

An article titled “ Timber harvest lawsuit dismissed by judge” by Natalya Estrada was published in the Times Standard on Nov 17, 2016.

Humboldt Redwood Company found a number of comments that would benefit from additional correction, clarification or commentary which are presented on the right side of the page.

Substantial factual information on Mendocino and Humboldt Redwood forests and its practices are available at www.mrc.com. Wherever possible we have provided direct links to specific material on our website to help the readers have easy access.

<p style="text-align: center;">Text of Article</p> <p><i>Text of article begins below, spaces placed to allow facts to line up with text of article.</i></p>	<p style="text-align: center;"><i>Facts about Humboldt Redwood Company</i></p>
<p style="text-align: center;">[BEGINNING OF ARTICLE BELOW]</p>	<p>Humboldt Redwood Company (HRC) was created in 2008 from lands purchased in Humboldt county with the publicly declared mission to be good stewards of the forest and at the same time run a successful business. We have made significant progress in that regard:</p> <ol style="list-style-type: none"> 1. Adopting policies to make HRCs forestlands FSC certified (since 2009); 2. Adding more than <u>500 million board</u> feet of redwood and Douglas fir trees by lowering the rate of harvest; 3. Defining of old growth down to the level of an individual tree, along with implementation of a policy to protect all individual old growth trees across our property; 4. Elimination of traditional clear cutting from our property; 5. Long term investments to improve habitat for fish across the property by controlling or holding back more than 400,000 cubic yards of sediment (more than 40,000 dump trucks of dirt) from the coastal streams flowing through our forest; 6. Stormproofing approximately 527 miles of forest roads on our ownership. 7. Operating as an open and transparent business; including an open invitation to take interested individuals anywhere in the forest; 8. Completing a substantial rebuild of our

<p style="text-align: center;">[BEGINNING OF ARTICLE]</p> <p>A Sonoma County Superior Court judge dismissed a lawsuit earlier this month by the Humboldt Redwood Company against the North Coast Regional Water Quality Control Board by denying a petition over a disputed timber harvest plan that was not immediately approved by the board. The board had been in the process of changing its regulations around timber harvesting.</p> <p>According to the board’s executive officer, Matt St. John, the decision to postpone the enrollment the timber harvest plan was because the board was in the process of developing a new permit for timber harvest plans in the Elk River which meant the Humboldt Redwood Company would need to wait until the board had the new permit in place before authorizing operations to begin.</p> <p>The case was handled in Sonoma County instead of Humboldt County because the water board’s main office is in Santa Rosa.</p> <p>Court documents stated the petition was denied and the matter was not ready for review by the court. The documents also stated that even if the petition was reviewed further, the weight of the evidence supported the determinations made by the water board.</p>	<p>Scotia sawmill, assuring that Humboldt County will have infrastructure in the processing of wood products for many years to come; and</p> <p>9. Employing about 250 skilled employees in Humboldt County earning family-level wages and benefits.</p> <p>This lawsuit is centered on a Timber Harvest Plan (THP) in the Elk River watershed which was reviewed by staff of the North Coast Regional Water Quality Control Board (NCRWQCB). The NCRWQCB supplied recommendations to the plan which HRC adopted. The THP was then approved by the state lead agency for forestry activities, Cal Fire, with concurrence by the NCRWQCB. After the THP is approved, HRC is required to enroll the THP under an existing process with the NCRWQCB. The Executive Director for the NCRWQCB chose to deny enrollment until a new, proposed process is developed and approved by the NCRWQCB. All THPs up until this point in time had been enrolled under the existing process while the new process is being formulated. It is HRC’s contention THPs should be enrolled under the existing process until the new process is approved by the NCRWQCB.</p>
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<p>The Humboldt Redwood Company did not respond for requests for further comment on the court’s decision.</p> <p>“The Humboldt Redwood Company issued a petition for ‘writ-of-mandate,’ but their petition was denied by the Sonoma County Superior Court. The court found that the action made by the North Coast Regional Water Quality Control Board was justified,” St. John said. “The action was a postponement of enrollment of the timber harvest plan; it was not a final decision.”</p> <p>The Environmental Protection Information Center (EPIC) and the Pacific Coast Federation of Fisherman’s Association had previously intervened in the petition when it was initially filed in August 2015.</p> <p>According to EPIC’s news release, the timber harvest plan was declined because of significant sedimentation from timber operations that impaired the Elk River watershed.</p> <p>[ARTICLE CONTINUES]</p>	<p>HRC did reply to the Time Standard.</p> <p>HRC contends that the THP was prepared in full compliance with the 2006 NCRWQCB waste discharge requirements (the existing process) and thoroughly reviewed by multiple state agencies including NCRWQCB, prior to approval by the lead agency, and therefore should be enrolled consistent with the existing agreement between the company and the NCRWQCB.</p> <p>The THP was reviewed by many state and federal agencies, including the NCRWQCB, and approved by Cal Fire.</p> <p>All parties agree past logging operations under the previous owner contributed to sediment levels in Elk River. When HRC acquired the forestlands in 2008 an aggressive effort was started to reduce sediment impacts associated with roads and other sediment sources in the Elk River watershed. Since the inception of HRC in 2008, approximately 156,000 cubic yards of sediment (15,600 dump trucks) have been removed or otherwise controlled from the streams in the Elk River watershed. As part of this costly and beneficial work in the watershed approximately 74 miles of roads 450 stream crossings have been upgraded to a ‘storm-proofed’ standard designed to withstand large storm events under the review of third party, independent HCP monitors. Now that sediment sources in the middle and upper portions of the watershed have been addressed, HRC is participating with Humboldt County and watershed groups to study the lower</p>
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Although the court found the board’s decision could be construed as a denial, the evidence in the record suggested pre-existing sediment impairments and the risk of further sediment pollution which would further threaten water quality. Additionally, EPIC stated public health and safety would have supported the denial in light of further sediment pollution risks.

EPIC program director Tom Wheeler said the Elk River had these pre-existing conditions prior to the Humboldt Redwood Company’s interest in the Elk River.

“The Humboldt Redwood Company is not essentially the problem here. The problem is the historically degraded river. There are a lot of challenges unique to the Elk River watershed caused by the company’s predecessor, the Pacific Logging Company,” Wheeler said. “We’ve been dealing with the Elk River for a long time and 20 years later we’re still cleaning up the mess that Pacific Logging Company caused.”

[ARTICLE CONTINUES]

portion of the watershed. The lower reaches are impacted by a multitude of natural and legacy events which have occurred over more than a century.

The THP was reviewed by multiple state and federal agencies to ensure sedimentation of watercourses does not occur, among many other aspects of the THP. The NCRWQCB was involved in the review of the THP, recommended measures which HRC incorporated, and the THP was approved by Cal Fire with concurrence of the NCRWQCB staff.

Erosion control in the watershed began in earnest 15 years ago under previous ownership with the establishment of a 1999 state and federally approved 50 year term Habitat Conservation Plan (HCP). The HCP requires substantial watershed protection measures during forestry activities and control of pre-existing sediment sources. Since then, the NCRWQCB has issued three clean up and abatement orders (2004, 2006) and a Waste Discharge Requirement permit (2006) specific to the Elk River, all focused on addressing sediment sources and watershed recovery. HRC inherited these permits from the previous landowner and has remained in compliance with their requirements including the control of existing and potential sediment sources in the watershed.

There is ongoing discussion between HRC, the NCRWQCB , and other resource agencies regarding effective solutions for improving Elk River floodplain channel conditions related to flooding, water

Wheeler said the problem with timber harvesting near the Elk River was the fact that the removal of the trees around the river would increase peak flow because the river loses the ability to draw water to the ground. The increased peak flow was, according to Wheeler, a primary cause of sediment pollution within the river's watershed.

Meanwhile, St. John said the newly revised permits would be shown at a public hearing and meeting with the board at the end of the month and would address specific changes to the timber harvest laws, including the differences between the dry and wet periods of harvesting.

Wheeler said the new permits would stop the Humboldt Redwood Company from logging closer to creeks that drain to fish bearing water because the company would need to adhere to the new waste discharge requirements.

"(Humboldt Redwood Company) has two options," Wheeler said. "They could either

supplies, and salmon habitat improvement. Elk River continues to provide vital and productive steelhead and salmon habitat. HRC is active in both on property watershed restoration work including in-stream projects, as well as participation in downstream off property collaborative efforts to address water quality concerns.

<http://www.hrcllc.com/news/lawrence-creek-a-new-habitat-restoration-approach-on-the-west-coast/>

https://issuu.com/building-products/docs/merchant_1-16/35?e=1439489/32464165

Various documents in the record for the review of the new process proposed by NCRWQCB staff have modeled increases peak flows as a result of timber harvest. These models were generated from a multi-year watershed study on Jackson Demonstration State Forest in the Caspar Creek watershed. Using these models, a 5% increase in peak flows can be expected in Elk River. Scientific data collected at HRC gaging stations on the mainstem, lower North Fork, and lower South Fork of Elk River indicate that a 5% increase in peak flow would increase the river level by 2-3 inches. Supporting documents prepared for NCRWQCB set a hillslope water quality indicator and numeric target of less than a 10% increase in peak flows in 10 years related to timber harvest.

appeal the court’s decision, although thus far they haven’t indicated that they will, or they can accept the decision.”

[END OF ARTICLE]

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3. Defining of old growth down to the level of an individual tree, along with implementation of a policy to protect all individual old growth trees across our property;
4. Elimination of traditional clear cutting from our property;
5. Long term investments to improve habitat for fish across the property by controlling or holding back more than 400,000 cubic yards of sediment (more than 40,000 dump trucks of dirt) from the coastal streams flowing through our forest;
6. Stormproofing approximately 527 miles of forest roads on our ownership.
7. Operating as an open and transparent business; including an open invitation to take interested individuals anywhere in the forest;
8. Completing a substantial rebuild of our Scotia sawmill, assuring that Humboldt County will have infrastructure in the processing of wood products for many years to come; and
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	<p>and benefits.</p> <p>HRC is regulated by seven (7) state and federal agencies, including CalFire. Additionally, HRC voluntarily subjects itself to third part verification of forest practices under the guidelines of the Forest Stewardship Council (FSC) and has done so since 2009. We publish our inventory and many other details of our forest management on our website It is straightforward to find information on our management of the forest. From our inception we have encouraged transparency and we have a publicly stated policy of taking anyone to anywhere on the property to see our practices first hand. Additionally, we post our inventory and other forest facts on our website. You can find more information at www.mrc.com.</p>
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