

Union Calendar No. 195

111TH CONGRESS
1ST SESSION

H. R. 2888

[Report No. 111-337]

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.

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

NOVEMBER 16, 2009

Additional sponsors: Mr. JACKSON of Illinois, Mr. QUIGLEY, and Mr. DOGGETT

NOVEMBER 16, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 16, 2009]

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 Wilder-*
5 *ness Act of 2009”.*

6 **SEC. 2. DESIGNATION OF WILDERNESS AREA, DEVIL’S**
7 **STAIRCASE WILDERNESS, OREGON.**

8 (a) *DESIGNATION.*—*In furtherance of the purposes of*
9 *the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal*
10 *land in the State of Oregon administered by the Forest*
11 *Service and the Bureau of Land Management, comprising*
12 *approximately 30,520 acres, as generally depicted on the*
13 *map titled “Devil’s Staircase Wilderness Proposal”, dated*
14 *October 26, 2009, are designated as a wilderness area for*
15 *inclusion in the National Wilderness Preservation System*
16 *and to be known as the “Devil’s Staircase Wilderness”.*

17 (b) *MAP AND LEGAL DESCRIPTION.*—*As soon as prac-*
18 *ticable after the date of the enactment of this Act, the Sec-*
19 *retary shall file with the Committee on Natural Resources*
20 *of the House of Representatives and the Committee on En-*
21 *ergy and Natural Resources of the Senate a map and legal*
22 *description of wilderness area designated by subsection (a).*
23 *The map and legal description shall have the same force*
24 *and effect as if included in this Act, except that the Sec-*
25 *retary may correct clerical and typographical errors in the*

1 *map and description. In the case of any discrepancy be-*
2 *tween the acreage specified in subsection (a) and the map,*
3 *the map shall control. The map and legal description shall*
4 *be on file and available for public inspection in the Office*
5 *of the Chief of the Forest Service.*

6 **SEC. 3. ADMINISTRATION.**

7 *(a) IN GENERAL.—Subject to valid existing rights, the*
8 *Devil’s Staircase Wilderness Area shall be administered by*
9 *the Secretaries of Agriculture and the Interior, in accord-*
10 *ance with the Wilderness Act and the Oregon Wilderness*
11 *Act of 1984, except that, with respect to the wilderness area,*
12 *any reference in the Wilderness Act to the effective date of*
13 *that Act shall be deemed to be a reference to the date of*
14 *the enactment of this Act.*

15 *(b) FOREST SERVICE ROADS.—As provided in section*
16 *4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the*
17 *Secretary of Agriculture shall—*

18 *(1) decommission any National Forest System*
19 *road within the wilderness boundaries; and*

20 *(2) convert Forest Service Road 4100 within the*
21 *wilderness boundary to a trail for primitive rec-*
22 *reational use.*

1 **SEC. 4. INCORPORATION OF ACQUIRED LAND AND INTER-**
2 **ESTS.**

3 *Any land within the boundary of the wilderness area*
4 *designated by this Act that is acquired by the United States*
5 *shall—*

6 *(1) become part of the Devil’s Staircase Wilder-*
7 *ness Area; and*

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

10 **SEC. 5. FISH AND WILDLIFE.**

11 *Nothing in this Act shall be construed as affecting the*
12 *jurisdiction or responsibilities of the State of Oregon with*
13 *respect to wildlife and fish in the national forests.*

14 **SEC. 6. BUFFER ZONES.**

15 *(a) IN GENERAL.—As provided in the Oregon Wilder-*
16 *ness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–*
17 *328), Congress does not intend for designation of the wilder-*
18 *ness area under this Act to lead to the creation of protective*
19 *perimeters or buffer zones around the wilderness area.*

20 *(b) ACTIVITIES OR USES UP TO BOUNDARIES.—The*
21 *fact that nonwilderness activities or uses can be seen or*
22 *heard from within a wilderness area shall not, of itself, pre-*
23 *clude the activities or uses up to the boundary of the wilder-*
24 *ness area.*

1 **SEC. 7. WITHDRAWAL.**

2 *Subject to valid rights in existence on the date of enact-*
3 *ment of this Act, the Federal land designated as wilderness*
4 *area by this Act is withdrawn from all forms of—*

5 *(1) entry, appropriation, or disposal under the*
6 *public land laws;*

7 *(2) location, entry, and patent under the mining*
8 *laws; and*

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

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

12 *Nothing in this Act shall be construed to diminish—*

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

14 *(2) tribal rights regarding access to Federal*
15 *lands for tribal activities, including spiritual, cul-*
16 *tural, and traditional food gathering activities.*

17 **SEC. 9. WILD AND SCENIC RIVER DESIGNATIONS, WASSON**
18 **CREEK AND FRANKLIN CREEK, OREGON.**

19 *Section 3(a) of the Wild and Scenic Rivers Act (16*
20 *U.S.C. 1274(a)) is amended by inserting the following*
21 *paragraphs:*

22 *“(_____) FRANKLIN CREEK, OREGON.—The 4.5-*
23 *mile segment from the headwaters to the private land*
24 *boundary in section 8 to be administered by the Sec-*
25 *retary of Agriculture as a wild river.*

26 *“(_____) WASSON CREEK, OREGON.—*

1 “(A) *The 4.2-mile segment from the eastern*
2 *edge of section 17 downstream to the boundary*
3 *of sections 11 and 12 to be administered by the*
4 *Secretary of Interior as a wild river.*

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

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