

113TH CONGRESS
1ST SESSION

H. R. 2488

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2013

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) MAP.—The term “map” means the map en-
2 titled “Wild Rogue Wilderness Additions” and dated
3 January 25, 2013.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (3) STATE.—The term “State” means the State
7 of Oregon.

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

11 **SEC. 3. EXPANSION OF WILD ROGUE WILDERNESS.**

12 (a) EXPANSION.—In accordance with the Wilderness
13 Act (16 U.S.C. 1131 et seq.), the 59,986 acres of Bureau
14 of Land Management land, as generally depicted on the
15 map, is included in the Wild Rogue Wilderness, a compo-
16 nent of the National Wilderness Preservation System.

17 (b) MAP; LEGAL DESCRIPTION.—

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

22 (A) the Committee on Energy and Natural
23 Resources of the Senate; and

24 (B) the Committee on Natural Resources
25 of the House of Representatives.

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

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

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

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

17 (2) any reference in that Act to the Secretary
18 of Agriculture shall be considered to be a reference
19 to the Secretary.

20 (d) TREATMENT OF PORTION OF WILDERNESS ALSO
21 DESIGNATED AS WILD RIVER.—The portion of the Rogue
22 River designated by section 3(a)(5) of the Wild and Scenic
23 Rivers Act (16 U.S.C. 1274(a)(5)) as a component of the
24 National Wild and Scenic Rivers System in 1968, which
25 lies within the Wild Rogue Wilderness, including the Wil-

1 derness additions, shall be managed as a wild river not-
 2 withstanding section 10(b) of that Act (16 U.S.C.
 3 1281(a)) or any provisions of the Wilderness Act to the
 4 contrary.

5 (e) FISH AND WILDLIFE.—Nothing in this section af-
 6 fects the jurisdiction or responsibilities of the State with
 7 respect to fish and wildlife in the State.

8 (f) ADJACENT MANAGEMENT.—

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

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

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

21 **SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE**
 22 **RIVER AREA.**

23 Paragraph (5) of section 3(a) of the Wild and Scenic
 24 Rivers Act (16 U.S.C. 1274(a)) is amended to read as fol-
 25 lows:

1 “(5) ROGUE, OREGON.—

2 “(A) ORIGINAL ROGUE WILD AND SCENIC
3 RIVER.—The segment of the river extending
4 from the mouth of the Applegate River down-
5 stream to the Lobster Creek Bridge, to be ad-
6 ministered by the Secretary of the Interior or
7 the Secretary of Agriculture, as agreed to by
8 such Secretaries or as directed by the Presi-
9 dent.

10 “(B) ADDITIONS.—In addition to the seg-
11 ment described in subparagraph (A), there are
12 designated the following segments in the Rogue
13 River:

14 “(i) KELSEY CREEK.—The approxi-
15 mately 4.8-mile segment of Kelsey Creek
16 from the east section line of T. 32 S., R.
17 9 W., sec. 34, Willamette Meridian, to the
18 confluence with the Rogue River, as a wild
19 river.

20 “(ii) EAST FORK KELSEY CREEK.—
21 The approximately 4.6-mile segment of
22 East Fork Kelsey Creek from the Wild
23 Rogue Wilderness boundary in T. 33 S., R.
24 8 W., sec. 5, Willamette Meridian, to the

confluence with Kelsey Creek, as a wild river.

“(iii) WHISKY CREEK.—

“(I) RECREATIONAL RIVER.—

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

“(II) WILD RIVER.—The ap-

proximately 1.9-mile segment of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River, as a wild river.

“(iv) EAST FORK WHISKY CREEK.—

“(I) WILD RIVER.—The approxi-

mately 2.5-mile segment of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian., to 0.1 miles upstream of road 33-8-26 crossing, as a wild river.

“(II) RECREATIONAL RIVER.—

The approximately 0.3-mile segment of East Fork Whisky Creek from 0.1

1 miles downstream of road 33-8-26 to
2 the confluence with Whisky Creek, as
3 a recreational river.

4 “(v) WEST FORK WHISKY CREEK.—
5 The approximately 4.8-mile segment of
6 West Fork Whisky Creek from its head-
7 waters to the confluence with Whisky
8 Creek, as a wild river.

9 “(vi) BIG WINDY CREEK.—

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

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

21 “(vii) EAST FORK BIG WINDY
22 CREEK.—

23 “(I) SCENIC RIVER.—The ap-
24 proximately 0.2-mile segment of East
25 Fork Big Windy Creek from its head-

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

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

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

14 “(ix) HOWARD CREEK.—

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

20 “(II) WILD RIVER.—The ap-
21 proximately 6.9-mile segment of How-
22 ard Creek from 0.1 miles downstream
23 of road 34-9-34 to the confluence with
24 the Rogue River, as a wild river.

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

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

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

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

23 “(xiv) RUM CREEK.—The approxi-
24 mately 2.2-mile segment of Rum Creek
25 from the Wild Rogue Wilderness boundary

1 in T. 34 S., R. 8 W., sec. 9, Willamette
2 Meridian, to the confluence with the Rogue
3 River, as a wild river.

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

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

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

20 “(xviii) HEWITT CREEK.—The ap-
21 proximately 1.2-mile segment of Hewitt
22 Creek from the Wild Rogue Wilderness
23 boundary in T. 33 S., R. 9 W., sec. 19,
24 Willamette Meridian, to the confluence
25 with the Rogue River, as a wild river.

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

5 “(xx) DULOG CREEK.—

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

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

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

23 “(xxii) MEADOW CREEK.—The ap-
24 proximately 4.1-mile segment of Meadow
25 Creek from its headwaters to the con-

fluence with the Rogue River, as a wild river.

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

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

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

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

“(xxvii) COPSEY CREEK.—The approximately 1.5-mile segment of Copsey Creek from its headwaters to the con-

fluence with the Rogue River, as a wild river.

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

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

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

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

“(xxxii) LONG GULCH.—The approximately 1.1-mile segment of Long Gulch

1 from the Wild Rogue Wilderness boundary
2 in T. 33 S., R. 10 W., sec. 23, Willamette
3 Meridian, to the confluence with the Rogue
4 River, as a wild river.

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

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

16 “(xxxv) SLIDE CREEK.—

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

22 “(II) WILD RIVER.—The ap-
23 proximately 0.7-mile section of Slide
24 Creek from 0.1 miles downstream of

1 road 33-9-6 to the confluence with the
2 Rogue River, as a wild river.

3 “(C) MANAGEMENT.—Each river segment
4 designated by subparagraph (B) shall be man-
5 aged as part of the Rogue Wild and Scenic
6 River.

7 “(D) WITHDRAWAL.—Subject to valid ex-
8 isting rights, the Federal land within the
9 boundaries of the river segments designated by
10 subparagraph (B) is withdrawn from all forms
11 of—

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

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

16 “(iii) disposition under all laws per-
17 taining to mineral and geothermal leasing
18 or mineral materials.”.

19 **SEC. 5. ADDITIONAL PROTECTIONS FOR ROGUE RIVER**
20 **TRIBUTARIES.**

21 (a) LICENSING BY COMMISSION.—The Federal En-
22 ergy Regulatory Commission shall not license the con-
23 struction of any dam, water conduit, reservoir, power-
24 house, transmission line, or other project works on or di-
25 rectly affecting any stream described in subsection (d).

1 (b) OTHER AGENCIES.—

2 (1) IN GENERAL.—No department or agency of
3 the United States shall assist by loan, grant, license,
4 or otherwise in the construction of any water re-
5 sources project on or directly affecting any stream
6 segment that is described in subsection (d), except
7 to maintain or repair water resources projects in ex-
8 istence on the date of enactment of this Act.

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

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

15 (B) that provides a net benefit to water
16 quality and aquatic resources.

17 (c) WITHDRAWAL.—Subject to valid existing rights,
18 the Federal land located within a $\frac{1}{4}$ mile on either side
19 of the stream segments described in subsection (d), is
20 withdrawn from all forms of—

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

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

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

3 (d) DESCRIPTION OF STREAM SEGMENTS.—The fol-
4 lowing are the stream segments referred to in subsection
5 (a):

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

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

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

17 (4) LITTLE WINDY CREEK.—The approximately
18 1.2-mile segment of Little Windy Creek from its
19 headwaters to the west section line of T. 33 S., R.
20 9 W., sec. 34.

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

24 (6) MISSOURI CREEK.—The approximately 3.1-
25 mile segment of Missouri Creek from its headwaters

1 to the Wild Rogue Wilderness boundary in T. 33 S.,
2 R. 10 W., sec. 24.

3 (7) JENNY CREEK.—The approximately 3.1-
4 mile segment of Jenny Creek from its headwaters to
5 the Wild Rogue Wilderness boundary in T. 33 S., R.
6 9 W., sec. 28.

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

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

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

19 (11) QUAIL CREEK.—The approximately 0.8-
20 mile segment of Quail Creek from its headwaters to
21 the Wild Rogue Wilderness boundary in T. 33 S., R.
22 10 W., sec. 1.

23 (12) RUSSIAN CREEK.—The approximately 0.1-
24 mile segment of Russian Creek from its headwaters

1 to the Wild Rogue Wilderness boundary in T. 33 S.,
2 R. 8 W., sec. 20.

3 (13) DITCH CREEK.—The approximately 0.7-
4 mile segment of Ditch Creek from its headwaters to
5 the Wild Rogue Wilderness boundary in T. 33 S., R.
6 9 W., sec. 5.

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

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

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

17 (17) NORTH FORK GALICE CREEK.—The ap-
18 proximately 5.7-mile segment of the North Fork
19 Galice Creek from its headwaters to its confluence
20 with Galice Creek.

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

1 (19) CENTENNIAL GULCH.—The approximately
2 2.2-mile segment of Centennial Gulch from its head-
3 waters to its confluence with the Rogue River.

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

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