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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MENDOCINO**

**GREENWOOD WATERSHED
ASSOCIATION**

Petitioner,

vs.

**CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION, and
DOES I thru X**

Respondents

**MENDOCINO REDWOOD COMPANY, and
DOES XI thru XX**

Real Parties in Interest

Unlimited Civil

No. SC UK CVPT 0185331

**DECLARATION OF GERALD W.
HUCKABY IN SUPPORT OF
MOTION FOR AND PRELIMINARY
INJUNCTION**

Date: 6/1/2001
Time: 9:30
Dept. E

I, Gerald W. Huckaby declare:

- The facts stated in this declaration are of my own personal knowledge, except those stated upon information and belief and as to those, I believe them to be true. The documents attached to this declaration are true copies of the documents that I describe them to be.
- I am President of the Board of Directors of the Elk County Water District, which operates the public drinking water system for the town of Elk in Mendocino County, California.

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3. The Elk County Water District ("the District") operates two surface-influenced ground water wells in Greenwood Creek, which is currently the sole source of water for the town of Elk.

4. On April 11, 2001, at a special meeting, the Board of Directors of the Elk County Water District voted unanimously to submit a letter in support of a Temporary Restraining Order for the public interest lawsuit brought by the Greenwood Watershed Association, which challenges the approval by the California Department of Forestry (CDF) of MRC's Timber Harvest Plan 1-00-357 MEN (hereafter "THP 357").

5. The town wells that are operated by the District are located near the mouth of Greenwood Creek and receive the effects of all activities in the watershed. The District needs assurance that cumulative impacts shall be adequately addressed prior to the approval of any logging, agricultural, industrial, land development project or other permitted activity in the watershed.

6. In addition, any approved plan must also include ongoing erosion control and water quality testing and measurement plans. After the detection/measurement of any pollutants, mitigations must be required to be implemented.

7. The District has and continues to invest significant resources to deal with turbidity problems stemming from cumulative watershed activities. During peak water flow periods, the inability of the District's equipment to correct high turbidity levels in accordance with California Department of Public Health Service standards has required that the District issue at least one "Boil Water Order" to its customers.

8. The ongoing lack of concern during the planning and approval process with cumulative impacts within our critical watershed of permitted projects such as THP 357, cause the District to object to CDF's approval of THP 357 until such time as our issues are fully addressed.

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1 9. In our letter to CDF of December 6, 2000 (see AR 392-393), we expressed our
2 concerns about the many recent Timber Harvest Plans that have been approved by CDF in this
3 watershed. These logging plans lack adequate cumulative impacts assessments, water quality
4 monitoring and water quality standards. They also lack a Mendocino Redwood Company long
5 term management plan for this watershed.

6 10. Following are quotations from our letter of December 6, 2000, to CDF, regarding
7 THP 357:

8 "We have particular concern about use of a form clearcutting, and cutting of cable yarding
9 corridors, on the near vertical slopes in this THP area, the construction and reconstruction of an
10 extensive amount of road on top of this slope, and the potential impacts on restoration projects
11 that were carried out in this THP area to reduce sources of sediment, including installation of a
12 flatcar bridge to replace a failed culvert in the main stem of Greenwood Creek...."

13
14 "Combined with on-going and potential additional impacts from the many other THPs, the need
15 for water quality standards and monitoring, and for watershed analysis, has become acute. The
16 North Coast Regional Water Quality Control Board's PHI report [AR 264] says nothing about
17 water quality standards and monitoring, or watershed assessment. The report...does not mention
18 that a town water supply is dependent on this creek. It does not require the kind of studies,
19 surveys and monitoring that would produce a reliable evaluation of the risks to public health and
20 to other watershed values."

21
22 "In reviewing existing truck roads and skid trails, the NCRWQCB report mentions some areas
23 that 'still show signs of instability that can easily deliver sediment to watercourses,' new road
24 construction that will 'generate over 5,000 cubic yards of excavated material,' a 'high' Erosion
25 Hazard Rating, and winter operations...."


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"Cumulative effects information, assessment and analysis, and the monitoring of water quality mitigations, are essential to insure that no impacts will occur on the physical safety of our wells and on the quality of water for the town of Elk. The mitigations in THP 357 are based on inadequate information and analysis...."

11. Our letter of December 6, 2000, to CDF, concluded "We hereby propose that, due to the risk to public health and to other watershed resources, THP 357, any further THPs, and existing THP operations be postponed until watershed analysis of Greenwood Creek is conducted and the results made public."

I declare under penalty of perjury that the foregoing is true and correct of my own knowledge and if called upon to do so, I would and could competently testify thereto, and that this declaration was executed this 24th day of April, 2001, in ELK, California.


Gerald W. Huckaby

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