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Welcome to the Jungle

A new wilderness bill would protect an ancient forest

By Jessica Hirst

The trees in the Oregon Coast Range's Devil's Staircase area have never been logged. Many grow irregularly, shaped by time and circumstance. They straddle boulders seductively, intertwine like Siamese twins, and display giant warty burls. Others have impossibly large trunks, towering above us like bark skyscrapers.

I am bushwhacking through the forest's dense understory, trying to keep up with local hikers Dave and Dee Tvedt. All morning, we have been tearing through prickly salmonberry thickets, hefting ourselves over enormous downed logs, and sidestepping across steep, crumbling ridges. I consider myself in pretty good shape, but my leg muscles are beginning to burn. To do this sort of thing for days on end, I think, Lewis and Clark must have had quads of steel.



Dee Tvedt admires an ancient western red cedar. Photo by Dave Tvedt.

For more than 100 years, Oregon's Coast Range has been farmed for timber, transformed from a vast, misty rainforest to a patchwork of clearcuts and homogenous tree plantations. Only several stretches of native rainforest still exist here, and the 30,000-acre Devil's Staircase area is by far the largest. It is rarely traveled, and so rugged that some parts of it cannot be mapped, except from the air.

Located between the Smith and Umpqua rivers, the area is jointly owned by the BLM and the Siuslaw National Forest. The old-growth forest is home to endangered species like the Northern spotted owl and the marbled murrelet (a Pacific seabird), as well as salmon, elk, black bear, mountain lion, otter and mink. Enclosed deep within the forest's vine maple and sword ferns is a multitiered waterfall, which lends its name to the area. For years, the hidden waterfall, the Devil's Staircase, existed only as



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rumor until it was finally seen in the 1980s.



Harvey Creek has great fish habitat and is located in the SW corner of the proposed Devil's Staircase Wilderness. Early May 2009. Photo by Dave Tvedt.

Despite the untouched, timeless quality of this forest, it is not protected from logging. For the past two years, the Tvedts have led groups into the Devil's Staircase area as part of an effort to build support for preserving the forest permanently as wilderness. Now, after more than 20 years of legal battles and a recent campaign by local groups like Cascadia Wildlands and Oregon Wild, it looks like these efforts might be about to pay off.

On June 15, U.S. Rep. Peter Defazio and Sen. Ron Wyden introduced a bill in Congress that would permanently designate the area as wilderness. The bill would also protect 14.4 miles of Wassen and Franklin creeks, which run through the area. Two companion bills would also protect the Oregon Caves National Monument and the Lower Rogue river. Because the Devil's Staircase bill doesn't take timber out of production, supporters say that it has a good chance of passing.

Today, we are heading not to the waterfall itself, but into an area that contains some of the oldest trees in the forest. Most of the trees in the Devil's Staircase area are about 150 years old, the last time a wildfire — rare in these parts — swept through. But not all trees burned in that fire. Some of the most majestic ones were spared, and Dave estimates that a few might be as old as 600 years.

Hit by a Whopper

Only a few years ago, the fate of the Devil's Staircase area was up in the air. In 2007, the BLM released the first draft of the Western Oregon Plan Revisions (WOPR, pronounced "whopper"). By removing BLM forests from the scientific framework of the Northwest Forest Plan, the WOPR opens up more than 74,000 acres of old-growth and streamside forest in western Oregon to clearcut logging. Under the first draft of the WOPR, the BLM portion of the Devil's Staircase area would have been sold to timber companies.

The BLM created the WOPR in response to an out-of-court settlement agreement between the Bush administration and the timber industry. In the early 2000s, the timber industry filed a lawsuit against Clinton's Northwest Forest Plan, which reduces timber yields in National Forests. With the industry suit on appeal, the Bush administration chose to settle out of court. In the settlement, the administration agreed to go along with the terms of the timber industry.

But environmental groups contend that the WOPR is a handout to the timber industry. "It was a sweetheart deal," says Andy Stahl, executive director of the Forest Service Employees for Environmental Ethics (FSEEE).

In response to public opposition, the BLM made some changes to the first draft of the WOPR, including removing any risk of logging from the Devil's Staircase area. The future of the WOPR is uncertain, due to a number of lawsuits filed by environmental groups. But until the outcome is settled, other old-growth forests in western Oregon will be at risk. Currently, the BLM has its eye on 400 acres of older forest in the Fall Creek area southeast of Eugene.

Why this Wilderness?

In 1964 Congress passed the Wilderness Act, which established a process for permanently

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In 1964 Congress passed the Wilderness Act, which established a process for permanently protecting land from development, roads and resource extraction. The Wilderness Act more poetically than scientifically defines wilderness:

"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammeled by man, where man himself is a visitor who does not remain."

It goes on to further define wilderness as "area of undeveloped Federal land retaining its primeval character and influence."

Once an area has been designated as wilderness, it has received the country's highest level of protection. Logging and oil and gas drilling are prohibited. The "wilderness character of the area" is preserved through watershed, habitat and endangered species protection. Ecosystems are left to change over time, unaltered as much as possible by human influence. The wording of the Wilderness Act also encourages non-motorized recreational activities in wilderness areas, though in some areas motorboats and aircraft have been grandfathered in.

Because forests — especially old-growth forests — provide valuable timber revenue, it's often difficult to get them protected as wilderness. However, once that designation is in place, it's difficult to undo. Once Congress votes to protect an area as wilderness, only another act of Congress can reverse that decision. The chances of this happening are slim.

Even if the WOPR is thrown out, a future political climate that doesn't favor preserving old growth could theoretically put the Devil's Staircase area at risk once again. But if the area is designated as wilderness, it will enjoy permanent and unfaltering protection from chainsaws.

The area was initially included in a 1984 wilderness bill, but was stripped off at the last moment during negotiations in Congress.

Currently, only 4 percent of Oregon's land is designated as wilderness, compared to 11 percent in Washington, 8 percent in Idaho, and 15 percent in California. Congress passes Oregon wilderness bills about every five to 10 years, says Chandra LeGue of Oregon Wild. "It doesn't happen that often," she says.

While many Oregon forests deserve wilderness protection, the Devil's Staircase area is special for several reasons, says Kate Ritley, executive director of Cascadia Wildlands.

Not only is the area one of the wildest places left in Oregon, it provides crucial habitat for endangered species like the Northern spotted owl, Ritley explains. It has the largest population of Northern spotted owls on the Pacific coast, she says. Because the owls nest in large trees and each nesting pair needs 1 to 2 square miles of territory, large pieces of intact old-growth forest are necessary for the owls' survival. This type of habitat is rare, however, and the Northern spotted owl continues to decline at a rate of about 4 percent a year. "It's time we recognize that, if we have any hope of saving them," Ritley says.

Because the area holds such a large stand of old-growth forest, it's also valuable for sequestering carbon, says Josh Laughlin, conservation director for Cascadia Wildlands. Scientists studying climate change have found that temperate rainforests — like those of the Coast Range — store more carbon per acre than any other forest types in the world, says Laughlin.

"There are definitely a lot of other areas that are worthwhile to protect," says LeGue. "We've scouted and identified many thousands of acres as wilderness-worthy, with old-growth forest, endangered species, and recreational opportunities. But it's often about knowing where to put our resources at a particular time," she says.

Support from lawmakers is key, LeGue says. "We have to look at what is politically ripe. We were lucky to have DeFazio's support for the Devil's Staircase, but another district might have a congressperson who isn't as supportive," LeGue says. "That sort of thinking goes into these campaigns."

Questioning Voices

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Despite the strong support behind the Devil's Staircase campaign, not everyone agrees that the area should be protected as a wilderness area. One group opposing the bill is the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CLUS).

"The tribe supports wilderness lands in aboriginal territory, and believes it's important to protect the forest in native form, but we disagree about who, what, when and where," says Robert Garcia, Tribal Council chairman for the CLUS tribes. "We don't support formation of additional wilderness areas until the tribe's lands have been taken care of."

In 1855, the U.S. government negotiated a treaty with Oregon Coast tribes that promised protections and just treatment in exchange for the tribes' ancestral homelands. The treaty was never ratified and promises of protection were routinely broken over the years.

Now the CLUS tribes are working on a proposal for the return of part of their ancestral homeland from Siuslaw National Forest. A bill that would have returned 63,000 acres of land to the tribes failed in Congress in 2003, and the tribes are currently reworking that original proposal, says Garcia. "Where is the equity and the morality of not taking care of righting the wrongs that have been done to the tribe?" he asks.

Parts of the Devil's Staircase area, including the waterfall itself, fall within the tribes' sphere of interest. The tribes are developing a forestry management program for restored land, Garcia says. Although the plan includes logging, Garcia says that no logging would take place in the Devil's Staircase area.

Traditionally, the forests of the Coast Range Forests "were important to everyday existence of our tribe," Garcia says. "Cedar trees were used for clothing, canoes and containers. Other native plants were used for medicines. Yew trees were used for making bows. Every part of the forest had significance," Garcia says.

Remote or Accessible?

We all pause for a moment in the brush, snacking on orange salmonberries that glisten in the dusk of the forest. They're surprisingly sweet for something wild. Dave Tvedt talks easily about the forest, his natural enthusiasm for the place shining through.

I ask him about the possibility of future trails through the area. He's a talented off-trail hiker, disappearing into thickets of brush and emerging easily 20 paces ahead. He pops neatly over huge downed logs, while I flail across on my belly. He navigates using Doug firs that I can't tell apart. I wonder what the wilderness designation might mean for future access to this rugged area. Will it mean trails through the area that will allow more people to hike in? Or will the area remain accessible only to experienced hikers who know how to navigate using topographic maps and GPS?

"It would be possible to build a trail to the waterfall, but it would be tricky," he explains, pointing towards the nearest ridge. "Because the ridges of the Coast Range are so steep and the soils are so unstable, any trails through the area need to be built with erosion in mind," he says. The current language of the Devil's Staircase bill doesn't require trails, but this could change in Congress, he says.

When I talk with LeGue later, she agrees that any public access into the fragile Devil's Staircase area would need to be provided responsibly. "It's important that people have a way to access the area if they're interested. In order to care about the place, they need to see it and believe it," she says. "But wilderness is important for lots of things other than people. I really hope that if a trail were put in it would be in conjunction with agencies that manage the land. It has to be done carefully," she says.

It's late afternoon in the forest, and we're beginning to hike out. We ascend a steep ridge, following the trace of an elk trail across the slope before leaving it behind for a final vertical push. We grab onto the fronds of sword ferns for support, pulling ourselves up from the crumbling soil beneath our feet.

One by one we gain the ridge, and as I emerge I see that everything has changed. We're at the edge

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of the proposed wilderness area, on an overgrown, perfectly flat road. We're surrounded by slim, second-growth alder trees and there's no forest canopy to block the light. I marvel at how the dank world of the forest, with its secret waterfalls, sudden marshes, translucent berries, and ancient trees has disappeared in a moment.

But if the Devil's Staircase bill passes, it will always be there to return to. Even if you have to follow someone else with a good map.

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