

112TH CONGRESS
1ST SESSION

H. R. 3436

To expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, and to provide additional protections for Rogue River tributaries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2011

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

A BILL

To expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, and to provide additional protections for Rogue River tributaries, 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. EXPANSION OF WILD ROGUE WILDERNESS**
4 **AREA.**

5 (a) EXPANSION.—In accordance with the Wilderness
6 Act (16 U.S.C. 1131 et seq.), certain Federal land man-
7 aged by the Bureau of Land Management, comprising ap-

1 proximately 58,100 acres, as generally depicted on the
2 map entitled “Wild Rogue”, dated September 16, 2010,
3 are hereby included in the Wild Rogue Wilderness, a com-
4 ponent of the National Wilderness Preservation System.

5 (b) MAPS AND LEGAL DESCRIPTIONS.—

6 (1) IN GENERAL.—As soon as practicable after
7 the date of enactment of this Act, the Secretary of
8 the Interior shall file a map and a legal description
9 of the wilderness area designated by this section,
10 with—

11 (A) the Committee on Energy and Natural
12 Resources of the Senate; and

13 (B) the Committee on Natural Resources
14 of the House of Representatives.

15 (2) FORCE OF LAW.—The maps and legal de-
16 scriptions filed under paragraph (1) shall have the
17 same force and effect as if included in this subtitle,
18 except that the Secretary may correct typographical
19 errors in the maps and legal descriptions.

20 (3) PUBLIC AVAILABILITY.—Each map and
21 legal description filed under paragraph (1) shall be
22 on file and available for public inspection in the ap-
23 propriate offices of the Bureau of Land Manage-
24 ment.

1 (c) ADMINISTRATION.—Subject to valid existing
2 rights, the area designated as wilderness by this section
3 shall be administered by the Secretary of the Interior in
4 accordance with the Wilderness Act (16 U.S.C. 1131 et
5 seq.).

6 (d) WITHDRAWAL.—Subject to valid rights in exist-
7 ence on the date of enactment of this Act, the Federal
8 land designated as wilderness by this section is withdrawn
9 from all forms of—

10 (1) entry, appropriation, or disposal under the
11 public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under all laws pertaining to min-
15 eral and geothermal leasing or mineral materials.

16 **SEC. 2. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE**
17 **RIVER AREA.**

18 (a) AMENDMENTS.—Section 3(a)(5) of the Wild and
19 Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (relating to the
20 Rogue River, Oregon) is amended by adding at the end
21 the following:

22 “In addition to the segment described in the
23 previous sentence, the following segments in the
24 Rogue River area are designated:

1 “(A) KELSEY CREEK.—The approximately
2 4.8 miles of Kelsey Creek from east section line
3 of T32S, R9W, sec. 34, W.M. to the confluence
4 with the Rogue River as a wild river.

5 “(B) EAST FORK KELSEY CREEK.—The
6 approximately 4.6 miles of East Fork Kelsey
7 Creek from the Wild Rogue Wilderness bound-
8 ary in T33S, R8W, sec. 5, W.M. to the con-
9 fluence with Kelsey Creek as a wild river.

10 “(C) 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 of
17 Whisky Creek from 0.1 miles downstream
18 from road 33-8-23 to the confluence with
19 the Rogue River as a wild river.

20 “(D) EAST FORK WHISKY CREEK.—

21 “(i) The approximately 2.8 miles of
22 East Fork Whisky Creek from the Wild
23 Rogue Wilderness boundary in T33S,
24 R8W, sec. 11, W.M. to 0.1 miles down-

1 stream of road 33-8-26 crossing as a wild
2 river.

3 “(ii) The approximately .3 miles of
4 East Fork Whisky Creek from 0.1 miles
5 downstream of road 33-8-26 to the con-
6 fluence with Whisky Creek as a rec-
7 reational river.

8 “(E) WEST FORK WHISKY CREEK.—The
9 approximately 4.8 miles of West Fork Whisky
10 Creek from its headwaters to the confluence
11 with Whisky Creek as a wild river.

12 “(F) BIG WINDY CREEK.—

13 “(i) The approximately 1.5 miles of
14 Big Windy Creek from its headwaters to
15 0.1 miles downstream from road 34-9-17.1
16 as a scenic river.

17 “(ii) The approximately 5.8 miles of
18 Big Windy Creek from 0.1 miles down-
19 stream from road 34-9-17.1 to the con-
20 fluence with the Rogue River as a wild
21 river.

22 “(G) EAST FORK BIG WINDY CREEK.—

23 “(i) The approximately 0.2 miles of
24 East Fork Big Windy Creek from its head-

1 waters to 0.1 miles downstream from road
2 34-8-36 as a scenic river.

3 “(ii) The approximately 3.7 miles of
4 East Fork Big Windy Creek from 0.1
5 miles downstream from road 34-8-36 to
6 the confluence with Big Windy Creek as a
7 wild river.

8 “(H) LITTLE WINDY CREEK.—The ap-
9 proximately 1.9 miles of Little Windy Creek
10 from 0.1 miles downstream of road 34-8-36 to
11 the confluence with the Rogue River as a wild
12 river.

13 “(I) HOWARD CREEK.—

14 “(i) The approximately 0.3 miles of
15 Howard Creek from its headwaters to 0.1
16 miles downstream of road 34-9-34 as a
17 scenic river.

18 “(ii) The approximately 6.9 miles of
19 Howard Creek from 0.1 miles downstream
20 of road 34-9-34 to the confluence with the
21 Rogue River as a wild river.

22 “(J) MULE CREEK.—The approximately
23 6.3 miles of Mule Creek from east section line
24 of T32S, R10W, sec. 25, W.M to the confluence
25 with the Rogue River as a wild river.

1 “(K) ANNA CREEK.—The approximately
2 3.5-mile section of Anna Creek from its head-
3 waters to the confluence with Howard Creek as
4 a wild river.

5 “(L) MISSOURI CREEK.—The approxi-
6 mately 1.6 miles of Missouri Creek from the
7 Wild Rogue Wilderness boundary in T33S,
8 R10W, sec. 24, W.M. to the confluence with the
9 Rogue River as a wild river.

10 “(M) JENNY CREEK.—The approximately
11 1.8 miles of Jenny Creek from the Wild Rogue
12 Wilderness boundary in T33S, R9W, sec.28,
13 W.M. to the confluence with the Rogue River as
14 a wild river.

15 “(N) RUM CREEK.—The approximately 2.2
16 miles of Rum Creek from the Wild Rogue Wil-
17 derness boundary in T34S, R8W, sec. 9, W.M.
18 to the confluence with the Rogue River as a
19 wild river.

20 “(O) EAST FORK RUM CREEK.—The ap-
21 proximately 1.5 miles of East Rum Creek from
22 the Wild Rogue Wilderness boundary in T34S,
23 R8W, sec. 10, W.M. to the confluence with
24 Rum Creek as a wild river.

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

5 “(Q) MONTGOMERY CREEK.—The approxi-
6 mately 1.8-mile section of Montgomery Creek
7 from its headwaters downstream to the con-
8 fluence with the Rogue River as a wild river.

9 “(R) HEWITT CREEK.—The approximately
10 1.2 miles of Hewitt Creek from the Wild Rogue
11 Wilderness boundary in T33S, R9W, sec. 19,
12 W.M. to the confluence with the Rogue River as
13 a wild river.

14 “(S) BUNKER CREEK.—The approximately
15 6.6 miles of Bunker Creek from its headwaters
16 to the confluence with the Rogue River as a
17 wild river.

18 “(T) DULOG CREEK.—

19 “(i) The approximately 0.8 miles of
20 Dulog Creek from its headwaters to 0.1
21 miles downstream of road 34-8-36 as a
22 scenic river.

23 “(ii) The approximately 1.0 miles of
24 Dulog Creek from 0.1 miles downstream of

1 road 34-8-36 to the confluence with the
2 Rogue River as a wild river.

3 “(U) QUAIL CREEK.—The approximately
4 1.7 miles of Quail Creek from the Wild Rogue
5 Wilderness boundary in T33S, R10W, sec. 1,
6 W.M. to the confluence with the Rogue River as
7 a wild river.

8 “(V) MEADOW CREEK.—The approxi-
9 mately 4.1 miles of Meadow Creek from its
10 headwaters to the confluence with the Rogue
11 River as a wild river.

12 “(W) RUSSIAN CREEK.—The approxi-
13 mately 2.5 miles of Russian Creek from the
14 Wild Rogue Wilderness boundary in T33S,
15 R8W, sec. 20, W.M. to the confluence with the
16 Rogue River as a wild river.

17 “(X) ALDER CREEK.—The approximately
18 1.2 miles of Alder Creek from its headwaters to
19 the confluence with the Rogue River as a wild
20 river.

21 “(Y) BOOZE CREEK.—The approximately
22 1.5 miles of Booze Creek from its headwaters
23 to the confluence with the Rogue River as a
24 wild river.

1 “(Z) BRONCO CREEK.—The approximately
2 1.8 miles of Bronco Creek from its headwaters
3 to the confluence with the Rogue River as a
4 wild river.

5 “(AA) COPSEY CREEK.—The approxi-
6 mately 1.5 miles of Copsey Creek from its head-
7 waters to the confluence with the Rogue River
8 as a wild river.

9 “(BB) CORRAL CREEK.—The approxi-
10 mately 0.5 miles of Corral Creek from its head-
11 waters to the confluence with the Rogue River
12 as a wild river.

13 “(CC) COWLEY CREEK.—The approxi-
14 mately 0.9 miles of Cowley Creek from its head-
15 waters to the confluence with the Rogue River
16 as a wild river.

17 “(DD) DITCH CREEK.—The approximately
18 1.8 miles of Ditch Creek from the Wild Rogue
19 Wilderness boundary in T33S, R9W, sec. 5,
20 W.M. to its confluence with the Rogue River as
21 a wild river.

22 “(EE) FRANCIS CREEK.—The approxi-
23 mately 0.9 miles of Francis Creek from its
24 headwaters to the confluence with the Rogue
25 River as a wild river.

1 “(FF) LONG GULCH.—The approximately
2 1.1 miles of Long Gulch from the Wild Rogue
3 Wilderness boundary in T33S, R10W, sec. 23,
4 W.M. to the confluence with the Rogue River as
5 a wild river.

6 “(GG) BAILEY CREEK.—The approxi-
7 mately 1.7 miles of Bailey Creek from the west
8 section line of T34S, R8W, sec.14, W.M. to the
9 confluence of the Rogue River as a wild river.

10 “(HH) SHADY CREEK.—The approxi-
11 mately 0.7 miles of Shady Creek from its head-
12 waters to the confluence with the Rogue River
13 as a wild river.

14 “(II) SLIDE CREEK.—

15 “(i) The approximately 0.5-mile sec-
16 tion of Slide Creek from its headwaters to
17 0.1 miles downstream from road 33-9-6 as
18 a scenic river.

19 “(ii) The approximately 0.7-mile sec-
20 tion of Slide Creek from 0.1 miles down-
21 stream of road 33-9-6 to the confluence
22 with the Rogue River as a wild river.”.

23 (b) MANAGEMENT.—All wild, scenic, and recreation
24 classified segments designated by the amendment made by

1 subsection (a) shall be managed as part of the Rogue Wild
2 and Scenic River.

3 (c) WITHDRAWAL.—Subject to valid rights, the Fed-
4 eral land within the boundaries of the river segments des-
5 ignated by the amendment made by subsection (a) is with-
6 drawn from all forms of—

7 (1) entry, appropriation, or disposal under the
8 public land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) disposition under all laws pertaining to min-
12 eral and geothermal leasing or mineral materials.

13 **SEC. 3. ADDITIONAL PROTECTIONS FOR ROGUE RIVER**
14 **TRIBUTARIES.**

15 (a) PROTECTIONS.—The Federal Energy Regulatory
16 Commission shall not license the construction of any dam,
17 water conduit, reservoir, powerhouse, transmission line, or
18 other project works on or directly affecting any stream
19 which is listed in this section, and no department or agen-
20 cy of the United States shall assist by loan, grant, license,
21 or otherwise in the construction of any water resources
22 project on or directly affecting any stream which is listed
23 in this section of this Act, except to maintain or repair
24 water resources projects that exist on the date of enact-
25 ment of this Act. Nothing in this section shall prohibit

1 any department or agency of the United States in assist-
2 ing by loan, grant, license, or otherwise, water resources
3 projects whose primary purpose is ecological or aquatic
4 restoration and which provide a net benefit to water qual-
5 ity and aquatic resources.

6 (b) WITHDRAWAL.—Subject to valid rights, the Fed-
7 eral land within a quarter-mile on each side of the streams
8 listed in this section, is withdrawn from all forms of—

9 (1) entry, appropriation, or disposal under the
10 public land laws;

11 (2) location, entry, and patent under the mining
12 laws; and

13 (3) disposition under all laws pertaining to min-
14 eral and geothermal leasing or mineral materials.

15 (c) STREAM SEGMENTS.—

16 (1) KELSEY CREEK.—The approximately 4.5
17 miles of Kelsey Creek from its headwaters to the
18 east section line of 32S 9W sec. 34.

19 (2) EAST FORK KELSEY CREEK.—The approxi-
20 mately .2 miles of East Fork Kelsey Creek from its
21 headwaters to the Wild Rogue Wilderness boundary
22 in 33S 8W sec. 5.

23 (3) EAST FORK WHISKY CREEK.—The approxi-
24 mately .7 miles of East Fork Whisky Creek from its

1 headwaters to the Wild Rogue Wilderness boundary
2 in 33S 8W section 11.

3 (4) LITTLE WINDY CREEK.—The approximately
4 1.2 miles of Little Windy Creek from its headwaters
5 to west section line of 33S 9W sec. 34.

6 (5) MULE CREEK.—The approximately 5.1
7 miles of Mule Creek from its headwaters to east sec-
8 tion line of 32S 10W sec. 25.

9 (6) MISSOURI CREEK.—The approximately 3.1
10 miles of Missouri Creek from its headwaters to the
11 Wild Rogue Wilderness boundary in 33S 10W sec.
12 24.

13 (7) JENNY CREEK.—The approximately 3.1
14 miles of Jenny Creek from its headwaters to the
15 Wild Rogue Wilderness boundary in 33S 9W sec.
16 28.

17 (8) RUM CREEK.—The approximately 2.2 miles
18 of Rum Creek from its headwaters to the Wild
19 Rogue Wilderness boundary in 34S 8W sec. 9.

20 (9) EAST FORK RUM CREEK.—The approxi-
21 mately .5 miles of East Fork Rum Creek from its
22 headwaters to the Wild Rogue Wilderness boundary
23 in 34S 8W sec. 10.

24 (10) HEWITT CREEK.—The approximately 1.4
25 miles of Hewitt Creek from its headwaters to the

1 Wild Rogue Wilderness boundary in 33S 9W sec.
2 19.

3 (11) QUAIL CREEK.—The approximately .8
4 miles of Quail Creek from its headwaters to the Wild
5 Rogue Wilderness boundary in 33S 10W sec. 1.

6 (12) RUSSIAN CREEK.—The approximately .1
7 miles of Russian Creek from its headwaters to the
8 Wild Rogue Wilderness boundary in 33S 8W sec.
9 20.

10 (13) DITCH CREEK.—The approximately .7
11 miles of Ditch Creek from its headwaters to the
12 Wild Rogue Wilderness boundary in 33S 9W sec. 5.

13 (14) LONG GULCH.—The approximately 1.4
14 miles of Long Gulch from its headwaters to the Wild
15 Rogue Wilderness boundary in 33S 10W sec. 23.

16 (15) BAILEY CREEK.—The approximately 1.4
17 miles of Bailey Creek from its headwaters to west
18 section line of 34S 8W sec. 14.

19 (16) QUARTZ CREEK.—The approximately 3.3
20 miles of Quartz Creek from its headwaters to its
21 confluence with the North Fork Galice Creek.

22 (17) NORTH FORK GALICE CREEK.—The ap-
23 proximately 5.7 miles of the North Fork Galice
24 Creek from its headwaters to its confluence with
25 Galice Creek.

1 (18) GRAVE CREEK.—The approximately 10.2
2 mile section of Grave Creek from the confluence of
3 Wolf Creek downstream to the confluence with the
4 Rogue River.

5 (19) CENTENNIAL GULCH.—The approximately
6 2.2 miles of Centennial Gulch from its headwaters to
7 its confluence with the Rogue River.

