



# Friends of the Gualala River

PO Box 1543 Gualala, CA 95445

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Forest Practices  
California Department of Forestry  
135 Ridgeway  
Santa Rosa, CA 95401

Comments: THP 1-04-260 MEN - Robinson Creek, Gualala River

On behalf of Friends of the Gualala River (FoGR) I am submitting the following comments and concerns for inclusion to the administrative file for THP 1-04-260 and the attached Option A.

## **Concern #1**

The first concern is regarding incomplete and inaccurate data presented in the cumulative impact analysis.

The following comments are based on the "Robinson Creek Planning Watershed THP History from 1994" that is included in the THP Cumulative Assessment Checklist.

Current projects have apparently been left out of the cumulative impact analysis. The data presented is only from 1994 to 2004, but it is now 2007 and the data must be updated. The Cumulative Effects Assessment should include any THPs between 2004 and 2007. There are other THPs in the Robinson Creek Planning Watershed and in the local area that need to be included.

The RPF concludes that only 6.27% of the Robinson Creek Planning Watershed has been harvested using clearcutting silviculture, yet the numbers presented in the data do not add up to this amount. The RPF also states 4.83% of the watershed used alternative silviculture methods, yet the numbers presented in the data do not add up to this amount. Inaccurate data and/or inaccurate math must be corrected.

The RPF, by admission, does not disclose if the alternative silviculture resulted in even-age management. This should be corrected and analysis of the cumulative impacts caused by all even-age silviculture within this watershed should be included.

According to the data presented, 38.19% of the Robinson Creek Planning Watershed has been harvested since 1994 using even-age silviculture. This most important fact is not clearly presented anywhere in the THP document.

If the alternative silviculture acreage referred to by the RPF truly mimics a clearcut, as he speculates, and this acreage is added to the other even-age acreage, the total even-age silviculture since 1994 could exceed 45% of the watershed. This fact should be clearly stated and the cumulative impacts on sedimentation, salmon habitat, and spotted owls habitat loss



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should be fully discussed.

New computations and analysis of the silviculture methods should be included in the THP documentation. The current ones used are incomplete and inaccurate.

If you recheck the math, you will find many of the numbers presented are not added correctly. Many of the harvest percentages and acreage totals stated are incorrect. For example 1 acre + 2 acres does not equal 2 acres as stated in the data.

Where is the cumulative effects analysis of this high percentage of watershed clearing and the resulting additive significant effects on sediment movement, salmon habitat, fog drip, and reduced spotted owl habitat? Accurate, factual analysis needs to be provided.

Once the THP History is updated, the math errors corrected, and the inaccurate conclusions corrected, this THP should be recirculated for public review and comment.

## Data from THP history 1994-2004 THP1-04-260 MEN:

Even Aged Silviculture (Clear-cut, seed tree removal, shelterwood)					
THP#	Even Age	Clear-cut	Seed Tree Removal	Shelterwood	OTHER
94-431	3.74%			3.74%	
95-106	0.02%			0.02%	
95-131	1.84%			1.84%	
95-367	3.96%	0.16%		3.80%	
95-372	2.66%	0.38%		2.28%	
95-395	0.01%			0.01%	
95-451	0.12%			0.12%	
95-462	2.86%	0.09%	2.77%		
96-156	0.42%	0.18%		0.24%	
96-404	0.45%			0.45%	
96-479	0.08%	0.05%		0.03%	
97-470	0.61%	0.61%			
98-034	0.02%			0.02%	
98-106	1.21%			1.21%	
98-147	5.01%			5.01%	
99-087	1.41%	1.41%			0.05%
99-88	1.71%	0.39%		1.32%	
99-348	1.05%	0.90%	0.15%		0.03%
99-460	0.78%	0.78%			
01-298	4.36%			4.36%	2.26%
94-521	0.21%		0.21%		0.09%
94-564	1.62%	0.24%		1.38%	0.12%
96-062	3.85%		3.85%		
96-081	0.00%				1.47%
97-211	0.18%			0.18%	
98-041	0.01%			0.01%	
01-059					0.23%
<b>Totals</b>	<b>38.19%</b>	<b>5.19%</b>	<b>6.98%</b>	<b>26.02%</b>	<b>4.25%</b>



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## Concern #2

The second concern is the inadequacy of CDF written response to significant issues raised by DFG and other responsible agencies in a timely manner.

I am incorporating by reference the legal conclusions of Friends of Old Trees vs CDF as relevant to this THP including, but not limited to:

"Under the terms of the Forest Practice Act, public notice of the filing of a THP is required (s 4582.4; Regs., s 1037.1), and the plan must be made available for public review and comment (s 4582.6). The process also provides for consultation with certain public agencies, including the Department of Fish and Game, the appropriate California regional water quality control board, and the pertinent county planning agency. (s 4582.6; Regs., s 1037.3.) The Department must "review the public input, to consider recommendations and mitigation measures of other agencies, [and] to respond in writing to the issues raised...." (s 4582.7, subd. (a).)

"... the Department's response was not prepared as part of the THP that was available for public comment but was only issued after the THP had been approved. (See Regs., s 1037.8.) " 'If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.' " (Sierra Club, supra, 7 Cal.4th at p. 1229, 32 Cal.Rptr.2d 19, 876 P.2d 505, citing Laurel Heights Improvement Assn. v. Regents of University of California, supra, 47 Cal.3d at p. 392, 253 Cal.Rptr. 426, 764 P.2d 278.) In pursuing an approach that "releases a report for public consumption that hedges on important environmental considerations while deferring a more detailed analysis to [a report] that is insulated from public review" the Department pursued a path condemned as inconsistent with the purpose of CEQA in this division's opinion in Mountain Lion Coalition v. California Fish & Game Com. (1989) 214 Cal.App.3d 1043, 1052, 263 Cal.Rptr. 104. Certainly, the Department cannot expect the public's access to information after-the-fact to substitute for the opportunity to influence the Department's decisions before they are made."

CDF is obligated to respond in writing to issues raised by DFG (and other agencies). CDF's written response must be supported by facts, entered into the administrative record and re-circulated for public comment. It is unacceptable that significant issues raised by responsible agencies should be arbitrarily dismissed and ignored by both the RPF and CDF or only addressed after the close of public comment..

Respectfully submitted,

John Holland  
President  
Friends of the Gualala River