



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



## **MEDIA RELEASE**

# **Sonoma County Superior Court Remands Entire Dogwood Timber Harvest Plan Back to CAL FIRE for Environmental Review of Controversial Gualala River Redwood Forest Floodplain Logging**

**Date: January 28, 2017**

The “Dogwood” Timber Harvest Plan (THP), an environmental review of the first major logging of the mature redwood forest on the sensitive floodplain of the Gualala River, has been sent back to CAL FIRE for a full revision. The plan is bound for a fourth cycle of public comments. CAL FIRE, the California Department of Forestry and Fire Protection, is the state agency that regulates commercial logging.

On January 25, 2017, Judge Renee Chouteau of Sonoma County Superior Court 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 unanticipated early court decision to require correction of the THP’s incomplete, deficient treatment of many cumulative environmental impacts vindicates environmental organizations and many local residents who commented on and protested the Dogwood logging plan. “We have in effect already prevailed on one CEQA issue” said Edward Yates, attorney for the plaintiffs Forest Unlimited, Friends of Gualala River, and California Native Plant Society.

Petitioners had requested that the Court consider extra-record evidence about subsequent Gualala Redwoods Timber (GRT) redwood logging plans in the same Gualala River floodplain forest as Dogwood THP. Those logging plans were filed with CAL FIRE immediately or soon after circulation of the Dogwood THP. Mr. Yates argued that these post-Dogwood THPs were directly relevant for environmental review of Dogwood THP under CEQA and the Forest Practice Rules. Mr. Yates pointed out that these THPs were known to GRT and CAL FIRE, but not disclosed or analyzed for public review as potential cumulative impacts in the Dogwood THP as required by CEQA.

In an expected turn, Judge Chouteau remanded the entire Dogwood THP back to CAL FIRE, providing for a full overhaul of incomplete or defective environmental review. The court specifically found that CAL FIRE had violated CEQA's cumulative impact analysis requirements, and remanded the THP to CAL FIRE to provide CAL FIRE the opportunity to revise that analysis to be compliant with CEQA. Judge Chouteau held that while CAL FIRE is revising the cumulative impacts section, CAL FIRE would also have the opportunity to revise any other sections.

The Court will retain jurisdiction over the case while CAL FIRE revises the Dogwood THP again. After the revised Dogwood THP is recirculated and public comments are addressed, the Court will take up arguments again.

In the meantime, there is still an injunction suspending timber operations in the Dogwood THP area. After the Dogwood THP lawsuit was filed, however, CAL FIRE approved another GRT floodplain redwood logging plan on the Gualala River next to The Sea Ranch, the “German South” THP. In addition, CAL FIRE is preparing to approve yet another GRT floodplain logging plan on the river, “Plum” THP.

“This decision confirms that CAL FIRE failed yet again to regulate the timber industry and protect the environment”, said Larry Hanson, president of Forest Unlimited. “Despite forestry rules specifically designed to protect floodplain forests against cumulative impacts, CAL FIRE dismissed the combined impacts of piecemealed floodplain logging plans, totaling hundreds of acres and many miles, with even more on the way. This is why we had to take them to court. Fortunately, the court is going to make them do their job”.

The unprecedented, rapid series of floodplain redwood forest logging plans is alarming both local communities and environmental organizations in the region. After decades of clear-cut logging on steep ridges by Gualala Redwoods Inc. (GRI, the predecessor of GRT), GRT is apparently now hastening to log the most of the floodplain of the lower Gualala River within its ownership. GRT stated in the Dogwood THP discussion of alternatives that the alluvial flats of the river contain some of their largest redwood timber, and they are not willing to set any them aside from timber harvest plans.

It is not certain how long it will take to revise the Dogwood THP enough for Court approval, or whether adequate evidence-based environmental review could be completed in time for the Court to approve CAL FIRE’s revised Dogwood THP in time for the summer-fall logging season.

During the 1990s, GRI sought to log the Gualala River floodplain, but floodplain logging plans like “Iris” and “Cassidy” were opposed by state and federal natural resource agencies, and denied by CAL FIRE, despite unsuccessful legal actions by GRI to force their approval.

The California Board of Forestry subsequently approved new protective “Flood-Prone” and salmonid protection rules for floodplain logging. But GRT sought “exceptions” to the new protective floodplain forest protection rules against disturbances of flood-prone areas in order to extend the reach of skid roads throughout the “Dogwood” plan area. CAL FIRE granted the “exceptions” requested by GRT and agreed with GRT’s assertion that logging over 400 acres of mature floodplain redwoods along more than five miles of the lower river would have no significant cumulative impacts.

Hundreds of local citizens rallied in protest against the approval of the Dogwood THP in July 2016, and a coalition of regional environmental organizations sued CAL FIRE over its approval in August 2016. The lower Gualala River is designated as Wild and Scenic, and supports listed threatened and endangered species including steelhead, coho salmon, California red-legged frog, northern spotted owl, marbled murrelet, and rare plants.

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