

112TH CONGRESS
1ST SESSION

S. 2001

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, to provide additional protections for Rogue River tributaries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 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

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, 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. SHORT TITLE.**

4 This Act may be cited as the “Rogue Wilderness Area
5 Expansion Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COMMISSION.—The term “Commission”
2 means the Federal Energy Regulatory Commission.

3 (2) MAP.—The term “map” means the map en-
4 titled “Wild Rogue Wilderness Additions” and dated
5 December 8, 2011.

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (4) STATE.—The term “State” means the State
9 of Oregon.

10 (5) WILDERNESS ADDITIONS.—The term “Wil-
11 derness additions” means the land added to the Wild
12 Rogue Wilderness by section 3(a).

13 **SEC. 3. EXPANSION OF WILD ROGUE WILDERNESS AREA.**

14 (a) EXPANSION.—In accordance with the Wilderness
15 Act (16 U.S.C. 1131 et seq.), the approximately 60,000
16 acres of Bureau of Land Management land, as generally
17 depicted on the map, is included in the Wild Rogue Wil-
18 derness, a component of the National Wilderness Preser-
19 vation System.

20 (b) MAP; LEGAL DESCRIPTION.—

21 (1) IN GENERAL.—As soon as practicable after
22 the date of enactment of this Act, the Secretary
23 shall file a map and legal description of the wilder-
24 ness area designated by subsection (a), with—

1 (A) the Committee on Energy and Natural
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources
4 of the House of Representatives.

5 (2) FORCE OF LAW.—The map and legal de-
6 scription filed under paragraph (1) shall have the
7 same force and effect as if included in this Act, ex-
8 cept that the Secretary may correct typographical
9 errors in the map and legal description.

10 (3) PUBLIC AVAILABILITY.—The map and legal
11 description filed under paragraph (1) shall be on file
12 and available for public inspection in the appropriate
13 offices of the Bureau of Land Management.

14 (c) ADMINISTRATION.—Subject to valid existing
15 rights, the Wilderness additions shall be administered by
16 the Secretary in accordance with the Wilderness Act (16
17 U.S.C. 1131 et seq.), except that—

18 (1) any reference in that Act to the effective
19 date shall be considered to be a reference to the date
20 of enactment of this Act; and

21 (2) any reference in that Act to the Secretary
22 of Agriculture shall be considered to be a reference
23 to the Secretary.

1 (d) FISH AND WILDLIFE.—Nothing in this section
2 affects the jurisdiction or responsibilities of the State with
3 respect to fish and wildlife in the State.

4 (e) ADJACENT MANAGEMENT.—

5 (1) IN GENERAL.—Nothing in this section cre-
6 ates any protective perimeter or buffer zone around
7 the Wilderness additions.

8 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
9 fact that a nonwilderness activity or use on land out-
10 side the Wilderness additions can be seen or heard
11 within the Wilderness additions shall not preclude
12 the activity or use outside the boundary of the Wil-
13 derness additions.

14 (f) PROTECTION OF TRIBAL RIGHTS.—Nothing in
15 this section diminishes any treaty rights of an Indian
16 tribe.

17 (g) WITHDRAWAL.—Subject to valid existing rights,
18 the Wilderness additions are withdrawn from all forms
19 of—

20 (1) entry, appropriation, or disposal under the
21 public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

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

1 **SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE**
2 **RIVER AREA.**

3 (a) AMENDMENTS.—Section 3(a) of the Wild and
4 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by
5 striking paragraph (5) and inserting the following:

6 “(5) ROGUE, OREGON.—

7 “(A) IN GENERAL.—The segment of the
8 river extending from the mouth of the Apple-
9 gate River downstream to the Lobster Creek
10 Bridge, to be administered by the Secretary of
11 the Interior or the Secretary of Agriculture, as
12 agreed to by the Secretaries of the Interior and
13 Agriculture or as directed by the President.

14 “(B) ADDITIONS.—In addition to the seg-
15 ment described in subparagraph (A), there are
16 designated the following segments in the Rogue
17 River:

18 “(i) KELSEY CREEK.—The approxi-
19 mately 4.8-mile segment of Kelsey Creek
20 from the east section line of T. 32 S., R.
21 9 W., sec. 34, Willamette Meridian, to the
22 confluence with the Rogue River, as a wild
23 river.

24 “(ii) EAST FORK KELSEY CREEK.—
25 The approximately 4.6-mile segment of
26 East Fork Kelsey Creek from the Wild

1 Rogue Wilderness boundary in T. 33 S., R.
2 8 W., sec. 5, Willamette Meridian, to the
3 confluence with Kelsey Creek, as a wild
4 river.

5 “(iii) WHISKY CREEK.—

6 “(I) RECREATIONAL RIVER.—

7 The approximately 0.6-mile segment
8 of Whisky Creek from the confluence
9 of the East Fork and West Fork to
10 0.1 miles downstream from road 33-8-
11 23, as a recreational river.

12 “(II) WILD RIVER.—The ap-
13 proximately 1.9-mile segment of Whis-
14 ky Creek from 0.1 miles downstream
15 from road 33-8-23 to the confluence
16 with the Rogue River, as a wild river.

17 “(iv) EAST FORK WHISKY CREEK.—

18 “(I) WILD RIVER.—The approxi-
19 mately 2.6-mile segment of East Fork
20 Whisky Creek from the Wild Rogue
21 Wilderness boundary in T. 33 S., R.
22 8 W., sec. 11, Willamette Meridian.,
23 to 0.1 miles downstream of road 33-
24 8-26 crossing, as a wild river.

1 “(II) RECREATIONAL RIVER.—

2 The approximately 0.3-mile segment
3 of East Fork Whisky Creek from 0.1
4 miles downstream of road 33-8-26 to
5 the confluence with Whisky Creek, as
6 a recreational river.

7 “(v) WEST FORK WHISKY CREEK.—

8 The approximately 4.8-mile segment of
9 West Fork Whisky Creek from its head-
10 waters to the confluence with Whisky
11 Creek, as a wild river.

12 “(vi) BIG WINDY CREEK.—

13 “(I) SCENIC RIVER.—The ap-
14 proximately 1.5-mile segment of Big
15 Windy Creek from its headwaters to
16 0.1 miles downstream from road 34-9-
17 17.1, as a scenic river.

18 “(II) WILD RIVER.—The ap-
19 proximately 5.8-mile segment of Big
20 Windy Creek from 0.1 miles down-
21 stream from road 34-9-17.1 to the
22 confluence with the Rogue River, as a
23 wild river.

24 “(vii) EAST FORK BIG WINDY
25 CREEK.—

1 “(I) SCENIC RIVER.—The ap-
2 proximately 0.2-mile segment of East
3 Fork Big Windy Creek from its head-
4 waters to 0.1 miles downstream from
5 road 34-8-36, as a scenic river.

6 “(II) WILD RIVER.—The ap-
7 proximately 3.7-mile segment of East
8 Fork Big Windy Creek from 0.1 miles
9 downstream from road 34-8-36 to the
10 confluence with Big Windy Creek, as
11 a wild river.

12 “(viii) LITTLE WINDY CREEK.—The
13 approximately 1.9-mile segment of Little
14 Windy Creek from 0.1 miles downstream
15 of road 34-8-36 to the confluence with the
16 Rogue River, as a wild river.

17 “(ix) HOWARD CREEK.—

18 “(I) SCENIC RIVER.—The ap-
19 proximately 0.3-mile segment of How-
20 ard Creek from its headwaters to 0.1
21 miles downstream of road 34-9-34, as
22 a scenic river.

23 “(II) WILD RIVER.—The ap-
24 proximately 6.9-mile segment of How-
25 ard Creek from 0.1 miles downstream

1 of road 34-9-34 to the confluence with
2 the Rogue River, as a wild river.

3 “(x) MULE CREEK.—The approxi-
4 mately 6.3-mile segment of Mule Creek
5 from the east section line of T. 32 S., R.
6 10 W., sec. 25, Willamette Meridian, to the
7 confluence with the Rogue River, as a wild
8 river.

9 “(xi) ANNA CREEK.—The approxi-
10 mately 3.5-mile segment of Anna Creek
11 from its headwaters to the confluence with
12 Howard Creek, as a wild river.

13 “(xii) MISSOURI CREEK.—The ap-
14 proximately 1.6-mile segment of Missouri
15 Creek from the Wild Rogue Wilderness
16 boundary in T. 33 S., R. 10 W., sec. 24,
17 Willamette Meridian, to the confluence
18 with the Rogue River, as a wild river.

19 “(xiii) JENNY CREEK.—The approxi-
20 mately 1.8-mile segment of Jenny Creek
21 from the Wild Rogue Wilderness boundary
22 in T. 33 S., R. 9 W., sec.28, Willamette
23 Meridian, to the confluence with the Rogue
24 River, as a wild river.

1 “(xiv) RUM CREEK.—The approxi-
2 mately 2.2-mile segment of Rum Creek
3 from the Wild Rogue Wilderness boundary
4 in T. 34 S., R. 8 W., sec. 9, Willamette
5 Meridian, to the confluence with the Rogue
6 River, as a wild river.

7 “(xv) EAST FORK RUM CREEK.—The
8 approximately 1.3-mile segment of East
9 Rum Creek from the Wild Rogue Wilder-
10 ness boundary in T. 34 S., R. 8 W., sec.
11 10, Willamette Meridian, to the confluence
12 with Rum Creek, as a wild river.

13 “(xvi) WILDCAT CREEK.—The ap-
14 proximately 1.7-mile segment of Wildcat
15 Creek from its headwaters downstream to
16 the confluence with the Rogue River, as a
17 wild river.

18 “(xvii) MONTGOMERY CREEK.—The
19 approximately 1.8-mile segment of Mont-
20 gomery Creek from its headwaters down-
21 stream to the confluence with the Rogue
22 River, as a wild river.

23 “(xviii) HEWITT CREEK.—The ap-
24 proximately 1.2-mile segment of Hewitt
25 Creek from the Wild Rogue Wilderness

1 boundary in T. 33 S., R. 9 W., sec. 19,
2 Willamette Meridian, to the confluence
3 with the Rogue River, as a wild river.

4 “(xix) BUNKER CREEK.—The approxi-
5 mately 6.6-mile segment of Bunker Creek
6 from its headwaters to the confluence with
7 the Rogue River, as a wild river.

8 “(xx) DULOG CREEK.—

9 “(I) SCENIC RIVER.—The ap-
10 proximately 0.8-mile segment of
11 Dulog Creek from its headwaters to
12 0.1 miles downstream of road 34-8-
13 36, as a scenic river.

14 “(II) WILD RIVER.—The ap-
15 proximately 1.0-mile segment of
16 Dulog Creek from 0.1 miles down-
17 stream of road 34-8-36 to the con-
18 fluence with the Rogue River, as a
19 wild river.

20 “(xxi) QUAIL CREEK.—The approxi-
21 mately 1.7-mile segment of Quail Creek
22 from the Wild Rogue Wilderness boundary
23 in T. 33 S., R. 10 W., sec. 1, Willamette
24 Meridian, to the confluence with the Rogue
25 River, as a wild river.

1 “(xxii) MEADOW CREEK.—The ap-
2 proximately 4.1-mile segment of Meadow
3 Creek from its headwaters to the con-
4 fluence with the Rogue River, as a wild
5 river.

6 “(xxiii) RUSSIAN CREEK.—The ap-
7 proximately 2.5-mile segment of Russian
8 Creek from the Wild Rogue Wilderness
9 boundary in T. 33 S., R. 8 W., sec. 20,
10 Willamette Meridian, to the confluence
11 with the Rogue River, as a wild river.

12 “(xxiv) ALDER CREEK.—The approxi-
13 mately 1.2-mile segment of Alder Creek
14 from its headwaters to the confluence with
15 the Rogue River, as a wild river.

16 “(xxv) BOOZE CREEK.—The approxi-
17 mately 1.5-mile segment of Booze Creek
18 from its headwaters to the confluence with
19 the Rogue River, as a wild river.

20 “(xxvi) BRONCO CREEK.—The ap-
21 proximately 1.8-mile segment of Bronco
22 Creek from its headwaters to the con-
23 fluence with the Rogue River, as a wild
24 river.

1 “(xxvii) COPSEY CREEK.—The ap-
2 proximately 1.5-mile segment of Copsey
3 Creek from its headwaters to the con-
4 fluence with the Rogue River, as a wild
5 river.

6 “(xxviii) CORRAL CREEK.—The ap-
7 proximately 0.5-mile segment of Corral
8 Creek from its headwaters to the con-
9 fluence with the Rogue River, as a wild
10 river.

11 “(xxix) COWLEY CREEK.—The ap-
12 proximately 0.9-mile segment of Cowley
13 Creek from its headwaters to the con-
14 fluence with the Rogue River, as a wild
15 river.

16 “(xxx) DITCH CREEK.—The approxi-
17 mately 1.8-mile segment of Ditch Creek
18 from the Wild Rogue Wilderness boundary
19 in T. 33 S., R. 9 W., sec. 5, Willamette
20 Meridian, to its confluence with the Rogue
21 River, as a wild river.

22 “(xxxi) FRANCIS CREEK.—The ap-
23 proximately 0.9-mile segment of Francis
24 Creek from its headwaters to the con-

1 fluence with the Rogue River, as a wild
2 river.

3 “(xxxii) LONG GULCH.—The approxi-
4 mately 1.1-mile segment of Long Gulch
5 from the Wild Rogue Wilderness boundary
6 in T. 33 S., R. 10 W., sec. 23, Willamette
7 Meridian, to the confluence with the Rogue
8 River, as a wild river.

9 “(xxxiii) BAILEY CREEK.—The ap-
10 proximately 1.7-mile segment of Bailey
11 Creek from the west section line of T. 34
12 S., R.8 W., sec.14, Willamette Meridian, to
13 the confluence of the Rogue River, as a
14 wild river.

15 “(xxxiv) SHADY CREEK.—The ap-
16 proximately 0.7-mile segment of Shady
17 Creek from its headwaters to the con-
18 fluence with the Rogue River, as a wild
19 river.

20 “(xxxv) SLIDE CREEK.—

21 “(I) SCENIC RIVER.—The ap-
22 proximately 0.5-mile segment of Slide
23 Creek from its headwaters to 0.1
24 miles downstream from road 33-9-6,
25 as a scenic river.

1 “(II) WILD RIVER.—The ap-
2 proximately 0.7-mile section of Slide
3 Creek from 0.1 miles downstream of
4 road 33-9-6 to the confluence with the
5 Rogue River, as a wild river.”.

6 (b) MANAGEMENT.—Each river segment designated
7 by subparagraph (B) of section 3(a)(5) of the Wild and
8 Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by
9 subsection (a)) shall be managed as part of the Rogue
10 Wild and Scenic River.

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

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

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

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

1 **SEC. 5. ADDITIONAL PROTECTIONS FOR ROGUE RIVER**
2 **TRIBUTARIES.**

3 (a) LICENSING BY COMMISSION.—The Commission
4 shall not license the construction of any dam, water con-
5 duit, reservoir, powerhouse, transmission line, or other
6 project works on or directly affecting any stream described
7 in subsection (d).

8 (b) OTHER AGENCIES.—

9 (1) IN GENERAL.—No department or agency of
10 the United States shall assist by loan, grant, license,
11 or otherwise in the construction of any water re-
12 sources project on or directly affecting any stream
13 segment that is described in subsection (d), except
14 to maintain or repair water resources projects in ex-
15 istence on the date of enactment of this Act.

16 (2) EFFECT.—Nothing in this subsection pro-
17 hibits any department or agency of the United
18 States in assisting by loan, grant, license, or other-
19 wise, a water resources project—

20 (A) the primary purpose of which is eco-
21 logical or aquatic restoration; and

22 (B) that provides a net benefit to water
23 quality and aquatic resources.

24 (c) WITHDRAWAL.—Subject to valid existing rights,
25 the Federal land located within a 1/4 mile on either side

1 of the stream segments described in subsection (d), is
2 withdrawn from all forms of—

3 (1) entry, appropriation, or disposal under the
4 public land laws;

5 (2) location, entry, and patent under the mining
6 laws; and

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

9 (d) DESCRIPTION OF STREAM SEGMENTS.—The fol-
10 lowing are the stream segments referred to in subsection
11 (a):

12 (1) KELSEY CREEK.—The approximately 4.5-
13 mile segment of Kelsey Creek from its headwaters to
14 the east section line of T. 32 S., R. 9 W., sec. 34.

15 (2) EAST FORK KELSEY CREEK.—The approxi-
16 mately 0.2-mile segment of East Fork Kelsey Creek
17 from its headwaters to the Wild Rogue Wilderness
18 boundary in T. 33 S., R. 8 W., sec. 5.

19 (3) EAST FORK WHISKY CREEK.—The approxi-
20 mately 0.9-mile segment of East Fork Whisky Creek
21 from its headwaters to the Wild Rogue Wilderness
22 boundary in T. 33 S., R. 8 W., sec. 11.

23 (4) LITTLE WINDY CREEK.—The approximately
24 1.2-mile segment of Little Windy Creek from its

1 headwaters to the west section line of T. 33 S., R.
2 9 W., sec. 34.

3 (5) MULE CREEK.—The approximately 5.1-mile
4 segment of Mule Creek from its headwaters to the
5 east section line of T. 32 S., R. 10 W., sec. 25.

6 (6) MISSOURI CREEK.—The approximately 3.1-
7 mile segment of Missouri Creek from its headwaters
8 to the Wild Rogue Wilderness boundary in T. 33 S.,
9 R. 10 W., sec. 24.

10 (7) JENNY CREEK.—The approximately 3.1-
11 mile segment of Jenny Creek from its headwaters to
12 the Wild Rogue Wilderness boundary in T. 33 S., R.
13 9 W., sec. 28.

14 (8) RUM CREEK.—The approximately 2.2-mile
15 segment of Rum Creek from its headwaters to the
16 Wild Rogue Wilderness boundary in T. 34 S., R. 8
17 W., sec. 9.

18 (9) EAST FORK RUM CREEK.—The approxi-
19 mately 0.8-mile segment of East Fork Rum Creek
20 from its headwaters to the Wild Rogue Wilderness
21 boundary in T. 34 S., R. 8 W., sec. 10.

22 (10) HEWITT CREEK.—The approximately 1.4-
23 mile segment of Hewitt Creek from its headwaters
24 to the Wild Rogue Wilderness boundary in T. 33 S.,
25 R. 9 W., sec. 19.

1 (11) QUAIL CREEK.—The approximately 0.8-
2 mile segment of Quail Creek from its headwaters to
3 the Wild Rogue Wilderness boundary in T. 33 S., R.
4 10 W., sec. 1.

5 (12) RUSSIAN CREEK.—The approximately 0.1-
6 mile segment of Russian Creek from its headwaters
7 to the Wild Rogue Wilderness boundary in T. 33 S.,
8 R. 8 W., sec. 20.

9 (13) DITCH CREEK.—The approximately 0.7-
10 mile segment of Ditch Creek from its headwaters to
11 the Wild Rogue Wilderness boundary in T. 33 S., R.
12 9 W., sec. 5.

13 (14) LONG GULCH.—The approximately 1.4-
14 mile segment of Long Gulch from its headwaters to
15 the Wild Rogue Wilderness boundary in T. 33 S., R.
16 10 W., sec. 23.

17 (15) BAILEY CREEK.—The approximately 1.4-
18 mile segment of Bailey Creek from its headwaters to
19 the west section line of T. 34 S., R. 8 W., sec. 14.

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

23 (17) NORTH FORK GALICE CREEK.—The ap-
24 proximately 5.7-mile segment of the North Fork

1 Galice Creek from its headwaters to its confluence
2 with Galice Creek.

3 (18) GRAVE CREEK.—The approximately 10.2-
4 mile segment of Grave Creek from the confluence of
5 Wolf Creek downstream to the confluence with the
6 Rogue River.

7 (19) CENTENNIAL GULCH.—The approximately
8 2.2-mile segment of Centennial Gulch from its head-
9 waters to its confluence with the Rogue River.

10 (20) GALICE CREEK.—The approximately 2.2-
11 mile segment of Galice Creek from the confluence
12 with the South Fork Galice Creek downstream to
13 the Rogue River.

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