

109TH CONGRESS  
2D SESSION

# S. 3858

To authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2006

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

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## A BILL

To authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cascade-Siskiyou Na-  
3 tional Monument Voluntary and Equitable Grazing Con-  
4 flict Resolution Act”.

5 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds that—

7 (1) Presidential Proclamation Number 7318,  
8 dated June 13, 2000 (65 Fed. Reg. 37247), which  
9 established the Cascade-Siskiyou National Monu-  
10 ment, created unique regulatory and statutory over-  
11 lays with respect to the Monument;

12 (2) compensating lessees that voluntarily waive  
13 their grazing leases and end livestock grazing on  
14 Federal land in and near the Monument would pro-  
15 vide lessees new economic opportunities, including  
16 opportunities to—

17 (A) restructure ranch operations;

18 (B) start new businesses; or

19 (C) retire with security;

20 (3) regardless of the legal merits of continued  
21 grazing on the Monument, there is support from the  
22 ranching, environmental, and other local commu-  
23 nities and government officials for a fair and equi-  
24 table resolution of grazing conflicts;

25 (4) the land exchange authorized under this Act  
26 is in the public interest because the exchange—

1 (A) furthers the protective purposes of the  
2 Monument;

3 (B) provides for consolidated land owner-  
4 ship;

5 (C) improves land and resource manage-  
6 ment;

7 (D) decreases management costs; and

8 (E) resolves public conflict;

9 (5) the waiver of grazing leases under this Act

10 is not intended to reflect on—

11 (A) the legal or ecological merit of contin-  
12 ued grazing within the Monument; or

13 (B) the merit of proposals to limit or retire  
14 grazing permits in the State of Oregon or any  
15 other State; and

16 (6) designating certain portions of the Monu-  
17 ment as wilderness would ensure that an increasing  
18 population, expanding settlement, and increasing  
19 mechanization would not modify those portions in a  
20 manner that would cumulatively deny future genera-  
21 tions the opportunity to the wilderness experience.

22 (b) PURPOSES.—The purposes of this Act are—

23 (1) to maintain the economic viability of cattle  
24 ranching in the vicinity of the Monument;

## 8 SEC. 3. DEFINITIONS.

9            In this Act:

23 (3) GRAZING LEASE.—The term “grazing  
24 lease” means any document authorizing the use of

1 a grazing allotment for the purpose of grazing do-  
2 mestic livestock for commercial purposes.

3 (4) LAND EXCHANGE MAP.—The term “land  
4 exchange map” means the map entitled “Box R  
5 Ranch Land Exchange” and dated [\_\_\_\_\_], 2006.

6 (5) LANDOWNER.—The term “Landowner”  
7 means Box-R Ranch in the State.

8 (6) LESSEE.—The term “lessee” means a live-  
9 stock operator that holds a valid term grazing lease  
10 for a grazing allotment.

11 (7) LIVESTOCK.—The term “livestock” does not  
12 include beasts of burden used for recreational pur-  
13 poses in the Monument.

14 (8) MONUMENT.—The term “Monument”  
15 means the Cascade-Siskiyou National Monument in  
16 the State.

17 (9) RANGE DEVELOPMENT.—

18 (A) IN GENERAL.—The term “range devel-  
19 opment” means any structure, fence, water de-  
20 velopment, or other permanent fixture placed  
21 on a grazing allotment relating to grazing do-  
22 mestic livestock.

23 (B) EXCLUSIONS.—The term “range devel-  
24 opment” does not include any rolling stock, live-

1 stock, or diversions of water from Federal land  
2 onto non-Federal land.

3 (10) ROWLETT PARCEL.—The term “Rowlett  
4 parcel” means the parcel of approximately 40 acres  
5 of private land, as depicted on the land exchange  
6 map.

7 (11) SECRETARY.—The term “Secretary”  
8 means the Secretary of the Interior.

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

11 (13) WILDERNESS.—The term “Wilderness”  
12 means the Soda Mountain Wilderness designated by  
13 section 6(a).

14 (14) WILDERNESS MAP.—The term “wilderness  
15 map” means the map entitled “Soda Mountain Wil-  
16 derness” and dated [\_\_\_\_\_], 2006.

17 **SEC. 4. VOLUNTARY GRAZING LEASE WAIVER PROGRAM.**

18 (a) EXISTING GRAZING LEASES.—

19 (1) WAIVER.—The Secretary—

20 (A) shall, subject to the availability of  
21 funds, offer to provide compensation to a lessee  
22 in exchange for the waiver by a lessee of a graz-  
23 ing lease; and

24 (B) if the lessee accepts the offer in ac-  
25 cordance with this section, shall, not later than

1           30 days after the date on which the lessee ac-  
2           cepts the offer, simultaneously—

3 (i) provide to the lessee the compensa-  
4 tion specified in paragraph (2);

5 (ii) terminate the grazing lease  
6 waived; and

7 (iii) permanently retire the associated  
8 grazing allotment or portion of the grazing  
9 allotment from livestock grazing use.

22 (4) JOINT LEASE.—If a grazing allotment is  
23 jointly leased to more than 1 lessee—

24 (A) the Secretary shall not accept waiver  
25 of a joint grazing lease unless all lessees subject

1 to the grazing lease exercise the option to waive  
2 the grazing lease under paragraph (1); or

3 (B) if the option is not exercised by all the  
4 lessees under paragraph (1), the Secretary  
5 shall—

6 (i) in communication, consultation,  
7 and cooperation with any lessees that do  
8 not exercise the option under paragraph  
9 (1), construct and maintain a fence at  
10 Federal expense for the purpose of keeping  
11 livestock within a reduced area of the graz-  
12 ing allotment that is commercially and sea-  
13 sonally proportional with the remaining au-  
14 thorized animal unit months in the grazing  
15 allotment, including private land used as  
16 exchange of use on the date of enactment  
17 of this Act; and

18 (ii) accept the waived portion of the  
19 joint lease from any joint lessees that have  
20 exercised the option under paragraph (1).

21 (5) LIMITATIONS.—The Secretary—

22 (A) with respect to the Agate, Emigrant  
23 Creek, and Siskiyou allotments in and near the  
24 Monument as of the date of enactment of this  
25 Act—

17 (7) EFFECT OF WAIVER.—A lessee who receives  
18 compensation for voluntarily waiving a grazing lease  
19 under this section shall be considered to have waived  
20 any claim to all range developments on the associ-  
21 ated grazing allotments.

22 (8) DONATION OF GRAZING LEASES.—

23 (A) IN GENERAL.—Nothing in this section  
24 prevents a lessee from donating to the Sec-  
25 retary, at any time, a grazing lease without

1           Federal compensation, in accordance with this  
2           section.

3           (B) ACCEPTANCE BY.—If a lessee donates  
4           a grazing lease to the Secretary, the Secretary  
5           shall accept the donation in accordance with  
6           clauses (ii) and (iii) of paragraph (1)(B).

7           (b) ADDITIONAL ALLOCATIONS.—Beginning on the  
8           date of enactment of this Act, the Secretary shall not au-  
9           thorize any allotments for livestock grazing on Monument  
10          land that are not in existence on the date of enactment  
11          of this Act.

12 **SEC. 5. LAND EXCHANGE.**

13           (a) IN GENERAL.—For the purpose of protecting and  
14          consolidating Federal land within the Monument, the Sec-  
15          retary—

16           (1) may offer to convey to the Landowner the  
17          Bureau of Land Management land in exchange for  
18          the Rowlett parcel; and

19           (2) if the Landowner accepts the offer, not later  
20          than 70 days after the date on which the Landowner  
21          conveys acceptable title to the Rowlett parcel to the  
22          Secretary, shall convey to the Landowner all right,  
23          title, and interest of the United States in and to the  
24          Bureau of Land Management land.

25           (b) SURVEYS.—

7 (A) any survey conducted under paragraph  
8 (1); and

## 12 (c) CONDITIONS.—

17 (2) TITLE APPROVAL.—Title to the Rowlett  
18 parcel shall conform with the title approval stand-  
19 ards applicable to Federal land acquisitions.

20 (d) APPLICABLE LAW.—

21 (1) IN GENERAL.—Except as otherwise pro-  
22 vided in this section, the conveyance of Bureau of  
23 Land Management land under this section is subject  
24 to any laws (including regulations) applicable to the

1 conveyance and acquisition of land under the juris-  
2 diction of the Bureau of Land Management.

3 (2) EXEMPTION.—The exchange of land au-  
4 thorized under this section shall not—

5 (A) require the promulgation of additional  
6 regulations by the Secretary; or

7 (B) be subject to the notice and comment  
8 provisions of section 553 of title 5, United  
9 States Code.

10 **SEC. 6. SODA MOUNTAIN WILDERNESS.**

11 (a) DESIGNATION.—In accordance with the Wilder-  
12 ness Act (16 U.S.C. 1131 et seq.), approximately 23,000  
13 acres of Monument land, as generally depicted on the wil-  
14 derness map, is designated as wilderness and as a compo-  
15 nent of the National Wilderness Preservation System, to  
16 be known as the “Soda Mountain Wilderness”.

17 (b) MAP AND LEGAL DESCRIPTION.—

18 (1) SUBMISSION OF MAP AND LEGAL DESCRI-  
19 TION.—As soon as practicable after the date of en-  
20 actment of this Act, the Secretary shall file a map  
21 and legal description of the Wilderness with—

22 (A) the Committee on Energy and Natural  
23 Resources of the Senate; and

24 (B) the Committee on Resources of the  
25 House of Representatives.

## 1 (2) FORCE AND EFFECT.—

16 (A) the Office of the Director of the Bu-  
17 reau of Land Management;

18 (B) the Office of the Oregon State Director of the Bureau of Land Management; and  
19

20 (C) the Medford District Office of the Bu-  
21 reau of Land Management.

22 (c) ADMINISTRATION OF WILDEBNESS.—

1       U.S.C. 1131 et seq.), except that any reference in  
2       the Wilderness Act to the effective date of the Wil-  
3       derness Act shall be considered to be a reference to  
4       the date of enactment of this Act.

5               (2) FIRE, INSECT, AND DISEASE MANAGEMENT  
6       ACTIVITIES.—The Secretary may take such meas-  
7       ures in the Wilderness as are necessary to control  
8       and prevent fire, insects, and diseases, as provided  
9       in section 4(d)(1) of the Wilderness Act (16 U.S.C.  
10      1133(d)(1)) and the guidelines contained in [the  
11      Report of the Committee on Interior and Insular Af-  
12      fairs (H. Report 98-40) to accompany the California  
13      Wilderness Act of 1984 (Public Law 98-425; 16  
14      U.S.C. 1131 note).]

15               (3) LIVESTOCK.—

16                       (A) ADMINISTRATION.—Except as pro-  
17       vided in section 4 and Presidential Proclama-  
18       tion Number 7318, dated June 13, 2000 (65  
19       Fed. Reg. 37247), any grazing of livestock and  
20       the maintenance of range development in the  
21       Wilderness established before the date of enact-  
22       ment of this Act shall be permitted to continue  
23       in accordance with—

24                               (i) section 4(d)(4) of the Wilderness  
25       Act (16 U.S.C. 1133(d)(4)); and

1 (ii) the guidelines set forth in Appen-  
2 dix A of the report of the Committee on  
3 Interior and Insular Affairs of the House  
4 of Representatives accompanying H.R.  
5 2570 of the 101st Congress (H. Rept.  
6 101-405).

17 (5) ADJACENT MANAGEMENT.—

18 (A) IN GENERAL.—Nothing in this Act  
19 creates a protective perimeter or buffer zone  
20 around the Wilderness.

1 **SEC. 7. EFFECT.**

2 Nothing in this Act—

3 (1) affects the authority of a Federal agency to  
4 otherwise modify or terminate grazing permits or  
5 leases without compensation;

6 (2) authorizes the use of eminent domain;

7 (3) creates a property right in any grazing per-  
8 mit or lease on Federal land;9 (4) establishes a precedent for future grazing  
10 permit or lease buyout programs; or11 (5) affects the allocation, ownership, interest, or  
12 control, in existence on the date of enactment of this  
13 Act, of any water, water right, or any other valid ex-  
14 isting right held by the United States, an Indian  
15 tribe, a State, or a private individual, partnership, or  
16 corporation.17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**18 (a) **IN GENERAL.**—There is authorized to be appro-  
19 priated to the Secretary—20 (1) \$2,000,000 to provide compensation to les-  
21 sees that waive grazing leases under section 4; and22 (2) \$1,500,000 for fence construction and other  
23 methods of livestock control in and near the Monu-  
24 ment, of which \$150,000 shall be made available for  
25 fiscal year 2007 and each fiscal year thereafter (ad-  
26 justed for inflation) for the purpose of preventing

1 domestic livestock from entering the Federal land  
2 described in section 4(a).

3 (b) LIMITATION.—None of the amounts made avail-  
4 able under subsection (a) shall be used by any Federal  
5 agency for administrative costs incurred in carrying out  
6 this Act.

7 (c) AVAILABILITY.—Amounts made available under  
8 subsection (a) shall remain available until expended.

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