

FEATURE STORY

Sunken Treasure in Coastal Rivers

MIKE L. EVANS

Mendocino Rivers have always yielded a living to coastal inhabitants. The indigenous peoples and early settlers harvested salmon, steelhead, crabs and clams from the teeming wildlife of their waters.

Now in the 1990s, people are making a living by diving beneath the river surface to reclaim the massive virgin saw logs abandoned when the mills closed and the waterways were no longer used for transporting logs.

Controversy surrounds the issue of salvaging the "sinkers" and its effects on the river environment. Recently, salvage operations were shut down by the Department of Fish & Game (DFG).

There is now a lawsuit filed against DFG by attorneys Rod Jones and Paul Carroll for the failure to file an environmental impact report prior to issuing agreements. The intent of the suit is to require the DFG to establish rules and regulations for sinker salvage operations.

The complainants in the suit are the Mendocino Environmental Center, the Coho Salmon Defense Association, Mendocino Coast Watch, and the Environmental Protection Information Center.

The three parties in interest named are John Paul McMillan, Bruce Choder, and Tony Crowell. They are the salvage operators who applied for the 1603 agreements with Fish and Game. Fish and Game is the respondent.

Following is an interview with Bruce Choder, John Ramsey, Tony Crowell, John Paul McMillan, and Steve and John Crowningshield. All of these men are sinker log salvage operators in Mendocino County.

Mike: Tony, can you give us a little background on the subject of river salvage logging?

Tony: Logging on the Mendocino Coast started around 1852 and ended around 1938; at least, their use of the watercourses ended. Salvage logging dates back to the days when logs were first placed in the river. In the past, log decks containing over five million board feet were stacked in the streambed during the summer months to await transport downstream. There were 27 permanent dams back then, and during heavy winter rains or freshets the dams would be tripped in an effort to sluice or flood all these logs down to the mouth of the river. Recently [1993], local log salvage crews discovered the bottom tiers of these log decks still embedded in the stream. These logs are slowly being washed out to sea, but in the meantime, they are acting as dams that are threatening the health of the rivers. A lot of the reasoning behind the current shutdown of salvage logging is that a lot of agencies feel large woody debris is essential to fish habitat in our streams. I don't disagree that some large woody debris provides habitat, but in my opinion, these logs are obstructing the river and holding back the sediments of land logging practices. At Noyo, I noticed a twelve foot streambed elevation in just the past few years because of the alders growing clear across the river now. The bottoms are still choked with saw logs; a majority of them provide very little habitat.

M: Because of the silt?

T: Yes. In a biological report done in August of 1987 called "Species Profile

of Coastal Fishes, particularly the Coho Salmon" by Thomas J. Hassler of the California Cooperative Fishery Research Unit at Humboldt State University, it was found that: "Silt deposits are more damaging than silt suspended in the water column. The deposits can restrict oxygen flow to eggs and fry, trap fry trying to emerge, reduce the quality of spawning habitat, and destroy food supplies." A salmon isn't going to run and hide next to a submerged saw log that offers no cover when it's being chased by a seal, it's



Deborah Sue Hicks next to a 11'x40' salvaged log. This log was sold for \$8,000. Milled, it could yield approximately 25,000 board feet of lumber.

going to head over to the willows along the riverbank; that's the kind of vegetation that provides fish habitat. Going around dumping large woody debris into streams, the way a lot of restoration programs have done, is only going to cause log jams downstream and debris on the beaches along the coastline.

The Hassler Report points out other factors contributing to the loss of fish habitat: "Fish habitat is continuously being destroyed or degraded by many types of developments and natural causes. Human activities such as timber harvest, road construction, urbanization, and water and harbor development have adversely affected salmon habitat. Salmon stocks throughout the Pacific Region have declined dramatically because of these activities and overfishing."

M: What damage is caused by pulling up a log?

T: There's a slight silt disturbance when the suction breaks free, but it's minimal and hardly visible from the surface. A slight void is left until the next winter freshets hit the bottom; it's basically like adobe, made up of clay, logging debris and rotten vegetation.

M: The logs make the river shallower, which makes the water warmer?

John Ramsey: Yes, which endangers the fish. Here's another quote from the Hassler Report: "Coho Salmon usually migrate upstream when stream flows increase and water temperatures are 4-14° C (39.5-56° F), and spawn when temperatures are 4.4-9.4° C (40-49.5° F). Coho Salmon prefer cold water; 25.8° C (78° F) is their upper lethal limit." Our work helps to deepen the river and slow the warming of the water.

T: Think of it as a fish tank full of water — how much marine life can exist in that water? Then take it and fill

it half full with gravel and debris, and see if the same amount of marine life can survive in there...

JR: ...And keep the light at the same intensity, so the shallower it becomes, the warmer the water becomes and the more blooming effect there is and the more choking of the fish.

Steve: I was speaking to a local avid sports fisherman about this issue. He said, 'Well, you know, in the last five years, the salmon population has just multiplied immensely on Noyo and

bark's gone, the cambium layer is stripped, the saps are gone, and the tannins are exposed. Water will leach the tannic acid. The longer these logs stay in the water, the more they leach. These logs also create more hazards to the fish when they roll down in the winter time than you would ever believe. They sit in some holes and just rot.

S: Another difference is that when a tree falls in a river, it still has all its limbs and that's where the fish want to be; they want to tangle themselves up in the limbs of the fallen tree. They want to hang out on the sides of the river where the alders and redwoods fall in. On the other hand, when you have a saw log in the middle of a river and it's only exposed by three to six inches, that is not habitat.

T: The saw logs will also make it difficult for salmon to even lay eggs in that particular section of the stream. For an 85 year period, five million board feet of log decks were stacked in the river, only to be sent pounding through the spawning grounds in the winter, so it's been an 85 year beating. That's what the initial threat to the Coho and all the other marine life in the river has been.

M: How does this pertain to why they revoked your agreements?

T: DFG, already knowing that large woody debris was something that should be left in the rivers and was being placed in there by other programs, went ahead and issued our agreements, accepted our money, and less than two months later, canceled our agreements.

In the letter they sent revoking our agreements was the biology report prepared by their biologist, Pete Kalvas. It was really limited to about a 1,000 foot section of Big River and it covered only two log sites. At the first site, we had pulled a log from the bottom to a vertical position, and we were waiting for DFG to come and do their survey. They didn't get around to doing it until some months later, and by that time the algae growth on the log was a three foot mass of seaweed and kelp. The algae growth is very rapid in the rivers. Our general practice is to pull a dozen or so logs and then transport them down the rivers. If they set more than three weeks on the river, the algae growth on them is tremendous. This particular log had three feet of algae growth, so it looked like a great marine habitat, yet it was a habitat that was created because we had pulled the log up. Pete Kalvas didn't write that in his report — he just wrote that this log provided good fish habitat and shouldn't be removed.

JR: What habitat is there, we leave there, and we even create a few more habitats when we do pull some stuff up. We are totally on the up and up, we are very legal, we are not sneaky, we even invite people to watch. If someone expresses skepticism, we listen because it's in our best interest to learn. This isn't just for us; we are feeding our families and our kids will have families, too. We all fish, we all eat fish. We want the whole environment to be intact, not just the fish.

M: Someone I was talking to said, 'It's not the salvage logging in the river that they are really after. The larger environmental groups are trying to get a ruling against river salvage log-

Big River as far as sports fishing.' And I said, 'Well, that's funny, because we've been taking logs out for the last five years.' I think there's a direct correlation.

JR: I agree. I did experiments at Humboldt State. We put saw log material in water and instantly there was tannin coming out of them. The tannic acid can kill anything in the water. The mud works as an astringent and pulls out the tannins, and when the mud gets displaced or washed down the river, it causes problems for the fish. Fish go by their senses; they go back up the same river that they came from, and a lot of their senses are being scrambled by the tannins and they won't spawn.

M: One person I talked to thinks the logs should be left in the river; mainly, he says it's part of the natural process, that even before there was logging the river was just constantly being filled with trees that fell into it.

JR: But the logs we're salvaging are saw logs, and again, that's speculation; a lot of the trees are falling in now because the rest of the trees have been taken away from around them.

T: The narrow corridor that remains today along the river is all threatening to fall over because there's no residual forest on either side; it's just been clear-cut basically right up to the edge of the river.

M: Is there a difference in the effect a saw log will have on the river as opposed to a tree that just fell in?

JR: Yes. When a tree falls in it is in its "full task." In other words, it's totally sealed off and still active. A fallen redwood tree doesn't become inactive for years. It's not letting out any tannins. By the time it does release tannins, it will only be a small amount because there's no open wound. When you cut a log, on the other hand, both ends are cut off, the

ging, so they can possibly expand the ban into forest salvage logging.' How do you respond to that?

JR: We have felt that we were taken advantage of as a loophole to get in.

M: What is their basis for concluding that your operations are hurting the river and its wildlife?

T: Well, Brian Hunter [Region 3 Manager of DFG] wrote a letter to Bryant Sturgess [State Lands Commission] saying, 'We are concerned that these activities may cause adverse impact to fish and wildlife resources. In-stream logs may act as channel-forming structures which create desirable features such as deep pools and undercut banks. These logs may also act to stabilize banks and provide cover for fish, especially juvenile salmon and steelhead. Current scientific literature has documented a positive correlation between the amount of logs and other in-stream woody debris on populations of juvenile salmon...' This is dated July 22, 1996. Our agreements were issued almost a year later, and that's where I see the deceit coming in...

Bruce: It was only three days before they pulled the agreements.

M: How much does an agreement cost?

T: It varies at how many rivers you have on the agreement. It started at \$530 for two streams and John Paul's was \$620, I think.

M: Did they refund your money?

JR: No.

T: The agreement was supposed to be valid through December 1999, which indicated that we'd be able to stay in the salvage business for a couple of years. I personally have dumped over ten thousand dollars into salvage equipment based on getting the agreement, and it has hurt.

B: Another thing, DFG wardens Tom Riley and Bob Kucera did come up and watch the activities, and they said they thought it was a worthy activity; it's the biology department who has not done any study on these rivers, and all this information that we are getting from Brian Hunter and all these other guys isn't even about our rivers. These estuary rivers are totally different from any other rivers; they're called *cess rivers*. They do dam up, the logs don't float right out to the ocean.

M: Legally, what's your recourse?

T: Well, I don't plan on being at the August 4th hearing, because it's obvious to me that DFG is probably just going to tell the judge that the matter has been resolved since they pulled the agreements.

M: Could you sue to have your investment reimbursed?

T: Not Fish and Game, they're on our side.

JR: They gave us the agreements, we really can't lash out at them any more... They just took us out at the wrong time of year. We don't have the funds to pursue any kind of lawsuit.

T: We wrote a letter of appeal to Mr. Ryan Broddrick, Chief Deputy Director of DFG in Sacramento. I really don't plan on getting into a big legal issue with DFG. The only issue I would raise is the amount of time that they spent on their study in determining that we were deleterious to the fish and the marine life on the river. A four hour study on a thousand foot section of the river is hardly fair in my opinion. When I asked biologist Pete Kalvas if he could do a more thorough study, he declined, claiming that he was studying sea urchins, and unless he was ordered by his boss to do otherwise, he was done. He basically already knew

what was supposed to be in that report before he went down there, and he had a bad viewing. He even mentioned that this was 'Friday the 13th, I wonder what kind of effect that's going to have on this.' (All laughing)

JR: Tony and I have talked to Pete Kalvas, and he was against our operations before he even got the job here. He says his feelings were that the logs should stay. So it was unpro-



Tony Crowell transporting a salvaged log downstream

fessional right off the bat. He didn't even want to go into any waters where there were Coho salmon — he did it so fast it was unreal.

T: It's obvious in a separate letter from Mr. Sturgess to Brian Hunter, dated back a year ago, that an opinion had already been formed, and that was the end of the matter. Hopefully, though, we can sit down like gentlemen with all of the concerned agencies and express our views. Otherwise, it's bankruptcy for me.

JR: Bruce sent in a marine biologist's report with his application — an educated, thorough report — and nothing was said about it, probably because it was accurate.

M: Why would they issue agreements knowing they were going to pull them, especially after charging you money?

(Editor's note: Brian Hunter told me over the phone the DFG "was required" to issue a Streambed Alteration Agreement to any applicant up until the recent revoking of these agreements, and "these agreements should have had more conditions placed on them, including time-of-year limitations.")

JR: I have a theory. Tom Riley has been really good — Tony has been dealing with him all along — and it seems like he wanted to see us continue and tried to keep all the bureaucracy out of it. He was just going through the motions of keeping us working and that was just what it took at that point.

M: Are any of you planning to go to the hearing?

JR: Yes, I do plan on it.

M: Are you going to talk?

JR: If we are allowed to.

T: Today was the last day to submit any papers.

M: Did anybody submit anything?

JR: No. It's six Ph.D.'s against two, that's how they weigh it. These guys can afford to have paid people come to this, but we can't afford it.

M: Where is the hearing, the Ukiah Courthouse?

T: Yes. That's only regarding the Temporary Restraining Order against us and DFG revoking our agreements. I can pretty much see the position that the courts are going to take and there's really probably not going to be much room for anybody to say anything.

JR: This has injured the integrity of DFG Biology Department immensely. It shows here that they'll cop out and they did, right in front of us. Bob Kucera was on board then; when Kalvas was driving away from us in the boat, Tony asked Kalvas, "Well, how'd we fare?" and he said, 'It's up to the politicians.' Right behind him was Bob Kucera saying, 'Okay, you guys did okay.' He could see nothing

that the wardens didn't know anything and he pointed directly at Tom Riley. But Tom *does* know.

M: How much is a log worth?

JR: If you have seven hundred board feet, that would be about \$500-\$600. We average a log a day. Sometimes you get three logs and sometimes you're stuck there for a week on a log.

M: Is there anything anyone would like to add?

JR: Yes. On top of all the other things we do on the river, we cleaned up the debris of the scavengers who left. We've been taking care of the river better than Catch-a-Canoe or any environmental agency. No one's been up there to help; not the Coho Restoration, no one but us. So if you want to get down to who's been helpful and who hasn't, they've taken away the only help the river's had.

S: In the winter time when it's flooding, we'll stop and pick up any man-made floating debris. If you're in a boat and there's some debris floating down the river like a bottle or a plastic cup, are you going to just watch it float by or are you going to put it in your boat?

JR: Fish and Game passed up some trash when they did our report. They went right past a plastic bag and we were right behind them and we stopped and grabbed it. There's no way to miss a big plastic bag in the water, it looks like a big white jellyfish. It's not that we're trying to win over somebody's opinion; we just want our jobs back. We're doing life. Right now, it's tough on a family.

W

Editor's note: At the time of printing, the State Attorney General had sent letters to all involved in the suit saying, "the Dept. of Fish & Game would neither participate in nor appear at the preliminary injunction hearing" on August 4th. The Assistant Attorney General, Charles W. Getz IV, "asked (attorney) Mr. Jones to advise the Court of these facts, and to advise the Court that the Streambed Alteration Agreements which are the focus of this case were revoked by the Dept. of Fish & Game pursuant to provisions within the agreement contemporaneously with the filing of this action. For these reasons, we assert the case is moot but obviously will take whatever steps necessary to bring that before the Court...Unfortunately, when I asked Mr. Jones to relay these facts to the court as representations in order to save time, Mr. Jones' one sentence response to my letter was 'You gotta be kidding?'"

The Mendonesian plans to run a follow up article in September with the persons who brought the suit against Fish & Game.

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