

Gualala River logging project clears hurdle in state court as federal case ramps up

[MARY CALLAHAN](#)

THE PRESS DEMOCRAT

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A legal battle over plans to log in the lower Gualala River flood plain is heading into a fifth year, despite a recent victory in state appeals court by Gualala Redwood Timber and Cal Fire which first approved the project back in 2016.

The fight over the 342-acre timber project in the northwest corner of Sonoma County adjacent Gualala Point Regional Park is now shifting to a new case gearing up in federal court.

But the bottom line is still the same. Gualala Redwood Timber and its owner, Roger Burch of Healdsburg, want to cut timber from the watershed to feed local sawmills that Burch also owns.

Friends of the Gualala River, a 30-year-old grassroots nonprofit organization supported by like-minded groups around the region, is seeking to block the harvest, which is targeting stands of second-growth forest including some century-old redwoods.

At issue is what's described in the group's federal suit as "one of California's last remaining mature riparian redwood forest."

Charles Ivor, president of Friends of the Gualala River characterized the forest as having evolved over thousands of years to provide a rich and balanced ecosystem only to be nearly wiped out by the log production that helped build San Francisco and much of the North Coast.

Gualala Redwood Timber agents have consistently maintained their plan adheres to state forest practice rules and restrictions developed specifically to protect imperiled steelhead trout and salmon runs in the Gualala River.

After multiple revisions and repeat litigation, the company ultimately prevailed in state court, with a three-judge panel deciding earlier this year that a lower court judge was correct when he ruled in early 2020 that GRT had met the bar required for approval of its timber harvest plan.

Friends of the Gualala River had the option to appeal further, but on March 16 decided not to do so, despite what their attorney, Ed Yates, described as a strong case.

The conclusion means an injunction that suspended logging under the plan will be lifted, though a seasonally required spotted owl survey means crews probably won't get in the forest until late May or June, at the earliest, Redwood Empire Sawmill Resource Manager Nick Kent said.

"We're pleased to see that the appeal was denied," Kent said. "We think it's been well adjudicated, and the plan stands up to the court. So we don't see any real reason it shouldn't go ahead."

The affected property was part of nearly 30,000 acres of mixed redwood and Douglas fir timberland acquired in 2015 by Burch and his family trust, which edged out a coalition of conservation groups that had hoped to log the land sustainably while using a stretch of riverfront to extend the Gualala Point Regional Park.

The Burches also own the Redwood Empire sawmills in Cloverdale — and their parent company, San Jose-based Pacific State Industries — have used logs from the property for more than 30 years. Company officials have previously stated that more than 200 jobs are supported by the logging and mill operations.

Friends of the Gualala River, however, has a powerful new ally in the federal case, the Center for Biological Diversity, which has more than a million members, regional offices scattered around the nation and an annual budget in excess of \$20 million.

The conclusion of the state lawsuit has renewed movement on federal case, and pursuing a new injunction is among the plaintiff's first steps.

The new case was filed last September in U.S. District Court for the Northern District of California. It asserts that the tree removal and attendant use of heavy equipment, logging roads and skid trails will almost certainly lead to the illegal "take" of California red-legged frogs and Northern spotted owls, both federally

protected under the Endangered Species Act, as well as endangered Central California Coast coho salmon and threatened Northern California steelhead, through habitat loss.

“The Gualala River’s redwood ecosystem is a California treasure that must be protected to stop the extinction crisis facing species like the steelhead and coho salmon,” Peter Galvin, co-founder of the Center for Biological Diversity, said at the time.

Ivor said he thinks of the redwood forest as an ideal ecosystem evolved over thousands of years to provide just the right amount of cover, light and shade for the wildlife adapted to it, with cool rivers and deep depressions harboring young fish through dry stretches of the year.

“Biological diversity is super important for populations of animals and plants to adapt to climate change, which is happening around the world, and we’re just trying to help them out and try to leave them alone so they can deal with the evolution that they’re in,” he said. “There are laws in place that protect endangered species, and we want to see them applied.”

“I think that we can make a difference, even though it’s a David versus Goliath kind of thing,” he said.

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SLIDE 1 OF 4

Critics of a plan to harvest timber from 342 acres of the Gualala River floodplain have sued in federal court, hoping to block logging operations. (CHRISTOPHER CHUNG/ PD)



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