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Mr. Dennis Hall  
September 5, 2001  
Page 2

Mr. Dennis Hall  
September 5, 2001  
Page 3

## Memorandum

To : Mr. Dennis Hall  
California Department of Forestry  
and Fire Protection

Date: September 5, 2001

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Via fax (916) 653-8957

From : Robert W. Floerke, Regional Manager  
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject: Comments on the Proposed Negative Declaration for the Campbell Vineyard Conversion, Annapolis, Sonoma County (SCH# 2001082037)

Department of Fish and Game (Department) personnel have reviewed the above-referenced Negative Declaration (ND), including the California Department of Forestry and Fire Protection's (CDF) California Environmental Quality Act (CEQA) checklist (hereafter referred to as CDF checklist), the Timber Harvest Plan (THP), the Timber Conversion Plan (TCP) and the Erosion Control Plan (ECP) for the proposed conversion of 88 acres of timberland into a commercial vineyard. The conversion area is 88 acres within a 685-acre ownership located approximately one mile northeast of the town of Annapolis in Sonoma County (Section 7, T10N, R13W; MDBM, Annapolis 7.5' U. S. Geological Survey quadrangle map).

The following comments are based on the aforementioned documents, participation by Department personnel in the Pre-harvest Inspection (PHI) of the conversion area, and Department knowledge of biological resources existing within the Watershed Assessment and Biological Assessment Areas.

### I. Biological Resources:

#### (i) Northern Spotted Owl

According to the CDF checklist, the proposed project will not result in substantial adverse impacts to any species identified as endangered, rare, or threatened as listed in Title 14 of the California Code of Regulations (CCR), Section 670.2 (or 670.5). The plan area is within the geographic range of the Federally-listed threatened,

Mr. Dennis Hall  
September 5, 2001  
Page 4

northern spotted owl (NSO) (*Strix occidentalis caurina*). NSO typically occupy dense, multilayered canopy cover in coast redwood (*Sequoia sempervirens*) and Douglas-fir (*Pseudotsuga menziesii*) dominated forests, which occur on the plan area.

Ten NSO activity centers have been identified within six miles of the proposed conversion area (California Natural Diversity Data Base V.2). Although no NSO have been located on or within 1.3 miles of the plan area to date, documents submitted to the U. S. Fish and Wildlife Service (USFWS) by private consulting biologist, Pamela Town, show that the plan area currently contains 28 acres of foraging habitat and 35 acres of nesting and roosting habitat for NSO (i.e., Pre-harvest NSO habitat map). The post-harvest NSO habitat map shows that no NSO habitat will remain on the plan area following project activities, resulting in a permanent loss of 63 acres of functional NSO foraging, roosting and nesting habitats. Pursuant to CEQA Section 15065, the proposed conversion will result in the restriction of the range of NSO and, thus, should be considered a significant impact to this Federally threatened species.

(ii) Steelhead Trout

Grasshopper Creek, a tributary to Buckeye Creek which empties into the South Fork Gualala River, occurs within the property boundary at the south and southwest portions of the property. It does not occur within the conversion boundary, however, it does flow within approximately 600 feet of the proposed conversion boundary. On July 17, 2001, Department personnel observed juvenile, Federally-listed threatened steelhead trout (*Oncorhynchus mykiss*) in Grasshopper Creek, approximately 2,000 feet downstream of the northern edge of the conversion boundary.

The THP, TCP and ECP fail to adequately consider, provide sufficiently detailed analysis, and disclose potential impacts to steelhead trout from the proposed withdrawal of water via the onsite well for irrigation, and the capture of surface flow for a proposed reservoir impoundment. Most important, an evaluation of water quantity and quality available to juvenile steelhead during the summer months in dry years when vineyard operations are occurring, was not included in the impact analysis. The Department believes that the proposed project could adversely affect salmonid habitats in Grasshopper Creek and Buckeye Creek, and result in the restriction of the range of steelhead in the watershed.

(iii) Wildlife Movement Corridors

The CDF checklist states that the proposed conversion and vineyard operation will have no impact on the movement of any native resident wildlife species, or with established resident wildlife corridors. According to the TCP, approximately 5 miles (24,000 feet) of deer fencing at least six feet in height will be required for the successful operation of the vineyard. Department personnel have observed a local population of black-tailed deer (*Odocoileus hemionus*) in the Annapolis area, and have identified well-worn ungulate travel routes on nearby lands, including lands in the region also proposed for timberland conversion. The project documents do not disclose and evaluate adverse effects to local wildlife movement from the layout, design, or installation of five miles of deer-exclusion fencing. As such, the Department believes that the proposed vineyard fencing will substantially interfere with wildlife behavioral patterns, and will result in significant impacts to the wildlife community.

(iv) Conflict with Local Policies Protecting Biological Resources

The CDF checklist indicates that the proposed conversion does not conflict with local policies or ordinances protecting biological resources. In a letter to the California Department of Forestry and Fire Protection (CDF) dated June 26, 2000, Kathi Jacobs, Planner with the County of Sonoma Permit and Resource Department, provided comments on the proposed project. The County General Plan Resource Conservation Element cites three goals (Goal RC-4, Goal RC-5, Goal RC-5a) regarding the preservation and restoration of forestry resources, the promotion and maintenance of the County's diverse plant and animal communities, the protection of biotic resources from development activities, and the County's intent to manage and conserve natural resources including wildlife and vegetation habitats. The letter concludes that the proposed conversion is not compatible with the goals of habitat protection as stated in the County General Plan. Therefore, the Department disagrees with the CDF checklist and believes that the proposed conversion project conflicts significantly with the County's General Plan.

II. Environmental Hazards and Hazardous Materials:

(i) Significant Hazard to the Environment

The ECP describes the runoff of soils on the plan area as medium to rapid, and the TCP states that 88,000 pounds (1,000 lbs/ac.) of lime will be added to raise the pH of the naturally-occurring acidic soils. In addition, fertilizers, herbicides, insecticides and other agricultural chemicals will likely be used, all within 600 feet of a stream that supports anadromous salmonids. Potential toxic effects to steelhead trout and their food resources resulting from the application of large quantities of chemicals on unstable soils on the plan area, were not disclosed.

The ECP states that no significant potential contamination exists for environmentally-sensitive use of State-approved materials when label instructions are followed. However, potential adverse impacts to aquatic resources in Grasshopper and Buckeye creeks could occur in the event of unforeseen circumstances such as an accidental chemical spill or the improper use, handling and storage of chemicals. As a result, chemical contamination of nearby streams and riparian habitat could occur. A contingency plan was not outlined in the project documents that describes avoidance, minimization or compensation measures for potential deleterious effects to downstream salmonids and aquatic habitats in the event of contaminated runoff entering the watercourse. As such, the Department disagrees that the proposed project would not have a substantial adverse impact to or adverse habitat modification for, a Federally-listed threatened species.

III. Hydrology and Water Quality:

(i) Depletion of Groundwater Supplies

As indicated in Part I Section (ii), the Department believes that the withdrawal of groundwater supplies from the onsite well and the construction of the reservoir impoundment could negatively affect natural hydrologic processes important to the maintenance of viable, functioning aquatic resources near the plan area. The ECP states that it appears that adequate water supplies can be developed to meet vineyard

needs. However, it was never mentioned in the project

documents whether remaining water supplies would be adequate to meet the needs of downstream populations of steelhead trout.

(ii) Water Quality

The ECP surmises that no increase in baseline sediment transport is expected from the proposed vineyard system. However, the ECP presents theoretical sediment yields then concludes that actual watershed yields are hard to quantify and have not been experimentally quantified for vineyards. The ECP also presents a sediment budget for a 450-acre forested mountainside in Marin County and suggests that sediment loss trends would be similar on the proposed vineyard site, even though plan area soils, topography, and climate are different. Finally, the ECP then acknowledges that a consulting watershed geomorphologist and hydrologist could be required to provide a more definitive assessment of background sediment yields.

In the absence of substantial evidence in the form of empirical data, expert opinion, or supporting scientific documentation, the Department believes, pursuant to CEQA Section 15064 (f), that further analysis performed by a qualified hydrologist or watershed geomorphologist would be appropriate to determine changes to water quality that could adversely affect steelhead trout and their habitats in Grasshopper and Buckeye creeks.

IV. Mandatory Findings of Significance:

(i) Degradation of the Quality of the Environment

The CDF checklist finds that the proposed project will have no impact on the environment. For the reasons stated above, the Department disagrees, and believes that the project has the potential to 1) degrade the quality of the environment through the permanent removal of 88 acres of timberlands and associated wildlife habitat, and through the release of chemicals and sediment into adjacent watercourses, 2) substantially reduce the habitat of local plant and animal communities, and 3) restrict the range of Federally-listed species such as northern spotted owl and steelhead trout.

(ii) Cumulative Effects



The THP states that vineyard development within the assessment area continues to contribute moderate amounts of sediment into the watercourses. The THP concludes that with the proposed mitigation, cumulative impacts to watershed, soil productivity, and biological resources will be substantially reduced or avoided. The Department believes that the THP is deficient in its analysis of significant cumulative environmental effects resulting from this project, for two reasons. First, the Department maintains that the THP has not adequately identified the project's potential significant adverse effects on biological resources, which could be cumulatively considerable. Second, the permanent, cumulative loss of foraging, roosting and nesting habitat for northern spotted owl, and the degradation and depletion of summer habitat for juvenile steelhead trout, were not included in the assessment. Consistent with CEQA Section 15064(i), the Department believes that effects to these two threatened species may be cumulatively considerable and should be examined within the context of an Environmental Impact Report (EIR).

(iii) Alternative Project Analysis

Alternatives to the proposed project were not adequately addressed in the THP. Alternatives that could feasibly attain most of the basic project objectives but that would avoid or substantially lessen any of the significant environmental effects of the proposed project, were not thoroughly examined. Because the THP did not adequately assess significant impacts to the environment under each of the four possibilities presented in the THP, the analysis did not provide a meaningful evaluation of reasonable project alternatives. For example, project alternatives that proposed minimizing the timberland conversion acreage, or increasing riparian zones adjacent to Grasshopper Creek were not presented. Pursuant to CEQA Section 15126.6, the THP's Alternatives Analysis fails to focus on project alternatives which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.

V. Conclusion:

Mr. Dennis Hall  
September 5, 2001  
Page 10

The Department maintains that the project documents fail to disclose and evaluate potential significant adverse impacts to biological resources on and adjacent to the plan area. The Department argues, consistent with Fish and Game Code Section 1802, that the project, as proposed, will degrade the quality of the environment in the Annapolis region of Sonoma County. Because feasible mitigation measures have not been incorporated into the proposed conversion, CDF should deny this conversion permit pursuant to Title 14 CCR Section 1106.4. Finally, the Department believes that CDF, as Lead Agency under the CEQA process, should find, consistent with CEQA Section 15065, that the proposed 88-acre timberland conversion may have a significant effect on the environment, and should, therefore, require that an EIR be prepared for this project.

This concludes the Department's recommendations for THP 1-00-147 SON. If you have questions or comments, please contact Ms. Stacy Martinelli, Environmental Specialist, at (707) 996-2348; or Mr. Stephen P. Rae, Timber Harvest Supervisor at (707) 944-5575.

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Mr. Dennis Hall  
September 5, 2001  
Page 11

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