

112TH CONGRESS
1ST SESSION

H. R. 1413

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

APRIL 7, 2011

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

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 2011".

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 30,520 acres, as generally depicted on the
8 map titled “Devil’s Staircase Wilderness Proposal”, dated
9 October 26, 2009, are designated as a wilderness area for
10 inclusion in the National Wilderness Preservation System
11 and to be known as the “Devil’s Staircase Wilderness”.

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

1 **SEC. 3. ADMINISTRATION.**

2 (a) IN GENERAL.—Subject to valid existing rights,
3 the Devil’s Staircase Wilderness Area shall be adminis-
4 tered by the Secretaries of Agriculture and the Interior,
5 in accordance with the Wilderness Act and the Oregon
6 Wilderness Act of 1984, except that, with respect to the
7 wilderness area, any reference in the Wilderness Act to
8 the effective date of that Act shall be deemed to be a ref-
9 erence to the date of the enactment of this Act.

10 (b) FOREST SERVICE ROADS.—As provided in section
11 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the
12 Secretary of Agriculture shall—

13 (1) decommission any National Forest System
14 road within the wilderness boundaries; and

15 (2) convert Forest Service Road 4100 within
16 the wilderness boundary to a trail for primitive rec-
17 reational use.

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

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

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

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

1 **SEC. 5. FISH AND WILDLIFE.**

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

5 **SEC. 6. BUFFER ZONES.**

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

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

17 **SEC. 7. WITHDRAWAL.**

18 Subject to valid rights in existence on the date of en-
19 actment of this Act, the Federal land designated as wilder-
20 ness area by this Act is 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

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

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

2 Nothing in this Act shall be construed to diminish—

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

4 (2) tribal rights regarding access to Federal
5 lands for tribal activities, including spiritual, cul-
6 tural, and traditional food gathering activities.

7 **SEC. 9. WILD AND SCENIC RIVER DESIGNATIONS, WASSON**
8 **CREEK AND FRANKLIN CREEK, OREGON.**

9 Section 3(a) of the Wild and Scenic Rivers Act (16
10 U.S.C. 1274(a)) is amended by inserting the following
11 paragraphs:

12 “(____) FRANKLIN CREEK, OREGON.—The 4.5-
13 mile segment from the headwaters to the private
14 land boundary in section 8 to be administered by the
15 Secretary of Agriculture as a wild river.

16 “(____) WASSON CREEK, OREGON.—

17 “(A) The 4.2-mile segment from the east-
18 ern edge of section 17 downstream to the
19 boundary of sections 11 and 12 to be adminis-
20 tered by the Secretary of Interior as a wild
21 river.

22 “(B) The 5.9-mile segment downstream
23 from the boundary of sections 11 and 12 to the
24 private land boundary in section 22 to be ad-

1 ministered by the Secretary of Agriculture as a
2 wild river.”.

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