

112TH CONGRESS
1ST SESSION

S. 766

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 rivers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 2011

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

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 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".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) MAP.—The term “map” means the map en-
 2 titled “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
 16 by section 3(a).

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

18 (a) DESIGNATION.—In accordance with the Wilder-
 19 ness Act (16 U.S.C. 1131 et seq.), the approximately
 20 30,540 acres of Forest Service land and Bureau of Land
 21 Management land in the State, as generally depicted on
 22 the map, is designated as wilderness and as a component
 23 of the National Wilderness Preservation System, to be
 24 known as the “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
3 shall prepare a map and legal description of the Wil-
4 derness.

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

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

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

21 (1) any reference in that Act to the effective
22 date shall be considered to be a reference to the date
23 of enactment of this Act; and

24 (2) any reference in that Act to the Secretary
25 of Agriculture shall be considered to be a reference

1 to the Secretary that has jurisdiction over the land
2 within the Wilderness.

3 (d) FISH AND WILDLIFE.—Nothing in this section
4 affects the jurisdiction or responsibilities of the State with
5 respect to fish and wildlife in the State.

6 (e) ADJACENT MANAGEMENT.—

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

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

15 (f) PROTECTION OF TRIBAL RIGHTS.—Nothing in
16 this section diminishes any treaty rights of an Indian
17 tribe.

18 (g) TRANSFER OF ADMINISTRATIVE JURISDIC-
19 TION.—

20 (1) IN GENERAL.—Administrative jurisdiction
21 over the approximately 49 acres of Bureau of Land
22 Management land north of the Umpqua River in sec.
23 32, T. 21 S., R. 11 W, is transferred from the Bu-
24 reau of Land Management to the Forest Service.

1 (2) ADMINISTRATION.—The Secretary shall ad-
2 minister the land transferred by paragraph (1) in
3 accordance with—

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

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

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

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

14 “(208) FRANKLIN CREEK, OREGON.—The 4.5-
15 mile segment from its headwaters to the line of
16 angle points within sec. 8, T. 22 S., R. 10 W.,
17 shown on the survey recorded in the Official Records
18 of Douglas County, Oregon, as M64–62, to be ad-
19 ministered by the Secretary of Agriculture as a wild
20 river.

21 “(209) WASSON CREEK, OREGON.—The 10.1-
22 mile segment in the following classes:

23 “(A) The 4.2-mile segment from the east-
24 ern boundary of sec. 17, T. 21 S., R. 9 W.,
25 downstream to the western boundary of sec. 12,

1 T. 21 S., R. 10 W., to be administered by the
2 Secretary of the Interior as a wild river.

3 “(B) The 5.9-mile segment from the west-
4 ern boundary of sec. 12, T. 21 S., R. 10 W.,
5 downstream to the eastern boundary of the
6 northwest quarter of sec. 22, T. 21 S., R. 10
7 W., to be administered by the Secretary of Ag-
8 riculture as a wild river.”.

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