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DELIVERY BY EMAIL

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Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
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Re: Scoping Comments: File No. PLP06-0107
Preservation Ranch Environmental Impact Report

Gentlemen:

I have been asked by residents of The Sea Ranch to provide scoping comments on the Environmental Impact Report (EIR) for the Preservation Ranch Project, to assure that that document fully complies with the California Environmental Quality Act (CEQA) and its implementing Guidelines. In preparing these scoping comments, I reviewed the County's Initial Study, attended one of the applicant's project information meetings in Annapolis, and reviewed other available materials.

The Poor Prospects for Legally Adequate CEQA Review

The proposed project covers 19,652 acres and includes site-specific actions that would occur throughout that area. In essence, the project includes the following components:

- 1) Reparcelization of the entire site to create 63 viable parcels, primarily for vineyard development (but also including a park parcel)
- 2) Rezoning/redesignating 1671 acres to allow vineyard conversion; this portion of the plan includes upgrades to 93 miles of roads, about 40 new reservoirs, a number of quarries, and large-scale clear-cut timber removal.
- 3) Establishment of a 2702 –acre timber preserve.
- 4) Development and application of a future forest management plan for most of the remaining lands (approx 14,590 acres); this plan includes both “sustainable” timber harvest activities and restoration of old logging roads.
- 5) Development of housing for 31 permanent agricultural workers and up to 215 temporary agricultural workers.

6) Development of an undisclosed number of high-end single family houses on the new RRD-zoned parcels.

Due to the unprecedented scale of this project as currently proposed, it would seem virtually impossible to comply with the letter and intent of CEQA. CEQA requires the preparation of analyses that accurately and adequately assess and clearly describe to the public the proposed actions and existing conditions of each project subcomponent to the degree necessary to identify potentially significant site-specific impacts. For example, detailed biological and cultural resource assessments would be required for all roadways, reservoir sites, house/residence sites, and all areas proposed for timber harvesting during the project lifetime, and then the proposed development footprints of all likely activities would need to be overlain on those resources.

Even if such detailed studies are to be performed, given the scale of the mapping provided in the Initial Study, it is highly unlikely that a document can be developed at a level of detail that would allow the public and decision-makers to be fully informed regarding any such resources and associated impacts. In short, the massive scale of the project as proposed is for all practical purposes not amenable to the central function of the CEQA process – an informed public and decision maker.

The above would be true even if the project description adequately addressed each of the project components, as the individual and cumulative impacts would still defy reasonably informed public participation. This analytical and disclosure deficiency is further aggravated by the absence of any timber harvest plans for the 14,590-acre timber harvest area, lack of terms of any conservation easements, and the absence of any quantification of units, location information, or house designs for parcel-owner housing on the 61 developable parcels. Simply stated, it is not possible to assess the impacts of unidentified activities.

Given that the details of the proposed land uses for most of the site are not disclosed, or are only partially disclosed, in the applicant's project description and the County's Initial Study, I respectfully suggest that it is not possible to conduct an adequate project-level analysis of the entirety of the project.

Other Project Description Issues

Although I believe any effort to produce an adequate project-level analysis of the entirety of this massive and unprecedented project is unlikely to satisfy CEQA, any attempt must include the following.

CEQA defines a "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment" (*CEQA Guidelines*, Section 15378(a)). As summarized above, the actions necessary to fully implement the proposed project are not adequately disclosed/described in the Initial Study. Prominent omissions include the actual proposed timber harvest plans, any details of the proposed management plan for the "Sustainable Timber Management Area" (or any assurance that the plan would actually be sustainable), terms of any conservation easements, and any actual review/certification of that non-existent plan for compliance with accepted "sustainable forestry" criteria.

Similarly, the project description fails to disclose of the number or location of any of the permitted non-farmworker residences on the proposed RRD parcels. In addition, development of other RRD-permitted uses that could occur on the parcels (including other agricultural and residential uses, mining, etc.) should be addressed or specifically prohibited under the project description. The EIR should assess the impacts of that full buildout. Failure to do so would result in an incomplete and unstable Project Description. Absent a stable and complete project description, it is not possible to accurately and completely assess the project's impacts.

The IS (p. 2-15) states that "a THP would be drafted by the applicant for submittal with the draft CEQA document...and the Timberland Conversion Permit Application". In order to be complete and consistent, the EIR project description also should include THPs for all anticipated cuts for the additional 14,900-acre timber harvest area. The focus on the vineyard conversion and failure to provide an equal level of analysis of the proposed management/cutting of much of the remainder of the site would not meet CEQA's requirements.

Other deferred descriptions, including details of proposed water supply and stormwater systems, erosion control plans, clear designation of where blasting would occur, how the timber preserve would be managed, etc., also have been omitted and must be included in any project-level Project description.

These omissions would result in an impermissibly vague and unstable EIR Project Description. CEQA case law requires that a project description be accurate and stable throughout the EIR, stating that; "An accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles*, 1977). As summarized above the proposed Project Description unit count, which forms the basis for traffic, air quality, land use, population/housing, public services (schools), utilities (water and wastewater), and noise analyses, is neither accurate, stable, nor finite. Similarly, the lack of a detailed, verified Sustainable Timber Management Plan further renders the Project Description incomplete and unstable.

The missing information must be developed and mapped prior to initiation of work on the DEIR, and included for public review in that document. Specific maps should be included for each proposed vineyard development parcel and facility, as well as for off-parcel facilities such as some of the major quarries. Further, maps of all proposed harvest areas for the remainder of the site, along with a schedule for the harvest and specific harvest methods proposed, should be included in the DEIR (assuming it remains "project level").

Cumulative Analyses

The EIR must include a complete assessment of cumulative impacts of, 1) all components of the proposed project, and 2) all other past, permitted or likely vineyard conversion and forestry projects in the watersheds that would be affected by the Preservation Ranch project, as well as the project's contribution to those impacts. In addition, potential future subdivision of project parcels should be addressed.

Growth Inducement

CEQA Guidelines section 15126.2(d) requires that growth inducement of the project be considered, along with potential secondary impacts of any such growth. Therefore the EIR must consider potential growth inducement of the project both within the project (i.e. additional vineyard conversions and residential development), and the project's potential to set a precedent and induce other off-site vineyard conversions of forest land throughout the County.

Range of Alternatives

The Initial Study and Notice of Preparation (NOP) do not disclose which alternatives are to be assessed in the draft EIR. CEQA requires that a proper discussion of alternatives provide "sufficient information to the public to enable it to understand, evaluate, and respond" to the agency's conclusions, and that such information must "contain facts and analysis, not just the agency's bare conclusions or opinions" and "should include meaningful detail" (see *Laurel Heights Improvement Assn. v. University of California*, 1988). Under CEQA, alternatives are required to mitigate some or all of the project's impacts, while achieving most of the project's goals.

In that light, at a minimum the DEIR must review the impacts of the following possible alternatives, among others:

- 1) *Timber Restoration Only Alternative*. This alternative would apply a FSC-certified sustainable- timber management plan to the entire forest (with the exception of the existing vineyard and the proposed park addition parcel). It would not include any development of vineyards, houses, or other non-timber uses. It would include restoration and removal of excess roadways and creek crossings.
- 2) *Reduced Vineyards Alternative*. This alternative would entail a 50% reduction in the proposed vineyards, and would be intended to reduce impacts of vineyard conversions.
- 3) *Carbon-Sequestration Alternative*. This alternative is outlined in the February 14, 2009 letter from the Redwood Chapter of the Sierra Club to CalPers, which suggests consideration of a "Complete conversion and restoration of an old-growth forest preserve" on the property. Given the economics of the sale of carbon credits, this would appear to be a feasible option for the property, which attains most of the applicant's objectives (i.e., their objectives for the vast majority of the project site). This alternative would eliminate the potential impacts of vineyard conversion, residential uses, and timber harvesting, and would appear to form an ideal environmentally superior alternative, as mandated by *CEQA Guidelines*, section 15126(e) (2).
- 4) *No Non-Farmworker Housing Alternative*. This alternative would prohibit non-farm-worker housing on the RRD parcels, which would conform with the current project description and IS, which do not identify or discuss an non-farm-worker housing. This alternative would reduce one of the unstable aspects of the current Project description as well as eliminate potential impacts on views, services, traffic, noise, and wildlife of development of "McMansions" in this rural area.

5) Inclusion of a No Project/No Action Alternative that allows for natural restoration of the forest over time. This would be in addition to the contemplated No Project/Full Harvesting alternative that forms the basis for many of the impact comparisons in the IS. The No Project/No Action Alternative is required by *CEQA Guidelines*, Section 15126.6(e)(2).

Other Issues

Aesthetics: In addition to issues identified in the Initial Study, aesthetics of all proposed housing units, both for farmworker and owner-residents, should be described, plans provided, and aesthetic impacts modeled on photosimulations. Dark sky and light pollution issues must be addressed. Photosimulations of the stripped ridgetops must be provided.

Air Quality: The Initial Study states that the project would generate long-term carbon storage over “even-age baseline Projections.” It is unclear what is assumed under the “even-age baseline”. If the project’s effects are being compared to some sort of clearcutting, this is the wrong baseline for CEQA purposes. As discussed above, the no-project alternatives must include a no-project/no action alternative, which would also be the long-term CEQA baseline. Using a CEQA baseline that assumes full harvesting under existing land use plans would be an impermissible “Plan-to-Plan” analysis, per *CEQA Guidelines* Section 15125 (see *Discussion* at the end of that section).

Cultural Resources: The EIR should include cultural resources surveys for all areas of the forest to be cut or otherwise disturbed by any and all project activities, including forest management activities on the 14,900-acre timber harvest area.

Geologic Resources: A detailed erosion control plan should be developed for the entire property, and its adequacy should be developed in the EIR (and not deferred to mitigation, which is impermissible under *Sundstrom v. County of Mendocino*).

Hazardous Materials/Water Quality: This section of the IS discusses Imazapyr and risks associated with chemical methods of forest vegetation management, but fails to address herbicides and pesticides that may be used in grape farming activities. Please address the potential impacts of those chemicals on hydrology and water quality in the EIR. In addition, the EIR should fully describe the project’s overall erosion control plans (for both forestry and vineyards) and evaluate their effectiveness on both local and cumulative bases.

Noise: Noise evaluations should include possible helicopter and other aircraft use both for agricultural activities and for access by owners to future homes on individual vineyard lots to be created by the project. Day and night agricultural noise must also be assessed, and compared to existing noise levels. Single-event noise impacts must be addressed.

Noise impacts analyses for project construction should address both human and sensitive wildlife receptors.

Public Services: The IS discusses public services (including schools, police, fire, and medical services) associated with farmworkers, but needs to be expanded to address potential residents of non-farmworker houses on the RRD parcels.

Traffic: The EIR traffic analysis should include traffic generated in vineyard construction, vineyard operation, forestry on the project's remaining forest lands, traffic from non-farmworker residents and visitors, and cumulative traffic from both the project and other planned, permitted, and likely future projects. Currently 'The Project does not specify the location or schedule for foreseeable timber harvests with the exception of logging associated with the proposed vineyard conversion activities.' (IS, p. 3-106) This must be remedied in the EIR.

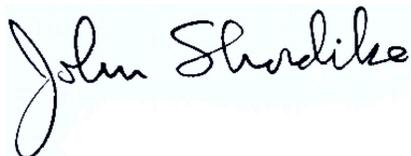
Utilities: The EIR utilities analysis should include issues associated with vineyard construction, vineyard operation, forestry on the project's remaining forest lands, and both farmworker and non-farmworker residents and visitors, as well as utilities demand from both the project and other planned, permitted, and likely future projects.

Land Use/Population and Housing: The IS uses an impermissible "plan-to-plan" analysis of land use and population/housing impacts, comparing full development under existing plans with that of under the proposed designations. In the EIR, this should be corrected to be a project plan-to-existing conditions on the ground assessment, as required by CEQA. Nowhere in these sections does the IS provide an estimate of non-farmworker housing; the EIR should remedy this deficiency.

Conclusion

As described above, I doubt that any project-level EIR for this massive proposal will satisfy the requirements of CEQA. However, in the attempt, the DEIR must remedy numerous deficiencies in the current Project Description and Initial Study. Further, given the scale and breadth of the project, a broad range of alternatives should be included.

Very truly yours,

A handwritten signature in black ink that reads "John Shordike". The signature is written in a cursive style with a large, looping initial "J".

John R. Shordike