

Calendar No. 276

112TH CONGRESS
2^D SESSION**S. 765****[Report No. 112-114]**

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

IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 2011

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

JANUARY 13, 2012

Reported under authority of the order of the Senate of December 17, 2011, by Mr. BINGAMAN, without amendment

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

10 (3) NATIONAL MONUMENT AND PRESERVE.—
11 The term “National Monument and Preserve”
12 means the Oregon Caves National Monument and
13 Preserve designated by section 3(a)(1).

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

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (6) SECRETARY CONCERNED.—The term “Sec-
20 retary concerned” means—

21 (A) the Secretary of Agriculture (acting
22 through the Chief of the Forest Service), with
23 respect to National Forest System land; and

24 (B) the Secretary of the Interior, with re-
25 spect to land managed by the Bureau of Land
26 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
10 Monument 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 JURISDIC-
16 TION.—

17 (1) IN GENERAL.—Administrative jurisdiction
18 over the land designated as a National Preserve
19 under subsection (a)(2) is transferred from the Sec-
20 retary of Agriculture to the Secretary, to be admin-
21 istered as part of the National Monument and Pre-
22 serve.

23 (2) EXCLUSION OF LAND.—The boundaries of
24 the Rogue River-Siskiyou National Forest are ad-

1 justed to exclude the land transferred under para-
2 graph (1).

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

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

7 (2) identified on the map as the “Cave Junction
8 Unit”.

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

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

17 **SEC. 4. ADMINISTRATION.**

18 (a) IN GENERAL.—The Secretary shall administer
19 the National Monument and Preserve in accordance
20 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 including the National Park Service Organic Act (16
2 U.S.C. 1 et seq.).

3 (b) FIRE MANAGEMENT.—As soon as practicable
4 after the date of enactment of this Act, in accordance with
5 subsection (a), the Secretary shall—

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

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

12 (c) EXISTING FOREST SERVICE CONTRACTS.—

13 (1) IN GENERAL.—The Secretary shall—

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

18 (B) recognize the authority of the Sec-
19 retary of Agriculture for the purpose of admin-
20 istering a contract described in subparagraph
21 (A) through the completion of the contract.

22 (2) TERMS AND CONDITIONS.—All terms and
23 conditions of a contract described in paragraph
24 (1)(A) shall remain in place for the duration of the
25 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),
6 the Secretary may allow the grazing of livestock
7 within the National Preserve to continue as author-
8 ized under permits or leases in existence as of the
9 date of enactment 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 per-
19 mit hunting and fishing on land and waters within the
20 National Preserve in accordance with applicable Federal
21 and State laws, except that the Secretary may, in con-
22 sultation with the Oregon Department of Fish and Wild-
23 life, designate zones in which, and establish periods during
24 which, no hunting or fishing shall be permitted for reasons

1 of public safety, administration, or compliance by the Sec-
 2 retary with any applicable law (including regulations).

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

5 (a) DONATION OF LEASE OR PERMIT.—

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

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 on a parcel of land that is managed by
 15 the Secretary (acting through the Director of
 16 the Bureau of Land Management).

17 (2) TERMINATION.—With respect to each graz-
 18 ing permit or lease donated under paragraph (1),
 19 the Secretary 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
 25 that donates a grazing lease or grazing permit (or a por-

1 tion of a grazing lease or grazing permit) under this sec-
 2 tion shall be considered to have waived any claim to any
 3 range improvement on the associated grazing allotment or
 4 portion 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
 7 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
 8 ing at the end the following:

9 “(208) RIVER STYX, OREGON.—The subterra-
 10 nean segment of Cave Creek, known as the River
 11 Styx, to be administered by the Secretary of the In-
 12 terior as a 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
 16 by adding at the end the following:

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

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

23 “(B) LAKE CREEK, OREGON.—The 3.6-
 24 mile segment of Lake Creek from the head-

1 waters at Bigelow Lakes to the confluence with
2 Cave Creek.

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

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

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

12 (2) STUDY; REPORT.—Section 5(b) of the Wild
13 and Scenic Rivers Act (16 U.S.C. 1276(b)) is
14 amended by adding at the end the following:

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

19 “(A) complete the study of the Oregon
20 Caves National Monument and Preserve seg-
21 ments described in subsection (a)(141); and

22 “(B) submit to Congress a report con-
23 taining the results of the study.”.

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