated for study in subsection (a), and
20 shall submit to Congress a report containing the re-
21 sults of the study.”.

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