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Chairwoman Valerie Brown  
Board of Supervisors  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403-2887

October 23, 2007

Re: File No. UPE04-0040, Gualala Instream Gravel Mining, Gualala Redwoods, Mitigated Negative Declaration

To the Sonoma County Board of Supervisors.

I would like to summarize in plain language and arguments why I believe it is necessary and prudent to delay approval of the proposed (or amended) Negative Declaration for instream gravel mining on the Gualala River, and reconsider the need for an EIR that will properly satisfy and integrate all environmental review requirements of all regulatory and resource agencies with jurisdiction over gravel mining in the Gualala River.

1. **Narrow decision on “significant impacts after mitigation”.** The decision before you today is not an up or down vote on permit approval for Gualala River gravel mining. It is not about the merits of the proposal. It is only about CEQA.

Your decision today is about one thing only: whether or not the balance of evidence and argument on record, including expert opinion and scientific evidence, supports a conclusion that the project, with proposed mitigation, MAY have POTENTIAL significant adverse impacts on the environment.

The question is not whether you would **prefer** to do an EIR or not. It is about whether an EIR is required. In my professional judgment of the record, the answer is clearly “yes”. The mitigated negative declaration is full of very substantial errors, omissions, outdated baseline information, and inadequate analysis. The resource stakes are very high.

2. **Other State and federal environmental review and permit processes:** Even if you were to approve the Negative Declaration as proposed, it would have NO EFFECT on expediting gravel mining in 2008 because other federal and state jurisdictions have not even initiated environmental reviews, and would not complete permit processes before the County.

State and federal agencies have determined that the project description and environmental data are incomplete and inadequate. The key authorizations of the Corps of Engineers, National Marine Fisheries Service, and Regional Water Quality Control Board are simply not in motion. They have not accepted applications as complete. The Corps has not even issued a Public Notice for the project yet!

Indeed, a proper EIR would likely EXPEDITE review and permitting of gravel mining because it would resolve vague project descriptions, alternatives, impacts, and mitigation and monitoring measures.

The failure of state and federal agencies to initiate their permit processes for Gualala River gravel mining long after applications were submitted repeatedly should alert you to a basic problem. It is an alarm call. The project is poorly defined. Basic data are missing and out of date. Environmental assessments are superficial, breezy, incomplete, and full of errors – all unacceptable to regulatory agencies with final authority over instream gravel mining.

You have the opportunity to fix this problem by identifying it exists, and providing the obvious remedy – a rigorous EIR that satisfies requirements of all resource agencies, and public concerns.

**3. Significant impacts have already happened.** Thresholds of significance for gravel mining were proposed in the ARM plan, and were adopted by the O'Connor geomorphic report – the principal supporting physical science document for the Negative Declaration. It identified channel instability as a significant impact.

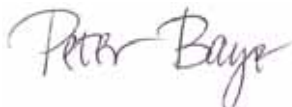
I submitted clear evidence that excessive gravel mining at Valley Crossing resulted in channel avulsion (switching of the low-flow channel from shaded riparian to open gravel flats), eliminating productive steelhead stream segments. This is not speculative. It is not a matter of opinion about future impacts. It happened during the unauthorized mining period after the permit expired, but while mining continued. It is your responsibility to recognize your own criteria for significant impacts and identify them when they occur.

Like it or not, significant impacts have already triggered an EIR, by your own criteria.

And there are many other impacts to riparian vegetation, water quality, steelhead, that are strongly supported in the record to be “significant” by criteria already adopted by the County, even in the Negative Declaration. If your staff rigorously checked field conditions to verify the conclusions of the Negative Declaration, they would see them, too.

**4. Independent scientific review.** Friends of the Gualala River has retained scientific experts to critically review the Negative Declaration, at great cost. We did this because the patchwork, cursory document is grossly deficient, and because the Planning Commission seemed to be more concerned with oral testimony favoring the merits of the project from interested parties, rather than scientific merits of arguments about significant impacts and mitigation under CEQA.

I think the County, not environmental organizations, should have required independent scientific peer review of this inadequate document. Nonetheless, please consider fully the sound critiques and opinions of professional hydrologists Greg Kamman and Dennis Jackson.

A handwritten signature in cursive script that reads "Peter Baye".

Peter Baye, Ph.D.  
Coastal Plant Ecologist.