

ENDORSED-FILED

JUL 18 1990

MARSHA A. YOUNG
MENDOCINO COUNTY CLERK

1 Susan Brandt-Hawley
2 ATTORNEY AT LAW
3 Chauvet House • Post Office Box 309
4 Glen Ellen, California 95442
5 (707) 938-3908 • (707) 576-0198

6 Attorney for Petitioners

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF MENDOCINO

9 ELK COUNTY WATER DISTRICT;
10 GREENWOOD WATERSHED ASSOCIATION,
11 a Watershed Organization;
12 STEWARDS FOR BANDITO, an
13 Unincorporated Association;
14 MARY PJERROU; LOUIS MARTIN;
15 and NORMAN De VALL;

CASE NUMBER 60728

16 Petitioners,

DECLARATION OF
JESSE RUSSELL
IN SUPPORT OF
INJUNCTIVE RELIEF

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DEC 07 2000

COAST AREA OFFICE
RESOURCE MANAGEMENT

17 v.

18 CALIFORNIA DEPARTMENT OF
19 FORESTRY AND FIRE PROTECTION,
20 CALIFORNIA DEPARTMENT OF FISH
21 AND GAME, NORTH COAST REGIONAL
22 WATER QUALITY CONTROL BOARD,
23 and DOES I through XX,
24 Inclusive,

25 Respondents.

RCWA-GWA
1-00-357 M
1-00-228 M

6 P. 1 of 4

26 LOUISIANA-PACIFIC CORPORATION,
27 and DOES XXI through XXX,
28 Inclusive,

Real Parties in Interest.

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COAST AREA OFFICE
RESOURCE MANAGEMENT

1 I, Jesse Russell, declare:

2 1. I have been a resident of the town of Elk since 1971, and
3 have been fishing in Greenwood Creek for 18 years--since I was
4 3 years old. I caught my first steelhead in Greenwood Creek at
5 age 12, and have fished in the Creek, a couple of times a week,
6 all through the winter season (late December through late April),
7 from the mouth of the Creek up to the log bridge (the legal
8 fishing area, from Elk Beach east to about 1 mile inland),
9 every year since 1981. I have also hiked in the upper portions
10 of Greenwood Creek at various times, as far as the waterfall
11 just below Signal Ridge Road, including the Barn Gulch area.

12 2. During the winter of 1988, I saw spawn holes--dips in the
13 gravel where fish have flapped around pushing gravel downstream,
14 to cover their eggs--and baby steelhead, in the Barn Gulch stream.
15 I'm sure they were there last year, too, in 1989. I've also
16 seen fingerlings and spawn holes up and down Greenwood Creek
17 itself, with most of them being above the log bridge.

18 3. We used to catch a lot of steelhead in Greenwood Creek.
19 When I was 13, my friend Mark Daniels hooked, landed and
20 released 156 steelhead, over that season, and kept three.
21 He is a good fisherman. He taught me how to fish steelhead.
22 My best day has been 5 steelhead in one day, of which I kept
23 one. But in the last 5 years there has been a steady depletion
24 of the steelhead. Last year (1989), Mark caught only 2 or 3,
25 and I didn't catch any at all. Besides depletion of adult
26 steelhead, there has been depletion in the schools of juvenile
27 steelhead in Greenwood Creek.

28 4. I remember, as a kid, real clear water in Greenwood Creek,

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with a thin layer of light green moss on the bottom. Over the last 5 years, the Creek bottom has become covered with a tan-colored sediment. You can see this in the calmer pools. This year, it looked really bad. Plus the water level has been going down, dropping for the last 5 years or so. I've also noticed that Greenwood Creek takes longer to run clear again after a heavy rain. It becomes very muddy in heavy rain, and it used to clear up in a day or two. Now it takes 3 or 4 days.

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5. The lower Creek has pretty good foliage along the Creek banks, but higher up, around the log bridge, there are landslides and severe erosion with big logjams in the Creek. There is real severe erosion, including landslides close by the Creek, above log bridge, from about 1 mile inland, to Parker's, about 5 miles up, where Parker's was logged about 6 years ago. (Two miles below Barn Gulch.) On the lower Creek, there is pretty good vegetation from the alders, whereas up higher, there is sunlight on the Creek.

6. Some heavy logging was done near the Greenwood Creek waterfall, just below Signal Ridge Road, when I was ten years old. I protested that logging, because fishermen here knew there were fingerlings in a feeder stream about 2 miles below the waterfall (the feeder stream coming into Greenwood Creek across from the old oil shack), where they were also going to log. They logged it anyway. And since then, I've been hiking up there, and I've noticed there are no more fingerlings in that stream.

7. The last silver salmon (Coho salmon) I saw in Greenwood

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Creek was in 1975. There are now three kinds of fish in Greenwood Creek--sucker fish, bullhead or sculpin, and steelhead. The steelhead are seriously depleted. I think this is because of the change in the bottom of the Creek--the bottom silting up, and becoming tan colored, caused by the silt coming into the Creek from slides and run-off; also, the upper Creek not having enough shade.

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8. I've heard there is a new law (SB 2261) that says stream problems like this should be corrected, and the salmon and steelhead should be doubled in numbers. I'm in favor of this law, and would like to see it come true on Greenwood Creek. The steelhead could be brought back up in numbers, and perhaps the salmon could be re-introduced, if we stopped the kind of logging that causes erosion, and cleaned up the stream. I think there's no hope for it, and the place is going to be wrecked, if they do all this road-building and heavy logging around the stream in Barn Gulch where I saw the fingerlings and spawn holes.

9. As to other wild life, I've noticed Osprey and Great Blue Heron around Greenwood Creek. The Great Blue Heron feed at the mouth of the Creek. There are also kingfishers all the way up the Creek, but not as many as before. I've seen river otters and bobcats, and mounded nests, made of twigs--which could be wood rats.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the 18 day of July, 1990, at ELK, California.

Jesse Russell
Jesse Russell

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