



June 12, 2023

To: North Coast Regional Water Quality Control Board (NCRWQCB)

RE: June 16, 2023 Hearing: Administrative Civil Liability Complaint No. R1-2023-0026

The undersigned coalition of forest experts, biologists and environmental advocates **commend the NCRWQCB Board and its Prosecution Team** for holding timber operator Ken Bareilles accountable for the Fox Meadows Timber Operation's irreparable damage to the critical habitat of Felta Creek and its watershed. The timber operator was aware that the property is critical habitat as the Friends of Felta Creek had negotiated, for several years, to purchase/ place the property in a conservation easement. Note that Administrative Civil Liability Complaint No. R1-2023-0026 is not the first time the operator has been warned or cited for environmental degradation.

Recommendations into the Administrative Record: Our coalition also petitions the Water Board to create environmental protocols for Salvage Permits, issued as Exemptions to the Forest Practice Rules. Given there is no environmental review for these permits, pre-permit site inspections and review of the THP application record are required to ensure environmental degradation does not occur.

Our concerns go beyond the aforementioned project: CalFire issued many such Salvage Permits in watersheds that, like Felta Creek, were:

- 1) Slightly burned during recent wildfires and/or areas where fire never touched the removed trees; (In Fox Meadows case, as verified during operations by a biologist)
- 2) Stocked with fire resilient, yet profitable, redwood trees: and on
- 3) Parcels where the Department of Fish and Wildlife had recommended denial of previous timber harvest permits.

Why the Water Board should take the lead in developing environmental protocols and pre-permit inspections: Unfortunately, the Board of Forestry has taken no action to clarify which stream protection and road management sections of the Forest Practice Rules apply to these permits; thus, the Water Board is in a position to provide oversight to these public trust resources.

Although the violations of the CA Water Code are egregious in this case, there are numerous other projects in our region that are flaunting the same environmental protections. A pre-permit review of project files would reveal impacts to be addressed before issuing the Salvage Permit.

Forest Unlimited notes that forty percent (40%) of inspected lands - where landowners volunteered and approved the inspection – had serious violations of Porter Cologne and the Forest Practice Rules. Our watershed alone has observed a parade of logging trucks bearing healthy redwood trees – a testament to the cumulative impacts from this free-for-all post fire logging.

Key points:

- I. Fox Meadows is not the only project that used Salvage Permits to bypass limitations placed on the timber operation by previous environmental review. The Water Board should pursue all violators; and
- II. Pro-active review of “salvage projects” will ensure Salvage Permits are NOT given to land that has already been denied a THP based on environmental concerns.

Fox Meadows Example: In August 2018, the Sonoma County District Court ruled in favor of the Friends of Felta Creek’s petition. Then, after the 2020 Walbridge Fire, which swept through this property and barely singed the trunks of redwood trees, the operator used the Salvage Permit loophole to conduct the logging that had been denied twice by CalFire.

The Friends of Felta Creek petition cited, among other things, that the proposed aggressive logging – in addition to having significant impacts to a critical salmon-spawning creek and its watershed - would:

- 1) High-grade fire-resistant redwood trees and leave the lower value fir trees; thereby, increasing the fire and public safety risk;
- 2) Damage and create sedimentation impacts along the dirt, one-lane, private road that has sub-standard bridges paralleling Felta Creek and passing by an elementary school (this access/egress route was denied in earlier applications); and
- 3) Not comply with public safety requirements as the access and egress of heavy equipment would impede emergency access with simultaneous wildfire evacuation.

Thank you in advance for considering and acting on the recommendations from the coalition of forest experts, biologists and environmental advocates listed below.

We respectfully request that the NCRWQCB respond, in writing, to our petition.



Judith Olney and Padi Selwyn - Co-Chairs



Larry Hansen

Maya Khosla,
M.S. Biologist

Marilee Guinion
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Cc: Friends of Felta Creek and Westside Community Association

Letter of support for ACL #R1-2023-0026 emailed to:

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