

110TH CONGRESS
2D SESSION

S. 3149

To amend the Wild and Scenic Rivers Act to add certain segments to the Rogue River designation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2008

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

A BILL

To amend the Wild and Scenic Rivers Act to add certain segments to the Rogue River designation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lower Rogue Wild and
5 Scenic Rivers Act of 2008”.

6 **SEC. 2. ROGUE RIVER ADDITIONS.**

7 (a) IN GENERAL.—Section 3(a)(5) of the Wild and
8 Scenic Rivers Act (16 U.S.C. 1274(a)(5)) is amended—

9 (1) by striking “The segment” and inserting
10 the following:

1 “(A) IN GENERAL.—The segment”; and
 2 (2) by adding at the end the following:

3 “(B) ADDITIONAL AREAS.—In addition to the
 4 segment described in subparagraph (A), the fol-
 5 lowing segments of the Rogue River, Oregon, to be
 6 administered in the following classifications:

7 “(i) KELSEY CREEK.—

8 “(I) The 2.2-mile segment of Kelsey
 9 Creek from the headwaters of the Creek to
 10 the eastern section line of 32S 8W sec. 30
 11 as a recreational river.

12 “(II) The 7.1-mile segment of Kelsey
 13 Creek from the eastern section line of 32S
 14 8W sec. 30 to the confluence with the
 15 Rogue River as a wild river.

16 “(ii) EAST FORK KELSEY CREEK.—

17 “(I) The 0.1-mile segment of East
 18 Fork Kelsey Creek from the headwaters of
 19 the Creek to 0.1 miles downstream of road
 20 32–7–19.3 as a scenic river.

21 “(II) The 4.7-mile segment of East
 22 Fork Kelsey Creek downstream from 0.1
 23 miles downstream of road 32–7–19.3 to
 24 the confluence with Kelsey Creek as a wild
 25 river.

1 “(iii) WHISKY CREEK.—

2 “(I) The 0.6-mile segment of Whisky
3 Creek from the confluence of the East
4 Fork and West Fork to 0.1 miles down-
5 stream from road 33–8–23 as a rec-
6 reational river.

7 “(II) The 1.9-mile segment of Whisky
8 Creek from 0.1 miles downstream from
9 road 33–8–23 to the confluence with the
10 Rogue River as a wild river.

11 “(iv) EAST FORK WHISKY CREEK.—

12 “(I) The 0.1-mile segment of East
13 Fork Whisky Creek from the headwaters
14 of the Creek to 0.1 miles downstream of
15 road 34–8–1 as a scenic river.

16 “(II) The 3.7-mile segment of East
17 Fork Whisky Creek from 0.1 miles down-
18 stream of road 34–8–1 to the confluence
19 with Whisky Creek as a wild river.

20 “(v) WEST FORK WHISKY CREEK.—The
21 4.8-mile segment of West Fork Whisky Creek
22 from the headwaters of the Creek to the con-
23 fluence of the Rogue River as a wild river.

24 “(vi) BIG WINDY CREEK.—

1 “(I) The 1.5-mile segment of Big
2 Windy Creek from the headwaters of the
3 Creek to 0.1 miles downstream from road
4 34–9–17.1 as a scenic river.

5 “(II) The 5.8-mile segment of Big
6 Windy Creek from 0.1 miles downstream
7 from road 34–9–17.1 to the confluence
8 with the Rogue River as a wild river.

9 “(vii) EAST FORK BIG WINDY CREEK.—

10 “(I) The 0.2-mile segment of East
11 Fork Big Windy Creek from the head-
12 waters of the Creek to 0.1 miles down-
13 stream from road 34–8–36 as a scenic
14 river.

15 “(II) The 3.7-mile segment of East
16 Fork Big Windy Creek from 0.1 miles
17 downstream from road 34–8–36 to the
18 confluence with Big Windy Creek as a wild
19 river.

20 “(viii) LITTLE WINDY CREEK.—

21 “(I) The 1.1-mile segment of Little
22 Windy Creek from the headwaters of the
23 Creek to 0.1 miles downstream of road 34–
24 8–36 as a scenic river.

1 “(II) The 1.9-mile segment of Little
2 Windy Creek from 0.1 miles downstream
3 of road 34–8–36 to the confluence with the
4 Rogue River as a wild river.

5 “(ix) HOWARD CREEK.—

6 “(I) The 0.3-mile segment of Howard
7 Creek from the headwaters of the Creek to
8 0.1 miles downstream of road 34–9–34 as
9 a scenic river.

10 “(II) The 6.9-mile segment of Howard
11 Creek from 0.1 miles downstream of road
12 34–9–34 to the confluence with the Rogue
13 River as a wild river.

14 “(x) MULE CREEK.—

15 “(I) The 0.2-mile segment of Mule
16 Creek from the headwaters of the Creek to
17 0.1 miles downstream from road 32–9–
18 15.1 as a scenic river.

19 “(II) The 11.2-mile segment of Mule
20 Creek from 0.1 miles downstream from
21 road 32–9–15.1 to the confluence with the
22 Rogue River as a wild river.

23 “(xi) GRAVE CREEK.—

1 “(I) The 1.6-mile segment of Grave
2 Creek from the confluence of Wolf Creek
3 downstream as a scenic river.

4 “(II) The 8.2-mile segment of Grave
5 Creek from 1.6 miles downstream of the
6 confluence of Wolf Creek to the confluence
7 with the Rogue River as a recreational
8 river.

9 “(xii) ANNA CREEK.—The 3.5-mile seg-
10 ment of Anna Creek from the headwaters of
11 Anna Creek to the confluence with Howard
12 Creek as a wild river.

13 “(xiii) MISSOURI CREEK.—

14 “(I) The 2.6-mile segment of Missouri
15 Creek from the headwaters of the Creek to
16 the north section line of 33S 10W sec. 25
17 as a scenic river.

18 “(II) The 2.2-mile segment of Mis-
19 souri Creek from the north section line of
20 33S 10W sec. 25 to the confluence with
21 the Rogue River as a wild river.

22 “(xiv) JENNY CREEK.—

23 “(I) The 0.3-mile segment of Jenny
24 Creek from the headwaters of the Creek to

1 0.1 miles downstream from road 34–9–7
2 as a scenic river.

3 “(II) The 4.6-mile segment of Jenny
4 Creek from 0.1 miles downstream from
5 road 34–9–7 to the confluence with the
6 Rogue River as a wild river.

7 “(xv) RUM CREEK.—

8 “(I) The 2-mile segment of Rum
9 Creek from the headwaters of the Creek to
10 0.1 miles downstream from road 34–8–34
11 as a scenic river.

12 “(II) The 2.4-mile segment of Rum
13 Creek from 0.1 miles downstream from
14 road 34–8–34 to the confluence with the
15 Rogue River as a wild river.

16 “(xvi) EAST FORK RUM CREEK.—

17 “(I) The 0.5-mile segment of East
18 Rum Creek from the headwaters to 0.1
19 miles downstream of road 34–8–10.1 as a
20 scenic river.

21 “(II) The 1.5-mile segment of East
22 Rum Creek from 0.1 miles downstream of
23 road 34–8–10.1 to the confluence with
24 Rum Creek as a wild river.

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

5 “(xviii) MONTGOMERY CREEK.—The 1.8-
6 mile segment of Montgomery Creek from the
7 headwaters of the Creek downstream to the
8 confluence with the Rogue River as a wild river.

9 “(xix) QUARTZ CREEK.—

10 “(I) The 0.5-mile segment of Quartz
11 Creek from its headwaters to 0.1 miles
12 downstream from road 35–9–1.2 as a rec-
13 reational river.

14 “(II) The 2.8-mile segment from 0.1
15 miles downstream from road 35–9–1.2 to
16 the confluence of the North Fork Galice
17 Creek as a scenic river.

18 “(xx) HEWITT CREEK.—

19 “(I) The 1.3-mile segment of Hewitt
20 Creek from the headwaters of the Creek to
21 0.1 miles downstream of road 33–9–21 as
22 a scenic river.

23 “(II) The 1.3-mile segment of Hewitt
24 Creek from 0.1 miles downstream of road

1 33–9–21 to the confluence with the Rogue
2 River as a wild river.

3 “(xxi) BUNKER CREEK.—The 6.6-mile seg-
4 ment of Bunker Creek from the headwaters of
5 the Creek to the confluence with the Rogue
6 River as a wild river.

7 “(xxii) DULOG CREEK.—

8 “(I) The 0.8-mile segment of Dulog
9 Creek from the headwaters of the Creek to
10 0.1 miles downstream of road 34–8–36 as
11 a scenic river.

12 “(II) The 1.0-mile segment of Dulog
13 Creek from 0.1 miles downstream of road
14 34–8–36 to the confluence with the Rogue
15 River as a wild river.

16 “(xxiii) GALICE CREEK.—The 2.2-mile seg-
17 ment of Galice Creek from the confluence with
18 the North and South Forks of Galice Creek to
19 the confluence with the Rogue River as a rec-
20 reational river.

21 “(xxiv) NORTH FORK GALICE CREEK.—

22 “(I) The 1.2-mile segment of North
23 Fork Galice Creek from the headwaters of
24 the Creek to 0.1 miles upstream of road
25 34–8–36 as a scenic river.

1 “(II) The 4.5-mile segment of North
 2 Fork Galice Creek from 0.1 miles up-
 3 stream of road 34–8–36 to the confluence
 4 with Galice Creek as a recreational river.

5 “(xxv) QUAIL CREEK.—

6 “(I) The 0.7-mile segment of Quail
 7 Creek from the headwaters of the Creek to
 8 0.1 miles downstream from road 32–9–
 9 14.2 as a scenic river.

10 “(II) The 1.8-mile segment of Quail
 11 Creek from to 0.1 miles downstream from
 12 road 32–9–14.2 to the confluence with the
 13 Rogue River as a wild river.

14 “(xxvi) MEADOW CREEK.—The 4.1-mile
 15 segment of Meadow Creek from the headwaters
 16 of the Creek to the confluence with the Rogue
 17 River as a wild river.

18 “(xxvii) RUSSIAN CREEK.—

19 “(I) The 0.4-mile segment of Russian
 20 Creek from the headwaters of the Creek to
 21 0.1 miles downstream from road 33–8–21
 22 as a scenic river.

23 “(II) The 2.2-mile segment of Russian
 24 Creek 0.1 miles downstream from road 33–

1 8–21 to the confluence with the Rogue
2 River as a wild river.

3 “(xxviii) ALDER CREEK.—The 1.2-mile
4 segment of Alder Creek from the headwaters of
5 the Creek to the confluence with the Rogue
6 River as a wild river.

7 “(xxix) BOOZE CREEK.—The 1.5-mile seg-
8 ment of Booze Creek from the headwaters of
9 the Creek to the confluence with the Rogue
10 River as a wild river.

11 “(xxx) BRONCO CREEK.—The 1.8-mile seg-
12 ment of Bronco Creek from the headwaters of
13 the Creek to the confluence with the Rogue
14 River as a wild river.

15 “(xxxi) CENTENNIAL GULCH CREEK.—The
16 1.9-mile segment of Centennial Gulch Creek
17 from the headwaters of the Creek to the con-
18 fluence with the Rogue River as a recreational
19 river.

20 “(xxxii) COPSEY CREEK.—The 1.5-mile
21 segment of Copsey Creek from the headwaters
22 of the Creek to the confluence with the Rogue
23 River as a wild river.

24 “(xxxiii) CORRAL CREEK.—The 0.5-mile
25 segment of Corral Creek from the headwaters

1 of the Creek to the confluence with the Rogue
2 River as a wild river.

3 “(xxxiv) COWLEY CREEK.—The 0.9-mile
4 segment of Cowley Creek from the headwaters
5 of the Creek to the confluence with the Rogue
6 River as a wild river.

7 “(xxxv) DITCH CREEK.—

8 “(I) The 0.5-mile segment of Ditch
9 Creek from the headwaters of the Creek
10 0.1 miles downstream from road 33–5–9.2
11 as a scenic river.

12 “(II) The 1.9-mile segment of Ditch
13 Creek from 0.1 miles downstream from
14 road 33–5–9.2 to the confluence with the
15 Rogue River as a wild river.

16 “(xxxvi) FRANCIS CREEK.—The 0.9-mile
17 segment of Francis Creek from the headwaters
18 of the Creek to the confluence with the Rogue
19 River as a wild river.

20 “(xxxvii) LONG GULCH.—

21 “(I) The 1.4-mile segment of Long
22 Gulch from the headwaters to 0.1 miles
23 downstream from road 34–9–21 as a see-
24 nic river.

1 “(II) The 1.1-mile segment of Long
 2 Gulch from 0.1 miles downstream of road
 3 34-9-21 to the confluence with the Rogue
 4 River as a wild river.

5 “(xxxviii) BAILEY CREEK.—

6 “(I) The 1.0-mile segment of Bailey
 7 Creek from the headwaters of the Creek to
 8 0.1 miles downstream from road 34-8-
 9 22.2 as a scenic river.

10 “(II) The 2.1-mile segment of Bailey
 11 Creek from 0.1 miles downstream from
 12 road 34-8-22.2 to the confluence of the
 13 Rogue River as a wild river.

14 “(xxxix) SHADY CREEK.—The 0.7-mile
 15 segment of Shady Creek from the headwaters of
 16 the Creek to the confluence with the Rogue
 17 River, as a wild river.

18 “(xl) SLIDE CREEK.—

19 “(I) The 0.5-mile segment of Slide
 20 Creek from the headwaters of the Creek to
 21 0.1 miles downstream from road 33-9-6
 22 as a scenic river.

23 “(II) The 0.7-mile segment of Slide
 24 Creek from 0.1 miles downstream of road

1 33–9–6 to the confluence with the Rogue
2 River as a wild river.”.

3 (b) ADMINISTRATIVE PROVISIONS.—

4 (1) IN GENERAL.—Any segment of the Rogue
5 River designated by subparagraph (B) of section
6 3(a)(5) of the Wild and Scenic Rivers Act (16
7 U.S.C. 1274(a)(5)) (as added by subsection (a)(2))
8 shall—

9 (A) include an average of 640 acres per
10 mile measured from the ordinary high water
11 mark on both sides of the River; and

12 (B) be managed as part of the Rogue Wild
13 and Scenic River designated by subparagraph
14 (A) of section 3(a)(5) of the Wild and Scenic
15 Rivers Act (16 U.S.C. 1274(a)(5)) (as added by
16 subsection (a)(1)).

17 (2) WITHDRAWAL.—Subject to valid rights, the
18 Federal land within the boundaries of the river seg-
19 ments designated by subparagraph (B) of section
20 3(a)(5) of the Wild and Scenic Rivers Act (16
21 U.S.C. 1274(a)(5)) (as added by subsection (a)(2))
22 is withdrawn from all forms of—

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

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

3 (C) disposition under all laws relating to
4 mineral and geothermal leasing or mineral ma-
5 terials.

6 (3) WINDPOWER FACILITIES PROHIBITED.—

7 The siting of windpower facilities within the lateral
8 boundaries of a segment of the Rogue Wild and See-
9 nic River designated by subparagraph (B) of section
10 3(a)(5) of the Wild and Scenic Rivers Act (16
11 U.S.C. 1274(a)(5)) (as added by subsection (a)(2))
12 is prohibited.

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