

Friends of the Gualala River

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Mr. Allen Robertson
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Via e-mail

July 26, 2009

SUBJECT: Fairfax Timberland Conversion DEIR comments

Dear Mr. Robertson:

Friends of the Gualala River (FOGR) is submitting these written comments to add to your files on this project and to add to those oral comments from our members at the DEIR scoping sessions. FOGR is a non-profit, volunteer, citizens organization concerned with the protection and enhancement of the Gualala River and its watershed. More broadly we are concerned about the health and wellbeing of northcoast rivers and the coastal ecosystem.

We have recently become aware of new cultural resources and archeological field work being done on the project site. How does this affect the already released Cultural Resources section of the DEIR?

The following are portions of the DEIR noted by page location with comments following in bold.

Page 1-6 of Vol. 1 of the DEIR Comments:

“Summary of Comments Received on the Notice of Preparation and Previously Prepared Mitigated Negative Declaration

The following list is a summary of concerns taken from comments made at the scoping meeting, comment letters received prior to the close of the 30-day comment period, and comment letters received on the previous negative declaration. Many of the comments received on the previous negative declaration addressed the need to prepare an EIR, such comments are not included in the below summary as they are not relevant to this document. All of the environmental issues raised by the commenters on the previous MND as well as the more recent comments submitted during the NOP comment period

have been included in the below summary, **and addressed in the EIR where appropriate.**” (emphasis added)

Comment: Contrary to the above assertion, very few of the 120 specific substantive concerns outlined in the comment letters starting on page 1-6 were directly addressed in the DEIR. In addition, next to none were addressed using supporting data or scientific studies. If mentioned, most were dismissed offhand as insignificant potential impacts. The following are examples of the few mentions of these specific concerns and their non-substantial dismissals.

For example:

Page 3.8-23

“Summary: Residences are located in close proximity to the site, and residents expressed substantial concerns related to the use of pesticides. However, due to the local topography, vegetative patterns, and controls on the timing, type, and climate under which pesticides may be applied adverse affects are not anticipated.”

Comment: Even with all the in-place regulations as to pesticide application, storage and use, numerous instances of exposure and harm are registered yearly in California. Use of IPM is proposed. A definition of the limits of pesticide use allowed within an IPM approach is not given. Is there a certification for IPM? Why is an organic management plan and State Organic certification not proposed as a mitigation for potential environmental and health affects from pesticide use? This type of certification is common in the present vineyard industry. Is there not data showing the increased health safety of nearby residents of commercial agriculture when it employs organic methods? EIR is missing an analysis of pesticide loads (types and amounts, seasonality) typical of Sonoma County viticulture.

For example:

Page 3.7-15

In addition, concerns have been raised regarding the potential for water contamination emanating from the old sawmill site and/or the vehicles and garbage illegally dumped nearby.

The project forester, project engineer, and Raney staff visually inspected that portion of the site, and a nearby segment of Patchett Creek, in wet conditions on March 31, 2005. Evidence of hazardous materials in or entering Patchett Creek, which was flowing strongly at the time, was not observed.

Comment: A mere one time visual inspection by non-experts to verify the potential presence of chemical contamination is insufficient to address the issue.

Page 3.4-108

Policy OSRC-12e: Revise the zoning districts which implement the Resources and Rural Development land use category to prohibit agricultural production and other uses which would result in the conversion of timberlands unless the uses qualify for a timber conversion exemption pursuant to the Forest Practice Rules, they provide an overriding benefit, or they result in no net loss of timberland. The districts shall also provide that

these exceptions are not allowed if they result in habitat fragmentation.

Comment: How can the conversion and fencing of nearly 200 acres of forestland not result in habitat fragmentation? What mitigation is proposed for the permanent loss of 190 acres of natural forest habitat? What are the mitigations for lack of wildlife corridors through the central large fenced units spanning east to west from Patchet Creek? What is the overriding public benefit of this forestland conversion?

Vol. II, Page 3.

In describing the 73 acre foot reservoir to be constructed it is mentioned that the vineyard will be dry farmed. “(although once the vines are established, the vineyard would be dry-farmed during some years).”

Comment: Where is the locally based data that would verify that dry farming is possible? Where is the data to prove that there will be enough precipitation for the project’s needs with mounting evidence that the frequency of critically drought years are expected to increase significantly in this region, and past rainfall averages cannot be used for forecasting?

Page 3.7-18

The West Yost Hydrologic Evaluation estimates average annual precipitation in the Annapolis area at 60 to 70 inches,

Page 3.7-47

The National Oceanic and Atmospheric Administration (NOAA) has also developed a rainfall isohyetal graph for the area that shows the annual average rainfall for the Annapolis area of approximately 58 inches. This information was developed based on a period of record from 1931 to 1970 (39 years).

Typically, the longer period of record would likely be considered more reliable for longterm planning. However, both of these isohyetal graphs were developed using data from the Fort Ross rain gauge, which is the closest long-term rain gauge near the site.

Comment: The rainfall figures are based on insufficiently accurate data and no locally collected data. Local coastal rainfall can vary significantly over short distances. Numerous neighbors to the plan collect data and any DEIR analysis and assumptions regarding rainfall would be more reliable and accurate if they included this more accurate data and recent annual rainfall totals.

Page 3.7-19

The proposed vineyard project has been planned with irrigation applications of about 0.3 ft, equivalent to 3.5 inches or about 90 mm (Erickson Engineering, 2002). Given the likely soil moisture available and the findings regarding vineyard irrigation by Williams (2001), the proposed vineyards would likely use substantially less water than the existing vegetation.

Consequently, based on likely water use by native vegetation and vineyards, the proposed project would tend to increase soil moisture and ground water percolation.

Summary

Comparisons between existing forest vegetation and anticipated vineyards with respect to hydrologic effects of vegetation indicate decreased evapotranspiration is likely under project conditions, both in the growing season and the rainy season. During the rainy season, reduced interception losses are expected to be about 10% to 20%, which represents a net gain to water delivered to the soil surface for infiltration and percolation.

Comment: No scientific studies or data are presented that analyze the impact on ground water recharge from long term commercial viticulture as compared to that of natural forest. Nor is there data to back up the claim of long term net gain to recharge from vineyard planting.

Page 3.7-82

Effects of Timber Harvesting

As noted previously in the Environmental Setting, studies of the Caspar Creek Experimental Watersheds show that removal of forest vegetation may affect groundwater recharge of small drainages. The information developed in conjunction with these watershed studies can be used to estimate the likely impacts to downstream summer flows associated with the proposed timber harvesting project; however, it should be noted that these studies do not demonstrate the potential hydrologic impacts associated with vineyard development.

Comment: If "these studies do not demonstrate the potential hydrologic impacts associated with vineyard development", then how can they be used to make an assessment of project impacts under CEQA? Why have no such studies, or modeling, been included in this DEIR? How can the applicability of studies such as the Caspar Creek Study be evaluated if there is no data for comparison on the resulting expected affects of this proposed land use change?

Page 3.7-26

An evaluation of peak flows on tributaries to Grasshopper Creek or Little Creek were not developed because impacts to these watersheds associated with the proposed project would be significantly less than the impacts anticipated on Patchett Creek.

(re. Summer flows) As with the peak runoff analysis above, tributaries to Grasshopper and Little Creeks were not evaluated.

Comments: On what scientific basis was the decision made to exclude impact analysis to Grasshopper and Little Creeks? There is a creek diversion noted for Grasshopper Creek near the project site, without data on that diversion, how can the affects of the project on flows for this creek be evaluated?

Page 3.7-30

Climate Change has the potential to alter the existing hydrological environment in a number of ways. Increased temperatures have the potential to increase evapotranspiration, alter rainfall patterns, as well as alter the habitat for existing native habitats leading to changes in ground cover and forestation. Currently, Climate Change models are primarily focused on global changes, and potential changes to specific locations are speculative. California is primarily concerned with the potential for reductions in snowfall (with the moisture coming down as winter rain), which would lead to flooding and water shortages; and rising sea levels. As the project site is fed by rainwater, the increase in rains, and corresponding decrease in snowfall, would not be expected to adversely impact available water supply for the proposed project.

Comment: Recently released reports have pointed to the possibility that climate change affects might not necessarily mean increased rain for coastal Northern California. See: “How will changes in global climate influence California?”, Bryan C. Weare, UC Davis, California Agriculture 63(2):59-66. DOI: 10.3733/ca.v063n02p59. April-June 2009.

The EIR should state whether the vineyard conversion would be economically feasible if only grape varieties other than those suited to “ultra-premium Pinot Noir” were feasible in the future due to climate change. Where is the scientific data to back up the claim of no expected adverse impacts on water supply for the project? If increased rains are expected by the preparer, why has this fact not been addressed in potential hydrologically related impacts in the DEIR?

Page 4-11 DEIR

CAL FIRE (2003) has estimated that approximately 800 acres of Goldridge soils remain available for development of high-quality pinot noir grape vineyards in the Annapolis area (including the Artesa property); however, this figure may not reflect more recent developments. Review of the site soils map (Figure 3.6-1) indicates that the proposed project could utilize on the order of 120 to 130 acres of these soils. The remaining Goldridge soils in the area may be unavailable for vineyard development for a variety of reasons, including unwillingness of current landowners to develop or sell their land. Additionally, although the wine market has been experiencing strong growth for the past few years, the market may become saturated, leading to reduced incentive to pursue new vineyard development.

Comment: A large area of the proposed vineyard is slated to be installed in the Hugo loam soil type. Therefore it is inappropriate to base any analysis of potential growth inducing impacts on just the availability of Goldridge soils. If close to 50% of the proposed vineyards are feasible in these types of soils, the development of just the remaining stock of Goldridge soils is not a limitation to growth inducing impacts, cumulative impacts or threats to remaining county timberland of this project.

Other Comments and Questions:

- What would prevent the present owner or future owners from establishing future housing, winery facilities, tasting rooms or other facilities that would generate need for more water? What enforceable mitigations are proposed to prevent this foreseeable, potential future impact?
- What provisions and mitigations are proposed if the water needs of the project are not met by the proposed development of water sources?
- Recirculation of the EIR is necessary due to the significant impacts posed by the project to underestimated cultural resources on site and due to the need to propose adequate mitigations to protect those resources.
- The alternatives analysis should be completely re-evaluated based on a new comprehensive inventory of archeological resources associated with the prehistoric village site and the consideration of reclassifying the resources as an archeological district. See the Holman expert comment letter identifying the site as a potential archaeological district.
- The alternatives analysis uses what appears to be circular logic to dismiss the possibility of an off-site alternative.

The DEIR points out that "large acreages" with "...soils, elevations, and slopes similar to the project site..." are "rare," and several are already "...either currently in vineyard production, proposed for vineyard production, approved for vineyard production or identified as managed timberland..."

It continues, "...as there are lands with similar characteristics that as yet have not been developed with a vineyard, the possibility of locating the proposed project at another location exists..."

"...Because the Offsite Alternative would include the conversion of timberland to vineyards, and would differ only from the proposed project in the location of the conversion area, the Alternative would result in similar land use impacts to the project site."

In other words, if the applicant only considers very similar forestland for siting this conversion, then the impacts would be very similar. A true alternative is therefore not considered.

The project is defined as a conversion, rather than as a vineyard. If the off-site alternative of buying an existing vineyard or existing converted agricultural land is considered, the applicant could achieve their desired result (a vineyard) with significantly less environmental impact. Costs might differ - it might cost more to make the owner of an existing vineyard a "willing seller."

If the real issue is then cost, the EIR should have to consider cost versus environmental impact directly. Is it worthwhile to the people of the State of California to allow environmental degradation in order to save the applicant some amount of money?

Approval of this vineyard conversion is contrary to the public interest due in part to:

- The project adds cumulative impacts on creek and river flows, fish and habitat loss and habitat fragmentation. A determination of the project's cumulative impacts is reinforced in view of the nearby 20k acre Preservation Ranch proposal, which was not proposed officially at the time of the NOP for Fairfax/Artesa.
- The loss of aesthetic resources due to the loss of traditional forest and introduction of commercial agriculture and support infrastructure.
- The project requires the loss of forestland when alternate, when less environmentally impacting lands are available in the area for siting.
- Cumulative impacts to limited emergency services and social services infrastructure.
- Cumulative impacts to road infrastructure and traffic.
- Failure to analyze or mitigate substantively cumulative agricultural pesticide impacts to wildlife and human health. Gualala and Sea Ranch domestic water intakes are drawn directly from the river.

We look forward to response as to these concerns and their addition to the comment letters for the DEIR.

Sincerely,

A handwritten signature in cursive script that reads "Chris Poehlmann". The signature is written in black ink and includes a horizontal line extending to the right from the end of the name.

Chris Poehlmann