

OREGON CAVES NATIONAL MONUMENT BOUNDARY  
ADJUSTMENT ACT OF 2010

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MAY 28, 2010.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

\_\_\_\_\_

Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2889]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2889) to modify the boundary of the Oregon Caves National Monument, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. PURPOSE.**

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

- (1) to enhance the protection of the resources associated with the Monument;
- and
- (2) to increase public recreation opportunities.

**SEC. 3. DEFINITIONS.**

In this Act:

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

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

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

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

(5) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

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

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management.

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

**SEC. 4. DESIGNATION; LAND TRANSFER; BOUNDARY ADJUSTMENT.**

(a) **IN GENERAL.**—The Monument shall be known and designated as the “Oregon Caves National Monument and Preserve”. The land identified on the map as “Proposed Addition Lands” shall be designated as a National Preserve.

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

(1) transfer approximately 4,070 acres of land identified on the map as the “Proposed Addition Lands” to the Secretary to be administered as part of the Oregon Caves National Monument and Preserve; and

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

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

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

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

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

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

**SEC. 5. ADMINISTRATION.**

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

(1) this Act;

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

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

(b) **FIRE MANAGEMENT.**—As soon as practicable after the date of enactment of this Act, in accordance with subsection (a), the Secretary shall revise the fire management plan for the Monument to include the National Preserve and, in accordance with the revised plan, carry out hazardous fuel management activities within the boundaries of the National Monument and Preserve.

(c) **EXISTING FOREST SERVICE CONTRACTS.**—The Secretary shall allow for the completion of existing Forest Service stewardship and service contracts executed as of the date of enactment of this Act and shall recognize the authority of the Secretary of Agriculture for the purpose of administering the existing Forest Service contracts through their completion. All terms and conditions of existing Forest Service contracts shall remain in place for the duration of those contracts. Any such liability existing at the time of enactment of this Act shall be that of the Forest Service.

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

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

(a) **DONATION OF LEASE OR PERMIT.**—

(1) **ACCEPTANCE BY SECRETARY CONCERNED.**—The Secretary concerned shall accept the donation of a grazing lease or permit from a leasee or permittee for—

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

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

(2) TERMINATION.—With respect to each permit or lease donated under subparagraph (a), the Secretary shall—

(A) terminate the grazing permit or lease; and

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

(b) EFFECT OF DONATION.—A lessee or permittee that donates a grazing lease or grazing permit (or a portion of a grazing lease or grazing permit) under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

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

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall permit hunting, fishing, and trapping on land and water within the National Preserve in accordance with each applicable law (including regulations) of the Federal Government and the State.

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

(1) public safety;

(2) the administration of the National Preserve; or

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

(c) CONSULTATION WITH APPROPRIATE STATE AGENCY.—Except to respond to a situation that the Secretary determines to be an emergency, the Secretary shall consult with the appropriate agency of the State before taking any act to close any area within the National Preserve to hunting, fishing, or trapping.

**SEC. 8. EFFECT.**

Nothing in this Act affects the authority or responsibility of the State to carry out any law or duty of the State relating to fish and wildlife on areas located within the National Preserve.

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

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

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

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

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

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

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

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

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

“(D) PANTHER CREEK.—The 0.8-mile segment of Panther Creek from the headwaters to the confluence with Lake Creek.

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

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

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

“( ) OREGON CAVES NATIONAL MONUMENT AND PRESERVE, OREGON.—Not later than 3 years after funds are made available to carry out this paragraph, the Secretary shall complete the study of the Oregon Caves National Monument and Preserve segments designated for study in subsection (a), and shall submit to Congress a report containing the results of the study.”.

#### PURPOSE OF THE BILL

The purpose of H.R. 2889 is to modify the boundary of the Oregon Caves National Monument, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

Oregon Caves National Monument, which originally consisted of approximately 480 acres of National Forest System land in the Rogue River-Siskiyou National Forest in southern Oregon, was established by Presidential Proclamation 876 on July 12, 1909. Administration of the Monument was transferred from the Forest Service to the National Park Service on June 10, 1933, by Executive Order 6166. The Monument receives about 80,000 visitors annually. Oregon Caves is the longest tour cave west of the Continental Divide.

The 1999 General Management Plan for Oregon Caves National Monument recommended adding surrounding lands to the Monument in order to provide better protection for cave ecology, surface and subsurface hydrology, public water supply, trails and views, and to establish a logical topographical boundary and enhance recreational opportunities.

H.R. 2889 would expand the boundaries of the Oregon Caves National Monument to include 4,070 acres of lands in the Rogue River-Siskiyou National Forest currently managed by the National Forest Service, and re-designate the site as the Oregon Caves National Monument and Preserve.

#### COMMITTEE ACTION

H.R. 2889 was introduced on June 16, 2009 by Representative Peter DeFazio (D-OR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On November 17, 2009, the Subcommittee held a hearing on the bill.

On May 5, 2010, the Subcommittee on National Parks, Forests and Public Lands was discharged from further consideration of H.R. 2889 and the full Natural Resources Committee met to consider the bill. Representative DeFazio offered an amendment in the nature of a substitute to restructure the legislation to more clearly describe fire management and grazing related to the Oregon Caves National Monument and Preserve. The amendment also designated the River Styx as a scenic river and requested studies for five other rivers in the National Monument and Preserve.

Subcommittee Ranking Member Bishop (R-UT) offered four amendments to the amendment in the nature of a substitute. The first amendment would prohibit anything in the Act from affecting any authority to construct, maintain or operate coal-fired power generating plants. The amendment was not agreed to by a roll call vote of 17 yeas and 20 nays, as follows:



The second amendment offered by Representative Bishop would prohibit anything in the Act from affecting any authority to construct, maintain or operate wind or solar power generating facilities. The amendment was not agreed to by voice vote.

The third amendment offered by Representative Bishop would require the laws and regulations of the U.S. Forest Service to govern hunting, fishing, and trapping in the National Preserve. The amendment was not agreed to by a roll call vote of 16 yeas and 24 nays, as follows:



The fourth amendment offered by Representative Bishop would require the Secretary of the Interior to continue issuing existing grazing permits. The amendment was not agreed to by voice vote.

The amendment in the nature of a substitute was then agreed to by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 provides that this bill may be cited as the “Oregon Caves National Monument Boundary Adjustment Act of 2010.”

##### *Section 2. Purpose*

Section 2 describes the purpose of this Act as to add land to the Monument to enhance the protection of the resources and to increase public recreation opportunities.

##### *Section 3. Definitions*

Section 3 defines the terms used in the legislation, specifically the relevant map, the Monument, the National Preserve, and the Secretary.

##### *Section 4. Designation; Land transfer; Boundary adjustment*

Section 4(a) designates the Monument as the “Oregon Caves National Monument and Preserve” and designates the lands identified on the map as “Proposed Addition Lands” as a National Preserve.

Section 4(b) identifies the 4,070 acres of land to be transferred from the Secretary of Agriculture to be administered by the Secretary of the Interior. The boundary of the Rogue River-Siskiyou National Forest is to be adjusted accordingly.

Section 4(c) adjusts the boundary of the National Monument to exclude 4 acres of land in the City of Cave Junction.

Section 4(d) makes the map available for public inspection.

Section 4(e) provides that any reference to the Monument in a law, map, regulation, document, paper, or other record to be a reference to the “Oregon Caves National Monument and Preserve.”

##### *Section 5. Administration*

Section 5(a) requires the Secretary of the Interior acting through the Director of the National Park Service to administer the National Monument and Preserve according to this Act, Presidential Proclamation Number 876, and any law applicable to units of the National Park System.

Section 5(b) directs the Secretary of the Interior to revise the fire management plan to include the National Preserve and to carry out hazardous fuel management activities in the boundaries of the National Monument and Preserve.

Section 5(c) requires the Secretary of the Interior to allow the completion of existing Forest Service stewardship and service contracts executed as of the date of enactment of this Act. The Secretary of Agriculture will continue to administer the Forest Service contracts through to their completion.



Section 5(d) gives the Secretary of the Interior the authority to allow the grazing of livestock to continue at no more than the current level within the preserve.

*Section 6. Voluntary grazing lease or permit donation program*

Section 6 outlines requirements for voluntary donation of grazing permits or leases within the expanded boundary of the National Monument and Preserve. Specifically, the provision requires the Secretary of the Interior or the Secretary of Agriculture to accept any grazing permit or lease, or a portion thereof for two specified grazing allotments, that is donated by a permittee or lessee. The Secretary concerned then terminates those grazing permits or leases. No new grazing permits or leases would be issued within the grazing allotment covered by the donated grazing permit or lease.

*Section 7. Hunting, fishing, and trapping*

Section 7(a) provides that hunting, fishing, and trapping be allowed within the National Preserve in accordance with applicable law.

Section 7(b) provides that the Secretary of the Interior may designate areas or time periods in which no hunting, fishing, or trapping can take place as long as such limitation relates to concerns about public safety, administering the National Preserve, or compliance with any applicable law.

*Section 8. Effect*

Section 8 maintains the authority and responsibility of the State to carry out laws relating to fish and wildlife on areas located within the National Preserve.

*Section 9. Wild and Scenic River designation, River Styx, Oregon*

Section 9 amends the Wild and Scenic Rivers Act to designate the River Styx of Oregon as a scenic river. The River Styx is the subterranean portion of Cave Creek and would be the first subterranean waterway designated as a component of the National Wild and Scenic River System.

*Section 10. Wild and Scenic River designation for study*

Section 10 amends the Wild and Scenic Rivers Act to require the study of five river segments within the Oregon Caves National Monument and Preserve in Oregon.

*Section 11. Study and report*

Section 11 amends the Wild and Scenic Rivers Act to require that the study report of these five river segments located within the boundaries of the Oregon Caves National Monument and Preserve be submitted to Congress not later than 3 years after funds are made available to carry out the study.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to modify the boundary of the Oregon Caves National Monument, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 2889—Oregon Caves National Monument Boundary Adjustment Act of 2010*

Summary: H.R. 2889 would authorize the transfer of 4,070 acres of land from the Forest Service to the National Park Service (NPS) to expand the boundaries of the Oregon Caves National Monument. The bill also would require the Secretary of the Interior to accept the donation of certain grazing permits and to prohibit future grazing on land covered by those permits. Finally, the bill would require the Secretary to conduct a study regarding the designation of certain waterways as scenic rivers.

Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost about \$1 million over the 2011–2015 period. Enacting H.R. 2889 would reduce federal receipts from grazing fees (a credit against direct spending); therefore, pay-as-you-go procedures would apply. However, CBO estimates that any reduction in those receipts would be negligible for each year.

H.R. 2889 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: CBO estimates that implementing H.R. 2889 would cost \$1 million over the 2011–2015 period, subject to the availability of appropriated funds. The costs of this legislation fall within budget function 300 (natural resources and environment). Enacting the legislation also would result in a small loss of offsetting receipts from grazing fees.

Basis of estimate: H.R. 2889 would authorize the transfer of 4,070 acres of land from the Forest Service to the NPS to expand the boundaries of the Oregon Caves National Monument. Because lands that would be exchanged under the bill are currently administered by a federal agency, CBO expects that federal costs for land management would not change significantly. The bill also would require the Secretary of the Interior to study the impact of designating certain waterways as scenic rivers. Based on information from the NPS, CBO estimates that conducting the study would cost less than \$500,000 over the next three years. For this estimate, CBO assumes that the legislation will be enacted in 2010.

The legislation would require the Secretary of the Interior to accept the donation of certain grazing permits from current permit holders. Under the bill, donated permits would be terminated and future grazing on land covered by those permits would be prohibited. Because CBO expects that those permits would be donated if the bill were enacted, we estimate that federal receipts would be reduced by less than \$7,000 over the 2010–2020 period, based on information from the Bureau of Land Management and the Forest Service. However, if the permit holder chose not to donate the existing permits, CBO expects that grazing activities would continue through 2020 and that there would be no reduction in federal receipts.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 2889 could reduce offsetting receipts (from grazing fees) by prohibiting future grazing on certain land covered by existing permits. However, CBO estimates that any reduction in offsetting receipts would be negligible. The net budgetary changes that are subject to pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 2889, THE OREGON CAVES NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2010, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON MAY 5, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact ...	0	0	0	0	0	0	0	0	0	0	0	0	0

Intergovernmental and private-sector impact: H.R. 2889 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Ryan Miller; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2889 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**WILD AND SCENIC RIVERS ACT**

\* \* \* \* \*

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) \* \* \*

\* \* \* \* \*

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

\* \* \* \* \*

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) \* \* \*

\* \* \* \* \*

( ) *OREGON CAVES NATIONAL MONUMENT AND PRESERVE, OREGON.—*

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

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

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

(D) *PANTHER CREEK.—The 0.8-mile segment of Panther Creek from the headwaters to the confluence with Lake Creek.*

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

(b)(1) \* \* \*

\* \* \* \* \*

( ) *OREGON CAVES NATIONAL MONUMENT AND PRESERVE, OREGON.—Not later than 3 years after funds are made avail-*

*able to carry out this paragraph, the Secretary shall complete the study of the Oregon Caves National Monument and Preserve segments designated for study in subsection (a), and shall submit to Congress a report containing the results of the study.*

\* \* \* \* \*

## DISSENTING VIEWS

Unless amended, I oppose H.R. 2889 in its current form for substantive policy reasons. This legislation reflects a continuing effort by the Committee on Natural Resources under the Democrats to lock up our federal lands not just from mechanized recreation and extractive resource development but also from sensible forest and land management practices.

The area that will be added to the Oregon Caves National Monument is currently managed by the Forest Service, and its knowledgeable active management expertise is badly needed in an area that is merely 10 miles away from the cataclysmic 2002 Biscuit Forest Fire. This will likely cease under the anti-management ideology of the National Park Service.

This concern is emphasized in the communication I received from the Southern Oregon Timber Industry Association. David Schott, Executive Vice President, wrote:

The threat of devastating fire destroying the Monument and all it affords would increase significantly if such an expansion were to take place. The Oregon Caves National Monument sits on almost 500 acres of land in a very secluded and unpopulated part of Josephine County, Oregon. It is located within a very few miles of the site of the devastating Biscuit Fire of 2002. It is located in an area that is extremely dry in the summer and an area that receives a high concentration of lightning strikes during the dry hot summer months. In short, it is in a location that is very prone to forest fires that could be of the most catastrophic kind. The only way by which we can minimize the threat of fire to the Oregon Caves National Monument is to actively manage the surrounding forestlands. If the Monument is increased to 4000 acres, such management would not be permitted. It is only through well planned thinning and brush abatement that the threat of fire can be mitigated. That won't happen within the Monument, whatever its ultimate size.

I am also concerned that although the bill allows hunting to continue, it would be managed by the Park Service who historically has been extremely hostile to hunting and other consumptive uses.

Further, by including language that would allow the Secretary of the Interior to end grazing on this land, the supporters of this bill are interfering with the valid existing property rights of a grazing lease holder. Although the sponsor of this bill reports that the lease holder is currently in negotiations to sell his lease, Congress should let the negotiations proceed on a voluntary basis rather than unfairly providing the weapon of unilateral action to one party.

I am also concerned that national parks are increasingly being used by litigation-prone environmental activists and by some in the National Park Service to control activities outside the Congressionally-determined boundaries of parks. De facto buffer zones have been used to interfere with activities such as energy projects that are planned near and even far from national parks. To restrain this particular abuse, I offered amendments to prevent the park designation from being misused to prohibit construction and maintenance of power generating facilities—whether coal-fired, wind, or solar. With some people opposed to almost any new power facility and others opposed only to those near their backyard, this has been an escalating problem, and the National Park Service has participated in killing or delaying affordable and renewable energy production from coast to coast. Unfortunately, Committee Democrats rejected these common-sense amendments on nearly party-line votes.

ROB BISHOP.

Attachment, Letter from David Schott, Southern Oregon Timber Industry Association.

Re: H.R. 2889—Oregon Caves Monument Expansion

To: Representative Hastings

My name is David Schott and I'm currently employed as the Executive Vice President of the Southern Oregon Timber Industries Assn. I have held this position for approximately 5 years. I am also self employed as a lumber wholesaler and with my siblings I also own two ranches in the Cascade Mountain foothills just 30 miles northeast of Medford. I am a lifelong resident of Southern Oregon having been born here some 62+ years ago. I mention that because I am exceedingly aware of the forest fire conditions that exist in our part of the state. Over the last twenty years we have seen increasingly severe fire conditions which culminated with the Biscuit Fire in 2002. That fire consumed almost 500,000 acres (780 square miles) of both national forestland and Wilderness Area land. The Kalmiopsis Wilderness area was ravaged by this fire with almost 190,000 acres (300 sq mi) having been laid waste. That Wilderness Area is currently in an utterly devastated condition for the most part. Further, parts of it has burned at least twice in the last 20 years.

Now legislation is being proposed with H.R. 2889 that would increase the size of the Oregon Caves National Monument by a factor of almost 9 (480 acres increased to 4000 acres).

I am completely against the effort to increase the size of the Monument. The threat of devastating fire destroying the Monument and all that it affords would increase significantly if such an expansion were to take place.

The Oregon Caves National Monument sits on almost 500 acres of land in a very secluded and unpopulated part of Josephine County, Oregon. It is located within a very few miles of the site of the devastating Biscuit Fire of 2002. It is located in an area that is extremely dry in the

summer and an area that receives a high concentration of lightening strikes during the dry hot summer months. In short, it is in a location that is very prone to forest fires that could be of the most catastrophic kind. The only way by which we can minimize the threat of fire to the Oregon Caves National Monument is to actively manage the surrounding forestlands. If the Monument is increased to 4000 acres, such management would not be permitted. It is only through well planned thinning and brush abatement that the threat of fire can be mitigated. That won't happen within the Monument, whatever its ultimate size.

I need you to realize that there is a growing and persistent effort on the part of environmental organizations to incrementally increase the numbers of acres in protected forest reserves. In this part of the state, there are active efforts to put hundreds of thousands of acres off limit to all uses other than foot or horseback access. One of these efforts which currently is underway is the Siskiyou Monument expansion which is being proposed by the Klamath/Siskiyou Wildlands group. The proposal is to increase the newly formed Siskiyou Monument from 60,000 acres to over 650,000 acres. Much of this proposed expansion would come very close to the lands in question in H.R. 2889. Again I would submit that the long range ramifications of putting more areas in reserves will subject our forests to increasingly severe fire susceptibility. Doing so would be ludicrous.

Another result of placing lands into reserves is that cattle grazing would ultimately be eliminated. Having run cattle on the open range myself for many years I can attest to the fact that grasses and other fire fuels are kept to a minimum through grazing and that private timberland owners are universally pleased that such grazing helps keep fire danger to a minimum on their lands.

There is no question that environmental groups are attempting to have more and more of the publically owned forestland put into forest reserves of some type (e.g., Monument, Roadless, Wilderness, Wild and Scenic). Somewhere, sometime, enough has to be enough. In the last days of the Clinton presidency, he and his administration created 58 million acres of defacto wilderness by declaring that this 2% of the U.S. landmass was to now be "Roadless". That effectively, for all practical purposes, put it off limits for almost all uses. That, by the way, was a real fiction in that there are thousands and thousands of miles of roads throughout those "Roadless" designated lands.

What we have seen happen is that in the efforts to "protect" these lands, we have actually placed them increasingly at extreme risk of catastrophic fire. Further we have lost hundreds of thousands of jobs due to the "locking up" of our national forestlands. By actively managing our national forestlands we could bring thousands of jobs back to the private sector. Unfortunately, we are not managing



our forestlands in any kind of effective manner and we are not creating jobs.

Four thousand acres in this instance is not a lot of acreage but I would submit that the risk of losing vast amounts of acreage, and the loss of critical habitat that goes with it, far outweighs the miniscule benefit of increasing the size of this Monument. Please consider that there are extreme ramifications by actions such as these.

Very truly yours,

DAVID R. SCHOTT.

