

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2888

To provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2009

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

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## A BILL

To provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, 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 "Devil's Staircase Wil-  
5 derness Act of 2009".

1 **SEC. 2. DESIGNATION OF WILDERNESS AREA, DEVIL'S**  
2 **STAIRCASE WILDERNESS, OREGON.**

3 (a) DESIGNATION.—In furtherance of the purposes of  
4 the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal  
5 land in the State of Oregon administered by the Forest  
6 Service and the Bureau of Land Management, comprising  
7 approximately 29,650 acres, as generally depicted on the  
8 map titled “Devil’s Staircase Proposed Wilderness Area”,  
9 dated June 9, 2009, are designated as a wilderness area  
10 for inclusion in the National Wilderness Preservation Sys-  
11 tem and to be known as the “Devil’s Staircase Wilder-  
12 ness”.

13 (b) MAP AND LEGAL DESCRIPTION.—As soon as  
14 practicable after the date of the enactment of this Act,  
15 the Secretary shall file with the Committee on Natural Re-  
16 sources of the House of Representatives and the Com-  
17 mittee on Energy and Natural Resources of the Senate  
18 a map and legal description of wilderness area designated  
19 by subsection (a). The map and legal description shall  
20 have the same force and effect as if included in this Act,  
21 except that the Secretary may correct clerical and typo-  
22 graphical errors in the map and description. In the case  
23 of any discrepancy between the acreage specified in sub-  
24 section (a) and the map, the map shall control. The map  
25 and legal description shall be on file and available for pub-

1 lic inspection in the Office of the Chief of the Forest Serv-  
2 ice.

3 (c) MANAGEMENT.—Subject to valid existing rights,  
4 the Secretary shall manage the wilderness area designated  
5 by subsection (a) as wilderness.

6 **SEC. 3. ADMINISTRATION.**

7 The Devil's Staircase Wilderness Area shall be ad-  
8 ministered by the Secretaries of Agriculture and the Inte-  
9 rior—

10 (1) so as to maintain and restore the wilderness  
11 character and for inclusion in the National Wilder-  
12 ness Preservation System; and

13 (2) in accordance with the Wilderness Act and  
14 the Oregon Wilderness Act of 1984, except that,  
15 with respect to the wilderness area, any reference in  
16 the Wilderness Act to the effective date of that Act  
17 shall be deemed to be a reference to the date of the  
18 enactment of this Act.

19 **SEC. 4. INCORPORATION OF ACQUIRED LAND AND INTER-**  
20 **ESTS.**

21 Any land within the boundary of the wilderness area  
22 designated by this Act that is acquired by the United  
23 States shall—

24 (1) become part of the Devil's Staircase Wilder-  
25 ness Area; and

1           (2) be managed in accordance with this Act and  
2           any other applicable law.

3 **SEC. 5. FISH AND WILDLIFE.**

4           Nothing in this Act shall be construed as affecting  
5 the jurisdiction or responsibilities of the State of Oregon  
6 with respect to wildlife and fish in the national forests.

7 **SEC. 6. BUFFER ZONES.**

8           (a) IN GENERAL.—As provided in the Oregon Wilder-  
9 ness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-  
10 328), Congress does not intend for designation of the wil-  
11 derness area under this Act to lead to the creation of pro-  
12 tective perimeters or buffer zones around the wilderness  
13 area.

14           (b) ACTIVITIES OR USES UP TO BOUNDARIES.—The  
15 fact that nonwilderness activities or uses can be seen or  
16 heard from within a wilderness area shall not, of itself,  
17 preclude the activities or uses up to the boundary of the  
18 wilderness area.

19 **SEC. 7. WITHDRAWAL.**

20           Subject to valid rights in existence on the date of en-  
21 actment of this Act, the Federal land designated as wilder-  
22 ness area by this Act is withdrawn from all forms of—

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

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

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

5 **SEC. 8. PROTECTION OF TRIBAL RIGHTS.**

6 Nothing in this Act shall be construed to diminish—

7           (1) the existing rights of any Indian tribe; or

8           (2) tribal rights regarding access to Federal  
9 lands for tribal activities, including spiritual, cul-  
10 tural, and traditional food gathering activities.

11 **SEC. 9. WILD AND SCENIC RIVER DESIGNATIONS, WASSON  
12 CREEK AND FRANKLIN CREEK, OREGON.**

13 Section 3(a) of the Wild and Scenic Rivers Act (16  
14 U.S.C. 1274(a)) is amended by inserting a new para-  
15 graphs:

16           “(\_\_\_\_\_) FRANKLIN CREEK, OREGON.—

17                   “(A) The 4.5-mile segment from the head-  
18 waters to the private land boundary in section  
19 8 to be administered by the Secretary of Agri-  
20 culture as a wild river.

21                   “(B) Notwithstanding section 3(b), the lat-  
22 eral boundaries of the wild river area along  
23 Franklin Creek shall include an average of not  
24 more than 640 acres per mile measured from

1 the ordinary high water mark on both sides of  
2 the river.

3 “(\_\_\_\_) WASSON CREEK, OREGON.—

4 “(A) The 4.2-mile segment from the east-  
5 ern edge of section 17 downstream to the  
6 boundary of sections 11 and 12 to be adminis-  
7 tered by the Secretary of Interior as a wild  
8 river.

9 “(B) The 5.9-mile segment downstream  
10 from the boundary of sections 11 and 12 to the  
11 private land boundary in section 22 to be ad-  
12 ministered by the Secretary of Agriculture as a  
13 wild river.

14 “(C) Notwithstanding section 3(b), the lat-  
15 eral boundaries of the wild river area along  
16 Wasson Creek shall include an average of not  
17 more than 640 acres per mile measured from  
18 the ordinary high water mark on both sides of  
19 the river.”.

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