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SENATE

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OREGON TREASURES

SEPTEMBER 10, 2013.—Ordered to be printed

Mr. WYDEN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 353]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 353) to designate certain land in the State of Oregon as wilderness, to make additional wild and scenic river designations in the State of Oregon, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oregon Treasures Act of 2013”.

SEC. 2. CATHEDRAL ROCK AND HORSE HEAVEN WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) LAND EXCHANGE MAP.—The term “land exchange map” means the map entitled “Antone Ranch Exchanges” and dated July 26, 2010.

(2) PROPOSED WILDERNESS MAP.—The term “proposed wilderness map” means the map entitled “Cathedral Rock and Horse Heaven Wilderness” and dated November 8, 2010.

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

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

(b) LAND EXCHANGES.—

(1) AUTHORIZATION.—

(A) SMITH EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (5), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the owner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) convey to the owner of the non-Federal land all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 1,135 acres of non-Federal land generally depicted on the proposed wilderness map as “Land transfer from Smith to BLM”.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 1,195 acres of Federal land generally depicted on the proposed wilderness map as “Land transfer from BLM to Smith”.

(B) SHRUM EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (5), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the owner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) convey to the owner of the non-Federal land all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 415 acres of non-Federal land generally depicted on the proposed wilderness map as “Land transfer from Shrum to BLM”.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 555 acres of Federal land generally depicted on the proposed wilderness map as “Land transfer from BLM to Shrum”.

(C) YOUNG LIFE EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (5), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the owner in and to the non-Federal land, the Secretary and the Secretary of Agriculture shall—

(I) accept the offer; and

(II) convey to the owner of the non-Federal land all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 10,290 acres of non-Federal land generally depicted on the proposed wilderness map as “Land transfer from Young Life to BLM”.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is—

(aa) the approximately 11,365 acres of Federal land generally depicted on the proposed wilderness map as “Land transfer from BLM to Young Life”;

(bb) the approximately 645 acres of Federal land generally depicted on the land exchange map as “Land transfer from BLM to Young Life”; and

(cc) the approximately 690 acres of Federal land generally depicted on the land exchange map as “Land transfer from USFS to Young Life”.

(2) APPLICABLE LAW.—Each land exchange under paragraph (1) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), including the requirement that the Secretary determine that the public interest will be well served by making the exchange.

(3) CONDITIONS.—Each land exchange under paragraph (1) shall be subject to—

(A) valid existing rights;

(B) the condition that the owner make the offer to convey all or part of the non-Federal land during the 3-year period beginning on the date of enactment of this Act;

(C) the condition that the owner of the non-Federal land pay not less than 50 percent of all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances;

(D) the condition that title to the non-Federal land be acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(E) the condition that any sites on the Federal land that are determined to be eligible for inclusion in the National Register of Historic Places shall not be included in the exchange, with any exclusion of land under this subparagraph to be limited to the smallest area necessary; and

(F) such terms and conditions as the Secretary or the Secretary of Agriculture, as appropriate, may require.

(4) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in each land exchange under this subsection—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this subsection shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary or the Secretary of Agriculture, as appropriate.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(C) EQUALIZATION.—

(i) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this subsection is not equal, the value may be equalized by—

(I) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(II) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(ii) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under clause (i)(I) shall be—

(I) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(II) used in accordance with that Act.

(5) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under paragraph (1) shall be determined by surveys approved by the Secretary.

(6) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this subsection be completed not later than 5 years after the date of enactment of this Act.

(7) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(A) IN GENERAL.—Administrative jurisdiction over the approximately 750 acres of Federal land managed by the Bureau of Land Management generally depicted on the land exchange map as “Land transfer from BLM to USFS” is transferred from the Bureau of Land Management to the Forest Service.

(B) ADMINISTRATION.—The Secretary of Agriculture shall administer the transferred land in accordance with—

(i) the Act of March 1, 1911 (commonly known as the “Weeks Act”) (16 U.S.C. 480 et seq.); and

(ii) the laws (including regulations) applicable to the National Forest System.

(C) COSTS.—Any costs relating to the transfer under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of Agriculture.

(c) CATHEDRAL ROCK AND HORSE HEAVEN WILDERNESS AREAS.—

(1) DESIGNATION OF WILDERNESS.—

(A) CATHEDRAL ROCK WILDERNESS.—Subject to paragraph (4) and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal land within the boundaries of the area generally depicted on the proposed wilderness map as “Proposed Cathedral Rock Wilderness” shall be designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Cathedral Rock Wilderness”, on the earlier of—

(i) the date on which the Secretary publishes in the Federal Register notice that sufficient inholdings within the boundaries of the Proposed Cathedral Rock Wilderness have been acquired to establish a manageable wilderness unit; or

(ii) the date on which the Secretary acquires secs. 2, 11, and 23 in T. 9 S, R. 19 E.

(B) HORSE HEAVEN WILDERNESS.—Subject to paragraph (4) and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal land within the boundaries of the area generally depicted on the proposed wilderness map as “Proposed Horse Heaven Wilderness” shall be designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Horse Heaven Wilderness”, on the earlier of—

(i) the date on which the Secretary publishes in the Federal Register notice that sufficient inholdings within the boundaries of the Proposed Horse Heaven Wilderness have been acquired to establish a manageable wilderness unit; or

(ii) the date on which the Secretary acquires those portions of secs. 11, 12, 13, 23, and 24 in T. 10 S, R. 18 E. that are generally depicted as within the boundaries of the “Proposed Horse Heaven Wilderness” on the proposed wilderness map.

(C) MAPS; LEGAL DESCRIPTIONS.—

(i) IN GENERAL.—As soon as practicable after the date on which a wilderness area is designated under subparagraph (A) or (B), the Secretary shall prepare a map and legal description of the wilderness area.

(ii) FORCE OF LAW.—The maps and legal descriptions prepared under clause (i) shall have the same force and effect as if included in this section, except that the Secretary may correct minor errors in the maps and legal descriptions.

(iii) AVAILABILITY.—The maps and legal descriptions prepared under clause (i) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(D) ADMINISTRATION OF WILDERNESS.—

(i) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness under subparagraph (A) or (B) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(I) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(II) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(ii) GRAZING.—The grazing of livestock in a wilderness area designated under subparagraph (A) or (B), if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

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

(II) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(iii) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(iv) FISH AND WILDLIFE.—Nothing in this subsection affects the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(v) ADJACENT MANAGEMENT.—

(I) IN GENERAL.—Nothing in this subsection creates any protective perimeter or buffer zone around the wilderness areas designated under subparagraph (A) or (B).

(II) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside the wilderness areas designated under subparagraph (A) or (B) can be seen or heard within

the wilderness areas shall not preclude the activity or use outside the boundary of the wilderness areas.

(vi) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Subject to paragraph (4), any land or interest in land that is acquired by the United States within the boundaries generally depicted on the proposed wilderness map as “Proposed Cathedral Rock Wilderness” and “Proposed Horse Heaven Wilderness” shall—

(I) become part of the proposed wilderness area or wilderness area, as applicable; and

(II) be managed in accordance with—

(aa) this subsection; and

(bb) any other applicable laws.

(vii) CATHEDRAL ROCK WILDERNESS.—On terms acceptable to Jefferson County, Oregon, and the owners of the applicable non-Federal land, access to the Cathedral Rock Wilderness designated by subparagraph (A) from Muddy Creek Road is authorized.

(2) INTERIM MANAGEMENT.—Prior to the designation of the areas as wilderness in accordance with paragraph (1), the Federal land within each area shall be managed in a manner that—

(A) protects cultural and archaeological resources; and

(B) maintains the suitability of the area for designation as wilderness.

(3) WITHDRAWAL.—Subject to valid existing rights, the Federal land and any land or interest in land that is acquired by the United States within the boundaries generally depicted on the proposed wilderness map as “Proposed Cathedral Rock Wilderness” and “Proposed Horse Heaven Wilderness” is withdrawn from all forms of—

(A) entry, appropriation, and disposal under the public land laws;

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

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(4) TERMINATION OF AUTHORITY.—

(A) CATHEDRAL ROCK.—If the Cathedral Rock Wilderness is not designated as wilderness in accordance with paragraph (1)(A) by the date that is 10 years after the date of enactment of this Act, paragraphs (1) and (2) shall cease to be effective with respect to the Federal land described in paragraph (1)(A).

(B) HORSE HEAVEN.—If the Horse Heaven Wilderness is not designated as wilderness in accordance with paragraph (1)(B) by the date that is 10 years after the date of enactment of this Act, paragraphs (1) and (2) shall cease to be effective with regard to the Federal land described in paragraph (1)(B).

SEC. 3. WILD ROGUE WILDERNESS AREA.

(a) DEFINITIONS.—In this section:

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

(2) MAP.—The term “map” means the map entitled “Wild Rogue Wilderness Additions” and dated June 12, 2013.

(3) SECRETARY.—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to public land administered by the Secretary of the Interior; or

(B) the Secretary of Agriculture, with respect to National Forest System land.

(4) WILDERNESS ADDITIONS.—The term “Wilderness additions” means the land added to the Wild Rogue Wilderness under subsection (b)(1).

(b) EXPANSION OF WILD ROGUE WILDERNESS AREA.—

(1) EXPANSION.—The approximately 56,100 acres of Federal land in the State of Oregon generally depicted on the map as “BLM Proposed Wilderness” and “Proposed USFS Wilderness” shall be added to and administered as part of the Wild Rogue Wilderness in accordance with Public Law 95–237 (16 U.S.C. 1132 note; 92 Stat. 40), except that—

(A) the Secretary of the Interior and the Secretary of Agriculture shall administer the Federal land under their respective jurisdiction; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of Agriculture or the Secretary of the Interior, as applicable.

(2) MAP; LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the wilderness area designated by paragraph (1).

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and Forest Service.

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

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

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

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(c) POTENTIAL ADDITION TO WILDERNESS AREA.—

(1) DESIGNATION.—Subject to paragraph (3) and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State of Oregon administered by the Secretary of the Interior, comprising approximately 600 acres, as generally depicted on the map as “Potential Wilderness”, shall be added to and administered as part of the Wild Rogue Wilderness.

(2) INTERIM MANAGEMENT.—Subject to valid existing rights, the Secretary shall manage the land described in paragraph (1) to protect its suitability for designation as wilderness until the date on which the land is designated as wilderness in accordance with paragraph (3).

(3) WILDERNESS DESIGNATION.—

(A) IN GENERAL.—The land described in paragraph (1) shall be designated as wilderness and added to and administered as part of the Wild Rogue Wilderness on the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed.

(B) ADMINISTRATION.—On designation as wilderness under paragraph (1), the land described in that paragraph shall be administered in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and Public Law 95–237 (16 U.S.C. 1132 note; 92 Stat. 40).

(4) WITHDRAWAL.—Subject to valid existing rights, the land described in paragraph (1) is withdrawn from all forms of—

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

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

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) WITHDRAWAL AREA PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall manage the Federal land described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) DESCRIPTION OF THE LAND.—The Federal land referred to in paragraph (1) is the approximately 4,000 acres generally depicted on the map as “Withdrawal Area”.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the land described in paragraph (2).

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) USE OF LAND.—

(A) IN GENERAL.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes described in paragraph (1).

(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

- (iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—
 - (I) the use of motor vehicles; or
 - (II) the establishment of temporary roads.
- (5) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—
 - (A) all forms of entry, appropriation, or disposal under the public land laws;
 - (B) location, entry, and patent under the mining laws; and
 - (C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.
- (e) WILD AND SCENIC RIVER DESIGNATIONS, ROGUE RIVER AREA.—
 - (1) AMENDMENTS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (5) and inserting the following:
 - “(5) ROGUE, OREGON.—
 - “(A) IN GENERAL.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge, to be administered by the Secretary of the Interior or the Secretary of Agriculture, as agreed to by the Secretaries of the Interior and Agriculture or as directed by the President.
 - “(B) ADDITIONS.—In addition to the segment described in subparagraph (A), there are designated the following segments in the Rogue River:
 - “(i) KELSEY CREEK.—The approximately 4.8-mile segment of Kelsey Creek from the east section line of T. 32 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
 - “(ii) EAST FORK KELSEY CREEK.—The approximately 4.6-mile segment of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, to the confluence with Kelsey Creek, as a wild river.
 - “(iii) WHISKY CREEK.—
 - “(I) RECREATIONAL RIVER.—The approximately 0.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33-8-23, as a recreational river.
 - “(II) WILD RIVER.—The approximately 1.9-mile segment of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River, as a wild river.
 - “(iv) EAST FORK WHISKY CREEK.—
 - “(I) WILD RIVER.—The approximately 2.6-mile segment of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, to 0.1 miles downstream of road 33-8-26 crossing, as a wild river.
 - “(II) RECREATIONAL RIVER.—The approximately 0.3-mile segment of East Fork Whisky Creek from 0.1 miles downstream of road 33-8-26 to the confluence with Whisky Creek, as a recreational river.
 - “(v) WEST FORK WHISKY CREEK.—The approximately 4.8-mile segment of West Fork Whisky Creek from its headwaters to the confluence with Whisky Creek, as a wild river.
 - “(vi) BIG WINDY CREEK.—
 - “(I) SCENIC RIVER.—The approximately 1.5-mile segment of Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-9-17.1, as a scenic river.
 - “(II) WILD RIVER.—The approximately 5.8-mile segment of Big Windy Creek from 0.1 miles downstream from road 34-9-17.1 to the confluence with the Rogue River, as a wild river.
 - “(vii) EAST FORK BIG WINDY CREEK.—
 - “(I) SCENIC RIVER.—The approximately 0.2-mile segment of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-8-36, as a scenic river.
 - “(II) WILD RIVER.—The approximately 3.7-mile segment of East Fork Big Windy Creek from 0.1 miles downstream from road 34-8-36 to the confluence with Big Windy Creek, as a wild river.
 - “(viii) LITTLE WINDY CREEK.—The approximately 1.9-mile segment of Little Windy Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River, as a wild river.
 - “(ix) HOWARD CREEK.—

- “(I) SCENIC RIVER.—The approximately 0.3-mile segment of Howard Creek from its headwaters to 0.1 miles downstream of road 34-9-34, as a scenic river.
- “(II) WILD RIVER.—The approximately 6.9-mile segment of Howard Creek from 0.1 miles downstream of road 34-9-34 to the confluence with the Rogue River, as a wild river.
- “(x) MULE CREEK.—The approximately 6.3-mile segment of Mule Creek from the east section line of T. 32 S., R. 10 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xi) ANNA CREEK.—The approximately 3.5-mile segment of Anna Creek from its headwaters to the confluence with Howard Creek, as a wild river.
- “(xii) MISSOURI CREEK.—The approximately 1.6-mile segment of Missouri Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xiii) JENNY CREEK.—The approximately 1.8-mile segment of Jenny Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xiv) RUM CREEK.—The approximately 2.2-mile segment of Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xv) EAST FORK RUM CREEK.—The approximately 1.3-mile segment of East Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10, Willamette Meridian, to the confluence with Rum Creek, as a wild river.
- “(xvi) WILDCAT CREEK.—The approximately 1.7-mile segment of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.
- “(xvii) MONTGOMERY CREEK.—The approximately 1.8-mile segment of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.
- “(xviii) HEWITT CREEK.—The approximately 1.2-mile segment of Hewitt Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xix) BUNKER CREEK.—The approximately 6.6-mile segment of Bunker Creek from its headwaters to the confluence with the Rogue River, as a wild river.
- “(xx) DULOG CREEK.—
- “(I) SCENIC RIVER.—The approximately 0.8-mile segment of Dulog Creek from its headwaters to 0.1 miles downstream of road 34-8-36, as a scenic river.
- “(II) WILD RIVER.—The approximately 1.0-mile segment of Dulog Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River, as a wild river.
- “(xxi) QUAIL CREEK.—The approximately 1.7-mile segment of Quail Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xxii) MEADOW CREEK.—The approximately 4.1-mile segment of Meadow Creek from its headwaters to the confluence with the Rogue River, as a wild river.
- “(xxiii) RUSSIAN CREEK.—The approximately 2.5-mile segment of Russian Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 20, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xxiv) ALDER CREEK.—The approximately 1.2-mile segment of Alder Creek from its headwaters to the confluence with the Rogue River, as a wild river.
- “(xxv) BOOZE CREEK.—The approximately 1.5-mile segment of Booze Creek from its headwaters to the confluence with the Rogue River, as a wild river.
- “(xxvi) BRONCO CREEK.—The approximately 1.8-mile segment of Bronco Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxvii) COPSEY CREEK.—The approximately 1.5-mile segment of Copsey Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxviii) CORRAL CREEK.—The approximately 0.5-mile segment of Corral Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxix) COWLEY CREEK.—The approximately 0.9-mile segment of Cowley Creek from its headwaters to the confluence with the Rogue River, as a wild river.

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

“(xxxi) FRANCIS CREEK.—The approximately 0.9-mile segment of Francis Creek from its headwaters to the confluence with the Rogue River, as a wild river.

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

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

“(xxxiv) SHADY CREEK.—The approximately 0.7-mile segment of Shady Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxxv). SLIDE CREEK.—

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

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

(2) MANAGEMENT.—Each river segment designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by paragraph (1)) shall be managed as part of the Rogue Wild and Scenic River.

(3) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated under subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by paragraph (1)) is withdrawn from all forms of—

- (A) entry, appropriation, or disposal under the public land laws;
- (B) location, entry, and patent under the mining laws; and
- (C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.—

(1) LICENSING BY COMMISSION.—The Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works on or directly affecting any stream described in paragraph (4).

(2) OTHER AGENCIES.—

(A) IN GENERAL.—No department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project on or directly affecting any stream segment that is described in paragraph (4), except to maintain or repair water resources projects in existence on the date of enactment of this Act.

(B) EFFECT.—Nothing in this paragraph prohibits any department or agency of the United States in assisting by loan, grant, license, or otherwise, a water resources project—

- (i) the primary purpose of which is ecological or aquatic restoration; and
- (ii) that provides a net benefit to water quality and aquatic resources.

(3) WITHDRAWAL.—Subject to valid existing rights, the Federal land located within a ¼ mile on either side of the stream segments described in paragraph (4), is withdrawn from all forms of—

- (A) entry, appropriation, or disposal under the public land laws;
- (B) location, entry, and patent under the mining laws; and
- (C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) DESCRIPTION OF STREAM SEGMENTS.—The following are the stream segments referred to in paragraph (1):

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

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

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

(D) LITTLE WINDY CREEK.—The approximately 1.2-mile segment of Little Windy Creek from its headwaters to the west section line of T. 33 S., R. 9 W., sec. 34.

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

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

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

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

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

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

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

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

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

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

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

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

(Q) NORTH FORK GALICE CREEK.—The approximately 5.7-mile segment of the North Fork Galice Creek from its headwaters to its confluence with Galice Creek.

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

(S) CENTENNIAL GULCH.—The approximately 2.2-mile segment of Centennial Gulch from its headwaters to its confluence with the Rogue River.

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

SEC. 4. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS, MOLALLA RIVER, OREGON.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(208) MOLALLA RIVER, OREGON.—

“(A) IN GENERAL.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

“(i) MOLALLA RIVER.—The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

“(ii) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

“(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

- “(i) entry, appropriation, or disposal under the public land laws;
- “(ii) location, entry, and patent under the mining laws; and
- “(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.”.

(b) TECHNICAL CORRECTIONS.—Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

(1) in the heading, by striking “SQUAW CREEK” and inserting “WHYCHUS CREEK”;

(2) in the matter preceding subparagraph (A), by striking “McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork” and inserting “Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek”; and

(3) in subparagraph (B), by striking “McAllister Ditch” and inserting “Plainview Ditch”.

SEC. 5. TECHNICAL CORRECTIONS TO THE WILD AND SCENIC RIVERS ACT.

Section 3(a)(69) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(69)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) in the matter preceding clause (i) (as so redesignated), by striking “The 44.5-mile” and inserting the following:

“(A) DESIGNATIONS.—The 44.5-mile”;

(3) in clause (i) (as so redesignated)—

(A) by striking “25.5-mile” and inserting “27.5-mile”; and

(B) by striking “Boulder Creek at the Kalmiopsis Wilderness boundary” and inserting “Mislatah Creek”;

(4) in clause (ii) (as so redesignated)—

(A) by striking “8” and inserting “7.5”; and

(B) by striking “Boulder Creek to Steel Bridge” and inserting “Mislatah Creek to Eagle Creek”;

(5) in clause (iii) (as so redesignated)—

(A) by striking “11” and inserting “9.5”; and

(B) by striking “Steel Bridge” and inserting “Eagle Creek”; and

(6) by adding at the end the following:

“(B) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by subparagraph (A), is withdrawn from all forms of—

- “(i) entry, appropriation, or disposal under the public land laws;
- “(ii) location, entry, and patent under the mining laws; and
- “(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.”.

PURPOSE

The purposes of S. 353 are to authorize the Secretary of the Interior to undertake three land exchanges in the State of Oregon; to designate certain river segments of the Molalla, Chetco, and Rogue Rivers in Oregon and their tributaries as components of the National Wild and Scenic River System; and to designate the Cathedral Rock and Horse Heaven wilderness areas and additions to the Wild Rogue Wilderness on Federal lands in Oregon.

BACKGROUND AND NEED

The Chetco, Rogue, and Molalla Rivers are important watersheds west of the Cascade Mountains. Together, they provide critical spawning habitat for several fish species—including salmon, steelhead, and green sturgeon. The rivers also are popular recre-

ation destinations for kayaking, rafting, hiking, biking, camping, hunting, and fishing.

Parts of the Chetco River are already designated under the Wild and Scenic Act, and this bill would change some of the previous classifications from “scenic” to “wild” and from “recreational” to “scenic.” The bill also addresses a long-standing concern for the sensitivity of the Chetco river system by withdrawing lands from mineral entry along the river extending from the Kalmiopsis Wilderness within the Rogue River-Siskiyou National Forest (RR-SNF).

The Rogue River was one of the eight original rivers designated in the Wild and Scenic Rivers Act in 1968. S. 353 would add an additional 35 tributaries and nearly 93 additional miles of the Rogue River to the Wild and Scenic River designation.

S. 353 would also designate approximately 15 miles of the Molalla River and 6.2 miles of its Table Rock Fork as additions to the Wild and Scenic Rivers System. The Bureau of Land Management (BLM) has determined the Molalla River and the Table Rock Fork are appropriate for wild and scenic designation. Such a designation would cause few changes to BLM’s current administration of the rivers, and is consistent with the designation of the adjacent Table Rock Wilderness, which was established in 1984.

S. 353 designates two new wilderness areas in Oregon and makes significant additions to a previously-designated wilderness area. The Wild Rogue Wilderness was first established in 1978, totaling 36,000 acres. S. 353 adds approximately 58,000 acres to the Wild Rogue Wilderness. The bill also provides for the designation of two new wilderness areas on lands BLM lands—the Cathedral Rock and Horse Heaven Wilderness Areas, if certain lands are acquired. Located along the John Day Wild and Scenic River, the Cathedral Rock Wilderness include Wagner Mountain, the highest point in the area. The nearby Horse Heaven Wilderness, which was named for its abundant grasslands, includes rolling plains and steep terrain.

To facilitate the designation of the Cathedral Rock and Horse Heaven wilderness areas, S. 353 provides for three equal-value land exchanges, exchanging private lands for scattered parcels of BLM land in the area. Addressing the “checkerboard” landownership will reduce the significant administrative and resource management challenges for both the BLM and the private landowners in an area west of the John Day River that is characterized by distinctive high-desert scenery, sensitive fish and wildlife habitat, and outstanding recreational opportunities.

LEGISLATIVE HISTORY

Senators Wyden and Merkley introduced S. 353 on February 14, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 353 on April 25, 2013. At its business meeting on June 18, 2013, the Committee ordered the bill favorably reported with an amendment in the nature of a substitute.

S. 353 combines elements from several bills considered by the Committee in the 112th Congress: S. 403, S. 607, S. 764, and S. 2001 (an in some cases, predecessor legislation in the 111th Congress).

S. 403, the Molalla River Wild and Scenic Rivers Act, was introduced by Senators Wyden and Merkley on February 17, 2012. The Subcommittee on National Parks held a hearing on S. 403 on May 11, 2011 (S. Hrg. 112–124).

Senators Wyden and Merkley introduced similar legislation during the 111th Congress. S. 607, the Cathedral Rock and Horse Heaven Wilderness Act of 2011, was introduced by Senators Wyden and Merkley on March 17, 2011. The Subcommittee on Public Lands and Forests held a hearing on the bill on May 18, 2011 (S. Hrg. 112–39).

S. 764, the Chetco River Protection Act of 2011, was introduced by Senators Wyden and Merkley on April 7, 2011. The Subcommittee on National Parks held a hearing the bill on July 29, 2011 (S. Hrg. 112–39).

S. 2001, the Rogue Wilderness Area Expansion Act of 2011, was introduced by Senators Wyden and Merkley on December 15, 2011. The Subcommittee on Public Lands and Forests held a hearing on the bill on March 22, 2012 (S. Hrg. 112–39).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 353, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 353, the Committee adopted an amendment in the nature of a substitute. The amendment incorporates several technical, clarifying, and conforming changes, including updated map references and acreages for the wilderness areas and wild and scenic river designations. The amendment also clarifies the interim management of areas prior to designation as wilderness.

The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, “Oregon Treasures Act of 2013.”

Section 2(a) defines key terms used in this section, relating to the Cathedral Rock and Horse Heaven wilderness areas.

Subsection (b)(1) authorizes the Secretary of the Interior (Secretary) to enter into land exchanges with private landowners involving specified Federal land and non-Federal land. The subsection describes the lands to be exchanged for the Smith Exchange, the Shrum Exchange, and the Young Life Exchange.

The Committee is aware that there are grazing permittees within the proposed Cathedral Rock and Horse Heaven Wildernesses who have expressed an interest in retiring those permits and acquiring permits outside of the proposed wilderness boundaries. If these grazing permittees make such a proposal to the federal land agencies, the Committee encourages the Federal land agencies to evaluate whether it may serve the public interest.

Paragraph (2) requires that each land exchange be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), including the requirement that the Secretary determine that the public interest will be well served by making the exchange.

Paragraph (3) adds additional conditions to the land exchanges: that the exchanges be subject to valid existing rights; that the private landowners make a conveyance offer within three years of the date of enactment; that the private landowners pay at least 50 percent of all related costs; that the title to the non-Federal land be acceptable and conforming; that any sites determined to be eligible for the National Register of Historic Places not be included in the exchange and limited in size to the smallest necessary area; and that any further conditions the Secretaries of the Interior or Agriculture deem necessary will apply.

Paragraph (4) provides that the value of the lands to be exchanged shall be equal as determined by appraisals in accordance with subparagraph (B) or equalized in accordance with subparagraph (c).

Paragraph (5) requires that the acreage and legal descriptions of the lands to be exchanged shall be determined by surveys approved by the Secretary.

Paragraph (6) states that it is the intent of Congress that the land exchanges should be completed no later than 5 years from the enactment date.

Paragraph (7) transfers administrative jurisdiction over 750 acres of Federal land from Bureau of Land Management to the Forest Service. The Secretary of Agriculture is required to administer the lands in accordance with certain laws and to pay the costs of the transfer.

Subsection (c)(1) designates as wilderness the Cathedral Rock and Horse Heaven areas, as depicted on the proposed wilderness map on the earlier of the date on which the Secretary publishes a federal register notice, that sufficient inholdings within the areas have been acquired to establish a manageable wilderness area, or when certain, specified inholding sections have been acquired. Subparagraph (C) directs the Secretary to prepare, file, and make publicly available a map and legal description of each wilderness area.

Subparagraph (D) describes the administration of the wilderness areas, directing that each be administered, subject to existing rights, according to the Wilderness Act and that existing grazing shall continue, tribal rights shall not be affected, state fish and wildlife responsibilities shall not be affected, the land adjacent to the wilderness areas shall not be affected by the wilderness designation, later acquired lands or interests within the wilderness boundaries shall become part of the wilderness, and if the local county and the private landowners come to an access agreement for Cathedral Rock Wilderness via Muddy Creek Road then that access is authorized.

Paragraph (2) provides for interim management before the areas are designated as wilderness, directing the Federal land to be managed for protection of any cultural and archaeological resources and for keeping the wilderness characteristics that make the lands suitable for designation.

Paragraph (3) withdraws, subject to valid existing rights, the existing Federal lands and any land later acquired by the Federal government from: entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws.

Paragraph (4)(A) provides that paragraphs (1) and (2) shall cease to be effective if Cathedral Rock Wilderness is designated as wilderness within 10 years from enactment. Paragraph (B) contains an identical provision for the Horse Heaven Wilderness.

Section 3(a) defines key terms used in this section, which relates to additions to the Wild Rogue Wilderness Area.

Subsection (b)(1) provides that approximately 56,100 acres of Federal land shall be added to and administered as part of the Wild Rogue Wilderness, with the Secretary of the Interior and the Secretary of Agriculture administering the BLM and Forest Service land under their respective jurisdiction.

Paragraph (2) directs the respective secretaries to prepare, file, and make publicly available a map and legal description of each wilderness area.

Paragraph (3) withdraws, subject to valid existing rights, the Wilderness additions from: entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws.

Subsection (c) provides that approximately 600 acres of land depicted on the referenced map as “Potential Wilderness” is to be designated as wilderness and managed as part of the Wild Rogue Wilderness at such at time as the Secretary of the Interior determines the conditions which are incompatible with wilderness no longer exist. This subsection also directs the Secretary to manage this area to protect its suitability for future designation as wilderness. Furthermore, the subsection withdraws, subject to valid existing rights, the potential wilderness acres from: entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws.

Subsection (d) provides that the approximately 4,000 acres of land depicted on the referenced map as “Withdrawal Area” is to be withdrawn, subject to valid existing rights, from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws. The subsection also prohibits the establishment within the area of permanent roads, commercial endeavors, and motor vehicle use and temporary roads—except as needed to protect public health and safety. Additionally, this subsection directs the Secretary to prepare, file, and make publicly available a map and legal description of the withdrawal areas.

Subsection (e) amends the Wild and Scenic Rivers Act to update the designation for the Rogue River to include additional segments of the river and many of its tributaries. The river segments are withdrawn, subject to valid existing rights, from entry, appropriation, or disposal under the public land laws; location, entry, and

patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws.

Subsection (f) provides for the specified protection for segments of the listed tributaries of the Rogue River. These segments are withdrawn for a quarter mile on each side of the stream, subject to valid existing rights, from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws. This subsection directs the Federal Energy Regulatory Commission to not license any project on these stream segments or that would affect them. This subsection also prohibits any other Federal agency from involvement in a project that would affect these stream segments, except for upkeep of existing projects at the date of enactment or any projects that are primarily oriented toward environmental restoration that provides a net benefit for water quality and aquatic resources.

Section 4(a) amends the Wild and Scenic Rivers Act to designate a 15.1 mile segment of the Molalla River and a 6.2 mile segment of the Table Rock Fork Molalla River as a “recreational” river. It also withdraws, subject to valid existing rights, these segments from: entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws.

Subsection (b) amends the Wild and Scenic Rivers Act to update the names of creeks and ditches within the 15.4 mile segment that historically was called “Squaw Creek” and now is known as “Whychus Creek.”

Section 5 amends the Wild and Scenic Rivers Act to modify existing wild and scenic designations along the Chetco River in Oregon. The “wild” segment increases two miles from 25.5 to 27.5. The “scenic” segment decreases by 0.5 miles from 8 to 7.5. The “recreational” segment decreases 1.5 miles from 11 to 9.5. It also withdraws, subject to valid existing rights, these segments from: entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and regulation under the mineral leasing, mineral materials, and geothermal leasing laws.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 353—Oregon Treasures Act of 2013

S. 353 would authorize the Bureau of Land Management (BLM) and the Forest Service to exchange roughly 15,000 acres of federal land for private lands totaling 12,000 acres. The bill also would add a total of 55,000 acres of federal lands in Oregon to the National Wilderness Preservation System. Finally, the bill would designate certain tributaries of the Rogue and Molalla Rivers in Oregon as components of the National Wild and Scenic Rivers System.

Based on information provided by the affected agencies, CBO estimates that implementing the bill would have no significant impact on the federal budget. Enacting the legislation could increase offsetting receipts and associated direct spending; therefore, pay-as-you-go procedures apply. However, CBO expects that any such

changes would be small and would have no net impact on direct spending over the 2014–2023 period. Enacting S. 353 would not affect revenues.

S. 353 would authorize the Secretary to accept private lands in exchange for federal lands. In addition, the bill would allow the Secretary to accept a cash payment to equalize the values of the properties that would be exchanged. Formal appraisals of the properties have not been completed. Based on the values of similar properties in the area, CBO expects that the land being exchanged would be worth between \$300 and \$500 per acre and that the cash equalization payment would be roughly \$1 million because the federal government would receive about 3,000 fewer acres than it would convey to private entities. Any amounts received from a cash equalization payment would be retained by the agency and spent, without further appropriation, to acquire other lands in Oregon. CBO expects that those amounts would be collected and spent within five years of enactment of the bill.

The acreage and waterways that would be added by the legislation to the National Wilderness Preservation System and the Wild and Scenic Rivers System are currently administered by BLM or the Forest Service. Because those areas are already being managed for wilderness values, CBO estimates that minimal additional funds would be required to manage the affected areas as a result of the new designations.

S. 353 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contacts for this estimate are Maggie Morrissey and Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 353.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 353, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 353, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management and the Forest Service at the April 25, 2013, Subcommittee on Public Lands, Forests, and Mining hearing on S. 353 follows:

STATEMENT OF JAMIE CONNELL, ACTING DEPUTY DIRECTOR,
BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE
INTERIOR

Thank you for inviting the Department of the Interior to testify on S. 353, the Oregon Treasures Act. The Department supports S. 353 and would welcome the opportunity to work with the Chairman on some minor modifications to this legislation. S. 353 includes wilderness and wild and scenic river designations in three areas of Oregon: Cathedral Rock and Horse Heaven along the John Day River, the Wild Rogue in southwestern Oregon, and the Molalla River in northern Oregon. This legislation would conserve and protect these special places that are treasured both locally and nationally.

CATHEDRAL ROCK & HORSE HEAVEN WILDERNESS

Background

Along the western bank of the John Day Wild and Scenic River are lands proposed to become the Cathedral Rock Wilderness. The lands planned for designation range from the cliffs and canyons along the river heading westerly to steep rolling hills punctuated by rocky escarpments. Wagner Mountain is located in the center of the proposed wilderness and is the highest point in the area. The geology is dominated by ancient volcanics, composed of andesite flows, plugs, and domes. The entire area is covered in rhyolite ash-flows which produce dramatic red, white, and buff colored soils. Hunters and hikers alike enjoy the breathtaking scenery as well as the resident mule deer and elk populations, while rafters brave the John Day's rapids. Cultural sites showcase prehistoric fossils, stone tools, and rock art.

Four miles to the southwest of the Cathedral Rock region is the proposed Horse Heaven Wilderness. The name reflects Oregon's pioneer past when the flawless grasslands of the areas were a closely guarded secret. Today that secret is out, and a wide range of recreationists enjoy the area's many opportunities. At more than 4,000 feet, Horse Heaven Mountain serves as a worthy centerpiece to a diverse landscape illustrating Oregon's high and low countries. Traveling south, rolling plains and steep terrain dominate the area; to the west, Muddy Creek is the area's lone perennial stream. Prairie steppes throughout connect hearty shrubs and woodlands that demonstrate steadfast resolve to thrive in the rocky soil.

S. 353, Section 2

The legislation provides for the exchange of lands between three private parties and the Federal government which would allow the consolidation of fragmented land patterns, the designation of two new potential wilderness areas, and a process for those areas becoming designated wilderness and components of the National Wilderness Preservation System. Should the land exchanges be com-

pleted, the additional land would greatly enhance the wilderness quality and manageability of the two areas proposed for wilderness.

The bill (section 2(b)) outlines a series of land exchanges with three private parties. Under section 206 of the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management (BLM) has the authority to undertake land exchanges that are in the public interest. Exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into private ownership for local needs and the consolidation of scattered tracts. The lands proposed for exchange out of Federal ownership are largely scattered sections of public land intermingled with private land. In principle, the BLM supports the land exchanges envisioned by section 2(b); however, we would like the opportunity to continue to work with the sponsor and the Committee to address concerns specifically in the areas of public access and the protection of cultural resources.

It is the Department's understanding that the Confederated Tribes of the Warm Springs of Oregon continue to have concerns about this legislation. Many of these lands are significant to local tribes and we encourage the sponsor and the Committee to continue to work toward resolving these issues.

The bill requires that the exchanges be consistent with FLPMA, including the requirement that the Secretary determine that the public interest would be served by completing the exchange (section 2(b)(2)). We believe that this provides the BLM latitude to withdraw specific lands from the exchange if any serious impediments are discovered. Furthermore, the legislation provides that the Secretary may add such additional terms and conditions as appropriate (section 2(b)(3)(E)). We believe this would allow the BLM to require that all non-Federal parties are responsible for addressing any human safety concerns or the remediation of hazardous materials on the lands to be exchanged out of present ownership. Finally, the BLM supports the provisions of the bill requiring that all three exchanges be equal value exchanges, and that the appraisals be undertaken consistent with Uniform Appraisal Standards.

The bill (section 2(c)) also proposes to designate two potential wilderness areas, the "Proposed Cathedral Rock Wilderness" and the "Proposed Horse Heaven Wilderness" on the lands that would be consolidated under the land exchanges envisioned by section 2(b) of the bill. When those land exchanges are completed, the Cathedral Rock Wilderness would include over 8,300 acres of public land and the Horse Heaven Wilderness 9,000 acres. The legislation provides a process in section 2(c)(2) for converting the "proposed" wilderness areas into designated wilderness following adequate acquisitions of the now private lands. The BLM could manage these areas as wilderness following the exchanges. However, absent the largest exchange envi-

sioned under section 2 of S. 353, these areas would be impracticable for the BLM to manage as wilderness. That proposed exchange with the local landowner, “Young Life,” involves the core of both the proposed Cathedral Rock and Horse Heaven wilderness areas.

The current land patterns of both the “Proposed Cathedral Rock Wilderness” and “Proposed Horse Heaven Wilderness” are highly fragmented. The BLM manages approximately 4,500 acres in seven, non-contiguous parcels within the Cathedral Rock area and less than 3,000 acres in two separate parcels within Horse Heaven. The land exchanges are, of course, optional for the three private parties. If, in the end, the largest private land owner decides not to pursue the exchange, managing the areas as wilderness would not be practical given the fragmented nature of the BLM landholdings in these two areas. The BLM supports the provisions for interim management of the “proposed” areas and the methodology for final designation if sufficient land exchanges are consummated. Additionally, the BLM supports the provisions in section 2(c)(4) of the bill providing for a termination of the wilderness designation authority 10 years after the date of enactment of the Act. This provides a reasonable timeframe during which to either consummate the land exchanges and designate the wilderness areas or return to current management of the area.

Finally, section 2(b)(7) would transfer the administrative jurisdiction of approximately 750 acres of BLM-managed lands to the Forest Service. The BLM supports this transfer of lands which will improve manageability.

WILD ROGUE WILDERNESS

Background

The Rogue River’s headwaters begin near Crater Lake. It then rushes 215 miles through the mountains and valleys of southwestern Oregon, eventually emptying into the Pacific Ocean near the town of Gold Beach. Over millions of years, the Rogue has patiently carved its way through western Oregon’s mountains creating 3,000 foot canyons, rugged valleys and inspiring scenery. Dense, old-growth forests flank the Rogue providing habitat for older, forest-dependent species, including the Northern Spotted Owl and the Marbled Murrelet. The cold, clear waters of the river provide a home for Pacific salmon, steelhead trout, and green sturgeon.

Recreationists are drawn to the entire Rogue River watershed to experience nature in a multitude of ways. These recreationists are a critical economic engine for local economies and include commercial and sport fishing, rafting and jet boat tours, and hiking and backpacking. The untamed landscape offers countless opportunities for challenge, exploration, and discovery.

The 36,000-acre Wild Rogue Wilderness was designated by an Act of Congress (Public Law 95–237) in 1978. Lo-

cated primarily on lands managed by the U.S. Forest Service, the Wild Rogue includes approximately 8,600 acres of lands administered by the BLM. In 1968, Congress passed the Wild and Scenic Rivers Act (Public Law 90-542), establishing the Wild and Scenic River System and designating eight original rivers. As one of these initial eight rivers, Oregon's Rogue River has long been recognized for its beauty, exceptional recreational opportunities, and extraordinary resource values.

S. 353, Section 3

The bill (section 3) proposes to enlarge the existing Wild Rogue Wilderness by adding nearly 60,000 acres of land administered by the BLM. This section also extends the existing Rogue Wild and Scenic River by adding 93 miles of 35 tributaries of the Rogue to the wild and scenic river system. In addition, the bill withdraws 50 miles of 20 other Rogue River tributaries from operation of the land laws, mining laws, and mineral leasing laws and prohibits the Federal Energy Regulatory Commission (FERC) from licensing new water resource projects and associated facilities along these tributaries.

The BLM supports the expansion of the Wild Rogue Wilderness. This wild and rugged area is largely untrammeled. It has largely retained its primeval character and has been influenced primarily by the forces of nature with outstanding opportunities for primitive recreation or solitude. Protection of these wilderness characteristics is largely consistent with the current management framework for these lands. We would like the opportunity to work with the bill Sponsor and the Committee on some modifications to the map and the legislation.

The BLM recommends that the legislation include language directing the Secretary of the Interior to manage the BLM portion of the current Wild Rogue Wilderness. When the Wild Rogue Wilderness was established in 1978, the legislation called for the Secretary of Agriculture to manage all of the lands within the wilderness boundary. With this expansion, we would like to correct that previous oversight and ensure that both the original and the additional BLM-managed lands within the Wild Rogue are managed by the BLM. Management of this area will continue to be a cooperative exercise with the U. S. Forest Service and involve many of the same staff that jointly manage the Rogue's successful river program.

The bill excludes over 500 acres of BLM-managed lands on the north side of the river within the external boundaries of the wilderness addition from designation as wilderness by cherry-stemming a road network where logging and other activities have occurred. This could leave these lands open to future development and potentially complicate management of the surrounding lands as wilderness. While these lands show visible effects of past logging activities and existing primitive roads that do not meet the naturalness criteria of the Wilderness Act, the BLM would

like to discuss the possibility of designating them as “potential wilderness” (as was done, for example, to California’s Elkhorn Ridge Potential Wilderness Area through the Northern California Coastal Wild Heritage Wilderness Act—Public Law 109–362). The BLM would consider management of the area in order to actively restore or, where more appropriate, passively restore these lands to move them toward wilderness conditions that are consistent with future Wilderness designation.

The BLM would also like to work with the Oregon delegation on boundary modifications of the wilderness expansion to improve manageability. There are portions of the proposed wilderness where minor modifications to follow a road would allow for a more recognizable and manageable boundary. In addition, a few areas identified for wilderness designation on the southeast side of the proposed expansion may raise manageability concerns. Specifically, the inclusion of areas south of Bailey Creek and east of the Rogue appears to present conflicts with existing mining activity and other uses. The BLM would like the opportunity to discuss these conflicts further with the Committee and the bill’s sponsor.

In 1968, when Congress established the National Wild and Scenic Rivers System, it designated the Rogue as one of the original eight rivers included in this system. Section 3(c)(1) further enhances that initial designation by adding 35 specific tributaries of the Rogue to the national system, thus conserving the greater Rogue River watershed. In general, the proposed stream segments are located in steep, sloped canyons with mature and structurally complex forest stands that have high conservation values. We support maintaining and enhancing those conservation values through designating the 35 tributaries as Wild and Scenic.

Finally, Section 3(d) of S. 353 prohibits FERC from licensing the construction of any new water or power projects along 50 miles of 20 Rogue River tributaries. Additionally, the bill would withdraw land for one-quarter mile along either side of these tributaries from operation of the land laws, mining laws, and mineral leasing laws. This withdrawal will protect valid existing rights but would prohibit the sale or exchange of any of these federal lands, the location of new mining claims, new mineral or geothermal leases, and sales of mineral materials. These withdrawals will provide additional protections to this important watershed, and the Department supports these provisions.

MOLALLA WILD & SCENIC RIVER

Background

The Molalla River begins its journey to the sea on the western slopes of the Cascade Mountains of Oregon. At an elevation of 4,800 feet, the Molalla flows undammed for 49 miles west and north until it joins the Willamette River.

For years, the Molalla suffered from too much negative attention from its visitors, including vandalism. To address these problems, local residents joined together several years ago and formed the Molalla River Alliance (MRA). The MRA, a nonprofit all volunteer organization, has over 45 public and private partners, including Federal, State, and local government agencies; user groups; and conservationists. Working cooperatively with BLM's local field office, the MRA has provided the Molalla the care it needed. Today, we are pleased that this subcommittee is considering designating approximately 21 miles of the river as a component of the National Wild and Scenic Rivers System.

The Molalla River is home to important natural and cultural resources. Protection of this watershed is crucial as the source of drinking water for local communities and the important spawning habitat it provides for several fish species, including salmon and steelhead. Within an hour's drive of the metropolitan areas of Portland and Salem, Oregon, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming and draws over 65,000 visitors annually.

S. 353, Section 4

The bill (section 4) proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. The Department supports these designations. In earlier planning analyses, the BLM evaluated the Molalla River and the Table Rock Fork of the Molalla River and determined that most of these two rivers should be considered for designation as wild and scenic rivers. As a result, the designation called for would be largely consistent with management currently in place and would cause few changes to BLM's current administration of most of this area. The 5,700-acre Table Rock Wilderness, designated by Congress in 1984, is embraced by the Molalla and Table Rock Fork, and designation of these river segments would reinforce the protections in place for the wilderness area.

Wild and scenic rivers are designated by Congress in one of three categories: wild, scenic, or recreational. Differing management proscriptions apply for each of these designations. This bill specifies that these river segments be classified as recreational. This classification is consistent with the strong recreational values of this area as well as the presence of roads along the course of the river segments and numerous dispersed campsites along its shorelines.

Finally, section 5 of S. 353 applies to National Forest System lands and we defer to the Forest Service on those provisions.

CONCLUSION

The conservation designations included in Senator Wyden's Oregon Treasures Act, S. 353, are surely that—Na-

tional treasures. The Administration supports this legislation and looks forward to the conservation and protection of these very special places.

STATEMENT OF JAMES M. PEÑA, ASSOCIATE DEPUTY CHIEF,
NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman, Ranking Member Barrasso, and members of the Committee, thank you for inviting me here today to testify regarding S. 353, the Oregon Treasures Act of 2013.

S. 353 would affect National Forest System (NFS) lands by transferring administrative jurisdiction over a parcel of land currently administered by the Bureau of Land Management (BLM) to the Forest Service, and by making changes to two existing wild and scenic rivers designations.

Section 2 of the bill provides for land exchanges between BLM and private parties. We defer to BLM for its position on those exchanges. One of the exchanges, identified in the bill as the Young Life Exchange, would involve the conveyance of two parcels of NFS land, comprising approximately 690 acres. The Department has no objection to either of the parcels being exchanged out of federal ownership if BLM determines that the land exchange will provide a public benefit.

TRANSFER OF ADMINISTRATIVE JURISDICTION

Section 2(b)(7) of the bill would transfer administrative jurisdiction of certain BLM lands that lie within, or are adjacent to, the Ochoco National Forest to the Forest Service. The Department supports the transfer of jurisdiction over these lands to the Forest Service. This mutually beneficial transfer will make management of the federal lands more efficient.

WILD AND SCENIC RIVER DESIGNATIONS

Section 4(b) officially changes the name of “Squaw Creek” to “Whychus Creek” to better reflect local usage and current geographic nomenclature standards. This section also updates the location description in the existing designation in section 3(a)(102) of the Wild and Scenic Rivers Act to incorporate several other name changes.

Section 5 of the bill amends the existing designation in Section 3(a)(69) of the Wild and Scenic Rivers Act to change the starting and ending points of the three main segments of the Chetco River. These changes will extend the wild segment an additional 2 miles from Boulder Creek to Mislatah Creek so that the segment extends from the headwaters to Mislatah Creek for a total segment length of 27.5 miles; reduce the scenic segment 1/2 mile so that it begins at Mislatah Creek and ends at Eagle Creek for a total segment length of 7.5 miles; and

reduce the recreational segment 1.5 miles so that it begins at Eagle Creek while leaving its end at the Siskiyou National Forest border unchanged, for a total segment length of 9.5 miles. The total length of the Chetco Wild and Scenic River would remain 44.5 miles.

In addition, Section 5 would effectuate a mineral withdrawal of the Federal land within the boundary of the segments of the Chetco River designated as a wild and scenic river. Under the Wild and Scenic Rivers Act, only Federal lands within segments designated as wild are subject to a mineral withdrawal.

The Department is supportive of these technical changes as they provide a more appropriate naming convention in the first case, and better reflect management classifications and direction for the Chetco River in the second case. The Chetco River is a jewel of the south coast of Oregon and should be protected from impacts that could change its river values and current conditions, including tremendous anadromous fish runs.

This concludes our testimony and I would be happy to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 353, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

PUBLIC LAW 90-542; APPROVED OCTOBER 2, 1968

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act be cited as the "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:

* * * * *

【(5) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.】

(5) ROGUE, OREGON.—

(A) IN GENERAL.—*The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge, to be administered by the Secretary*

of the Interior or the Secretary of Agriculture, as agreed to by the Secretaries of the Interior and Agriculture or as directed by the President.

(B) ADDITIONS.—In addition to the segment described in subparagraph (A), there are designated the following segments in the Rogue River:

(i) *KELSEY CREEK*.—The approximately 4.8-mile segment of Kelsey Creek from the east section line of T. 32 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(ii) *EAST FORK KELSEY CREEK*.—The approximately 4.6-mile segment of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, to the confluence with Kelsey Creek, as a wild river.

(iii) *WHISKY CREEK*.—

(I) *RECREATIONAL RIVER*.—The approximately 0.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33-8-23, as a recreational river.

(II) *WILD RIVER*.—The approximately 1.9-mile segment of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River, as a wild river.

(iv) *EAST FORK WHISKY CREEK*.—

(I) *WILD RIVER*.—The approximately 2.6-mile segment of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, to 0.1 miles downstream of road 33-8-26 crossing, as a wild river.

(II) *RECREATIONAL RIVER*.—The approximately 0.3-mile segment of East Fork Whisky Creek from 0.1 miles downstream of road 33-8-26 to the confluence with Whisky Creek, as a recreational river.

(v) *WEST FORK WHISKY CREEK*.—The approximately 4.8-mile segment of West Fork Whisky Creek from its headwaters to the confluence with Whisky Creek, as a wild river.

(vi) *BIG WINDY CREEK*.—

(I) *SCENIC RIVER*.—The approximately 0.2-mile segment of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-8-36, as a scenic river.

(II) *WILD RIVER*.—The approximately 3.7-mile segment of East Fork Big Windy Creek from 0.1 miles downstream from road 34-8-36 to the confluence with Big Windy Creek, as a wild river.

(vii) *EAST FORK BIG WINDY CREEK*.—

(I) *SCENIC RIVER*.—The approximately 0.2-mile segment of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-8-36, as a scenic river.

(II) *WILD RIVER*.—The approximately 3.7-mile segment of East Fork Big Windy Creek from 0.1

miles downstream from road 34-8-36 to the confluence with Big Windy Creek, as a wild river.

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

(ix) *HOWARD CREEK.*—

(I) *SCENIC RIVER.*—The approximately 0.3-mile segment of Howard Creek from its headwaters to 0.1 miles downstream of road 34-9-34, as a scenic river.

(II) *WILD RIVER.*—The approximately 6.9-mile segment of Howard Creek from 0.1 miles downstream of road 34-9-34 to the confluence with the Rogue River, as a wild river.

(x) *MULE CREEK.*—The approximately 6.3-mile segment of Mule Creek from the east section line of T. 32 S., R. 10 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(xi) *ANNA CREEK.*—The approximately 3.5-mile segment of Anna Creek from its headwaters to the confluence with Howard Creek, as a wild river.

(xii) *MISSOURI CREEK.*—The approximately 1.6-mile segment of Missouri Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(xiii) *JENNY CREEK.*—The approximately 1.8-mile segment of Jenny Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(xiv) *RUM CREEK.*—The approximately 2.2-mile segment of Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

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

(xvi) *WILDCAT CREEK.*—The approximately 1.7-mile segment of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

(xvii) *MONTGOMERY CREEK.*—The approximately 1.8-mile segment of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

(xviii) *HEWITT CREEK.*—The approximately 1.2-mile segment of Hewitt Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(xix) *BUNKER CREEK.*—The approximately 6.6-mile segment of Bunker Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xx) *DULOG CREEK.*—

(I) *SCENIC RIVER.*—The approximately 0.8-mile segment of Dulog Creek from its headwaters to 0.1 miles downstream of road 34-8-36, as a scenic river.

(II) *WILD RIVER.*—The approximately 1.0-mile segment of Dulog Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River, as a wild river.

(xxi) *QUAIL CREEK.*—The approximately 1.7-mile segment of Quail Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(xxii) *MEADOW CREEK.*—The approximately 4.1-mile segment of Meadow Creek from its headwaters to the confluence with the Rogue River, as a wild river.

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

(xxiv) *ALDER CREEK.*—The approximately 1.2-mile segment of Alder Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxv) *BOOZE CREEK.*—The approximately 1.5-mile segment of Booze Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxvi) *BRONCO CREEK.*—The approximately 1.8-mile segment of Bronco Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxvii) *COPSEY CREEK.*—The approximately 1.5-mile segment of Copsey Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxviii) *CORRAL CREEK.*—The approximately 0.5-mile segment of Corral Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxix) *CROWLEY CREEK.*—The approximately 0.9-mile segment of Cowley Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxx) *DITCH CREEK.*—The approximately 1.8-mile segment of Ditch Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 5, Willamette Meridian, to its confluence with the Rogue River, as a wild river.

(xxxi) *FRANCIS CREEK.*—The approximately 0.9-mile segment of Francis Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxxii) *LONG GULCH.*—The approximately 1.1-mile segment of Long Gulch from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 23, Willam-

ette Meridian, to the confluence with the Rogue River, as a wild river.

(xxxiii) *BAILEY CREEK.*—The approximately 1.7-mile segment of Bailey Creek from the west section line of T. 34 S., R. 8 W., sec. 14, Willamette Meridian, to the confluence of the Rogue River, as a wild river.

(xxxiv) *SHADY CREEK.*—The approximately 0.7-mile segment of Shady Creek from its headwaters to the confluence with the Rogue River, as a wild river.

(xxxv). *SLIDE CREEK.*—

(I) *SCENIC RIVER.*—The approximately 0.5-mile segment of Slide Creek from its headwaters to 0.1 miles downstream from road 33-9-6, as a scenic river.

(II) *WILD RIVER.*—The approximately 0.7-mile section of Slide Creek from 0.1 miles downstream of road 33-9-6 to the confluence with the Rogue River, as a wild river.

* * * * *

(69) *CHETCO, OREGON.*—

【The 44.5-mile】 (A) *Designations.*—The 44.5-mile segment from its headwaters to the Siskiyou National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

【(A)】(i) The 【25.5-mile】 27.5-mile segment from its headwaters to 【Boulder Creek at the Kalmiopsis Wilderness boundary】 *Mislatnah Creek* as a wild river;

【(B)】(ii) the 【8】 7.5-mile segments from 【Boulder Creek to Steel Bridge】 *Mislatnah Creek to Eagle Creek* as a scenic river; and

【(C)】(iii) the 【11】 9.5-mile segment from 【Steel Bridge】 *Eagle Creek* to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

(B) *WITHDRAWAL.*—Subject to valid rights, the Federal land within the boundaries of the river segments designated in subparagraph (A), is withdrawn from all forms of—

(i) entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

* * * * *

(102) 【SQUAW CREEK】 *WHYCHUS CREEK, OREGON.*—The 15.4-mile segment from its source to the hydrologic Gaging Station 800 feet upstream from the intake of the 【McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the East and West Forks of Park Creek, and Park Creek Fork】 *Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek*; to be administered by the Secretary of Agriculture as follows:

(A) The 6.6-mile segment and its tributaries from the source to the Three Sisters Wilderness boundary as a wild river; and

(B) the 8.8-mile segment from the boundary of the Three Sisters Wilderness Area to the hydrologic Gaging Station 800 feet upstream from the intake of the [McAllister Ditch] *Plainview Ditch* as a scenic river: *Provided*, That nothing in this chapter shall prohibit the construction of facilities necessary for emergency protection for the town of Sisters relative to a rapid discharge of Carver Lake if no other reasonable flood warning or control alternative exists.

* * * * *
 (208) *MOLALLA RIVER, OREGON.*—

(A) *IN GENERAL.*—*The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:*

(i) *MOLALLA RIVER.*—*The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.*

(ii) *TABLE ROCK FORK MOLALLA RIVER.*—*The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE 1/4 sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.*

(B) *WITHDRAWAL.*—*Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—*

(i) *entry, appropriation, or disposal under the public land laws;*

(ii) *location, entry, and patent under the mining laws; and*

(iii) *disposition under all laws relating to mineral and geothermal leasing or mineral materials.*

* * * * *