



Friends of Gualala River  
Forest Unlimited  
California Native Plant Society  
[GualalaRiver.org](http://GualalaRiver.org)



## **MEDIA RELEASE**

### **Sonoma County Superior Court Awards \$162,000 in attorney fees for lawsuit over floodplain redwood logging in Gualala River “Dogwood” timber harvest plan**

**Date: June 29, 2017**

After halting logging in the environmentally sensitive mature floodplain redwood forest of the lower Gualala River, Judge René Chouteau of Sonoma County Superior Court awarded \$162,000 in attorney’s fees to the successful parties in environmental litigation over CAL FIRE’s approval of the Dogwood Timber Harvest Plan. The successful parties are the Petitioners, Friends of Gualala River, Forest Unlimited, and California Native Plant Society, represented by attorney Edward Yates. The fee award ruling was issued June 27, 2017.

CAL FIRE’s consideration and approval of the Dogwood logging plan sparked public opposition for over a year culminating in a public protest demonstration in July 2016. Members of the public, including the Petitioners, were concerned that the proposed logging would significantly affect Gualala River reaches that are designated as Wild and Scenic, especially those reaches above the Gualala River’s mouth and estuary and adjacent to a regional Park. The forester hired by the timber company and landowner, Gualala Redwoods Timber (GRT), prepared the environmental analysis used by CAL FIRE to justify the five miles of floodplain logging on the lower Gualala River. It concluded logging would have no significant impacts, despite a lack of evidence or even basic scientific surveys for wetlands or rare plants and wildlife known to occur in the floodplain.

Petitioners filed a lawsuit in Sonoma County Superior Court on August 4, 2016, to compel the California Department of Forestry and Fire Protection (CAL FIRE) to set aside the agency’s final approval of the “Dogwood” timber harvest plan. California Native Plant Society joined the Petitioners in the lawsuit in September 2016. Acting in the public interest, the three nonprofit environmental groups challenged CAL FIRE’s approval of the unprecedented large-scale floodplain redwood logging plan. This plan allows for significant impacts to over 400 acres of Gualala River wetlands, rare plants and endangered wildlife.

On January 25, 2017, Judge Chouteau made an unexpected ruling to remand the entire Dogwood THP back to CAL FIRE to comply with the California Environmental Quality Act (CEQA) and Forest Practices Act (FPA). The Court's judgment was that CAL FIRE's approval of Dogwood included a defective cumulative impact analysis that omitted a subsequent foreseeable floodplain logging plan by the same applicant, Gualala Redwoods Timber. This ruling provided CAL FIRE with an opportunity to fully overhaul the incomplete or defective environmental review.

CAL FIRE must return to Court to present its progress in late August. In the meantime, on June 27, the Court ruled on Petitioners motion for attorney's fees. The Court granted Petitioners motion for fees, holding that: "Petitioners enforced an important public right and conferred a significant benefit to the general public by obtaining injunctive relief and proving respondent failed to comply with the requirements under CEQA and the Forest Practice Act."

CAL FIRE chose not to contest the June 27 fee award before Judge Chouteau, and the scheduled hearing on fees on June 28 was cancelled. CAL FIRE is, however, contesting some administrative record costs. A subsequent hearing (SCV-259216, Forest Unlimited v. California Department of Forestry and Fire Protection) is scheduled for July 19, 2017.

In the meantime, there is still an injunction suspending timber operations in the Dogwood THP area, and public opposition to the plan remains high.

For more information:

[www.gualalariver.org](http://www.gualalariver.org)

contacts:

Peter Baye, Friends of Gualala River [botanybaye@gmail.com](mailto:botanybaye@gmail.com) 415.310.5109

Rick Coates, Forest Unlimited [rcoates@sonic.net](mailto:rcoates@sonic.net) 707.632.6070

Edward Yates, attorney, 415.990.4805