

110TH CONGRESS
2D SESSION

H. R. 6291

To adjust the boundary of Oregon Caves National Monument, to amend the Wild and Scenic Rivers Act to designate certain river segments in Oregon as wild or scenic rivers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2008

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

A BILL

To adjust the boundary of Oregon Caves National Monument, to amend the Wild and Scenic Rivers Act to designate certain river segments in Oregon as wild or scenic rivers, 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 Treasures Act
5 of 2008”.

6 **SEC. 2. OREGON CAVES BOUNDARY ADJUSTMENT.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Oregon Caves National Monument, an area
2 of approximately 480 acres in the Siskiyou Moun-
3 tains of southern Oregon, was established by Presi-
4 dential Proclamation 876 on July 12, 1909, to pro-
5 tect the caves, which were determined to have un-
6 usual scientific interest and importance.

7 (2) Administration of the Monument was trans-
8 ferred from the Forest Service to the National Park
9 Service on June 10, 1933, by Executive Order 6166.

10 (3) The Monument's 1999 General Manage-
11 ment Plan recommends adding surrounding lands to
12 the Monument in order to provide better protection
13 for cave ecology, surface and subsurface hydrology,
14 public water supply, trails and views, and to estab-
15 lish a logical topographical boundary and enhance
16 public outdoor recreational opportunities.

17 (b) DEFINITIONS.—In this Act:

18 (1) GRAZING ALLOTMENT.—The term “grazing
19 allotment” means the Big Grayback Grazing Allot-
20 ment in the Rogue River-Siskiyou National Forest
21 or the Billy Mountain Grazing Allotment on nearby
22 Bureau of Land Management land.

23 (2) GRAZING PERMIT OR LEASE.—The term
24 “grazing permit or lease” means any document au-

1 thorizing the use of a grazing allotment for the pur-
2 pose of grazing livestock for commercial purposes.

3 (3) LESSEE.—The term “lessee” means a live-
4 stock operator that holds a valid existing grazing
5 lease for a grazing allotment.

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

10 (5) MONUMENT.—The term “Monument”
11 means the Oregon Caves National Monument estab-
12 lished by Presidential Proclamation 876 of July 12,
13 1909.

14 (6) PERMITTEE.—The term “permittee” means
15 a livestock operator that holds a valid existing graz-
16 ing permit for a grazing allotment.

17 (7) SECRETARY CONCERNED.—The term “Sec-
18 retary concerned” means the Secretary of the Inte-
19 rior or the Secretary of Agriculture, as appropriate.

20 (c) BOUNDARY ADJUSTMENT; LAND TRANSFER.—

21 (1) MONUMENT BOUNDARY.—The boundary of
22 the Monument is adjusted to—

23 (A) include approximately 4,070 acres of
24 land identified as “Proposed Addition Lands”
25 on the map; and

1 (B) exclude approximately 4 acres of land
2 located in the city of Cave Junction, Oregon
3 and identified as “Water Treatment Plant-Cave
4 Junction Unit” on the map.

5 (2) LAND TRANSFER.—The Secretary of Agri-
6 culture shall transfer administrative jurisdiction of
7 the land referred to in paragraph (1) to the Sec-
8 retary of the Interior, and shall adjust the boundary
9 of Rogue River-Siskiyou National Forest to exclude
10 the transferred land.

11 (3) AVAILABILITY OF MAP.—The map shall be
12 on file and available for public inspection in the ap-
13 propriate offices of the National Park Service.

14 (d) ECOLOGICAL FOREST RESTORATION.—As soon
15 as practicable after the date of the enactment of this Act,
16 the Secretary concerned shall implement forest restoration
17 activities within the Monument boundary. Such activities
18 shall—

19 (1) reduce the risk of losing key ecosystem com-
20 ponents;

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

23 (3) ensure that forest attributes, such as spe-
24 cies composition and structure, are intact and func-
25 tioning within a historical range.

1 (e) VOLUNTARY DONATION OF GRAZING PERMITS OR
2 LEASES.—

3 (1) ACCEPTANCE OF DONATION.—The Sec-
4 retary concerned shall accept any grazing permit or
5 lease, or a portion thereof, that is donated by a
6 permittee or lessee.

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

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

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

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

20 (4) EFFECT OF DONATION.—A lessee who do-
21 nates a grazing permit or lease, or a portion thereof,
22 under this section shall be deemed to have waived
23 any claim to any range improvement on the associ-
24 ated grazing allotment.

1 **SEC. 3. WILD AND SCENIC RIVER DESIGNATIONS.**

2 (a) OREGON CAVES CREEK ADDITIONS.—Section
3 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
4 1274(a)) is amended by adding at the end the following:

5 “() OREGON CAVES NATIONAL MONUMENT, OR-
6 EGON.—The following segments in the State of Or-
7 egon, to be administered by the Secretary of the In-
8 terior:

9 “(A) CAVE CREEK.—The approximately
10 2.6 mile segment of Cave Creek from the head-
11 waters at the River Styx to the boundary be-
12 tween the Oregon Caves National Monument
13 and the Rogue River-Siskiyou National Forest
14 as a recreational river.

15 “(B) LAKE CREEK.—The approximately
16 3.6 mile segment of Lake Creek from the head-
17 waters at Bigelow Lakes to the confluence with
18 Cave Creek as scenic river.

19 “(C) NO NAME CREEK.—The approxi-
20 mately 0.6 mile segment of No Name Creek
21 from the headwaters to the confluence with
22 Cave Creek as a wild river.

23 “(D) PANTHER CREEK.—The approxi-
24 mately 0.8 mile segment of Panther Creek from
25 the headwaters to the confluence with Lake
26 Creek as a scenic river.

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

4 “(F) UPPER CAVE CREEK.—The segment
5 of Upper Cave Creek from the headwaters to
6 the confluence with the River Styx as a rec-
7 reational river.”.

8 (b) ROGUE RIVER ADDITIONS.—

9 (1) Section 3(a)(5) of the Wild and Scenic Riv-
10 ers Act (16 U.S.C. 1274(a)) is amended—

11 (A) by striking “The segment” and insert-
12 ing “(A) The segment”; and

13 (B) by adding at the end the following:

14 “(B) ADDITIONAL AREAS.—In addition to the
15 segment described in subparagraph (A), the fol-
16 lowing segments:

17 “(i) KELSEY CREEK.—

18 “(I) The approximately 2.2 miles from
19 its headwaters to the eastern section line
20 of 32S 8W sec. 30 as a recreational river.

21 “(II) The approximately 7.1 miles
22 from the eastern section line of 32S 8W
23 sec. 30 to the confluence with the Rogue
24 River as a wild river.

25 “(ii) EAST FORK KELSEY CREEK.—

1 “(I) The approximately 0.1 miles of
2 East Fork Kelsey Creek from its head-
3 waters to 0.1 miles downstream of road
4 32-7-19.3 as a scenic river.

5 “(II) The approximately 4.7 miles of
6 East Fork Kelsey Creek downstream from
7 0.1 miles downstream of road 32-7-19.3
8 to the confluence with Kelsey Creek as a
9 wild river.

10 “(iii) WHISKY CREEK.—

11 “(I) The approximately 0.6 miles of
12 Whisky Creek from the confluence of the
13 East Fork and West Fork to 0.1 miles
14 downstream from road 33-8-23 as a rec-
15 reational river.

16 “(II) The approximately 1.9 miles
17 from 0.1 miles downstream from road 33-
18 8-23 to the confluence with the Rogue
19 River as a wild river.

20 “(iv) EAST FORK WHISKY CREEK.—

21 “(I) The approximately 0.1 miles of
22 East Fork Whisky Creek from its head-
23 waters to 0.1 miles downstream of road
24 34-8-1 as a scenic river.

1 “(II) The approximately 3.7 miles of
2 East Fork Whisky Creek from 0.1 miles
3 downstream of road 34–8–1 to the con-
4 fluence with Whisky Creek as a wild river.

5 “(v) WEST FORK WHISKY CREEK.—The
6 approximately 4.8 miles of West Fork Whisky
7 Creek from its headwaters to the confluence of
8 the Rogue River as a wild river.

9 “(vi) BIG WINDY CREEK.—

10 “(I) The approximately 1.5 miles from
11 its headwaters to 0.1 miles downstream
12 from road 34–9–17.1 as a scenic river.

13 “(II) The approximately 5.8 miles
14 from 0.1 miles downstream from road 34–
15 9–17.1 to the confluence with the Rogue
16 River as a wild river.

17 “(vii) EAST FORK BIG WINDY CREEK.—

18 “(I) The approximately 0.2 miles of
19 East Fork Big Windy Creek from its head-
20 waters to 0.1 miles downstream from road
21 34–8–36 as a scenic river.

22 “(II) The approximately 3.7 miles
23 from 0.1 miles downstream from road 34–
24 8–36 to the confluence with Big Windy
25 Creek as a wild river.

1 “(viii) LITTLE WINDY CREEK.—

2 “(I) The approximately 1.1 miles of
3 Little Windy Creek from its headwaters to
4 0.1 miles downstream of road 34–8–36 as
5 a scenic river.

6 “(II) The approximately 1.9 miles
7 from 0.1 miles downstream of road 34–8–
8 36 to the confluence with the Rogue River
9 as a wild river.

10 “(ix) HOWARD CREEK.—

11 “(I) The approximately 0.3 miles of
12 Howard Creek from its headwaters to 0.1
13 miles downstream of road 34–9–34 as a
14 scenic river.

15 “(II) The approximately 6.9 miles of
16 Howard Creek from 0.1 miles downstream
17 of road 34–9–34 to the confluence with the
18 Rogue River as a wild river.

19 “(x) MULE CREEK.—

20 “(I) The approximately 0.2-mile sec-
21 tion of Mule Creek from the headwaters to
22 0.1 miles downstream from road 32–9–
23 15.1 as a scenic river.

24 “(II) The approximately 11.2 miles
25 from 0.1 miles downstream from road 32–

1 9–15.1 to the confluence with the Rogue
2 River as a wild river.

3 “(xi) GRAVE CREEK.—

4 “(I) The approximately 1.6-mile sec-
5 tion of Grave Creek from the confluence of
6 Wolf Creek downstream as a scenic river.

7 “(II) The approximately 8.2-mile sec-
8 tion of Grave Creek from 1.6 miles down-
9 stream of the confluence of Wolf Creek to
10 the confluence with the Rogue River as a
11 recreational river.

12 “(xii) ANNA CREEK.—The approximately
13 3.5-mile section of Anna Creek from its head-
14 waters to the confluence with Howard Creek as
15 a wild river.

16 “(xiii) MISSOURI CREEK.—

17 “(I) The approximately 2.6 miles of
18 Missouri Creek from its headwaters to
19 north section line of 33S 10W sec. 25 as
20 a scenic river.

21 “(II) The approximately 2.2-mile sec-
22 tion of Missouri Creek from north section
23 line of 33S 10W sec. 25 to the confluence
24 with the Rogue River as a wild river.

25 “(xiv) JENNY CREEK.—

1 “(I) The approximately 0.3-mile sec-
2 tion of Jenny Creek from its headwaters to
3 0.1 miles downstream from road 34–9–7
4 as a scenic river.

5 “(II) The approximately 4.6-mile sec-
6 tion of Jenny Creek from 0.1 miles down-
7 stream from road 34–9–7 to the confluence
8 with the Rogue River as a wild river.

9 “(xv) RUM CREEK.—

10 “(I) The approximately 2-mile section
11 of Rum Creek from its headwaters to 0.1
12 miles downstream from road 34–8–34 as a
13 scenic river.

14 “(II) The approximately 2.4-mile sec-
15 tion of Rum Creek from 0.1 miles down-
16 stream from road 34–8–34 to the con-
17 fluence with the Rogue River as a wild
18 river.

19 “(xvi) EAST FORK RUM CREEK.—

20 “(I) The approximately 0.5-mile sec-
21 tion of East Rum Creek from the head-
22 waters to 0.1 miles downstream of road
23 34–8–10.1 as a scenic river.

24 “(II) The approximately 1.5-mile sec-
25 tion of East Rum Creek from 0.1 miles

1 downstream of road 34-8-10.1 to the con-
2 fluence with Rum Creek as a wild river.

3 “(xvii) WILDCAT CREEK.—The approxi-
4 mately 1.7-mile section of Wildcat Creek from
5 its headwaters downstream to the confluence
6 with the Rogue River as a wild river.

7 “(xviii) MONTGOMERY CREEK.—The ap-
8 proximately 1.8-mile section of Montgomery
9 Creek from its headwaters downstream to the
10 confluence with the Rogue River as a wild river.

11 “(xix) QUARTZ CREEK.—

12 “(I) The approximately 0.5-mile sec-
13 tion of Quartz Creek from its headwaters
14 to 0.1 miles downstream from road 35-9-
15 1.2 as a recreational river.

16 “(II) The approximately 2.8-mile sec-
17 tion from 0.1 miles downstream from road
18 35-9-1.2 to the confluence of the North
19 Fork Galice Creek as a scenic river.

20 “(xx) HEWITT CREEK.—

21 “(I) The approximately 1.3-mile sec-
22 tion of Hewitt Creek from its headwaters
23 to 0.1 miles downstream of road 33-9-21
24 as a scenic river.

1 “(II) The approximately 1.3-mile sec-
2 tion of Hewitt Creek from 0.1 miles down-
3 stream of road 33–9–21 to the confluence
4 with the Rogue River as a wild river.

5 “(xxi) BUNKER CREEK.—The approxi-
6 mately 6.6 miles from its headwaters to the
7 confluence with the Rogue River as a wild river.

8 “(xxii) DULOG CREEK.—

9 “(I) The approximately 0.8 miles of
10 Dulog Creek from its headwaters to 0.1
11 miles downstream of road 34–8–36 as a
12 scenic river.

13 “(II) The approximately 1.0 miles of
14 Dulog Creek from 0.1 miles downstream of
15 road 34–8–36 to the confluence with the
16 Rogue River as a wild river.

17 “(xxiii) GALICE CREEK.—The approxi-
18 mately 2.2 miles of Galice Creek from the con-
19 fluence with the North and South Forks of
20 Galice Creek to the confluence with the Rogue
21 River as a recreational river.

22 “(xxiv) NORTH FORK GALICE CREEK.—

23 “(I) The approximately 1.2-mile sec-
24 tion of North Fork Galice Creek from its

1 headwaters to 0.1 miles upstream of road
2 34–8–36 as a scenic river.

3 “(II) The approximately 4.5-mile sec-
4 tion of North Fork Galice Creek from 0.1
5 miles upstream of road 34–8–36 to the
6 confluence with Galice Creek as a rec-
7 reational river.

8 “(xxv) QUAIL CREEK.—

9 “(I) The approximately 0.7 miles from
10 its headwaters to 0.1 miles downstream
11 from road 32–9–14.2 as a scenic river.

12 “(II) The approximately 1.8 miles
13 from to 0.1 miles downstream from road
14 32–9–14.2 to the confluence with the
15 Rogue River as a wild river.

16 “(xxvi) MEADOW CREEK.—The approxi-
17 mately 4.1 miles of Meadow Creek from its
18 headwaters to the confluence with the Rogue
19 River as a wild river.

20 “(xxvii) RUSSIAN CREEK.—

21 “(I) The approximately 0.4 miles of
22 Russian Creek from its headwaters to 0.1
23 miles downstream from road 33–8–21 as a
24 scenic river.

1 “(II) The approximately 2.2 miles of
2 Russian Creek 0.1 miles downstream from
3 road 33–8–21 to the confluence with the
4 Rogue River as a wild river.

5 “(xxviii) ALDER CREEK.—The approxi-
6 mately 1.2 miles of Alder Creek from its head-
7 waters to confluence with the Rogue River as a
8 wild river.

9 “(xxix) BOOZE CREEK.—The approxi-
10 mately 1.5 miles of Booze Creek from its head-
11 waters to the confluence with the Rogue River
12 as a wild river.

13 “(xxx) BRONCO CREEK.—The approxi-
14 mately 1.8 miles of Bronco Creek from its
15 headwaters to the confluence with the Rogue
16 River as a wild river.

17 “(xxxix) CENTENNIAL GULCH CREEK.—The
18 approximately 1.9 miles of Centennial Gulch
19 Creek from its headwaters to the confluence
20 with the Rogue River as a recreational river.

21 “(xxxii) COPSEY CREEK.—The approxi-
22 mately 1.5 miles of Copsey Creek from its head-
23 waters to the confluence with the Rogue River
24 as a wild river.

1 “(xxxiii) CORRAL CREEK.—The approxi-
2 mately 0.5 miles of Corral Creek from its head-
3 waters to the confluence with the Rogue River
4 as a wild river.

5 “(xxxiv) COWLEY CREEK.—The approxi-
6 mately 0.9 miles of Cowley Creek from its head-
7 waters to the confluence with the Rogue River
8 as a wild river.

9 “(xxxv) DITCH CREEK.—

10 “(I) The approximately 0.5-mile sec-
11 tion of Ditch Creek from its headwaters
12 0.1 miles downstream from road 33-5-9.2
13 as a scenic river.

14 “(II) The approximately 1.9-mile sec-
15 tion of Ditch Creek from 0.1 miles down-
16 stream from road 33-5-9.2 to its con-
17 fluence with the Rogue River as a wild
18 river.

19 “(xxxvi) FRANCIS CREEK.—The approxi-
20 mately 0.9 miles of Francis Creek from its
21 headwaters to the confluence with the Rogue
22 River as a wild river.

23 “(xxxvii) LONG GULCH.—

24 “(I) The approximately 1.4-mile sec-
25 tion of Long Gulch from the headwaters to

1 0.1 miles downstream from road 34–9–21
2 as a scenic river.

3 “(II) The approximately 1.1-mile sec-
4 tion of Long Gulch from 0.1 miles down-
5 stream of road 34–9–21 to the confluence
6 with the Rogue River as a wild river.

7 “(xxxviii) BAILEY CREEK.—

8 “(I) The approximately 1.0-mile sec-
9 tion of Bailey Creek from its headwaters to
10 0.1 miles downstream from road 34–8–
11 22.2 as a scenic river.

12 “(II) The approximately 2.1-mile sec-
13 tion of Bailey Creek from 0.1 miles down-
14 stream from road 34–8–22.2 to the con-
15 fluence of the Rogue River as a wild river.

16 “(xxxix) SHADY CREEK.—The approxi-
17 mately 0.7 miles of Shady Creek from its head-
18 waters to the confluence with the Rogue River
19 as a wild river.

20 “(xl) SLIDE CREEK.—

21 “(I) The approximately 0.5-mile sec-
22 tion of Slide Creek from its headwaters to
23 0.1 miles downstream from road 33–9–6
24 as a scenic river.

1 “(II) The approximately 0.7-mile sec-
2 tion of Slide Creek from 0.1 miles down-
3 stream of road 33–9–6 to the confluence
4 with the Rogue River as a wild river.

5 “(C) IN GENERAL.—River segments referred to
6 in subparagraph (B) shall include an average of 640
7 acres per mile measured from the ordinary high
8 water mark on both sides of the river. All such wild,
9 scenic, and recreation areas shall be managed as
10 part of the Rogue Wild and Scenic River.”.

11 (2) WITHDRAWAL.—Subject to valid rights, the
12 Federal land within the boundaries of the river seg-
13 ments designated by subparagraph (B) of section
14 3(a)(5) of the Wild and Scenic Rivers Act (16
15 U.S.C. 1274(a)), as added by paragraph (1) of this
16 subsection, is withdrawn from all forms of—

17 (A) entry, appropriation, or disposal under
18 the public land laws;

19 (B) location, entry, and patent under the
20 mining laws; and

21 (C) disposition under all laws pertaining to
22 mineral and geothermal leasing or mineral ma-
23 terials.

24 (3) WINDPOWER FACILITIES PROHIBITED.—
25 The siting of windpower facilities within the lateral

1 boundaries of a segment of the Rogue Wild and Sce-
2 nic River designated by subparagraph (B) of section
3 3(a)(5) of the Wild and Scenic Rivers Act (16
4 U.S.C. 1274(a)), as added by paragraph (1) of this
5 subsection, is prohibited.

○