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November 25, 2019

Humboldt County Planning and Building Dept.  
Humboldt County Planning Commission  
3015 H Street  
Eureka, CA 95501

Re: Marshall Ranch Streamflow Enhancement Project  
Applicant: Salmonid Restoration Federation

Dear Humboldt County Planning and Building Dept. & Planning Commission,

In response to your letter of Notice of Intent to Adopt a Mitigated Negative Declaration I hereby submit to you my concerns and unanswered questions regarding this proposed project. Due to the magnitude of the scope of this project and the subsequent effects, I request that you deny adoption of this proposed mitigated negative declaration.

This project proposes to construct an earthen berm dam reservoir, to hold 16 million gallons of water to release into Redwood Creek during the summer to enhance fish habitat. The placement of this reservoir is approximately 500 feet from my house and situated approximated 100 feet over my elevation. The face of this earthen berm dam is directed at my property.

I will not beat around the bush – this project poses a direct, immediate and life-threatening catastrophe to my life, my family and property in the event of a failure of this proposed sixteen million gallon water reservoir, held back by an excavated/earthen berm dam, to be installed directly over my head. My property is in the closet proximity to this proposed project and adjoins my land. This project, if approved for implementation, would immediately and substantially reduce the value of my property. It also poses a direct threat to lives and property to the southwest portion of the town of Briceland and the section of Redwood Creek that surrounds this project. The proposed project plans have *not* gone far enough to detail, nor sufficient independent study been conducted, to address the serious life, property, environmental damage and cumulative impacts that could be a result of this project if approved by this County.

From the cited reference in the project proposal to the USDA/NRDS Agriculture Handbook 590, Ponds – Planning, Design, Construction, under the section Preliminary Investigations/General Considerations, page #9, I quote “Do not overlook the possibility of failure of the dam and the resulting damage from sudden release of water. Do not locate your pond where failure of the dam could cause loss of life; injury to persons or livestock; damage to homes; etc.” The placement of this pond poses a direct threat to the potential loss of human life and on this basis alone, I request that this project be denied.

A group of concerned residents recently met (11/20/19 - no public notice) with Joel Monschke of Stillwater Sciences and Dana Stolzman of Salmonid Restoration Federation to find out about this proposed project. At this meeting, they could not give a 100% guarantee that this dam would not fail! That they could not guarantee that this project would not fail and could, under extreme circumstances, cause life threatening and major environmental damage, reinforces an outright rejection of this project.

In compliance with California CEQA requirements, the County must consider potential significant environmental impacts, especially those that may affect the public health and welfare. The County has failed to fully do this and in fact this proposal, determined in many potentially affected factors, that there is *no* significant or in some cases minimal impact. I question the basis of some of these determinations and outright disagree with other determinations. The proposed project plans have not gone far enough to adequately address these issues. The plans do not show that the possible, potential benefit to fish habitat out ways the possible and potential damage to lives, property and extreme environmental damages.

There are many aspects of this plan that I would like to address but I don't feel this is the appropriate point for commenting in depth here on each of the issues of my concern but in addition to the above stated concerns I will list some of the main issues I would like to have reviewed and addressed:

On page 13 of the Draft Initial Study under the Determination section, signed by County Planner Joshua Dorris, he has chosen the second option box that states he finds “that although the proposed project *could* have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent”. A **Mitigated Negative Declaration** will be prepared. - I strongly disagree with the choice of this determination.

I request that this determination finding be changed to the option box 4 stating, “I find that the proposed project *may* have a “potentially significant impact” or “potentially significant unless mitigated impact” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only those effects that remain to be addressed”. – This, I believe, is the more appropriate categorization of this project although I don't think it goes far enough. I request that an Environmental Impact Report be required.

This earthen berm dam has been classified by this project proposal as a "Low Hazard Class" as opposed to the other two choices of classification as a "Significant Hazard Class" or a "High Hazard Class". Under the USDA National Resources Conservation Service, Technical Release No. 60. Earth Dams and Reservoirs, Part 1 General, under the classes of dams it states that "dams located where failure may cause loss of life, serious damage to homes, etc.." should be classified as a High Hazard Class. The choice of classifying this dam as a Low Hazard Class, possibly to avoid additional technical analysis and agencies oversight and reporting requirements, is naive and potentially negligent.

The portion of the proposed plans under Evaluation of Environmental Impacts in Sections I through Section XIV, pages 14 to 45, allows for a choice designating the type of effect as: No Impact, Less than Significant Impact, Less than Significant Impact with mitigated incorporation or Potentially Significant Impact. There are some of the determination choices made in these Sections that I disagree with. To number some of the Sections I am specifically objecting to the determinations are:

Section I, Item c

Section IV, Items ai – aiv & b

Section VI, Items a, ai & aiv, b & c

Section IX, Items b, c, d, e, i (especially as this is marked as "NO Impact") & j

Section XII, Items b, c & d

Section XIII, Items b & c

Section XIV, Items a, b, & c

To continue, on review of the Marshall Ranch Project Proposal, prepared by Stillwater Sciences for Salmonid Restoration Federation, and the Draft Proposal submitted to the County, they state the primary focus of this project "is increasing dry season flows in critical reaches of Redwood Creek. Additional project elements will also address several other limiting factors including large wood structures to increase habitat complexity and gully stabilization treatments to reduce fine sediment inputs." They propose that by storing winter runoff and increasing the flow of water to the fish during the summer-over months, that this *may* increase the fish population in the creek and enhance downstream habitat. There is no guarantee to any of these outcomes. In fact, Joel said (at our meeting 11/20/19) we may in fact see no effect. They propose steps will be taken to secure or anchor in stream large wooded structures but there is no guarantee that they will not be washed out and cause potential downstream damage. Nor how proposing a project that may have a significant life threatening and detrimental environmental effect outweighs the risks over human life.

I take objection to these areas of the Proposal as having been inadequately answered or addressed:

**Environmental Factors Potentially Affected:**

- 1.) Long-term, cumulative impacts have not been adequately addressed.
- 2.) Catastrophic damage to surrounding properties, in the event of failure, to the very areas of Redwood Creek and downstream, they are proposing to enhance.
- 3.) The impacts it may have on human life have not been adequately addressed.

## **Planning Design & Effects**

- 1.) Earthen Dam Construction – Classification of Dams.  
This project plan should be classified as a High Hazard class  
Ref. USDA /NRCS Tech Release No.60, Part 1/General/Classes of Dams
- 2.) This project was intentionally designed to fall outside of the CA Dept. of Water Resources/Division of Safety of Dams (DSOD) jurisdiction. To quote from this project proposal: “There are significant annual reporting requirements and fees associated with jurisdictional dams, so from a long-term operations perspective, falling outside of DSOD is desirable. Therefore, a strong consideration in sizing the pond was to stay below a 25-foot dam height and 15 acre-feet (16.3 million gallons) of water storage.” This project falls so close to the required “jurisdictional” designation, which would require additional State oversight and reporting requirements, that given the scope of this project and its possible negative impacts, that it should not be allowed to proceed as a “non-jurisdictional” project.
- 3.) Earthquakes
- 4.) Seepage
- 5.) Potential effects on human life and surrounding properties.

## **Geology & Soils/Geomorphic**

- 1.) Landslides – as noted in the design plans there are two active landslides within the proposed project. As quoted from this proposal “Multiple landslide features are located around the project area..”. The proposed east spillway will direct water to the top of a noted, active landslide that has already caused a landslide into Redwood Creek that completely blocked the creek. It created a small lake in Redwood Creek and the stream channel had to be excavated to open and re-route the channel. Proposing to direct more water to the top of this active landslide would potentially cause further damage.
- 2.) Instability of 133,440,000 (one hundred thirty-three million, four hundred forty thousand) pounds of water being held back by an earthen dam.
- 3.) Earthquakes – We are located on one of the most geographically seismic active areas in the world, the Gorda Plate. This report even notes “Channel incision in the Redwood Creek basin is likely due to ongoing tectonic uplift related to the nearby Mendocino Triple Junction”. Scientist have reported that this type of geologic structure is prone to significant earthquakes and has the potential for producing earthquakes of catastrophic proportions.
- 4.) Geologic instability of site.
- 5.) The Briceland Fault is noted in this project report – an active fault 4,300 feet away.

## **Hydrology**

- 1.) This does substantially alter the existing drainage pattern on & off site & neighboring affected parcels.
- 2.) This does expose people and structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of the dam.

## **Mandatory Findings of Significance**

- 1.) Will have potentially significant effects -- a, b & c

## **Management**

- 1.) What is the short- and long-term management of this project?
- 2.) Will there be on-site personnel to oversee the operations of this project?
- 3.) How will long term management obligations be met?

## **Monetary Sources**

- 1.) What is the funding source(s) for the Management & Maintenance?
- 2.) Financial viability of this project - The project proposes to generate income from a solar energy generation system installed at this site. I was quoted a figure of approximately \$30,000 in annual income from this source. How is this sufficient funding for short- and long-term operations?
- 3.) Budget projections of income and expense for both short- and long-term operations of this project?
- 4.) What assurances are given for secured long term funding for this project in relation to management, maintenance and equipment replacement costs?

The proposed project goes on to addresses some of the possible negative impacts on the environment and goes on to state how this project will enhance the fish population of Redwood Creek, but nowhere in this project report is there any discussion of the catastrophic damage that would be a result to myself and surrounding neighbors if there is a berm failure or a complete blow out of this reservoir. And when this happens, who will pay for it and be there to fix the damages? Will the County compensate me for the loss of property value? Will the County put up an Indemnity insurance policy to cover the costs in the event of damage? The project proposal does not go far enough in guaranteeing the safety and security of those of us whose lives would be put in danger with the installation of this reservoir over this very small, rural town of Briceland.

If the County is to continue considering approval of this plan, I request further research be conducted, additional planning and an independent review to assess the design plans and address the increased danger to my personal welfare and those of my neighbors that this project would impose.

If you do decide to consider or move forward with the adoption of this proposed mitigated negative declaration at this time, I at least ask that the time period of public comment be extended for minimum period of 60 days to continue the analysis and studies of this plan and to provide appropriate time for public comment and meetings, especially considering the size, magnitude and impacts of this project. I also request that this Mitigated Negative Declaration not be adopted for a period of no less than six months to allow for outside legal consultations, design and engineering reviews.

There has not been any local, publicly noticed meetings held about this proposed project and very little attempt in outreach to the affected neighbors or community. I feel that it has been negligent, in that a project of this magnitude and the potential of the negative effects, has not been publicly presented to the community prior to the submission of this proposed project to the County.

I feel this proposed project, with the noble and virtuous intentions of helping the fish in the creek, creates a greater threat to human life and a potential of serious environmental catastrophe. This proposal does not go far enough into evaluating the potential threat to me, my family and my neighbor's lives and the consequent property damage surrounding a reservoir failure.

I request that I be notified, in writing, of any further proceedings of this project that the County will consider, conduct or undertake and to be adequately noticed of any and all public hearings.

In conclusion, to summarize my comments, for those of you who have skimmed over the contents of my concerns:

IF YOU ARE ASKING ME IF I'M OKAY WITH AN EXCAVATED/EARTHEN BERM DAM HOLDING BACK 16 MILLION GALLONS OF WATER TO BE INSTALLED JUST OVER MY HEAD THEN...NO, I'M NOT OKAY WITH THIS!

To quote a line from the introduction to the handbook of the British Antarctic Survey "unlocking the past, understanding the present and predicting the future" .... These are human endeavors that the natural world order will endure and overcome despite human interference.

I respectfully submit my comments and concerns for you to consider in this proposed project.

Thank you for taking the time to review my public comments.

Sincerely,



Joan E. Courtois

(Member – Homo Sapiens)