

**STATEMENT  
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**BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS  
COMMITTEE ON NATURAL RESOURCES  
UNITED STATES HOUSE OF REPRESENTATIVES  
OCTOBER 1, 2009**

**CONCERNING**

**H.R. 2888, the “Devil’s Staircase Wilderness Act of 2009”**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 2888, the “Devil’s Staircase Wilderness Act of 2009.”

H.R. 2888 would designate an area known as the “Devil’s Staircase” as wilderness under the National Wilderness Preservation System. In addition, H.R. 2888 would designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers under the Wild and Scenic Rivers Act. The Department supports the designation of the Devil’s Staircase wilderness as well as the Wild and Scenic River designations on National Forest System lands. We would like to offer minor modifications to H.R. 2888 that would enhance wilderness values and improve our ability to manage resources in the area.

**Devil’s Staircase Wilderness Designation**

The Devil’s Staircase area lies in the central Oregon Coast Range north of the Umpqua River and south of the Smith River. Elevations in the area range from near sea level to about 1,600 feet. The area is characterized by steep, highly dissected terrain. It is quite remote and difficult to access. A stair step waterfall on Wasson Creek is the source of the name “Devil’s Staircase”.

The proposed wilderness encompasses approximately 29,600 acres of National Forest System (NFS) and Bureau of Land Management (BLM) lands. NFS lands are approximately 23,500 acres, and BLM lands are approximately 6,100 acres. Approximately 7,800 acres of the NFS lands are within the Wasson Creek Undeveloped Area under the Forest Plan for the Siuslaw National Forest and were evaluated for wilderness characteristics in the 1990 Siuslaw National Forest Land and Resource Management Plan. While the Forest Service remains committed to the forest planning process, the agency did not have the opportunity to recommend wilderness during the development of the 1990 Siuslaw National Forest Land and Resource Management Plan. Congress passed Public Law 98-328, the Oregon Wilderness Act of 1984. That Act

provided specific language regarding the wilderness recommendation process that exempted the Forest Service from having to further review a wilderness option for unroaded lands in the forest planning process since Congress had just acted on the matter. The Act does specify that during a forest plan revision the agency is required to revisit the wilderness options. For this reason, the Siuslaw National Forest Land and Resource Management Plan did not include a wilderness recommendation. The 1990 Record of Decision determined that the Wasson Creek inventoried Roadless Area would be managed for undeveloped recreation opportunities.

All NFS lands that would be designated as wilderness are classified as Late Successional Reserve under the Northwest Forest Plan, which amended the Siuslaw National Forest Land and Resource Management Plan in 1994. This land allocation provides for the preservation of old growth (late successional) habitat. There are no planned resource management or developed recreation projects within the NFS portion of the lands to be designated as wilderness.

Most of the area is forested with older stands of Douglas fir and western hemlock, and with red alder in riparian areas. All three tree species are under-represented in the National Wilderness Preservation System, relative to its abundance on NFS lands in Washington and Oregon. These older stands provide critical habitat and support nesting pairs of the northern spotted owl and marbled murrelet, which are listed as threatened species under the Endangered Species Act.

The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. The Oregon Coast Range has been largely modified with development, roading, and logging. Three small wilderness areas currently exist along the Oregon portion of the Pacific Coast Range, and the proposed Devil's Staircase Wilderness would more than double the acres of old growth coastal rainforest in a preservation status. Wilderness designation would also preserve the Devil's Staircase which is a unique landscape feature.

### **Road and Road Decommissioning**

There are approximately 24 miles of National Forest System roads within the proposal boundary. 10.5 miles of these roads are not needed for administrative use and would be decommissioned or obliterated.

The remaining 13.5 miles of road comprise Forest Service Road 4100 that bisects the proposed wilderness. The Department recommends the committee consider conversion of the existing road to a foot and horse trail compatible with wilderness uses. Removing the road would result in the Department being able to manage the wilderness as a whole rather than two halves. The road is currently brushy and difficult to travel, making restoration of a wilderness setting a viable option. The Forest Service would use a minimum tool analysis to determine the appropriate tools necessary to complete activities associated with the road.

**Wild and Scenic River Designations**

H.R. 2888 would also designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest. Both Wasson and Franklin Creeks have been identified by the National Marine Fisheries Service (NMFS) as critical habitat for coho salmon (Oregon Coast ESU [Evolutionarily Significant Unit] of coho salmon), a threatened species under the Endangered Species Act.

The Department defers to the Department of the Interior in regard to the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic rivers designation as part of the forest planning process for the Siuslaw National Forest. However, the Agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 5.9 miles of the Wasson Creek on NFS lands based on the segment's eligibility.

At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. Subsequent to the 1990 eligibility study the Forest Service has found that, Franklin Creek provides critical habitat for Coho salmon, currently listed as threatened under the Endangered Species Act, and also serves as a reference stream for research because of its relatively pristine character which is extremely rare in the Oregon Coast Range. The Department does not oppose its designation. Designation of the proposed segments of both Wasson and Franklin Creeks is consistent with the proposed designation of the area as wilderness. The actual Devil's Staircase landmark is located on Wasson Creek.

We would like to work with the bill sponsors and the committee on several amendments and map revisions that we believe would enhance wilderness values and improve the bill.

I would be happy to answer any questions the committee has on these designations.

Thank you.