

WHAT'S THE PROBLEM WITH ELK RIVER?

It's only natural that what's good for the health of Elk River is bad for the Timber Industry. Despite 21st century technology, education, expertise, and centuries of experience, the Elk River watershed is now fouled up beyond all recognition. The brakes could have been applied on this regulatory train wreck decades ago; instead government slobs and industry hacks keep stoking the engine while private consultants wait for their piece of the carnage. All of them know precisely what the problem is, but none of these parasites make money if the problem in Elk River gets articulated.

Unlike most of our North Coast watersheds, the Elk River Watershed is naturally just a lousy place to log. The river gradient is too low; the slopes are too steep; the soil is too unstable; the salmon are too endangered; the Residents are too imperiled. No other North Coast watershed contains such a high density of residential properties sharing a property boundary with industrial timber lands. These neighboring lands have been and always will be extremely impacted by this inherently dangerous and destructive activity. The North Coast is replete with examples of logging sites that resemble bomb blasts--not healthy for any living thing. But if the soil is stable and the slopes are low, and the roads are immaculately maintained, and the heavy equipment isn't very heavy, and the rainy season doesn't really rain, and the Residents are few and clueless, then logging just might work. But that fiction isn't happening here. Too bad for all of us that NCRWQCB and CDF zealously pretend it is.

It's so clear that NCRWQCB has been captured by the very industry it was intended to regulate: timber. The staff and even some Board members who were effective at regulating timber have either died or been reassigned. The Board is composed of interchangeable cardboard cutouts whose only apparent role is to reconstruct CEQA while Elk River Residents protest in agony for 3 entire minutes. How annoying. Objective data is a nuisance for these political selectees who bear no accountability or responsibility to the very public they serve. These fools can't even use their eyeballs to see the problem here and we're ordered to respect what comes out of their putative brains.

Where lives are imperiled the only responsible government action is to create a negative TMDL and cease and desist the dangerous activity; logging. And the polluter must be ordered to clean up his mess just like the rest of us adults do. There are no Constitutional guarantees for the wealthy to pollute our forests and watersheds or our private homes, so they can laugh as we clean it up for them. This is not complicated despite the obvious discomfort our public servants endure when confronted with this truth. How awkward to order a rich guy to stop violating.

Elk River is so heavily impacted by logging that it requires imagination to refer to it as a river. Once that water leaves the Headwaters Forest, the river morphs into an industrial waste ditch for timber's trash. Just look at the gobs of fetid timber scum festering in the waste ditch as you cross over the one lane bridge. Gone are the gravel spawning beds; gone are the swimming holes; gone are the Residents' domestic water supplies; gone are the Constitutional Rights of those annoying second class citizens who live here; gone are the rules and regulations that should have prevented this vulgar outcome. Gone is the integrity of NCRWQCB and CDF. Why are they still in charge?

NCRWQCB's latest offense, the WDR, is being forced onto the severely battered and bruised watershed of Elk River. This ludicrous scheme intends that even greater volumes of logging pollution will flow into the Elk *Logging Trash Ditch* (formerly known as *Elk River*). The **WDR** is effectively a **Whittling Down of Regulations** to assure feasibility for the polluters despite the proven extensive ecological impacts to the watershed and the severe financial losses to the neighboring residents. There are no contortions too difficult when it comes to pleasing wealthy handlers.

As an Elk River resident intimately affected by NCRWQCB's deeds, I understand precisely what this WDR means and it means greater devastation. Plain and simple, this WDR creates an unnatural expansion of the Elk Ditch's capacity to convey even more logging trash. What a nifty idea:

instead of reducing the amount of garbage you put in your trash can, just get a bigger can! No worries if it overflows onto your neighbors; they can just suck on your trash along with their trashed civil rights. Why reform your bad behavior when you can simply reform the rules that make you bad? Now that's critical thinking...for an amoral 14 year old.

Is anyone confused about what the problem is in Elk River?

The WDR's problem is that it will effectively expand the existing flood easement onto private lands while taking even more of the Residents' civil rights as it takes timber scum off the denuded slopes. This convoluted scheme doesn't address a single problem and instead creates even bigger ones, but you need to be smarter than a board member to see it. Real people with real homes and real families will really be damaged by this WDR. And the health of this watershed just keeps degrading. The true cost to the taxpayers of regulating logging in Elk River rightfully includes the multi-millions of dollars necessary to repair the Residents, but that cost is buried in agency-speak at the bottom of piles of data never exposed. This WDR is a piece of drivel.

So what is the problem in Elk River?

Public agents and now even private consultants have told us that the problem in Elk River is that we residents don't compromise properly. They try threaten us with guilt, saying it's our fault when the flooding worsens because we won't sacrifice our private property to provide a logging easement for our sanctified logging neighbors. Apparently they refuse to accept that pollution is a privilege not a right. Cowardly sycophants are clearly one of the problems here.

When Humboldt Redwood Company bought the intentionally bankrupt Hurwitz's Redwood Company back in 2008, we skeptical residents were told by NCRWQCB's own attorney, "C'mon you guys; give HRC a chance." Seriously Samantha; why would any self-respecting person give a successor rapist a chance to continue raping? Our public servants are as unfamiliar with self-respect as they are with environmental justice.

We Residents say, "No," repeatedly to being violated and then we're told that we're no fun to play with. Maybe that's because we're forced to play their game on their uneven playing field with their corrupt referees. If the Residents of Elk River are "the problem" here then why hasn't Eminent Domain been implemented to alleviate this problem? Probably because the State of California can only "take" my property for the good of The People and proving that there is any public benefit when HRC logs in Elk River is impossible. So NCRWQCB avoids this discussion knowing that an analysis will reveal that HRC's logging destroys endangered species, destroys water quality, and seriously threatens the health and safety of humans. There's thirty years of proof already; that's a big problem for logging.

The public cost of regulating timber in Elk River is indefensible if the public had to purchase our private property as well as repair our past damages, to create a super-sized garbage can for logging. Multiply that cost by scores of damaged properties and logging could never operate feasibly in Elk River. This watershed is just no good for logging no matter who pays for it. Industrial logging has never worked in Elk River and thirty years of failure confirms it never will. Now that's one huge problem which is why NCRWQCB keeps putting band-aids on symptoms.

Over the past thirty years, the Timber Industry's destruction of Elk River has only accelerated, normalizing timber abuse as the standard operating procedure here. Desecrating the rights and property of the Elk River Residents is now considered both normal and essential for the Timber Industry's survival. To hell with endangered salmon, habitat, and the humans who live here. NCRWQCB has an over-abundance of data to know that the adverse cumulative impacts from logging in this watershed are horrific and will be exacerbated with continued logging. Human lives are dangerously threatened while NCRWQCB sadistically promotes this WDR to perpetuate the problems for at least another thirty years. Government's spectacular three decades of abject failure to eliminate these nuisance conditions in Elk River proves that timber harvest must be terminated immediately.

So what's *really* the problem in Elk River?

In 2012, former Assemblyman Wes Chesbro and former Supervisor Jimmy Smith both knew

that the Timber Industry was responsible for over \$40,000,000.00 worth of damages in the Elk River watershed. They protected timber then as their successors protect timber now. In 2019 that damage cost has exponentially grown and the damaged Residents are still begging for relief and repair from the atrocities committed by our logging neighbors. Chesbro's earned legacy is the decimation of the salmon fishing industry. Supervisor Jimmy Smith is equally responsible for failing to protect the salmon while wiping the rears of the logging polluters, but we're admonished for pointing out these betrayals; it's just too discomforting.

Even more awkward is to suggest that the privileges and exemptions bestowed on logging must be rescinded so that Elk River can heal. Without pampering and privileges, the logging industry can't survive. Profitable logging requires an un-level playing field and unscrupulous regulatory oversight. The destruction caused entirely by logging is indisputable. Regulators should be *raising* the bar instead of lowering it. Better yet, a moratorium on timber harvest in Elk River would do more to restore the habitat and vitality than any WDR scheme and it would cost the taxpayers very little. But a timber moratorium requires integrity and fortitude to implement, along with political discomfort, so it's simply not feasible for NCRWQCB to do so.

Instead, the State of California finds that it's feasible to regulate timber by extorting rights and property from Elk River Residents. It relies on "CEQA feasibility" for this extortion, exposing that either CEQA is fatally flawed or those who implement it are. We Elk River Residents do not find it feasible at all to be robbed of our homes and our lives, but NCRWQCB has never done a feasibility study that includes the cost to private landowners here. Those who resist this corruption are verbally assaulted, physically battered, robbed, vandalized, ridiculed, and betrayed, and then commanded to submit. These same unscrupulous tactics have been used in the 1980s and 90's to intimidate social justice activists on the North Coast; even outright murder is overlooked if it keeps the Timber Industry alive.

The Timber Cult must be getting very desperate after their thirty years of failure. Insidiously, even our own cohorts/friends have been inveigled to betray Elk River, to keep their grant streams flowing. The desperation doesn't stop with them. Recently, a Humboldt County Supervisor engaged in fantastical lies, using his public office resources to protect private timber. He assertively invited a cohort of ours into his public office to warn them not to work with Jesse Noell, declaring that Jesse was a violent man and that associating with him could be dangerous. Anyone who knows Jesse, knows that he doesn't even raise his voice at others, much less his fists! Our cohort was still very frightened by these lies.

Shortly following this blatant slander, our 5 large protest banners displayed on our private properties were ripped off after standing unmolested for many months for all to see as they traveled to the Headwaters Forest. At least this theft showed us were got it right; our unflattering words about the timber industry were being heard.

Following directly on the heels of the Supervisor's slander and the theft of our private banners, Jesse was brutally assaulted on the road near his home. First he was run over by a motorcycle, then punched in the face and head, strangled, robbed, beaten into unconsciousness, and then left for dead by



the side of the road. The assailant repeatedly kicked Jesse in the head and face with his heavy boots while screaming, "I have rights; I grew up here." This behemoth brute stood well over 6 ft tall and weighed at least 230lbs. It's incredible that a skinny old guy dressed in shorts and sandals, could pose any threat to a huge man half his age, padded in protective motorcycle clothing and wearing a helmet. Somebody morbidly threatened by Jesse's vigorous defense of Elk River, incited this Humboldt homegrown thug to commit attempted manslaughter. Committing this hate crime is consistent with the colossal coward's belief that growing up in the timber cult conferred privileged status upon him, a privilege that could be threatened by one old man wielding words. It's also consistent with the District Attorney's irrational refusal to prosecute the assailant, despite his being positively identified by several witnesses, his own brother, and even his probation officer. The brute's white dirt bike, with the #31 placard mounted on the side, is well-known to our neighbors and to the members of his adult soft-ball team.

This vicious, unprovoked attack occurred just a few days before the Sacramento Dignitary Tour in Elk River during which participants would learn all about logging problems. On the day of that tour, Jesse was suffering from a concussion and a garish "necklace" of green, purple, and orange fingerprint impressions. (see photo above) Several teeth were loosened, making talking as painful as eating and even breathing. The assailant's blows were intentionally focused on his victim's face and neck to ensure that his voice would be silenced. Absent Jesse's voice on that Tour, the ugliest problems in Elk River could be more easily concealed so that idiot schemes like this WDR could be launched.

Nothing is sacred when it comes to money; not healthy ecosystems protected for future generations, not Constitutional Rights, not decades-long friendships, and not the legal and moral obligation of our public officials to ensure justice.

Albert Einstein said, "Great spirits have always encountered violent opposition from mediocre minds."

Stupidly, the mediocre minds at NCRWQCB are now foisting their flimsy WDR and their equally pathetic Recovery Plan A, "The Polluters' Plan," onto Elk River. They're not even trying to be clever anymore. Both of these conspiracies contemplate *increasing* timber's assault and battery of the

watershed based on the fantasy that in 20 or 30 years the river will *conceptually* heal. Even more egregious is that the public bears the cost to sanitize the timber industry's pollution, as if timber pollution was a sacrament not a detriment. The public must swallow this fraudulent wad to coddle the impotent timber industry who has proven beyond any doubt that it cannot log in Elk River without destroying this watershed and those who dare to defend it.

If the Timber Industry even possessed the capacity to conduct its business respectfully, then why hasn't it done so? Thirty years is a generation of time to get it right but the Timber Industry still gets it wrong no matter how low the performance expectations are set for them. Dumbing down standards is just plain dumb. Respectable people don't harm others to achieve their goals. And respectable trustees don't intentionally waste the very resources and the people they are authorized to protect. Still confused about THE PROBLEM in Elk River?

The WDR, Whittling Down of Regulations (or is it **W**asting and **D**egrading **R**esidents?) will likely be approved by NCRWQCB. Private properties must be damaged by this plan, further degrading the Residents' health and rights. Even more disgusting is that the lumber harvested from Elk River forests fraudulently assumes the honor of "sustainability" luring unsuspecting consumers into purchasing this "death wood." Lumber from Elk River sustains the degradation of this watershed as it sustains ill-gotten profits for its billionaire owners. Sustainable forestry in Elk River is a *conceptual* myth at best, and a violent assault in reality.

This WDR can't even adequately address the *symptom* of the clogged channel capacity; instead it perpetuates instability, incompetence, and a culture of timber tyranny. This WDR will ensure that the past thirty years of assaults and degradation will continue into the future. This latest WDR and its accompanying Plan A for Recovery, are just re-hacked tools used to create dumbed down performance expectations so that the weak and inadequate timber industry can still operate while providing derivative benefits to the "clean-up crew." This WDR exemplifies the perversion of justice that permeates our public resource agencies. That's a problem for all of us.

Instead of an impotent WDR and a bogus recovery plan that only recovers polluters' profits, we residents propose Plan B: "The People's Plan." This plan will make America great someday by holding polluters and resource-rapists accountable. We propose recovery by terminating the timber assaults forever rather than pampering the abusers so they can batter again. We propose the creation of a community forest where a timber assault zone now exists. We also insist that the timber barons and bullies who created this degraded watershed are the ones who must be held accountable to clean it up for all Californians. Plan B for recovery doesn't benefit wealthy white men and most certainly doesn't reward unscrupulous behavior. Dang...that's un-American! but it's also the right thing to do.

THE PROBLEM IN ELK RIVER: Unequal protection, injustice, and corrupt public servants.

No other watershed on the North Coast contains this environmental setting. Therefore, industrial logging is entirely incompatible with its residential neighbors. It's physically impossible for logging to occur without harming neighboring lands and neighbors. This fact is proven by three decades of a logging industry that still fails to meet even ridiculously low performance objectives while pampered with privileges and exemptions.

All you scientists and public servants and politicians and advocates and even theorists should be equipped by now to get it right. You've had thirty years to figure this out at a cost that is too high to justify your entrenched culture of failure. Get it right or get out.

Logging must be banished in Elk River to protect this watershed, all its inhabitants, and the integrity of our U.S. Constitution. Only a timber moratorium with reparations for all the damages, will bring justice to Elk River to begin the healing. I challenge anyone to prove me wrong.

QUESTIONS

#1) CDF and NCRWQCB: How do each of you define THE PROBLEM IN ELK RIVER using plain language rather than your boilerplate agency-speak? (if you rely on cutting & pasting the same tired agency responses you've been using for 30 years then you prove I'm right and you fail this test.)

#2) NCRWQCB and CDF: You assert that this WDR will achieve "a conceptual zero" of timber trash to attain the dumbed-down TMDL goal. Does this mean that Elk River Residents will only be *conceptually* buried in timbers' immaculate conception of trash? Does this WDR rely on *conceptual* enforcement or *actual* enforcement? Since "conceptual zero" is a faith-based belief aren't you infecting public policy with religion? Demonstrate where *conceptual zero* is located on the number line.

#3) Explain the legal authority your agencies rely on for taking our private properties WITHOUT just compensation. Is it CEQA? Clean Water Act? Forest Practices Act and its *conceptually* negative declaration? Porter-Cologne? John Corbett? Governor Newsom? (I've asked this question scores of times over the years and neither CDF or NCRWQCB is capable of providing a coherent answer. Your failure to answer this simple question is further objective evidence that I am right and you are abusing your agency discretion)

#4) NCRWQCB: your agency is fond of speculative modeling and conceptualizing reality. Speculate about ordering a TIMBER MORATORIUM; what would Elk River look like? Why wasn't one instituted decades ago when you knew it was essential for this watershed's health? Do your job: perform the necessary "cost-benefit analysis" and especially a "public safety risk analysis" *prior* to *conceptualizing* that fantasized zero damages are what's happening here . Your fantasies do not make solid public policy. Objective data does. Convince us with reality instead of defeating us with your fantasies.

#5) Explain what "environmental justice" means to you and why it's absent in Elk River. Can you describe any other North Coast watershed that does exhibit environmental justice? *Conceptualize* how environmental justice looks in Elk River? Do the Residents feel safe and respected by you? Are the non-human species honored with restored habitat and increased protections, paid for by the polluters? Are the Residents' homes raised above the unnaturally increasing floodwaters, with all past and future damages paid for by the polluters? Do you discover the value of self-respect? ahhh....what a fantasy....but still worth conceptualizing.

(and no, going to Confession won't absolve you from the perversion of justice in Elk River)