

## Calendar No. 726

115TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
115-439

### OREGON WILDLANDS ACT

DECEMBER 19, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 1548]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1548) to designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas and 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 in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Oregon Wildlands Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—RECREATION AREAS

Sec. 101. Rogue Canyon and Molalla Recreation Areas, Oregon.

#### TITLE II—ADDITIONAL WILD AND SCENIC RIVER DESIGNATIONS AND TECHNICAL CORRECTIONS

Sec. 201. Additions to Rogue Wild and Scenic River.

Sec. 202. Technical corrections to the Wild and Scenic Rivers Act.

Sec. 203. Wild and scenic river designations, Wasson Creek and Franklin Creek, Oregon.

Sec. 204. Wild and scenic river designations, Molalla River, Oregon.

Sec. 205. Designation of additional wild and scenic rivers.

#### TITLE III—WILDERNESS AREAS

Sec. 301. Expansion of Wild Rogue Wilderness Area.

Sec. 302. Devil’s Staircase Wilderness.

**SEC. 2. DEFINITIONS.**

In this Act:

- (1) 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.
- (2) STATE.—The term “State” means the State of Oregon.

**TITLE I—RECREATION AREAS****SEC. 101. ROGUE CANYON AND MOLALLA RECREATION AREAS, OREGON.**

(a) DESIGNATION OF ROGUE CANYON AND MOLALLA RECREATION AREAS.—For the purposes of protecting, conserving, and enhancing the unique and nationally important recreational, ecological, scenic, cultural, watershed, and fish and wildlife values of the areas, the following areas in the State are designated as recreation areas for management by the Secretary in accordance with subsection (c):

- (1) ROGUE CANYON RECREATION AREA.—The approximately 98,150 acres of Bureau of Land Management land within the boundary generally depicted on the map entitled “Rogue Canyon Recreation Area” and dated September 26, 2018, which is designated as the “Rogue Canyon Recreation Area”.
- (2) MOLALLA RECREATION AREA.—The approximately 29,884 acres of Bureau of Land Management land within the boundary generally depicted on the map entitled “Molalla Recreation Area” and dated September 26, 2018, which is designated as the “Molalla Recreation Area”.

**(b) MAPS AND LEGAL DESCRIPTIONS.—**

- (1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of each recreation area designated by subsection (a).
- (2) EFFECT.—The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the maps and legal descriptions.
- (3) PUBLIC AVAILABILITY.—The maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

**(c) ADMINISTRATION.—**

- (1) APPLICABLE LAW.—The Secretary shall administer each recreation area designated by subsection (a)—
  - (A) in a manner that conserves, protects, and enhances the purposes for which the recreation area is established; and
  - (B) in accordance with—
    - (i) this section;
    - (ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
    - (iii) other applicable laws.
- (2) USES.—The Secretary shall only allow those uses of a recreation area designated by subsection (a) that are consistent with the purposes for which the recreation area is established.
- (3) ROAD CONSTRUCTION.—
  - (A) IN GENERAL.—Except as the Secretary determines necessary for public safety, no new permanent or temporary roads shall be constructed (other than the repair and maintenance of existing roads) within a recreation area designated by subsection (a).
  - (B) EFFECT.—Nothing in this paragraph affects the administration by the Secretary of the Molalla Forest Road in accordance with applicable resource management plans.
- (4) VEGETATION MANAGEMENT.—Nothing in this section prohibits the Secretary from conducting vegetation management projects within a recreation area designated by subsection (a) to the extent consistent with the purposes of the recreation area.
- (5) WITHDRAWAL.—Subject to valid existing rights, all Federal surface and subsurface land within a recreation area designated by subsection (a) 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) laws pertaining to mineral and geothermal leasing and mineral materials.

(d) ADJACENT MANAGEMENT.—Nothing in this section creates any protective perimeter or buffer zone around a recreation area designated by subsection (a).

## TITLE II—ADDITIONAL WILD AND SCENIC RIVER DESIGNATIONS AND TECHNICAL CORRECTIONS

### SEC. 201. ADDITIONS TO ROGUE WILD AND SCENIC RIVER.

(a) IN GENERAL.—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 6.8-mile segment of Kelsey Creek from the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(ii) EAST FORK KELSEY CREEK.—

“(I) SCENIC RIVER.—The approximately 0.2-mile segment of East Fork Kelsey Creek from headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, as a scenic river.

“(II) WILD RIVER.—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 1.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to the south boundary of the non-Federal land in T. 33 S., R. 8 W., sec. 17, Willamette Meridian, as a recreational river.

“(II) WILD RIVER.—The approximately 1.2-mile segment of Whisky Creek from road 33-8-23 to the confluence with the Rogue River, as a wild river.

“(iv) EAST FORK WHISKY CREEK.—

“(I) SCENIC RIVER.—The approximately 0.9-mile segment of East Fork Whisky Creek from its headwaters to Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, as a scenic river.

“(II) 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, downstream to road 33-8-26 crossing, as a wild river.

“(III) RECREATIONAL RIVER.—The approximately 0.3-mile segment of East Fork Whisky Creek from 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 the East Fork 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 road 34-9-17.1, as a scenic river.

“(II) WILD RIVER.—The approximately 5.8-mile segment of Big Windy Creek 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 road 34-8-36, as a scenic river.

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

“(viii) LITTLE WINDY CREEK.—

- “(I) SCENIC RIVER.—The approximately 1.2-mile segment of Little Windy Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 34, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—The approximately 1.9-mile segment of Little Windy Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(ix) HOWARD CREEK.—
- “(I) SCENIC RIVER.—The approximately 3.5-mile segment of Howard Creek from its headwaters to 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.
- “(III) WILD RIVER.—The approximately 3.5-mile segment of Anna Creek from its headwaters to the confluence with Howard Creek, as a wild river.
- “(x) MULE CREEK.—
- “(I) SCENIC RIVER.—The approximately 3.5-mile segment of Mule Creek from its headwaters downstream to the Wild Rogue Wilderness boundary as a scenic river.
- “(II) WILD RIVER.—The approximately 7.8-mile segment of Mule Creek from the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 29, Willamette Meridian, to the confluence with the Rogue River, as a wild river.
- “(xi) MISSOURI CREEK.—
- “(I) SCENIC RIVER.—The approximately 3.1-mile segment of Missouri Creek from its headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—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.
- “(xii) JENNY CREEK.—
- “(I) SCENIC RIVER.—The approximately 3.1-mile segment of Jenny Creek from its headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—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.
- “(xiii) RUM CREEK.—
- “(I) SCENIC RIVER.—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, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—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.
- “(xiv) EAST FORK RUM CREEK.—
- “(I) SCENIC RIVER.—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, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—The approximately 1.3-mile segment of East Fork 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.
- “(xv) 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.
- “(xvi) 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.
- “(xvii) HEWITT CREEK.—
- “(I) SCENIC RIVER.—The approximately 1.4-mile segment of Hewitt Creek from its headwaters to the Wild Rogue Wilderness bound-

- ary in T. 33 S., R. 9 W., sec. 19, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—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.
- “(xviii) 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.
- “(xix) 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 road 34-8-36 to the confluence with the Rogue River, as a wild river.
- “(xx) 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.
- “(xxi) 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.
- “(xxii) 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.
- “(xxiii) 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.
- “(xxiv) 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.
- “(xxv) 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.
- “(xxvi) 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.
- “(xxvii) 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.
- “(xxviii) 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.
- “(xxix) 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.
- “(xxx) 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.—
- “(I) SCENIC RIVER.—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, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—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.
- “(xxxii) BAILEY CREEK.—
- “(I) SCENIC RIVER.—The approximately 1.4-mile segment of Bailey Creek from its headwaters to the Wild Rogue Wilderness boundary on the west section line of T. 34 S., R. 8 W., sec. 14, Willamette Meridian, as a scenic river.
- “(II) WILD RIVER.—The approximately 1.7-mile segment of Bailey Creek from the west section line of T. 34 S., R. 8 W., sec. 14, Wil-

lamette Meridian, to the confluence of the Rogue River, as a wild river.

“(xxxiii) 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.

“(xxxiv) SLIDE CREEK.—

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

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

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

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments 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 subsection (a)) is withdrawn from all forms of—

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

(d) ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.—

(1) LICENSING BY COMMISSION.—The Federal Energy Regulatory 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;
- (ii) that provides a net benefit to water quality and aquatic resources; and
- (iii) that is consistent with protecting and enhancing the values for which the river was designated.

(3) WITHDRAWAL.—Subject to valid existing rights, the Federal land located within  $\frac{1}{4}$  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 2.5-mile segment of Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 25, Willamette Meridian.

(B) GRAVE CREEK.—The approximately 10.2-mile segment of Grave Creek from the east boundary of T. 34 S., R. 7 W., sec. 1, Willamette Meridian, downstream to the confluence with the Rogue River.

(C) CENTENNIAL GULCH.—The approximately 2.2-mile segment of Centennial Gulch from its headwaters to its confluence with the Rogue River in T. 34 S., R. 7 W., sec. 18, Willamette Meridian.

(D) 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, Willamette Meridian.

(E) 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, Willamette Meridian.

(F) GALICE CREEK.—The approximately 2.2-mile segment of Galice Creek from the confluence with the South Fork Galice Creek downstream to the confluence with the Rogue River in T. 34 S., R. 8 W., sec. 36, Willamette Meridian.

(G) QUARTZ CREEK.—The approximately 3.3-mile segment of Quartz Creek from its headwaters to its confluence with the North Fork Galice Creek in T. 35 S., R. 8 W., sec. 4, Willamette Meridian.

(H) NORTH FORK GALICE CREEK.—The approximately 5.7-mile segment of the North Fork Galice Creek from its headwaters to its confluence with the South Fork Galice Creek in T. 35 S., R. 8 W., sec. 3, Willamette Meridian.

**SEC. 202. TECHNICAL CORRECTIONS TO THE WILD AND SCENIC RIVERS ACT.**

(a) CHETCO, OREGON.—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-mile” and inserting “7.5-mile”; 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-mile” and inserting “9.5-mile”; 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.”.

(b) WHYCHUS CREEK, OREGON.—Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

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

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

(3) in the matter preceding clause (i) (as so redesignated)—

(A) by striking “The 15.4-mile” and inserting the following:

“(A) DESIGNATIONS.—The 15.4-mile”; and

(B) 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”;

(4) in clause (ii) (as so redesignated), by striking “McAllister Ditch” and inserting “Plainview Ditch”; and

(5) by adding at the end the following:

“(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.”.

**SEC. 203. WILD AND SCENIC RIVER DESIGNATIONS, WASSON CREEK AND FRANKLIN CREEK, OREGON.**

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:

“(214) FRANKLIN CREEK, OREGON.—The 4.5-mile segment from its headwaters to the private land boundary in sec. 8, to be administered by the Secretary of Agriculture as a wild river.

“(215) WASSON CREEK, OREGON.—The 10.1-mile segment in the following classes:

“(A) The 4.2-mile segment from the eastern boundary of T. 21 S., R. 9 W., sec. 17, downstream to the western boundary of T. 21 S., R. 10 W., sec. 12, to be administered by the Secretary of the Interior as a wild river.

“(B) The 5.9-mile segment from the western boundary of T. 21 S., R. 10 W., sec. 12, downstream to the eastern boundary of the northwest quarter of T. 21 S., R. 10 W., sec. 22, to be administered by the Secretary of Agriculture as a wild river.”

**SEC. 204. WILD AND SCENIC RIVER DESIGNATIONS, MOLALLA RIVER, OREGON.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 203) is amended by adding at the end the following:

“(216) 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.”

**SEC. 205. DESIGNATION OF ADDITIONAL WILD AND SCENIC RIVERS.**

(a) ELK RIVER, OREGON.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (76) and inserting the following:

“(76) ELK, OREGON.—The 69.2-mile segment to be administered by the Secretary of Agriculture in the following classes:

“(A) MAINSTEM.—The 17-mile segment from the confluence of the North and South Forks of the Elk to Anvil Creek as a recreational river.

“(B) NORTH FORK.—

“(i) SCENIC RIVER.—The approximately 0.6-mile segment of the North Fork Elk from its source in T. 33 S., R. 12 W., sec. 21, Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) WILD RIVER.—The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

“(C) SOUTH FORK.—

“(i) SCENIC RIVER.—The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of T. 33 S., R. 12 W., sec. 32, Willamette Meridian, Forest Service Road 3353, as a scenic river.

“(ii) WILD RIVER.—The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.

“(D) OTHER TRIBUTARIES.—

“(i) ROCK CREEK.—The approximately 1.7-mile segment of Rock Creek from its headwaters to its confluence with Elk River, as a wild river.

“(ii) BALD MOUNTAIN CREEK.—The approximately 8-mile segment of Bald Mountain Creek from its headwaters, including Salal Spring to its confluence with Elk River, as a recreational river.

“(iii) SOUTH FORK BALD MOUNTAIN CREEK.—The approximately 3.5-mile segment of South Fork Bald Mountain Creek from its headwaters to its confluence with Bald Mountain Creek, as a scenic river.

“(iv) PLATINUM CREEK.—The approximately 1-mile segment of Platinum Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with Elk River, as a scenic river.



“(v) PANTHER CREEK.—The approximately 5.0-mile segment of Panther Creek from—

“(I) its headwaters, including Mountain Well, to Forest Service Road 5325, as a wild river; and

“(II) Forest Service Road 5325 to its confluence with Elk River, as a scenic river.

“(vi) EAST FORK PANTHER CREEK.—The approximately 3.0-mile segment of East Fork Panther Creek from its headwaters, to the confluence with Panther Creek, as a wild river.

“(vii) WEST FORK PANTHER CREEK.—The approximately 3.0-mile segment of West Fork Panther Creek from its headwaters to the confluence with Panther Creek as a wild river.

“(viii) LOST CREEK.—The approximately 1.0-mile segment of Lost Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river;

and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(ix) MILBURY CREEK.—The approximately 1.5-mile segment of Milbury Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river;

and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(x) BLACKBERRY CREEK.—The approximately 5.0-mile segment of Blackberry Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river;

and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(xi) EAST FORK BLACKBERRY CREEK.—The approximately 2.0-mile segment of the unnamed tributary locally known as ‘East Fork Blackberry Creek’ from its headwaters in T. 33 S., R. 13 W., sec. 26, Willamette Meridian, to its confluence with Blackberry Creek, as a wild river.

“(xii) MCCURDY CREEK.—The approximately 1.0-mile segment of McCurdy Creek from—

“(I) its headwaters to Forest Service Road 5325, as a wild river;

and

“(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

“(xiii) BEAR CREEK.—The approximately 1.5-mile segment of Bear Creek from headwaters to the confluence with Bald Mountain Creek, as a recreational river.”

“(xiii) BUTLER CREEK.—The approximately 4-mile segment of Butler Creek from—

“(I) its headwaters to the south boundary of T. 33 S., R. 13 W., sec. 8, Willamette Meridian, as a wild river; and

“(II) from the south boundary of T. 33 S., R. 13 W., sec. 8, Willamette Meridian, to its confluence with Elk River, as a scenic river.

“(xiv) EAST FORK BUTLER CREEK.—The approximately 2.8-mile segment locally known as the ‘East Fork of Butler Creek’ from its headwaters on Mount Butler in T. 32 S., R. 13 W., sec. 29, Willamette Meridian, to its confluence with Butler Creek, as a scenic river.

“(xv) PURPLE MOUNTAIN CREEK.—The approximately 2.0-mile segment locally known as ‘Purple Mountain Creek’ from—

“(I) its headwaters in secs. 35 and 36, T. 33 S., R. 13 W., Willamette Meridian, to 0.01 miles above Forest Service Road 5325, as a wild river; and

“(II) 0.01 miles above Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.”

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by paragraph (76) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended 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 relating to mineral and geothermal leasing or mineral materials.

## (b) DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 204) is amended by adding at the end the following:

“(217) NESTUCCA RIVER, OREGON.—The approximately 15.5-mile segment from its confluence with Ginger Creek downstream until it crosses the western edge of T. 4 S., R. 7 W., sec. 7, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(218) WALKER CREEK, OREGON.—The approximately 2.9-mile segment from the headwaters in T. 3 S., R. 6 W., sec. 20 downstream to the confluence with the Nestucca River in T. 3 S., R. 6 W., sec. 15, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(219) NORTH FORK SILVER CREEK, OREGON.—The approximately 6-mile segment from the headwaters in T. 35 S., R. 9 W., sec. 1 downstream to the edge of the Bureau of Land Management boundary in T. 35 S., R. 9 W., sec. 17, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(220) JENNY CREEK, OREGON.—The approximately 17.6-mile segment from the Bureau of Land Management boundary located at the north boundary of the southwest quarter of the southeast quarter of T. 38 S., R. 4 E., sec. 34, Willamette Meridian, downstream to the Oregon State border, to be administered by the Secretary of the Interior as a scenic river.

“(221) SPRING CREEK, OREGON.—The approximately 1.1-mile segment from its source at Shoat Springs in T. 40 S., R. 4 E., sec. 34, Willamette Meridian, downstream to the confluence with Jenny Creek in T. 41 S., R. 4 E., sec. 3, Willamette Meridian, to be administered by the Secretary of the Interior as a scenic river.

“(222) LOBSTER CREEK, OREGON.—The approximately 5-mile segment from T. 15 S., R. 8 W., sec. 35, Willamette Meridian, downstream to the edge of the Bureau of Land Management boundary in T. 15 S., R. 8 W., sec. 15, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

“(223) ELK CREEK, OREGON.—The approximately 7.3-mile segment from its confluence with Flat Creek near river mile 9, to the southern edge of the Army Corps of Engineers boundary in T. 33 S., R. 1 E., sec. 30, Willamette Meridian, near river mile 1.7, to be administered by the Secretary of the Interior as a scenic river.”

## (2) ADMINISTRATION OF ELK CREEK.—

(A) LATERAL BOUNDARIES OF ELK CREEK.—The lateral boundaries of the river segment designated by paragraph (223) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by paragraph (1)) shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river segment.

(B) DEAUTHORIZATION.—The Elk Creek Project authorized under the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1192) is deauthorized.

(3) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by paragraphs (217) through (223) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (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 relating to mineral and geothermal leasing or mineral materials.

## TITLE III—WILDERNESS AREAS

### SEC. 301. EXPANSION OF WILD ROGUE WILDERNESS AREA.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Rogue Canyon Recreation Area Wild Rogue Wilderness Additions” and dated September 26, 2018.

(2) 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 59,512 acres of Federal land in the State generally depicted on the map as “Proposed Wilderness” shall be added to and administered as part of the Wild Rogue Wilderness in accordance with the En-

dangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; Public Law 95-237), 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.

(4) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe.

#### SEC. 302. DEVIL'S STAIRCASE WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Devil’s Staircase Wilderness Proposal” and dated July 26, 2018.

(2) WILDERNESS.—The term “Wilderness” means the Devil’s Staircase Wilderness designated by subsection (b).

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 30,621 acres of Forest Service land and Bureau of Land Management land in the State, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Devil’s Staircase Wilderness”.

(c) MAP; LEGAL DESCRIPTION.—

(1) 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.

(2) FORCE OF LAW.—The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) AVAILABILITY.—The map and legal description prepared under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(d) ADMINISTRATION.—Subject to valid existing rights, the area designated as wilderness by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

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

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the Wilderness.

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

(f) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this section creates any protective perimeter or buffer zone around the Wilderness.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside the Wilderness can be seen or heard within the Wilderness shall not preclude the activity or use outside the boundary of the Wilderness.

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

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 49 acres of Bureau of Land Management land north of the Umpqua River in T. 21 S., R. 11 W., sec. 32, is transferred from the Bureau of Land Management to the Forest Service.

(2) ADMINISTRATION.—The Secretary shall administer the land transferred by paragraph (1) in accordance with—

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

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

#### PURPOSE

The purpose of S. 1548 is to designate certain land administered by the Bureau of Land Management (BLM) and the Forest Service in the State of Oregon as wilderness and national recreation areas and to make additional wild and scenic river designations in the State of Oregon.

#### BACKGROUND AND NEED

The Chetco, Rogue, and Molalla Rivers are important watersheds west of the Cascade Mountains. Together, they provide spawning habitat for several fish species—including salmon, steelhead, and green sturgeon. The rivers also are popular recreation destinations for kayaking, rafting, hiking, biking, camping, hunting, and fishing.

Parts of the Chetco River are already designated under the Wild and Scenic Rivers Act (Public Law 90–542). S. 1548 changes some of the previous classifications from “scenic” to “wild” and from “recreational” to “scenic.” The bill also prohibits mineral development in the vicinity of the Chetco river system by withdrawing lands from mineral entry along the river extending from the Kalmiopsis Wilderness Area within the Rogue River-Siskiyou National Forest.

Approximately 15 miles of the Molalla River and 6.2 miles of its Table Rock Fork would be added to the Wild and Scenic Rivers System. The BLM has determined the Molalla River and the Table Rock Fork are appropriate for wild and scenic designation.

S. 1548 designates approximately 98,150 acres of BLM land as the “Rogue Canyon Recreation Area,” and approximately 29,884 acres of BLM land as the “Molalla Recreation Area.”

The Wild Rogue Wilderness Area was designated by Congress in 1978 (Public Law 95–237) and is located primarily on lands managed by the Forest Service. The Wild Rogue Wilderness Area includes approximately 8,600 acres of lands administered by the BLM. The Rogue River is one of the initial eight rivers designated in the 1968 Wild and Scenic Rivers Act (Public Law 90–542). S. 1548 expands the Wild Rogue Wilderness Area by adding 59,512 acres of BLM and Forest Service land. The bill extends the existing Rogue Wild and Scenic River designation by adding 112.2 miles on 34 tributaries of the Rogue to the wild and scenic river system. In addition, S. 1548 withdraws 27.6 miles of eight other Rogue River tributaries from operation under public land, mining, 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 Devil’s Staircase area is part of the Oregon Coast Range on the west coast of Oregon, northwest of Elkton. The terrain is steep, wild, and remote. The name “Devil’s Staircase” comes from a stair-

step waterfall on Wasson Creek. The bill designates as wilderness 30,621 acres of land administered by the BLM and the Forest Service.

#### LEGISLATIVE HISTORY

Senator Wyden introduced S. 1548 on July 13, 2017. The Subcommittee on Public Lands, Forests, and Mining, held a hearing to consider the bill on July 26, 2017.

In the 114th Congress, S. 1699 was introduced by Senator Wyden on June 25, 2015. A hearing was held on S. 1699 in the Public Lands, Forestry, and Mining Subcommittee on September 21, 2016.

In the 113th Congress, S. 1784 was introduced by Senator Wyden on December 9, 2013. S. 1784 included similar provisions as are included in S. 1699. The Subcommittee on Public Land, Forests, and Mining held a hearing on S. 1784 on February 6, 2014 (S. Hrg. 113-349). The bill was favorably reported by the Committee on Energy and Natural Resources with an amendment in the nature of a substitute (S. Rept. 113-307). S. 352, the Devil's Staircase Wilderness Act, was introduced by Senators Wyden and Merkley on February 14, 2013. S. 352 was favorably reported by the Committee on March 14, 2013 (S. Rept. 113-28). S. 353, the Oregon Treasures Act of 2013, was introduced by Senators Wyden and Merkley on February 14, 2013. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 353 on April 25, 2013 (S. Hrg. 113-28). The Committee ordered the bill favorably reported with an amendment in the nature of a substitute on June 18, 2013 (S. Rept. 113-100).

The Senate Committee on Energy and Natural Resources met in an open business session on October 2, 2018, and ordered S. 1548 favorably reported, as amended.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass S. 1548, if amended as described herein. Senators Barrasso, Risch, and Lee requested to be recorded as voting no.

#### COMMITTEE AMENDMENT

During its consideration of S. 1548, the Committee adopted an amendment in the nature of a substitute.

In section 101(a), the substitute amendment changes the designations of Rogue Canyon and Molalla from "National Recreation Areas" to "Recreation Areas;" increases the acreage of land designated in Rogue Canyon from 94,700 acres of land to 98,150 acres of land; and increases the acreage of land designated in Molalla from 24,100 acres of land to 29,884 acres of land. A new subsection (c)(4) is added to make clear that the Secretary concerned can conduct vegetation management activities within the recreation areas.

In section 201(a), the substitute amendment increases the length of Whisky Creek that is designated as a recreational river from 0.6 miles to 1.6 miles; decreases the length of Whisky Creek that is designated as a wild river from 1.9 miles to 1.2 miles; increases the

length of Howard Creek that is designated as a scenic river from 0.3 miles to 3.5 miles; strikes the provision designating 0.1 miles of Russian Creek as a scenic river; strikes the provision designating 3.3 miles of Quartz Creek as a scenic river; and strikes the provision designating 5.7 miles of North Fork Galice Creek as a recreational river. Subsections (d)(4)(G) and (d)(4)(H) add the 3.3 mile segment of Quartz Creek and the 5.7 mile segment of North Fork Galice Creek to the stream segments that are withdrawn under subsection (d)(3).

In section 202, the substitute amendment adds a clause withdrawing the Whychus Creek area, subject to valid existing rights, from entry, appropriation, and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

In section 205(a), the substitute amendment adds new provisions designating two miles of East Fork Blackberry Creek as a wild river; four miles of Butler creek as wild and scenic rivers; 2.8 miles of East Fork Butler Creek as a scenic river; and two miles of Purple Mountain Creek as wild and scenic rivers. Subsection (b) increases the length of Walker Creek that is designated as a recreational river from two miles to 2.9 miles.

In section 301(b), the substitute amendment increases the expansion of the Wild Rogue Wilderness Area from 56,100 acres of land to 59,512 acres of land. The substitute amendment strikes section 301(b)(3) in the language as introduced, which was a provision that amended section 3(b) of the Endangered American Wilderness Act (16 U.S.C. 1132 note). The substitute amendment strikes sections 301(c) and 301(d) in the language as introduced, which designated potential wilderness and provided for the management of the potential wilderness.

In section 302(b), the substitute amendment increases acreage of land designated as the Devil's Staircase Wilderness Area from 30,540 acres of BLM and Forest Service land, to 30,621 acres of BLM and Forest Service land.

#### SECTION-BY-SECTION ANALYSIS

##### *Sec. 1. Short title; table of contents*

Section 1 provides the short title for the bill and the table of contents.

##### *Sec. 2. Definitions*

Section 2 provides key definitions.

#### TITLE I—RECREATION AREAS

##### *Sec. 101. Rogue Canyon and Molalla Recreation Areas, Oregon*

Subsection (a) designates 98,150 acres of BLM land as the Rogue Canyon Recreation Area and 29,884 acres of BLM land as the Molalla Recreation Area.

Subsection (b) requires the Secretary concerned to submit a map of the recreation areas to the committees of jurisdiction and to make the maps publically available.

Subsection (c) requires (1) the Secretary concerned to manage the recreation areas in accordance with the purposes for which they were established; (2) prohibits the construction of new or tem-

porary roads, except as needed for public safety; (3) makes clear that nothing in this section impacts the management of the Molalla Forest Road by the Secretary concerned, nor prohibits the Secretary concerned from conducting vegetation management projects within the designated recreation areas; and (4) withdraws the recreation areas from entry, appropriation, and disposal under public land laws; location, entry, and patent under mining laws; and mineral and geothermal leasing laws.

Subsection (d) makes clear that buffer zones cannot be established around the recreation areas.

TITLE II—ADDITIONAL WILD AND SCENIC RIVER DESIGNATIONS AND  
TECHNICAL CORRECTIONS

*Sec. 201. Additions to Rogue Wild and Scenic River*

Subsection (a) amends the Wild and Scenic River Act (16 U.S.C. 1274(a)) to authorize the Secretaries of the Interior and Agriculture to determine who will administer the section of the Rogue River between the Applegate River and the Lobster Creek Bridge; and to designate 112.2 miles of the Rogue River as components of wild, scenic, or recreational rivers.

Subsection (b) directs the Secretary concerned to manage the new components as part of the Rogue Wild and Scenic River.

Subsection (c) withdraws, subject to valid existing rights, the new components of the Rogue Wild and Scenic River from entry, appropriation, and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

Subsection (d) prohibits the FERC from issuing a license that authorizes construction of water or energy infrastructure on or around the new components of the Rogue Wild and Scenic River, but makes clear that nothing in this section prohibits the Federal government from assisting with water resource projects that enhance ecological, water quality, or aquatic resources. The subsection further withdraws all land within 0.25 miles of a 2.5 mile segment of Kelsey Creek; a 10.2 mile segment of Grave Creek; a 2.2 mile segment of Centennial Gulch; a 0.8 mile segment of Quail Creek; a 0.7 mile segment of Ditch Creek; a 2.2 mile segment of Galice Creek; a 3.3 mile segment of Quartz Creek; and a 5.7 mile segment of North Fork Galice Creek.

*Sec 202. Technical corrections to the Wild and Scenic Rivers Act*

Subsection (a) amends the Wild and Scenic Rivers Act (16 U.S.C. 1274 (a)(69)) to clarify that the segment of Mislatah Creek that is a wild river is 27.5 miles long; that the segment from Mislatah Creek to Eagle Creek that is designated as a scenic river is 7.5 miles long; that the segment of Eagle Creek that is a recreational river is 9.5 miles long; and that the entire 44.5 mile long segment of wild, scenic, and recreation river in Chetco Oregon is withdrawn from entry appropriation and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

Subsection (b) amends the Wild and Scenic River Act (16 U.S.C. 1274 (a)(102)) to change the name of Squaw Creek to Whychus Creek and to withdraw entire 15.4 mile segment of Whychus Creek

from entry appropriation and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

*Sec. 203. Wild and scenic river designations, Wasson Creek and Franklin Creek, Oregon*

Section 203 amends the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate 4.5 miles of Franklin Creek and 10.1 miles of Wasson Creek as wild rivers.

*Sec. 204. Wild and scenic river designations, Molalla River, Oregon*

Section 204 amends the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork Molalla River as recreational rivers. It further withdraws both segments from entry appropriation and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

*Sec. 205. Designation of additional wild and scenic rivers*

Subsection (a) amends the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate 69.2 miles of the Elk River as wild, scenic, and recreational rivers; and to withdraw the entire segment from entry appropriation and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

Subsection (b) amends the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate 15.5 miles of the Nestucca River as a recreational river; 2.9 miles of Walker Creek as a recreational river; six miles of North Fork Silver Creek as a recreational river; 17.6 miles of Jenny Creek as a scenic river; 1.1 miles of Spring Creek as a scenic river; five miles of Lobster Creek as a recreational River; and 7.3 miles of Elk Creek as a scenic river. The subsection further clarifies the lateral boundaries of Elk Creek; revokes the authorization for the Elk Creek Project; and withdraws all of the segments designated in subsection (a) from entry appropriation and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws.

TITLE III—WILDERNESS AREAS

*Sec. 301. Expansion of Wild Rogue Wilderness Area*

Subsection (a) defines “map” and “Wilderness additions” for this section.

Subsection (b) expands the Wild Rogue Wilderness Area by 59, 512 acres of Forest Service and BLM land and requires the new wilderness to be managed in accordance with the Endangered American Wilderness Act (16 U.S.C. 1132 note). The subsection further (1) requires the Secretary concerned to submit a map of the wilderness additions to the committees of jurisdiction and to make the map publicly available; (2) withdraws the wilderness additions from entry appropriation and disposal under public land laws; location, entry, and patent under mining laws; and disposition under mineral and geothermal leasing laws; and (3) makes clear that



nothing in this section modifies or alters treaty rights of Indian tribes.

*Sec. 302. Devil's Staircase Wilderness*

Subsection (a) defines "map" and "Wilderness" for this section.

Subsection (b) designates 30,621 acres of Forest Service and BLM land as the Devil's Staircase Wilderness.

Subsection (c) requires the Secretary concerned to submit a map of the new wilderness to the committees of jurisdiction and to make the map publically available.

Subsection (d) requires the new wilderness to be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

Subsection (e) make clear that nothing in this section affects the authority of the State of Oregon to manage fish and wildlife.

Subsection (f) prohibits the implementation of buffer zones around the new wilderness.

Subsection (g) makes clear that nothing in this section diminishes treaty rights of Indian tribes.

Subsection (h) transfers 49 acres of BLM land to the Forest Service.

#### COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the Congressional Budget Office completes its cost estimate, it will be posted on the internet at [www.cbo.gov](http://www.cbo.gov).

#### 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. 1548. 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. 1548, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 1548, as ordered 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 Departments of the Interior and Agriculture at the July 26, 2017, hearing on S. 1548 follows:

STATEMENT OF JOHN RUHS, ACTING DEPUTY DIRECTOR FOR OPERATIONS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

S. 1548, OREGON WILDLANDS ACT

Thank you for the opportunity to testify on S. 1548, the Oregon Wildlands Act. S. 1548 would establish two new national recreation areas on forest lands in western Oregon (Title I), add over 280 miles of Oregon rivers on lands administered by the Bureau of Land Management (BLM) and Forest Service to the National Wild and Scenic River System (Title II), and establish new conservation designations in western Oregon (Title III).

Secretary Zinke, through Secretarial Order 3347, has pledged to expand access to America's public lands and increase hunting, fishing, and recreational opportunities nationwide. In addition, Secretary Zinke is focused on restoring full collaboration and coordination with local communities and making the Department of the Interior (Department) a better neighbor. While the Department supports the goals of S. 1548 that align with these important priorities, we are concerned that the bill as currently written could ultimately decrease public access, limit outdoor recreational opportunities, and impede management and harvest of timber and other forest products. For these reasons, we cannot support the bill as written. We would like to work with the sponsors and the Subcommittee on a number of modifications to the bill to address these issues.

*Background*

The O&C Lands Act of 1937 placed 2.2 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands (the O&C lands) under the jurisdiction of the Department. Under the O&C Lands Act, the Department manages the O&C lands for "the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." The Act also provides that the 18 O&C counties receive yearly payments equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties. In addition to the O&C lands, the BLM manages approximately 212,000 acres of public domain forests and other acquired lands in western Oregon. These and other BLM-managed lands in western Oregon also provide outstanding recreational opportunities, with over 5 million people visiting each year to enjoy hiking, camping, hunting, and fishing.

Timber harvests and the associated payments to counties decreased significantly in the mid-1990s, after the historic highs experienced in the late 1980s. The decrease was caused, in part, by management measures seeking to address the conservation and recovery of threatened and endangered species such as the northern spotted owl, coho salmon, and marbled murrelet. The Department manages the O&C lands, public domain forests, and other acquired lands under the 2016 western Oregon Resource Management Plans (2016 RMPs), along with guidance and management recommendations derived from the 2011 Northern Spotted Owl Recovery Plan

and 2012 Final Critical Habitat Rule, as well as a number of court decisions.

The 2016 RMPs provide direction for the management of approximately 2.5 million acres of BLM-administered lands and offer outcomes for tourism, recreation, and timber harvest, while still maintaining protections for the northern spotted owl, listed fish species, and water resources. With full implementation of the 2016 RMPs, the BLM estimates that it will be able to offer for sale 278 million board feet (mmbf) per year in total timber volume. At the same time, the 2016 RMPs will help increase fire resiliency, develop habitat for northern spotted owl and other species, and protect listed fish species and water resources.

#### *Oregon National Recreation Areas (Title I)*

Title I of S. 1548 establishes the Rogue Canyon and Molalla National Recreation Areas on nearly 119,000 acres of intermixed O&C lands and public domain forests in western Oregon and provides guidance for the management of each area. Although the Department strongly supports efforts to increase access to and facilitate and enhance recreational opportunities on BLM-managed lands in western Oregon, we have concerns with the language of Title I and the impacts if it were to be implemented as written.

As discussed briefly above, the BLM's management of O&C lands and public domain forests is currently governed by a number of statutory requirements, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act, the O&C Lands Act of 1937, the Federal Land Policy and Management Act (FLPMA), and the relevant implementing regulations and plans. Under this framework, the BLM manages these lands for forest production in conformance with the principles of sustained yield and for other multiple uses.

The Department notes that the designations in this title involve O&C lands within the harvest land base established under the 2016 RMPs. We require additional time to conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber harvest levels. As a result, the Department does not support this legislation as written.

We also believe that the management language for the proposed recreation areas is unclear and may impact existing commercial timber production activity that relies on rights-of-way held by adjacent private forest landowners and existing commercial recreational activity. Because of the size of the proposed areas, some of the bill's language may also limit access to existing trailheads and scenic opportunities. Therefore, the Department is concerned this language is inconsistent with Secretarial Order 3347 and Secretary Zinke's commitment to sustaining and creating recreational access.

Finally, we note that the maps for both of the proposed recreation areas were created for previous iterations of the legislation and may contain designations or other features unrelated to this bill. Consequently, the Department would like the opportunity to provide updated maps that display the proposed areas in greater detail using the latest data.

*Additional Wild & Scenic River Designations & Technical Corrections (Title II)*

Title II of S. 1548 would designate over 280 miles of Oregon rivers on lands managed by the BLM and Forest Service as recreational, scenic, or wild rivers under the Wild and Scenic Rivers Act. Title II also withdraws 16 miles of 6 Rogue River tributaries from 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 Department believes that there may be alternative approaches for managing sensitive resources and would like to work with the sponsors and the Subcommittee to ensure the full range of uses and permitted activities continue on BLM-managed lands. As with the recreation areas proposed by Title I, the wild and scenic river designations involve O&C lands within the harvest land base established under the 2016 RMPs. We would need additional time to conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber harvest levels. If Congress opts to add these segments to the National Wild and Scenic River System, we would like to work with the Subcommittee on clarifications and technical issues, including a correction to the amended language for the original Rogue River designation. We defer to the Department of Agriculture regarding wild and scenic river designations on lands managed by the Forest Service.

*Wilderness Areas (Title III)*

Title III of S. 1548 would add approximately 60,000 acres of BLM-managed public lands to the existing Wild Rogue Wilderness in southwestern Oregon. This title would also designate approximately 23,000 acres of Forest Service-managed lands and approximately 7,000 acres of BLM-managed public lands as the Devil's Staircase Wilderness, also in southwestern Oregon. The Department supports Congressional action to resolve wilderness designations across the West, and we welcome opportunities to further those efforts. Congress has the sole authority to designate lands to be managed permanently as wilderness, and we believe that such proposals should be considered as part of a locally driven process that incorporates the views of a wide range of stakeholders.

The Department notes that the lands proposed for wilderness designation by S. 1548 generally serve as habitat for a diversity of plant and animal life for forest-dependent species, including Pacific salmon, steelhead trout, and green sturgeon, and provide important opportunities for fishing, rafting and boat tours, and hiking and backpacking, and other forms of outdoor recreation in the forested mountains of western and southwestern Oregon.

Pursuant to the priorities outlined by Secretary Zinke, the Department believes there may be alternative approaches for managing these resources, and we would like the opportunity to work with the sponsors and the Subcommittee to determine if wilderness designation is the best mechanism for managing these important resources and uses. If Congress opts to proceed with designation of these lands as wilderness, we would like to work with the sponsors to ensure that the bill language is consistent with how the BLM manages other congressionally-designated Wilderness Areas. We

defer to the Department of Agriculture regarding wilderness designations on lands managed by the Forest Service.

As with the proposed recreation areas and wild and scenic river designations, the wilderness designations outlined in this title involve O&C lands within the harvest land base established under the 2016 RMPs. We would need additional time to conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber harvest levels. In addition, the Department notes that the maps for each of the proposed wilderness areas were created for previous legislation and may not reflect current land status data. For clarity, we would like the opportunity to provide updated maps of the proposed designations.

Finally, the Department has no objection to the transfer of administrative jurisdiction of 49 acres to the Forest Service, which is an isolated parcel with limited road access and is not included in future BLM timber sale plans.

#### *Conclusion*

The Department is committed to increasing public access, expanding outdoor recreational opportunities, and increasing management and harvest of timber and other forest products. Therefore, the Department cannot support S. 1548 as written. We would be interested in working with the sponsors and the Subcommittee to address the specific concerns noted in our testimony with regard to the bill as drafted to accomplish our shared multiple use goals for BLM-managed lands.

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STATEMENT OF GLENN CASAMASSA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

#### S. 1548—OREGON WILDLANDS ACT

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 32—the California Desert Protection and Recreation Act of 2017, S. 468—the Historic Routes Preservation Act, S.941—the Yellowstone Gateway Protection Act, S. 1230—the Water Rights Protection Act, S. 1271—the Fowler and Boskoff Peaks Designation Act, and S. 1548—the Oregon Wildlands Act. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

#### *S. 1548—Oregon Wildlands Act*

##### *Wild & Scenic River Designations*

Section 202(a) 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 consistent with the Siskiyou National Forest Land and Resource Management Plan. The total length of the Chetco Wild and Scenic River would remain 44.5 miles. In addition, this amendment 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. Typically under the Wild and Scenic Rivers Act,

only Federal lands within segments designated as wild are subject to a mineral withdrawal. USDA is supportive of these technical changes as they provide a more appropriate naming convention, and better reflect management classifications and direction for the Chetco River.

Section 202(b) officially changes the name of “Squaw Creek” to “Whychus Creek” to better reflect local usage, current geographic nomenclature standards, and the name change approved by the U.S. Board on Geographic Names in 2005. 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. USDA strongly supports this much-needed technical correction to remove the offensive name of the designations.

Section 203 would designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest. USDA defers to the Department of the Interior in regard to the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic river designation as part of the forest planning process for the Siuslaw National Forest. However, the Agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. USDA supports designation of the 1.7 miles of the Wasson Creek on NFS lands based on the segment’s eligibility. At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. However, USDA does not oppose Franklin Creek’s designation at this time.

Section 205(a) would amend the Wild and Scenic Rivers Act by adding additional segments in the Elk River watershed to the National Wild and Scenic Rivers System on the Siskiyou National Forest. These additions would increase the Elk’s designated wild and scenic river mileage from approximately 29 miles to 63.4 miles. USDA takes no position on these additional designated segments. None of the additional segments are currently identified as eligible or suitable for wild and scenic river designation under the 1989 Siskiyou National Forest Land and Resource Management Plan. However, USDA would be happy to work with the Subcommittee to provide additional relevant information concerning the Elk River segments identified in this bill.

#### *Wilderness Designations*

Section 301 of the bill would designate 56,100 acres managed by the Bureau of Land Management (BLM) and by the Forest Service as an addition to the Wild Rogue Wilderness. USDA supports this addition of wilderness on National Forest System.

Section 301(b) would expand the Wild Rogue Wilderness in Oregon by designating 56,100 acres of land currently managed by the Bureau of Land Management and the Forest Service as wilderness. The “Proposed USFS Wilderness” identified in this section and on the referenced “Wild Rogue Wilderness Additions” map is located along a “cherry stem” into the existing wilderness area. The “cherry stem” originally allowed for the existence of a Level II Forest System Road, part of the designated “Grave Creek to Marial Back Country Byway,” and the continuation of the Marial Lodge, a permitted resort. Marial Lodge accommodates hikers in the spring, rafters through the summer and commercial fishing trips in the fall. Proposed boundary adjustments in this area appear to be consistent with the continuation of the present and current use of the existing facilities.

Section 301(b)(1)(A) also includes language that turns back administration of a portion of the existing Wild Rogue Wilderness from Forest Service to BLM management. The Forest Service is currently authorized to manage this BLM area through a Memorandum of Understanding. USDA does not see any issues of concern related to management of this expanded Wilderness area. However, we would like to work with the Subcommittee to develop a detailed “inset map” in the legislation to ensure that the boundaries between BLM and USFS parcels are clear and unambiguous.

Section 302 would designate the Devil’s Staircase Wilderness (30,540 acres) on lands managed by the Forest Service and BLM surrounding Wasson Creek. Approximately 24,000 acres of this wilderness would be on the Siuslaw National Forest. Section 302(h) of the bill also would effectuate the transfer of administrative jurisdiction of an approximately 49 acre parcel managed by BLM to the Forest Service to be managed as part of the Siuslaw National Forest. This parcel includes a site of cultural significance to the Coos, Lower Umpqua, and Siuslaw Indians. Approximately 7,800 acres of the NFS lands are within the Wasson Creek Undeveloped Area and were evaluated for wilderness characteristics in the 1990 Siuslaw National Forest Land and Resource Management Plan. The proposed Devil’s Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. There is an existing road within the proposed boundary of this wilderness that would require decommissioning by heavy equipment prior to designation as wilderness or allowance for use of mechanized equipment for this purpose after the enactment. USDA supports the designation of the proposed Devil’s Staircase Wilderness.

Other portions of this bill would designate additional BLM lands and rivers flowing on BLM lands and would be administered by the Secretary of the Interior. Therefore, USDA defers to Department of the Interior on these proposed designations.

This concludes my written testimony. Again I thank the Subcommittee for holding this hearing and providing the opportunity to testify, and I look forward to answering your questions at the appropriate time.

#### 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 S. 1548, as

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, as Amended

\* \* \* \* \*

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

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

\* \* \* \* \*

[(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 6.8-mile segment of Kelsey Creek from the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(ii) *EAST FORK KELSEY CREEK.*—

(I) *SCENIC RIVER.*—The approximately 0.2-mile segment of East Fork Kelsey Creek from headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, as a scenic river.

(II) *WILD RIVER.*—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 1.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to the



south boundary of the non-Federal land in T. 33 S., R. 8 W., sec. 17, Willamette Meridian, as a recreational river.

(II) *WILD RIVER.*—The approximately 1.2-mile segment of Whisky Creek from road 33-8-23 to the confluence with the Rogue River, as a wild river.

(iv) *EAST FORK WHISKY CREEK.*—

(I) *SCENIC RIVER.*—The approximately 0.9-mile segment of East Fork Whisky Creek from its headwaters to Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, as a scenic river.

(II) *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, downstream to road 33-8-26 crossing, as a wild river.

(III) *RECREATIONAL RIVER.*—The approximately 0.3-mile segment of East Fork Whisky Creek from 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 the East Fork 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 road 34-9-17.1, as a scenic river.

(II) *WILD RIVER.*—The approximately 5.8-mile segment of Big Windy Creek 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 road 34-8-36, as a scenic river.

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

(viii) *LITTLE WINDY CREEK.*—

(I) *SCENIC RIVER.*—The approximately 1.2-mile segment of Little Windy Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 34, Willamette Meridian, as a scenic river.

(II) *WILD RIVER.*—The approximately 1.9-mile segment of Little Windy Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(ix) *HOWARD CREEK.*—

(I) SCENIC RIVER.—The approximately 3.5-mile segment of Howard Creek from its headwaters to 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.

(III) WILD RIVER.—The approximately 3.5-mile segment of Anna Creek from its headwaters to the confluence with Howard Creek, as a wild river.

(x) MULE CREEK.—

(I) SCENIC RIVER.—The approximately 3.5-mile segment of Mule Creek from its headwaters downstream to the Wild Rogue Wilderness boundary as a scenic river.

(II) WILD RIVER.—The approximately 7.8-mile segment of Mule Creek from the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 29, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(xi) MISSOURI CREEK.—

(I) SCENIC RIVER.—The approximately 3.1-mile segment of Missouri Creek from its headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, as a scenic river.

(II) WILD RIVER.—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.

(xii) JENNY CREEK.—

(I) SCENIC RIVER.—The approximately 3.1-mile segment of Jenny Creek from its headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28, Willamette Meridian, as a scenic river.

(II) WILD RIVER.—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.

(xiii) RUM CREEK.—

(I) SCENIC RIVER.—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, Willamette Meridian, as a scenic river.

(II) WILD RIVER.—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.

(xiv) EAST FORK RUM CREEK.—

(I) SCENIC RIVER.—The approximately 0.8-mile segment of East Fork Rum Creek from its head-

waters to the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10, Willamette Meridian, as a scenic river.

(II) WILD RIVER.—The approximately 1.3-mile segment of East Fork 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.

(xv) 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.

(xvi) 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.

(xvii) HEWITT CREEK.—

(I) SCENIC RIVER.—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, Willamette Meridian, as a scenic river.

(II) WILD RIVER.—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.

(xviii) 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.

(xix) 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 road 34-8-36 to the confluence with the Rogue River, as a wild river.

(xx) 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.

(xxi) 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.

(xxii) 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.

(xxiii) 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.

(xxiv) *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.

(xxv) *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.

(xxvi) *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.

(xxvii) *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.

(xxviii) *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.

(xxix) *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.

(xxx) *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.

(xxxi) *LONG GULCH.*—

(I) *SCENIC RIVER.*—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, Willamette Meridian, as a scenic river.

(II) *WILD RIVER.*—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.

(xxxii) *BAILEY CREEK.*—

(I) *SCENIC RIVER.*—The approximately 1.4-mile segment of Bailey Creek from its headwaters to the Wild Rogue Wilderness boundary on the west section line of T. 34 S., R. 8 W., sec. 14, Willamette Meridian, as a scenic river.

(II) *WILD RIVER.*—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.

(xxxiii) *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.

(xxxiv) *SLIDE CREEK.*—

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

(II) *WILD RIVER.*—*The approximately 0.7-mile section of Slide Creek from 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】 Mislatah Creek** as a wild river;*

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

**【(C)】** (iii) *the **【11-mile】 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 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.*

\* \* \* \* \*  
**【(76) ELK, OREGON.**—*The 29-mile segment to be administered by the Secretary of Agriculture in the following classes:*

**【(A)】** *The 17-mile segment from the confluence of the North and South Forks of the Elk to Anvil Creek as a recreational river.*

**【(B)】**

**【(i)】** *The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.*

**【(ii)】** *The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.*

**【(C)】**

**【(i)】** *The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.*

**【(ii)】** *The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.】*

(76) *ELK, OREGON.*—The 69.2-mile segment to be administered by the Secretary of Agriculture in the following classes:

(A) *MAINSTEM.*—The 17-mile segment from the confluence of the North and South Forks of the Elk to Anvil Creek as a recreational river.

(B) *NORTH FORK.*—

(i) *SCENIC RIVER.*—The approximately 0.6-mile segment of the North Fork Elk from its source in T. 33 S., R. 12 W., sec. 21, Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

(ii) *WILD RIVER.*—The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

(C) *SOUTH FORK.*—

(i) *SCENIC RIVER.*—The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of T. 33 S., R. 12 W., sec. 32, Willamette Meridian, Forest Service Road 3353, as a scenic river.

(ii) *WILD RIVER.*—The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.

(D) *OTHER TRIBUTARIES.*—

(i) *ROCK CREEK.*—The approximately 1.7-mile segment of Rock Creek from its headwaters to its confluence with Elk River, as a wild river.

(ii) *BALD MOUNTAIN CREEK.*—The approximately 8-mile segment of Bald Mountain Creek from its headwaters, including Salal Spring to its confluence with Elk River, as a recreational river.

(iii) *SOUTH FORK BALD MOUNTAIN CREEK.*—The approximately 3.5-mile segment of South Fork Bald Mountain Creek from its headwaters to its confluence with Bald Mountain Creek, as a scenic river.

(iv) *PLATINUM CREEK.*—The approximately 1-mile segment of Platinum Creek from—

(I) its headwaters to Forest Service Road 5325, as a wild river; and

(II) Forest Service Road 5325 to its confluence with Elk River, as a scenic river.

(v) *PANTHER CREEK.*—The approximately 5.0-mile segment of Panther Creek from—

(I) its headwaters, including Mountain Well, to Forest Service Road 5325, as a wild river; and

(II) Forest Service Road 5325 to its confluence with Elk River, as a scenic river.

(vi) *EAST FORK PANTHER CREEK.*—The approximately 3.0-mile segment of East Fork Panther Creek from its headwaters, to the confluence with Panther Creek, as a wild river.

(vii) *WEST FORK PANTHER CREEK.*—The approximately 3.0-mile segment of West Fork Panther Creek

from its headwaters to the confluence with Panther Creek as a wild river.

(viii) *LOST CREEK*.—The approximately 1.0-mile segment of Lost Creek from—

(I) its headwaters to Forest Service Road 5325, as a wild river; and

(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

(ix) *MILBURY CREEK*.—The approximately 1.5-mile segment of Milbury Creek from—

(I) its headwaters to Forest Service Road 5325, as a wild river; and

(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

(x) *BLACKBERRY CREEK*.—The approximately 5.0-mile segment of Blackberry Creek from—

(I) its headwaters to Forest Service Road 5325, as a wild river; and

(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

(xi) *EAST FORK BLACKBERRY CREEK*.—The approximately 2.0-mile segment of the unnamed tributary locally known as 'East Fork Blackberry Creek' from its headwaters in T. 33 S., R. 13 W., sec. 26, Willamette Meridian, to its confluence with Blackberry Creek, as a wild river.

(xii) *MCCURDY CREEK*.—The approximately 1.0-mile segment of McCurdy Creek from—

(I) its headwaters to Forest Service Road 5325, as a wild river; and

(II) Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

(xiii) *BEAR CREEK*.—The approximately 1.5-mile segment of Bear Creek from headwaters to the confluence with Bald Mountain Creek, as a recreational river.”

(xiii) *BUTLER CREEK*.—The approximately 4-mile segment of Butler Creek from—

(I) its headwaters to the south boundary of T. 33 S., R. 13 W., sec. 8, Willamette Meridian, as a wild river; and

(II) from the south boundary of T. 33 S., R. 13 W., sec. 8, Willamette Meridian, to its confluence with Elk River, as a scenic river.

(xiv) *EAST FORK BUTLER CREEK*.—The approximately 2.8-mile segment locally known as the 'East Fork of Butler Creek' from its headwaters on Mount Butler in T. 32 S., R. 13 W., sec. 29, Willamette Meridian, to its confluence with Butler Creek, as a scenic river.

(xv) *PURPLE MOUNTAIN CREEK*.—The approximately 2.0-mile segment locally known as 'Purple Mountain Creek' from—

(I) its headwaters in secs. 35 and 36, T. 33 S., R. 13 W., Willamette Meridian, to 0.01 miles above Forest Service Road 5325, as a wild river; and

(II) 0.01 miles above Forest Service Road 5325 to its confluence with the Elk River, as a scenic river.

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 (102) **[SQUAW CREEK] WHYCHUS CREEK, OREGON.**—**[The 15.4-mile]**

(A) *DESIGNATIONS.*—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 South 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)] (i)** The 6.6-mile segment and its tributaries from the source to the Three Sisters Wilderness boundary as a wild river; and

**[(B)] (ii)** 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.

(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.

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 (214) **FRANKLIN CREEK, OREGON.**—The 4.5-mile segment from its headwaters to the private land boundary in sec. 8, to be administered by the Secretary of Agriculture as a wild river.

(215) **WASSON CREEK, OREGON.**—The 10.1-mile segment in the following classes:

(A) The 4.2-mile segment from the eastern boundary of T. 21 S., R. 9 W., sec. 17, downstream to the western boundary of T. 21 S., R. 10 W., sec. 12, to be administered by the Secretary of the Interior as a wild river.

(B) The 5.9-mile segment from the western boundary of T. 21 S., R. 10 W., sec. 12, downstream to the eastern boundary of the northwest quarter of T. 21 S., R. 10 W., sec. 22, to be administered by the Secretary of Agriculture as a wild river.”

(216) **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<sup>1</sup>/<sub>4</sub> 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.

(217) *NESTUCCA RIVER, OREGON.*—The approximately 15.5-mile segment from its confluence with Ginger Creek downstream until it crosses the western edge of T. 4 S., R. 7 W., sec. 7, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

(218) *WALKER CREEK, OREGON.*—The approximately 2.9-mile segment from the headwaters in T. 3 S., R. 6 W., sec. 20 downstream to the confluence with the Nestucca River in T. 3 S., R. 6 W., sec. 15, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

(219) *NORTH FORK SILVER CREEK, OREGON.*—The approximately 6-mile segment from the headwaters in T. 35 S., R. 9 W., sec. 1 downstream to the edge of the Bureau of Land Management boundary in T. 35 S., R. 9 W., sec. 17, Willamette Meridian, to be administered by the Secretary of the Interior as a recreational river.

(220) *JENNY CREEK, OREGON.*—The approximately 17.6-mile segment from the Bureau of Land Management boundary located at the north boundary of the southwest quarter of the southeast quarter of T. 38 S., R. 4 E., sec. 34, Willamette Meridian, downstream to the Oregon State border, to be administered by the Secretary of the Interior as a scenic river.

(221) *SPRING CREEK, OREGON.*—The approximately 1.1-mile segment from its source at Shoat Springs in T. 40 S., R. 4 E., sec. 34, Willamette Meridian, downstream to the confluence with Jenny Creek in T. 41 S., R. 4 E., sec. 3, Willamette Meridian, to be administered by the Secretary of the Interior as a scenic river.

(222) *LOBSTER CREEK, OREGON.*—The approximately 5-mile segment from T. 15 S., R. 8 W., sec. 35, Willamette Meridian, downstream to the edge of the Bureau of Land Management boundary in T. 15 S., R. 8 W., sec. 15, Willamette Meridian, to

*be administered by the Secretary of the Interior as a recreational river.*

*(223) ELK CREEK, OREGON.—The approximately 7.3-mile segment from its confluence with Flat Creek near river mile 9, to the southern edge of the Army Corps of Engineers boundary in T. 33 S., R. 1 E., sec. 30, Willamette Meridian, near river mile 1.7, to be administered by the Secretary of the Interior as a scenic river.”*

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