

Forest Communiqué

The Voice of Forest Unlimited
PO Box 195 Cazadero CA 95421 707.632.6070

Spring 2005

600 Redwoods Planted

In cooperation with the Bodega Land Trust (BLT) and the Joy Road Area Forest and Watershed Association (JRAFWA), twenty Forest Unlimited volunteers helped plant nearly 600 redwood seedlings on a 60 acre parcel at the headwaters of Coleman Valley Creek, west of Occidental. The area which was deforested at the turn of the century now hosts a few large but scattered redwoods. Rick Coates explained, “The upper reach of Coleman Valley Creek, a tributary to Salmon Creek, lacks sufficient cover to keep the waters adequately cool for fish in the summer.”

Volunteers planted the trees near the creek and its tributaries.. A “Forever Wild” conservation easement held by BLT will protect the trees in perpetuity.

A special thanks to all the hard-working volunteer tree planters. Also a special thanks to Carl Wahl of the JRAFWA and to Sandy Sharp of BLT.

Participants in Redwood Planting pictured above are Larry Hanson, Mike Sandler and sister Sarah, Rick Coates, Kimberly Burr, and

Elizabeth Christie. Also in attendance were Bob Burke, the Byrnes family, Sandy Sharp, Dottie, Jean Redus, Michael Lee, Margaret Gerner, Susan Williamson, and Rita.



Favorable Fay Creek Ruling Challenged by CDF

On January 14, 2005, the California Department of Forestry filed to reverse a rare court ruling that was decided in favor of the forest. The Sonoma County Court found in Joy Road Area Forest and Watershed Association (JRAFWA) v. CDF that CDF had abused its discretion when it approved this logging plan west of Occidental. The court found CDF: 1) had added significant new information to the plan without properly renotifying the public and recirculating the plan, 2) had concluded that the ground water would not be significantly effected despite evidence to the contrary, and 3) had failed to consider the cumulative effects of planned residential development on the heels of logging.

According to Carl Wahl of JRAFWA, “ Because this is an appellate case, it

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From the desk of the
Executive Director



Saving Mark West Creek

The efforts to protect watersheds can be summed up in the story involving Casey Caplinger, a friend of Forest Unlimited. Casey lives at the headwaters of Mark West Creek. Having witnessed the unbelievable tenacity of the salmon that continue to overcome seemingly insurmountable odds to find mates and reproduce in the waters off St. Helena Road, Casey has pledged to protect this sensitive area in order that the salmonids many struggles are not made in vain. This is no small commitment for a single human to make against the powerful, persistent, and sometimes unlawful acts of developers of these natural areas. Casey, however, is definitely up to the task.

Mark West Creek is one of the longest and healthiest tributaries to the Russian River. It has always supported a salmon run. In the last 5 years, however, many acres of oak and Douglas fir forest have been cleared for vineyards along the steep slopes above Mark West Creek and its tributaries.

Casey has been monitoring the water level, temperature and nitrates for several years. The water level is steadily dropping, he believes, in response to the vineyard expansion on the hillsides above the creek. The springs that feed the creek are drying up. The reduced water supply is causing an increase in water temperature. In addition, there has been an increase in sediment in the creek from erosion on the slopes

“ The proposed development includes ...an area shown ...to be a landslide. ”

legally graded for the vineyards and illegally graded for other purposes. The sediment damages the spawning habitat for salmon. The effects are evident in significantly decreased fish populations.

The most recent vineyard project which would further drain the creek is a proposed winery of Henry Cornell. The proposed development includes a wine

cave and a large winery building on an area shown by the California Division of Mines and Geology to be a landslide.

Despite the obvious groundwater depletion and landslide problems, County Planning personnel prepared a “Mitigated Negative Declaration” for the proposed project. Incredibly, it includes the statement that the site is not in a landslide area!

Casey filed an appeal of this reckless decision, at his own expense. The official record contains more than enough evidence of potential negative environmental impacts (landslide, damage to endangered salmon, erosion and groundwater depletion) even after mitigation, yet the County of Sonoma, in violation of the California Environmental Quality Act, refuses to order a full Environmental Impact Report. Casey’s appeal will be heard May 10 in the Board of Supervisors chambers.

“ The riparian forests and fish be damned. ”

In this example, the regulatory agencies have been of little help in enforcing the law and, as is sometimes the case, the agencies can make it harder than it already is to protect the environment. In Mark West Creek, for example, a children’s camp was set up and when horses from the camp were placed on the banks of the biologically important creek, the agencies failed to follow through with an enforcement action. The corral and barn bleed silt and manure into the creek. As a result, the nitrate levels in the creek have increased and fine silt has begun to cover the creek bottom. New algae blooms are present that indicate creek eutrophication, which leads to oxygen depletion, which leads to fish suffocation. The silt also covers and suffocates the redds.

Another neighbor across the road who has a water easement on the corral property says the horses are polluting his drinking water. He had previously exhausted his financial resources successfully defending his easement rights from the previous owner only to have his water rights trampled. Government agencies seem unwilling to help.

Despite the county Water Agency’s low flow proposal and the supposed water “emergency,” the County wants to put part of Penngrove on city water, which will make more lots ripe for development -

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Urban Forests—Creeks of Santa Rosa

Forest and watershed organizing in the city? Well, yes. Cities do have native forestlands, primarily adjacent to the urban watercourses. These riparian forests are under serious threat from development, have limited water, and have disruptions from the normal riparian ecology. Forest Unlimited has embarked on an Urban Forests Project supported in part by the Northern California Environmental Grassroots Fund. We realized that if we are to protect, preserve and enhance forests in all of Sonoma County, we needed to organize watersheds within the cities, too.

Santa Rosa, with its many small, stressed streams seemed like an appropriate place to test our theory. First we investigated the paths and conditions of several tributaries to Piner and Santa Rosa Creek.

We wanted to find a creek at least partly lined with trails, a nearly intact riparian zone, sufficient flow to support salmon spawning and in need of some tender loving care.

We settled upon two creeks in Rincon Valley on the eastern edge of Santa Rosa: Ducker Creek and Austin Creek. Austin flows to Ducker and Ducker flows to Brush Creek and thence to Santa Rosa Creek. Santa Rosa Creek still supports salmonids that find their way from the Russian River via the Laguna de Santa Rosa. There are still water fowl and small fish in the creeks. A few stately redwoods and oaks lined some of the trails. But there are also negative impacts such as summer low flow, abundant trash and rainbow oil slicks on the creek, and an occasional shopping cart or dead automobile that decorated the channel.

Since residents jogged and walked their dogs on the few trails along some portions of the creek and the creek traversed backyards of so many residents, we felt people would care about the creeks. We reasoned that people needed a venue to express concern and some encouragement to take action.

But how to find them? Well, we scheduled a public meeting at the Rincon Valley branch of the public library on January 25. Then we enlisted the support of Alistair Bleifuss, the Environmental Specialist who coordinates the Santa Rosa Creek Stewardship Program. He produced detailed, full-color maps of the watershed and notified interested creek lovers listed in his data base.

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The logo for Forest Unlimited, featuring the words "Forest" and "Unlimited" in a stylized, handwritten-style font. "Forest" is on top and "Unlimited" is below it, both in black ink.

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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.

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Elizabeth Christie

You Can Make Water into Wine But...

You can't make wine into water. In the fall of 2004, in the peaceful countryside of Lake County, a large battle was underway. Long time residents, including a small goat farmer, retirees, school teachers, and artists had banded together to protect their shared aquifer and surrounding habitat from wine related activities of a new and large business interest. The basis of the conflict was that the County of Lake adopted a truncated environmental review of a multi-phased development, including an extensive wine cave, vineyards, wells, winery, and production facilities. This occurred despite the fact that the California Department of Water Resource's hydrologist concluded that the water necessary to irrigate the grapes would likely impact springs and neighboring domestic wells!

As we all know, vineyard wells, pesticides, miles of wire, grading, forest conversion, and fences pose significant impacts to the human and natural environment. The Lake County Board of Supervisors (with exception of Ed Robey), however, could not bring themselves to ask the developer to prepare a report that would fully analyze these impacts (EIR).

When Forest Unlimited became aware of the watershed issues raised by the Concerned Citizens of Coons Flat Valley and Jerusalem Grade Roads, Forest Unlimited agreed to support the long time residents. The concerned citizens, especially Glo Anderson, Alicia Farnsworth, Karl Giovachinni, and Jeffrey Palmer, had prepared an amazing record, including letters from residents, hard evidence

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By The Book - WLPZ

by Rick Coates

Nothing seems to discourage public involvement in California Department of Forestry's (CDF) logging plan review process like forestry jargon, except for maybe CDF's heavy reliance on acronyms. When confronted with a veritable alphabet soup of coded abbreviations, even the hardest of forest activists is apt to cringe.

The last time I counted there were some 70 acronyms. One of the most important acronyms is WLPZ. WLPZ stands for "Watercourse and Lake Protection Zone" The Forest Practice Rules describe this as a buffer zone ranging from 50 to 150 feet around a creek or river (a watercourse) or a lake designed to protect the "beneficial uses" of water. Beneficial uses include drinking water, fish habitat, swimming, boating, industrial use and more.

Somehow, when CDF translates these water quality rules into practice, silt and sediment get minimized, and I *don't* mean reduced to a minimum. Worse, water quantity is not even part of the Forest Practice Rules or CDF's concern, even though it is hard to imagine a beneficial use without water to use.

OK, the basics: There are four classes of watercourses, Class I's are supposed to receive the greatest protections. A watercourse is a Class I if it is a domestic water supply or fish use it permanently or seasonally. It could be a spring used for domestic water.

Class II watercourses have habitat for aquatic species other than fish, such as frogs, newts and aquatic snails. If there are fish within 1000 feet downstream, it's a class II watercourse.

Class III watercourses are usually intermittent if they can transport sediment sometime during the year

and they contain no aquatic life. (If it seems nonsensical to you that a watercourse could have no aquatic life if it has water during part of the year, then you know your biology).

Class IV are man-made like ditches, channels and agricultural drainages. (whether a reservoir qualifies as a lake or a Class IV watercourse is unclear).

Like most definitions made by people other than mathematicians, these classifications get fuzzy in the real world. Even though people's opinions could differ, foresters often misclassify watercourses simply because it will allow them to cut more trees or reduce the expense of protection. This is the most common error I seen THPs.

The degree of protection afforded to a watercourse depends upon its Class and the bank slope and, in some cases, on the type of yarding (log removal).

Now here is the kicker: Trees can still be cut within the WLPZ. For Class I watercourses, 50% of the overstory canopy and 50% of the understory canopy must be left. This standard can be met by non-commercial species such as oaks, tanoaks, madrones, and bay laurels. At least 25% of the existing conifers must be left. For Class II, 50% of the entire ground cover must remain. And Class III gets 50% of the understory canopy. Sometimes these values are adjusted upward at the insistence of DFG or WQCB.

Did I mention that if the forester wants to, he can propose an alternative to the standard rule so long as he "explains and justifies" the exception. I have never seen a case where CDF has rejected a forester's "in lieu" proposal. Sometimes the alternative is justified by what might be called "in lieu" logic.

But this doesn't seem to bother CDF.

Saving Mark West Creek *(continued from page 2)*

whether or not there is water sufficient to support this, and the riparian forests and fish be damned. (Creeks and rivers are, of course, directly connected to the groundwater.) Sonoma County still has no plan or policy to protect groundwater resources and many aquifers are already over-drafted.

All the elements of watershed protection seem to be distilled in this one example: 1) Agricultural Development reducing the water supplies. 2) Commercial development polluting the water. 3) Underfunded and

indifferent enforcement agencies. 4) Relentless pressure for growth.

5) Legislative bodies compromised or asleep at the switch. 6) Real-life human conflict reflecting widely differing motives.

To contact Casey and to review his "Plan of Action" for the assessment and protection of Mark West Creek. email noblewater@hotmail.com. If you wish to donate to Casey's appeal, you can send a check to Forest Unlimited with "Mark West" on the memo line.

Fay Creek *(continued from page 1)*

could set important legal precedents statewide.” CDF has long pursued a policy of modifying THPs while under review and adding information to the record at the last minute to prevent public scrutiny. Winning this appeal could halt this abusive and illegal practice.

Additionally, CDF has a habit of accepting forester’s unfounded assertions as valid without substantial evidence in the record. In this case, they not only had no evidence for their claim that ground water would not be effected, they ignored sound scientific evidence to the contrary submitted by the public, an outrageous breach of the public trust.

Lastly, it is not legal to divide one large project into many small ones to avoid review of the cumulative effects. In this case, CDF refused to evaluate the effects of residential development together with the effects of logging on the neighbors ground water. Recent county reports indicate that water resources in the Joy Road area are already over-drafted.

JRAFWA is confident Judge Antolini’s decision will be upheld. CDF is hoping Joy Road Association will run out of money fighting an expensive appeal.

While renewing your membership to Forest Unlimited, I encourage you to make an additional donation to the Joy Road Litigation Fund. Make the check payable to Forest Unlimited. Put “Joy Road” on the memo line.

Water into Wine *(continued from page 3)*

that impacts may occur from the Department of Fish and Game, UC Cooperative Extension, Department of Water Resources, and others. The local Sierra Club did all that it could to convince the Supervisors that the potential impacts had not been analyzed or mitigated—all to no avail.

A legal challenge is never entered into lightly. “Litigation is considered as a last resort and requires work, sacrifices, expenses, and risk,” explained Larry Hanson, board member for Forest Unlimited. When decision makers show a disdain for the law, however, the only recourse in the noble effort to resist the destruction of habitat and watersheds is to seek the opinion of an impartial court. After reviewing the facts, the two groups decided that the County’s overt favoritism and disregard for the law had to be challenged by filing a legal action under the California Environmental Quality Act (CEQA). The courts have

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Yes, We Prefer Your Emails

To save paper, we are developing an email membership list for future electronic mailings and for timely, but infrequent, forest information. Please fill out and send the tear-off even if you don’t send money. Thank you. As always, we protect our list from spammers.

Please consider becoming 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 (alerts/future elect. newsletters) _____

Address _____

City/State/Zip _____

Phone _____

Your watershed _____

The logo for Forest Unlimited, featuring the words "Forest" and "Unlimited" in a stylized, handwritten-style font. "Forest" is on the top line and "Unlimited" is on the bottom line, with the letters overlapping.

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Urban Forests *(continued from page 3)*

Then Forest Unlimited volunteers walked the neighborhoods adjacent to Ducker and Austin Creeks placing invitations to the meeting on the doorsteps of residents who lived on or near the creeks. The invitations explained the importance of the watershed and suggested some activities the new watershed group might do.

Then we waited anxiously for the day of the meeting. We guessed that maybe ten citizens might show up. We were wrong. The meeting had more than double that many—and were they enthusiastic!

By the end of the evening it was clear that the group had creek projects that they wanted to implement: trash and pollution cleanup, stations to install along the paths to facilitate pet waste removal, non-native blackberry removal, fish and wildlife enhancement, and, yes, tree planting. And to prove they meant business, they scheduled a Creek Walk just two weeks later to familiarize the group with the creek's route and condition. They invited the public, spread the word and more than thirty citizens showed for the walk.

They met again on February 22 and planned a Creek Cleanup day on Saturday, March 19. If you want to join the excitement, or would like to help start a watershed group on your creek, call 632-6070.

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Water into Wine *(continued from page 5)*

held over and over again that decision makers must afford the fullest protection of the environment within a reasonable reading of the statutory language.

With a trial date set for late May, the parties have begun discussing a means to resolve the matter before it comes to trial. Forest Unlimited has so much admiration for the incredible resistance the concerned citizens created in their effort to force responsible environmental review of high impact activities encroaching upon their harmonious valley.

www.VineyardWatch.org was created by Lake Co. residents to give news and information for others dealing with problematic vineyard development.

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.

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