

**Calendar No. 527**

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1272**

**[Report No. 111-257]**

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 SENATE OF THE UNITED STATES

JUNE 16, 2009

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

AUGUST 5, 2010

Reported by Mr. BINGAMAN, with an amendment and an amendment to the title

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

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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”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) MAP.—The term “map” means the map en-  
9       titled “Devil’s Staircase Wilderness Proposal” and  
10      dated June 10, 2009.

11              (2) SECRETARY.—The term “Secretary”  
12      means—

13                      (A) with respect to land under the jurisdic-  
14              tion of the Secretary of Agriculture, the Sec-  
15              retary of Agriculture; and

16                      (B) with respect to land under the jurisdic-  
17              tion of the Secretary of the Interior, the Sec-  
18              retary of the Interior.

19              (3) STATE.—The term “State” means the State  
20      of Oregon.

21              (4) WILDERNESS.—The term “Wilderness”  
22      means the Devil’s Staircase Wilderness designated  
23      by section 3(a).

1 **SEC. 3. DEVIL'S STAIRCASE WILDERNESS, OREGON.**

2       (a) **DESIGNATION.**—In accordance with, and in fur-  
 3 therance of the purposes of, the Wilderness Act (16 U.S.C.  
 4 1131 et seq.), the Federal land in the State administered  
 5 by the Chief of the Forest Service and the Director of the  
 6 Bureau of Land Management, comprising approximately  
 7 29,650 acres, as generally depicted on the map, is des-  
 8 ignated as wilderness and as a component of the National  
 9 Wilderness Preservation System, to be known as the  
 10 “Devil’s Staircase Wilderness”.

11       (b) **MAP; LEGAL DESCRIPTION.**—

12           (1) **IN GENERAL.**—As soon as practicable after  
 13 the date of enactment of this Act, the Secretary  
 14 shall file with the Committee on Natural Resources  
 15 of the House of Representatives and the Committee  
 16 on Energy and Natural Resources of the Senate a  
 17 map and legal description of the Wilderness.

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

23           (3) **AVAILABILITY.**—The map and legal descrip-  
 24 tion filed under paragraph (1) shall be on file and  
 25 available for public inspection in—

1           (A) the Office of the Chief of the Forest  
2           Service; and

3           (B) the Office of the Director of the Bu-  
4           reau of Land Management.

5           (4) CONFLICT BETWEEN MAP AND LEGAL DE-  
6           SCRIPTION.—In the case of a conflict between the  
7           map and the legal description filed under paragraph  
8           (1), the map shall control.

9           (c) ADMINISTRATION.—The Secretary shall admin-  
10          ister the Wilderness—

11           (1) in a manner that maintains and restore the  
12          wilderness character of the Wilderness; and

13           (2) in accordance with—

14           (A) the Wilderness Act (16 U.S.C. 1131 et  
15           seq.); except that any reference in that Act to  
16           the effective date shall be considered to be a  
17           reference to the date of enactment of this Act;  
18           and

19           (B) the Oregon Wilderness Act of 1984  
20           (16 U.S.C. 1132 note; Public Law 98–328).

21           (d) INCORPORATION OF ACQUIRED LAND AND IN-  
22          TERESTS.—Any land within the boundary of the Wilder-  
23          ness that is acquired by the United States shall—

24           (1) become part of the Wilderness; and

25           (2) be managed in accordance with—

1                   (A) this section; and

2                   (B) any other applicable laws.

3           (c) ~~FISH AND WILDLIFE.~~—Nothing in this section af-  
4 ffects the jurisdiction or responsibilities of the State with  
5 respect to wildlife and fish in units of the National Forest  
6 System in the State.

7           (f) ~~ADJACENT MANAGEMENT.~~—

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

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

16           (g) ~~WITHDRAWAL.~~—Subject to valid rights in exist-  
17 ence on the date of enactment of this Act, the Federal  
18 land within the Wilderness is withdrawn from all forms  
19 of—

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

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

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

1       (h) PROTECTION OF TRIBAL RIGHTS.—Nothing in  
2 this section diminishes—

3           (1) any rights of an Indian tribe in existence on  
4 the date of enactment of this Act; or

5           (2) any tribal rights regarding access to the  
6 Wilderness for tribal activities, including spiritual,  
7 cultural, and traditional food gathering activities.

8 **SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, WASSON**  
9 **CREEK AND FRANKLIN CREEK, OREGON.**

10       Section 3(a) of the Wild and Scenic Rivers Act (16  
11 U.S.C. 1274(a)) is amended by adding at the end the fol-  
12 lowing:

13           “(208) FRANKLIN CREEK, OREGON.—

14               “(A) IN GENERAL.—The 4.5-mile segment  
15 of Franklin Creek, Oregon, from the head-  
16 waters of the Creek to the private land bound-  
17 ary in sec. 8, T. 22 S., R. 10 W., to be admin-  
18 istered by the Secretary of Agriculture as a wild  
19 river.

20               “(B) LATERAL BOUNDARIES.—Notwith-  
21 standing section 3(b), the lateral boundaries of  
22 the wild river area along Franklin Creek shall  
23 include an average of not more than 640 acres  
24 per mile measured from the ordinary high water  
25 mark on both sides of the Creek.

1           “(209) WASSON CREEK, OREGON.—

2           “(A) IN GENERAL.—The following seg-  
3           ments of Wasson Creek, Oregon:

4           “(i) The 4.2-mile segment from the  
5           eastern edge of sec. 17, T. 21 S., R. 9 W.,  
6           downstream to the boundary of sec. 11 and  
7           12, T. 21 S., R. 10 W., to be administered  
8           by the Secretary of Interior as a wild river.

9           “(ii) The 5.9-mile segment down-  
10          stream from the boundary of sec. 11 and  
11          12 to the private land boundary in sec. 22,  
12          T. 21 S., R. 10 W., to be administered by  
13          the Secretary of Agriculture as a wild  
14          river.

15          “(B) LATERAL BOUNDARIES.—Notwith-  
16          standing section 3(b), the lateral boundaries of  
17          the wild river area along Wasson Creek shall in-  
18          clude an average of not more than 640 acres  
19          per mile measured from the ordinary high water  
20          mark on both sides of the Creek.”.

21   **SECTION 1. SHORT TITLE.**

22          *This Act may be cited as the “Devil’s Staircase Wilder-*  
23          *ness Act of 2010”.*

24   **SEC. 2. DEFINITIONS.**

25          *In this Act:*

1           (1) *MAP.*—*The term “map” means the map enti-*  
 2           *tled “Devil’s Staircase Wilderness Proposal” and*  
 3           *dated June 15, 2010.*

4           (2) *SECRETARY.*—*The term “Secretary”*  
 5           *means—*

6                     *(A) with respect to land under the jurisdic-*  
 7                     *tion of the Secretary of Agriculture, the Sec-*  
 8                     *retary of Agriculture; and*

9                     *(B) with respect to land under the jurisdic-*  
 10                    *tion of the Secretary of the Interior, the Sec-*  
 11                    *retary of the Interior.*

12           (3) *STATE.*—*The term “State” means the State*  
 13           *of Oregon.*

14           (4) *WILDERNESS.*—*The term “Wilderness”*  
 15           *means the Devil’s Staircase Wilderness designated by*  
 16           *section 3(a).*

17 **SEC. 3. DEVIL’S STAIRCASE WILDERNESS, OREGON.**

18           (a) *DESIGNATION.*—*In accordance with the Wilderness*  
 19           *Act (16 U.S.C. 1131 et seq.), the approximately 30,540*  
 20           *acres of Forest Service land and Bureau of Land Manage-*  
 21           *ment land in the State, as generally depicted on the map,*  
 22           *is designated as wilderness and as a component of the Na-*  
 23           *tional Wilderness Preservation System, to be known as the*  
 24           *“Devil’s Staircase Wilderness”.*

25           (b) *MAP; LEGAL DESCRIPTION.*—



1           (1) *IN GENERAL.*—As soon as practicable after  
 2           the date of enactment of this Act, the Secretary shall  
 3           prepare a map and legal description of the Wilder-  
 4           ness.

5           (2) *FORCE OF LAW.*—The map and legal descrip-  
 6           tion prepared under paragraph (1) shall have the  
 7           same force and effect as if included in this Act, except  
 8           that the Secretary may correct clerical and typo-  
 9           graphical errors in the map and legal description.

10          (3) *AVAILABILITY.*—The map and legal descrip-  
 11          tion prepared under paragraph (1) shall be on file  
 12          and available for public inspection in the appropriate  
 13          offices of the Forest Service and Bureau of Land  
 14          Management.

15          (c) *ADMINISTRATION.*—Subject to valid existing rights,  
 16          the area designated as wilderness by this section shall be  
 17          administered by the Secretary in accordance with the Wil-  
 18          derness Act (16 U.S.C. 1131 et seq.), except that—

19               (1) any reference in that Act to the effective date  
 20               shall be considered to be a reference to the date of en-  
 21               actment of this Act; and

22               (2) any reference in that Act to the Secretary of  
 23               Agriculture shall be considered to be a reference to the  
 24               Secretary that has jurisdiction over the land within  
 25               the Wilderness.

1       (d) *FISH AND WILDLIFE.*—*Nothing in this section af-*  
 2 *fects the jurisdiction or responsibilities of the State with*  
 3 *respect to fish and wildlife in the State.*

4       (e) *ADJACENT MANAGEMENT.*—

5           (1) *IN GENERAL.*—*Nothing in this section creates*  
 6 *any protective perimeter or buffer zone around the*  
 7 *Wilderness.*

8           (2) *ACTIVITIES OUTSIDE WILDERNESS.*—*The fact*  
 9 *that a nonwilderness activity or use on land outside*  
 10 *the Wilderness can be seen or heard within the Wil-*  
 11 *derness shall not preclude the activity or use outside*  
 12 *the boundary of the Wilderness.*

13       (f) *PROTECTION OF TRIBAL RIGHTS.*—*Nothing in this*  
 14 *section diminishes any treaty rights of an Indian tribe.*

15       (g) *TRANSFER OF ADMINISTRATIVE JURISDICTION.*—

16           (1) *IN GENERAL.*—*Administrative jurisdiction*  
 17 *over the approximately 49 acres of Bureau of Land*  
 18 *Management land north of the Umpqua River in sec.*  
 19 *32, T. 21 S., R. 11 W, is transferred from the Bureau*  
 20 *of Land Management to the Forest Service.*

21           (2) *ADMINISTRATION.*—*The Secretary shall ad-*  
 22 *minister the land transferred by paragraph (1) in ac-*  
 23 *cordance with—*

1           (A) the Act of March 1, 1911 (commonly  
2           known as the “Weeks Law”) (16 U.S.C. 480 et  
3           seq.); and

4           (B) any laws (including regulations) appli-  
5           cable to the National Forest System.

6 **SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, WASSON**  
7 **CREEK AND FRANKLIN CREEK, OREGON.**

8           Section 3(a) of the Wild and Scenic Rivers Act (16  
9           U.S.C. 1274(a)) is amended by adding at the end the fol-  
10          lowing:

11           “(210) *FRANKLIN CREEK, OREGON.*—The 4.5-  
12          mile segment from its headwaters to the line of angle  
13          points within sec. 8, T. 22 S., R. 10 W., shown on  
14          the survey recorded in the Official Records of Douglas  
15          County, Oregon, as M64-62, to be administered by the  
16          Secretary of Agriculture as a wild river.

17           “(211) *WASSON CREEK, OREGON.*—The 10.1-mile  
18          segment in the following classes:

19           “(A) The 4.2-mile segment from the eastern  
20          boundary of sec. 17, T. 21 S., R. 9 W., down-  
21          stream to the western boundary of sec. 12, T. 21  
22          S., R. 10 W., to be administered by the Secretary  
23          of the Interior as a wild river.

24           “(B) The 5.9-mile segment from the western  
25          boundary of sec. 12, T. 21 S., R. 10 W., down-

1           *stream to the eastern boundary of the northwest*  
2           *quarter of sec. 22, T. 21 S., R. 10 W., to be ad-*  
3           *ministered by the Secretary of Agriculture as a*  
4           *wild river.”.*

Amend the title so as to read: “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 components of the National Wild and Scenic Rivers System, and for other purposes.”.



Calendar No. 527

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1272**

[Report No. 111-257]

**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.

AUGUST 5, 2010

Reported with an amendment and an amendment to the title