



P.O. Box 195 • Cazadero, CA 95421 • 707.632.6070

Forest Communiqué

The Voice of Forest Unlimited

Spring 2006

LOGGING PLAN ON SUNRISE RIDGE

Gualala Redwoods Inc. (GRI), a timber company based in Louisiana, submitted a logging plan to the California Department of Forestry (CDF) on January 23, 2006. THP 1-06-008 SON includes 286 acres of forests on ridges and steep slopes of Sunrise Ridge near Cazadero. It drains to Austin and Kidd Creeks.

CDF and the forester for GRI have failed to assess cumulative effects properly. As usual they have (intentionally?) confused direct environmental effects with cumulative effects. Direct effects may be insignificant alone but significant when added to past or foreseeable effects.

The California Environmental Quality Act (CEQA), which clearly defines cumulative effects, requires that they be assessed and "mitigated" when they are "significant." CEQA guidelines recommend that agencies like CDF set "thresholds of significance" for cumulative effects, that is, set standards for how much is too much. Thus far CDF has refused to do so for most environmental effects. This has forced citizens to rely on thresholds set by other state and

“ CDF finally included the rating, Very High Fire Hazard Severity Zone. ”

federal agencies. Although significant environmental effects must be mitigated, "significant," remains an undefined moving target.

As a result of the foresters' misapplication of CEQA and CDF's willingness to cover for them, they reach the false conclusion that there will be "no significant cumulative effects" on such things as fire danger, siltation of Austin Creek (which affects salmon spawning) and water supply to down slope homes. These are serious issues but apparently CDF finds them trivial.

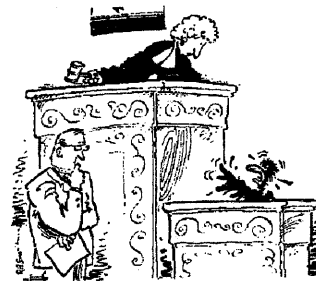
(Continued on page 3)

JOY ROAD LAWSUIT IN APPELLATE COURT

On May 15 the California Appellate Court heard oral arguments for Joy Road Area Forest and Watershed Association vs. California Department of Forestry. This case concerns CDF's illegal approval of a logging plan West of Occidental in the Fay Creek Watershed.

Previously Judge Lawrence Antolini of the Sonoma County Superior Court ruled in favor of the Joy Road group on three out of four issues, but CDF appealed. JRAFWA then cross-appealed the single issue that they lost. The attorney for JRAFWA is Edwin Wilson.

All four issues are related to CDF's continuing efforts to block meaningful public participation in the logging review process which is guaranteed by the California Environmental Quality Act (CEQA). JRAFWA prevailed on the following three issues at the Superior Court level:

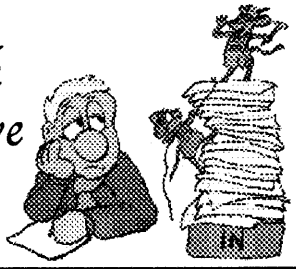


It did **not** happen that way,
Your Honor, I was there!

The first issue pertains to water resources. JRAFWA provided extensive evidence to the record that logging would reduce already limited groundwater. Neighbors were already forced to supplement their low wells in the summer by hauling water. CDF provided no contrary evidence, yet concluded that there would be no significant effect to the neighbor's wells. Only after the public comment period closed did they provide (inadequate) evidence in the Official Response, clearly violating previous court rulings.

(Continued on page 4)

From the desk of the Executive Director



Death by Freeway

Last month I witnessed something that sickened my heart. Undoubtedly you have noticed the Highway 101 widening project because traffic was at a standstill. This is the normal condition of 101. The clues were the CalTrans trucks, heavy equipment and flaggers. But did you also notice the many large, stiff carcasses laying along the shoulder? I refer to the redwoods slaughtered to make way for freeway expansion. These slain trees symbolize our transportation madness.

Anyone who has studied such matters knows that the automobile causes more environmental and health damage than any other source. It distorts our land use decisions with sprawl development. It paves over ground water recharge areas. Its toxics fill our cancer wards and it burdens our trauma centers. It maims parents and orphans children. It fuels our wars. It heats our planet, literally leading us "down the road" to climate disaster. And climate change will destroy our forests.

“ These slain trees symbolize our transportation madness. ”

The safety record of the automobile when compared to that of trains on a passenger-per-mile basis is abysmal.

Our so-called leaders refuse to give us a choice. Their policy is to devote more precious land to the automobile. They cannot see that the goal is to move people, not vehicles, in a safe, comfortable and efficient way. We need to remove cars from the freeway, not make more room for them.

Some have the audacity to complain of subsidies for trains. The most heavily subsidized form of transportation is the automobile. There are hidden subsidies at every level, from the parking spaces that local business's

are required to provide to federal tax breaks for massive oil tankers. It drains our public treasury and our private accounts. The price at the pump is but a tiny fraction of the true cost of the automobile.

These trees, sacrificed on an altar of steel, rubber and concrete, once cleansed the air of greenhouse gases and carbon dioxide. They cooled the air and help protected the soil from driving rain. They shielded us from the cacophony of road noise. They turned fog into ground water and their roots channeled rain into our aquifers. They made the long slow journey on the ugly freeway tolerable. I will miss them.

Are they Logging in Your Watershed?

The following are logging plans and timberland conversions currently under review by CDF in Sonoma County. Listed is the official CDF plan number, the landowner, the watershed, size, silviculture and status for each. Comments to CDF should be addressed to Director, 135 Ridgway Ave, Santa Rosa, CA 95402:

1-06-008 SON; Gualala Redwoods Inc; Austin Creek; 286 acres; Group Selection. See Article this issue. Public comment open.

1-06-009 SON; Gualala Redwoods Inc; South Fork Gualala River; 322 Acres; Selection. Preharvest inspection held on 2/21/06. Second Review is yet to be scheduled. Public comment open.

1-06-010 SON; Gualala Redwoods Inc; Rockpile Creek; 201 acres; Selection. Three miles southeast of Gualala. Preharvest inspection held on 5/10/06. Second review not yet scheduled. Public comment open.

1-04-208 SON; Miles, Touchstone and Capener; Livereau Creek; 8 acres, Selection.

1-06-032 SON; Hobbs & Bass; 25 acres; Conversion & Sanitation Salvage.

1-06NTMP-001 SON; Campbell; Grasshopper Creek; 650 Acres; Selection.

1-06NTMP-003 SON; Euphrat; Mill Creek; 375 acres; Group Selection & Selection.

Sunrise Logging (continued from page 1)

The fire hazard rating is one of the few thresholds CDF has actually determined. But the original logging plan filed by GRI omitted any mention of it. Thanks to letters sent by the Pole Mountain Coalition (PMC), a citizens group that Forest Unlimited helped organize, CDF finally included the rating, "Very High Fire Hazard Severity Zone" This is not news to residents of Cazadero. This rating means there is already a significant cumulative effect with regard to fire danger. Further, the forester admits that increased slash and hardwood "treatment" will increase fire hazard. (How could he admit otherwise? GRI operations have actually started fires in the past!) There are many homes located within 100 yards of the THP boundary, yet CDF allows the forester to conclude that there will be no significant cumulative effect for fire danger!

CDF has no threshold for turbidity for creeks but the state Water Quality Control Board (WQCB) and the federal Environmental Protection Agency (EPA) does. WQCB sets its water quality standards in the Basin Plan. The EPA has listed the Russian River and its tributaries as "impaired" for turbidity and temperature under section 303(d) of the Clean Water Act. Listing a creek or river as

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impaired for sediment means it is already suffering a significant cumulative impact. Court precedents have established that when a resource is suffering significant cumulative impacts, any further impacts must be "de minimus," meaning "too small to measure." The forester admitted that logging operations will increase sediment transport to Austin Creek although he concludes there will be "no significant cumulative impact." CDF will, of course, agree.

GRI's original logging plan incorrectly stated Cazadero's annual rainfall at 47 inches. The size of new culverts and road work were premised on this erroneous number. When PMC pointed out this error to CDF, GRI changed the annual rainfall to 77 inches. (Cazadero experienced over 108 inches this year!

The forester submitted a map showing two small landslides which he said would be avoided. Both CDF and the California Geological Survey (CGS) accepted this

assertion without "substantial evidence" in the record which is legally required. Regulations adopted by the Board of Geologists and Geophysicists define the type of work required be done by a licensed geologist. Determination of the location, extent and stability of slides clearly falls within that definition. Anyone who makes such determinations for a report relied upon by the public and public agencies is "practicing geology". It would appear

Aerial photos confirmed that the slides had coalesced into one massive slide that covered nearly the entire logging site.

that the forester is practicing geology without a license. Substantial evidence must be provided by a certified geologist.

PMC hired a licensed geologist who determined that County prepared maps showed three major slides. Aerial photos confirmed the slides had coalesced into one massive slide covering nearly the entire logging site. The geologist's report noted fractured shale frequently underlie coastal Franciscan areas making them highly unstable. The geologist insisted that "a detailed geotechnical investigation of the site is required to assess the effect of the proposed change in the use on the public health and safety on the environment." A cursory, one-day walk-around of the site, like that done by CGS, PMC's geologist said, was insufficient. WQCB also advised CDF to "consider having a licensed geologist study the area for adverse impacts to water quality given the large number of downstream domestic water supply intakes." Prior to this report, CGS claimed to have "reviewed" the geology report and saw no evil.

CGS's sloppy work is legendary. Whole watersheds like Freshwater in Humboldt County have been destroyed in part due to CGS's lack of diligence. Homes were destroyed in Stafford below a Pacific Lumber clearcut. A home was destroyed by a logging-triggered slide less than a mile down stream from the Sunrise Ridge logging plan. Nevertheless, CGS concluded that "no significant cumulative impact" was "likely" in this case. Small comfort to those who live below the logging site.

This plan has not yet been approved, so we encourage you to submit information and write letters of concern to the CDF at 135 Ridgway Dr., Santa Rosa 95401. If you would like to donate time or money to Pole Mountain Coalition, contact Forest Unlimited or send a check to Forest Unlimited with "PMC" on the memo line.

Joy Road (continued from page 1)

The second issue regards public notice. CDF constantly altered the plan after initial public notice yet failed to notify the public of those important changes. This too is a direct violation of CEQA. CDF argued that it was the public's responsibility to travel to Santa Rosa and check the record several times a week if they wanted to know about changes to the plan, even if the concerned citizen lived hundreds of miles away.

The third issue is the fragmentation of a larger project in order to avoid assessment of cumulative effects. Evidence indicated that the property owner, Harmony Forest & Land Company LLC, intended to construct 3 houses on the parcel after completing the logging. CDF refused to consider cumulative effects of logging plus the housing development. CEQA prohibits dividing projects into separate smaller projects in order to hide the cumulative impacts.

On the fourth issue, the Superior Court ruled in favor of CDF. CDF approved the plan contingent upon the results of a Spotted Owl Survey to be done before logging but after public comment ended. Forest Unlimited's investigations have demonstrated repeatedly that foresters fail to follow the federal protocols and even "relocate" owl nesting sites if they are, in Al Gore's words, "an inconvenient truth." In over 100 cases, surveys were done incorrectly and neither CDF nor the federal Fish and Wildlife Service noticed the errors. Public review of the survey results is necessary to keep the process honest.

The Justices seemed quite skeptical of CDF's arguments at the appellate hearing but did grant CDF an additional delay to respond to an Amicus (Friend of the Court) brief by attorney Paul Carroll. A ruling will not be forthcoming until later.

Forest Unlimited has worked with JRAFWA since the logging plan was filed in 2001 providing training, strategic advice and help with fundraising. You can contribute to JRAFWA efforts by sending a check made out to Forest Unlimited with "Joy Road" written on the memo line.

Timber Conversion Ordinance How May This Affect You?

You may know that on Tuesday, February 7, 2006, the Sonoma County Board of Supervisors voted 4-1, (Paul Kelley voted no), to pass an ordinance to restrict forest conversions within the county. But do you know how this will affect where you live in its final form?

The newly adopted ordinance applies to about 184,000 acres in Rural Resource Development (RRD and RRDWA), and Timber Production (TP) zones, but not to the 46,000 acres in other zones, such as Rural Residential (RR), Agriculture/Residential (AR), and Diversified Agriculture (DA).

The ordinance has basically two parts. One part prohibits forest conversions by disallowing permits for agricultural cultivation on Class I and II prime forestlands in RRD, RRDWA, and TP zones, which comprise only about 4% or approximately 7,400 acres of Sonoma County's conifers and mixed conifer forests. The other part of the ordinance addresses the rest of the forests, Site Classes III, IV, V forestlands which comprise 95% or approximately 176,600 acres. People who intend to convert on those acres must show "substantial public benefit" and be willing to put additional land in preservation at a 2 for 1 ratio (for each acre converted, two acres must be preserved in some fashion).

At this point, it is too soon to know what the ramifications are to this ordinance's adoption. We are unaware of any activity that has triggered a permit. If you are aware of any conversion activity, call Sonoma County's Permit and Resources Department, 565-1900, and Forest Unlimited at 632-6070 or 887-7433.



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Forest Unlimited is a 501(c)(3) organization whose purpose is to protect, enhance, and restore the forests and watersheds of Sonoma County. Forest Unlimited educates the public about logging plan review, forestry law, and regulation.

www.forestunlimited.org

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Please Renew Your Membership Today

Our day-in and day-out work toward protecting Sonoma County forests and watersheds takes time and money. We have tracked and gathered evidence against illegal logging plans and conversions, supported and carried lawsuits, gave our voice for better forestry practices, and continued our work with watershed groups. We would like you to support your forests by supporting Forest Unlimited. Please renew your membership (or become a new member) today using the form below. Thank you.

... And Yes, We Prefer Your Emails

Renewals and new memberships can opt to save paper for electronic newsletters in the future. Please fill out that section on the form and use the envelope provided. Thank you.

Finally...Water Board Gets Say on Logging Plans

The North Coast Regional Water Quality Control Board (NCRWQCB) held a final hearing in Santa Rosa on the matter of the profound problems with the logging practices of the Pacific Lumber Company (PALCO) in Humboldt County. For years the Department of Forestry (CDF) has more or less aided and abetted PALCO's logging while flooding, massive landslides, and rivers became devastated.

For many years now, watershed and environmental groups in Humboldt County have been putting pressure on the Regional Board to act. This came to a head on May 8, 2006. The Regional Board adopted Waste Discharge Requirements for Timber Harvest Plans specifically for Pacific Lumber Company in Humboldt County, but this will apply to all THPs. They also adopted a "zero discharge" standard for sediment.

This should have a beneficial impact on future plans, especially the more egregious plans that call for clearcutting methods. In any event, we will see how this will play out in the next plans submitted here in Sonoma County.

Become a Member of Forest Unlimited

Members receive the quarterly newsletter, Forest Communiqué, notification of special events and workshops, and notification of logging in their watershed. Your tax deductible contribution will help fund forestry education programs and forest preservation, protection, and enhancement projects.

* Please let me know when the next Forest and Watershed Protection Workshop will be in my area ____

YES! I would like to join Forest Unlimited to further your work! (Dues are tax-deductible as permitted)

\$200__ \$100__ \$50__ \$35__ \$15__ Other \$____

Name _____

EMAIL (for alerts & future e-newsletters) _____

Address _____

City/State/Zip _____

Phone _____

Your watershed _____



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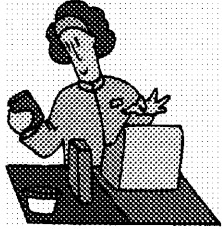
Contact Forest Unlimited at PO Box 195, Cazadero, CA 95421 • 707.632.6070



Forest Unlimited's Community Smart Card! *Leveraging Your Carrots*



Yes, we mean carrots and not karats. When you purchase those simple carrots and other items like books, auto parts, and office supplies, why not leverage those purchases by patronizing merchants that donate directly to Forest Unlimited on your behalf? Using your Smart Card with each minimum purchase at participating merchants like Copperfield Books, Andy's Market, Office Depot, Fiesta and Speers Markets, Freeman Toyota, Friedman Brothers, Burger King, 1-800-flowers, Accents Jewelry, and others results in a donation, by the merchant, to your local watershed protection organization.



Forest Unlimited has been working on the ground for over 10 years educating the public to challenge irresponsible logging, holding bad logging outfits accountable, and helping to keep the Department of Forestry honest. Maybe it's just a coincidence, but logging plans in Sonoma County have declined in the last 10 years. However, bad logging plans as well as conversions of redwood forests, oak woodlands, and mixed conifer forests to vineyards, is still a serious threat to our watersheds and to natural habitat areas.

Check out the long list of participating merchants in your area at <https://www.communitysmart.com/> and look under Enrolled Merchants and remember to TAKE your Smart Card OUT of your wallet when you make your purchase!! Make sure you swipe the Smart Card **before** you use your ATM or credit card. If you don't have a card yet, please contact us at kimlarry2@comcast.net or 707-887-7433.

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