Friends of the Gualala River

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Sonoma County Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

September 28, 2005

Re: Forest Land Protection in the General Plan

Dear Supervisors,

At the end of the Board of Supervisors meeting addressing protection of Sonoma County forestlands (August 23, 2005), the Board declined to put in place a moratorium on conversions. Supervisor Reilly noted that this one issue has generated more public comment than any other in his career as a supervisor. The clear majority of the standing-room-only audience and those submitting many hundreds of written comments was in favor of a moratorium and strong protection. The Board instead instructed the Permit and Resource Management Department (PRMD) staff to return in the beginning of October with a selection of proposals for "performance standards" and undescribed "high bars" to include in a ministerial regulatory program authorized by ordinance. If adopted, the ordinance would give the Board approval power on post-conversion land uses on a case-by-case basis.

We are concerned that the county is attempting to replace a much needed prohibition of vineyard conversions based on geographic restrictions (county land use zoning) with an inadequate ministerial permit process that fails to protect the forests, oak woodlands and savannah, and scrub/chaparral of the Gualala River watershed against fragmentation by intensive agriculture, and fails to identify and mitigate cumulative adverse impacts on impaired Gualala River watersheds.

We believe a ministerial permit process would be an inappropriate tool to regulate large-scale vineyard conversion in northwestern Sonoma County. A ministerial permit could prevent application of CEQA on projects that have broad cumulative environmental effects stemming from their nature of being profound land use changes.

We ask you to fully consider the following points before deciding on PRMD recommendations:

- Generic performance standards should not be considered out of context of a regulatory framework. Performance standards should be considered within the context project-specific permit applications in a coordinated regulatory program, with proper environmental review that considers site-specific conditions and impacts.

- Any County permit process for conversions should be a discretionary permit system rather than ministerial regulatory program. Discretionary judgment about site-specific information and geographic context is essential for proper disclosure and assessment of impacts, mitigation, and al-

ternatives for individual conversion projects. A ministerial permit program would provide less environmental review and protection than the existing California State Department of Forestry Timber Conversion Permit system for forested areas. Decisions about vineyard conversion should be based on comprehensive information provided by the CEQA review process or its equivalent, including public review and comment.

- Many of the performance standards being considered are arbitrary and are not based on peer reviewed science or a watershed wide need assessment analysis .

We are concerned that PRMD may not have adequate staff or funding to apply to permit compliance and enforcement of any new permit process requirements for vineyard conversions. Additional County staff might be needed to review monitoring reports prepared by qualified consultants and to conduct on-site inspections in order to verify compliance.

To address our concerns we recommend the following:

I. We recommend that the sequence of priorities for a county general plan amendment be:

(1) No conversion of forest, oak woodland and savannah, or chaparral to intensive agriculture in the Gualala River watershed/ Northwestern Sonoma County forestland.

(2) If no geographic exclusion of land use conversion to vineyard is proposed, the County should retain existing land use zoning or policies and

(a) Regulate conversion to any intensive agriculture (i.e. tillage, or crop production system) with a discretionary permit system and

(b) always consider non-conforming intensive agricultural conversions to be a "significant" cumulative impact to land use policy under CEQA unless

(c) a comprehensive, rigorous, discretionary permit review system with independent scientific peer review and multi-agency coordination is secured through a Memorandum of Understanding among county, state and federal resource agencies, and funded with permit fees. The comprehensive permit process would either function with existing CEQA regulations, or would develop a CEQA-equivalent review process under either a programmatic EIR, or a state-certified CEQA-equivalent process.

II. Reject: **generic, programmatic "performance standards"** that circumvent individual environmental reviews of vineyard conversion projects.

III. Reject: "**No conversion on 15% slopes or steeper**". This is a misleading proposed "restriction", in that it offers no restriction on conversion of the most vulnerable soils and topography subject to vineyard convesion. Goldridge soils on slopes less than 15% are the prime targets for vineyard conversion. The Soil Survey of Sonoma County clearly indicates that Goldridge soils flatter than 15% slopes were formerly used for pasture and orchards; between 15%-50% slopes, Goldridge soils were used primarily for woodland or timber. This nominal "restriction" offers no protection at all for the most sensitive county designated water recharge areas in the Gualala River watershed. (see attached Sonoma County General Plan Map*: "Schematic Map of Areas Subject to Conservation Policy Requirements*)

Conversions should be evaluated on a case-by-case basis with a discretionary permit process subject to CEQA and its required open public process.

IV. Reject "**No conversions over 15 acres**". This is an arbitrary proposed limit, and does not identify or regulate potentially significant indirect or cumulative impacts related to site-specific attributes and landscape position (such as road construction, groundwater depletion/drawdown, water diversion, habitat fragmentation, growth-inducing effects). Such an arbitrary limit does not discriminate between degraded, recovering, and mature existing vegetation and habitat (baseline conditions). This arbitrary acreage limit is not a sufficient alternative to environmental analyses of these factors under CEQA or an equivalent environmental review process.

Once again, any County performance standards should be considered to be subordinate to the overall permit process, and should not be used as a way to circumvent proper review under CEQA. Any county performance standards should be based on peer-reviewed science.

V. Reject "**No conversions 600 feet from stream or waterway**". It is unclear whether this proposed restriction applies to horizontal (0% slope) distance or ground surface (variable slope) distance. This limit does not mitigate significant potential indirect stream, seep, and spring impacts such as groundwater depletion/drawdown, or stream diversion. The "buffer" distance does not necessarily mitigate indirect impacts of fungicide, insecticide, or herbicide application from dispersal of fine sediment particles. The standard offers no protection against significant indirect impacts, and appears to be arbitrary. It would also probably be unenforceable without on-site compliance inspections.

Once again, any County performance standards should be considered to be subordinate to the overall permit process, and should not be used as a way to circumvent proper review under CEQA. Any county performance standards should be based on peer-reviewed science.

VI. Reject "**No conversion of site 1 or 2 soils**". There is no scientific justification for using a subjective soil or vegetation ranking index as an overall indicator of environmental sensitivity. The site ranking system proposed is not based on current scientifically sound data, and does not account for vineyard conversion impacts to stream flows, water quality, wildlife abundance, and biological diversity. There are no current, verified baseline data, quality control, or estimates of accuracy and precision (level or error) for soil rank classification and mapping. The system is therefore unreliable. Arbitrary or subjective site ranking does not have predictive value for other environmental indices, such as stream habitat, riparian habitat, distribution of sensitive species, rare communities. Without quality-controlled contemporary data, GIS analysis, or biological surveys, it is a poor and unacceptable substitute for a data-based geographic classification and mapping system for biological, forestry, and soil resources.

VII. We recommend environmentally protective standards normally essential to regional permit programs for sensitive resources affected by land use changes:

1. Standardized resource-agency approved protocols for contemporary pre-project field surveys (botanical, fish, wildlife, stream and riparian habitat, soil stability) to evaluate site-specific environmental sensitivity, biological diversity, uniqueness; enabling regulators to reject null hypothesis that all potential conversion land is homogeneous (an untenable assumption).

2. Standardized geotechnical/soil stability evaluation for proposed conversion sites and new/reconstructed roads.

3. Standardized water availability/water use budget analyses (based on field data) to address cumulative impacts of groundwater extraction or diversion;

4. Reversion and abandonment conditions to require reforestation or native revegetation if agricultural use is discontinued, to prevent sequential forest-agricultural-residential conversion (economically driven like Bay Area, Central Valley; mitigate growth-inducing impacts).

5. Cumulative, geographic criteria such as road density, landslide density, and maximum limits of acreage impact to particular vegetation types.

6. Scientifically sound, well-monitored advance compensatory mitigation (demonstration of restoration success prior to commitment of resources/impacts of development.

7. Establishment of a Memorandum of Understanding (MOU) for interagency cooperation among all state and federal regulatory and resource agencies that may have regulatory jurisdiction over portions of vineyard conversion projects. Effective coordination and protocols for review and comment, authorization or denial, and project-specific permit conditions by all resource agencies with jurisdiction or trustee responsibilities. Coordination should be established in procedures (roles, responsibilities, functions, deliverables, time-lines) set by a Memorandum of Understanding among participating resource/regulatory agencies.

8. Creation of Best Management Practices. Create basic mitigation measures to merely qualify for the regional permit system, ratified by all participating resource/regulatory agencies (not unilaterally asserted by non-expert lead permit agency). Link all BMPs to monitoring, inspection, and enforcement procedures that are funded for implementation.

9. Creation of project review, ranking, screening procedures. Screening criteria for individual project review to determine mode and rigor of subsequent permit review. Create multiple permit streams for

    a. low-effect or "minimal impact" projects, based on geographic criteria, pre-project biological survey report results, project size, or other criteria justifying a low effect (minimal impact) status for small-scale conversions in former pasture or orchard, with no new water diversion or impoundment.

    b. indeterminate effect projects requiring site-specific, project-specific review, analogous to an Initial Study/Environmental Assessment, to determine the need for project-specific mitigation or need for more rigorous analysis (Environmental Impact Report/Statement or equivalent);

    c. exclusion ("kick-out") criteria, or discretionary resource agency permit "veto" or permit decision elevation authority, for projects that may have unacceptable significant impacts for review and authorization under a regional permit system (again, equivalent of EIR/S). Standardized information requirements for project descriptions should be established to ensure disclosure and assessment of all related project components, including phased, ongoing, or segmented activities.

10. Public review, oversight. Public review by either individual or citizen oversight committees given access to pre-authorization agency review and supporting scientific/technical documentation. Opportunity for public comment and contribution of data and analysis for consideration by regulatory agencies is an essential component of any open permit process.

11. Independent scientific peer review for quality control. Either initial or ongoing scientific peer review for monitoring methodology and reporting, biological or physical resource pre-project survey methodology and reporting, geographic criteria, cumulative impact analyses, standardized mitigation measures, or compensatory mitigation measures.

12. Time limits for agency action, rejection criteria for proposal information submitted. Reasonable but strict time limits (and conditional exemptions) for agency and public review. Discretion and criteria for rejecting, as incomplete or defective, project descriptions, baseline surveys, or other essential project description or analyses, shared by participating lead and cooperating agencies

The multiple-year General Plan Amendment process that has led to this point has been aimed specifically at protecting the forestlands and timber resources of Sonoma County from rampant vineyard conversion, and the many significant potential environmental impacts it may cause. The needed policy action should prevent, not promote, the permanent loss or degradation of the Gualala River watershed. It should also rigorously regulate, not facilitate, approval of speculative development projects that need to destroy forestlands to create a "financial engine" to fund dubious restoration schemes on otherwise undevelopable lands. There may be more cost-effective and more scientifically sound "restoration" alternatives (such as rest and recovery) to these detrimental, thinly disguised development projects.

It would be ironic if this broad-based protective intent was, in the final analysis, subverted with a ministerial permit mill constructed with an unscientific "cook book" approach. Any ordinance that is created to provide watershed and forest protection should be based on sound peer-reviewed watershed science, and be watershed-wide in scope. Any ordinance should also contain built-in avenues for public and agency comments, and be discretionary in enforcing the existing goals stated in the General Plan for the RRD and TP zoning.

Respectfully submitted,

John Holland
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Friends of the Gualala River
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Cc:

Mr. David Schiltgen, Sonoma County PRMD, Santa Rosa
Mr. Dave Hope, North Coast Regional Water Quality Control Board, Santa Rosa
Mr. Richard Macedo, California Department of Fish and Game, Yountville
Mr. Ross Swenerton, Division of Water Rights, State Water Quality Resources Control Board, Sacramento
Ms. Charlotte Ambrose, National Oceanic and Atmospheric Administration, Santa Rosa
Mr. Michael Long, U.S. Fish and Wildlife Service, Arcata Field Office

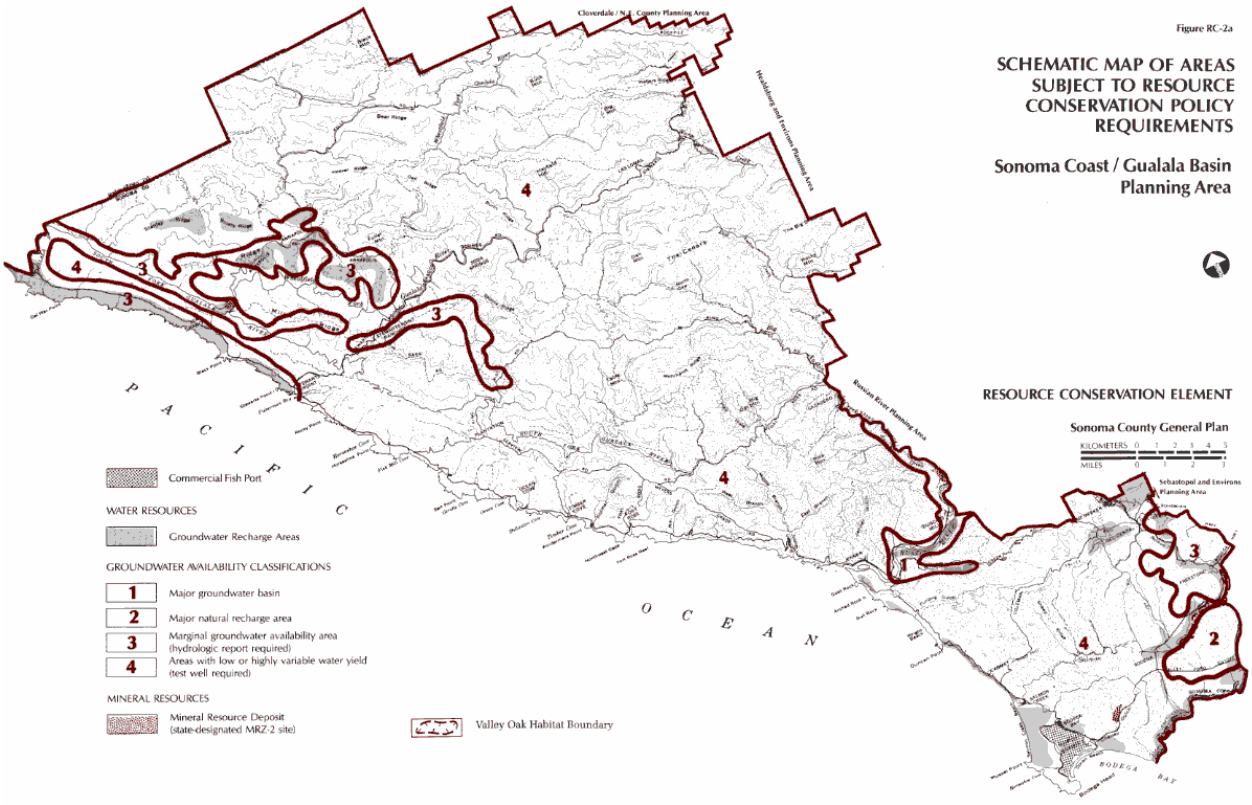
Figure RC-2a
SCHEMATIC MAP OF AREAS SUBJECT TO RESOURCE CONSERVATION POLICY REQUIREMENTS
Sonoma Coast / Gualala Basin Planning Area
RESOURCE CONSERVATION ELEMENT
Sonoma County General Plan
KILOMETERS 0 1 2 3 4 5
MILES 0 1 2 3
Cloverdale / N.E. County Planning Area
Healdsburg and Environs Planning Area
Russian River Planning Area
Sebastopol and Environs Planning Area
PACIFIC OCEAN
BODEGA BAY
Commercial Fish Port
WATER RESOURCES
Groundwater Recharge Areas
GROUNDWATER AVAILABILITY CLASSIFICATIONS
1 Major groundwater basin
2 Major natural recharge area
3 Marginal groundwater availability area (hydrologic report required)
4 Areas with low or highly variable water yield (test well required)
MINERAL RESOURCES
Mineral Resource Deposit (state-designated MRZ-2 site)
Valley Oak Habitat Boundary