



# Friends of the Gualala River

PO Box 1543

Gualala, CA 95445

707-785-3431

[www.gualalariver.org](http://www.gualalariver.org)

August 3, 2004

Allen Robertson  
California Department of Forestry  
P.O. Box 944246  
1416 9th St.  
Sacramento, California 94244  
[SacramentoPublicComment@fire.ca.gov](mailto:SacramentoPublicComment@fire.ca.gov)

Subject: **THP 1-00-147 SON, “Campbell Conversion”**

**THP 1-00-147 SON, “Campbell Conversion”** is one of a rash of THPs and applications for conversions from forestland to wine vineyards. The cumulative effects on the Gualala River of this THP, together with others already approved or soon to be filed, will be great indeed. Please place a copy of this letter in the administrative records for THP 1-00-147 SON, “Campbell Conversion”

The Gualala River is listed as an impaired river under 303(d) of the Clean Water Act. Costly time and energy have been and are being expended by governmental agencies and watershed stakeholders to restore this River, its watershed, and its endangered species. CDF should not allow the loss of forestland required the survival of struggling Salmonid populations in favor of upslope vineyards.

The Gualala River is already suffering degradation of habitat because of sedimentation and temperature increase caused by logging. This THP will degrade habitat further. Water quality for downstream users, the residents of Gualala and The Sea Ranch, is likely also to be degraded because of the use of pesticides.

The loss of forestland in the Gualala River watershed has progressed under THPs which claimed the environmental effects under any single THP would be “negligible” or “imperceptible.” Yet these effects have left us with a sedimentation- and temperature-impaired River. The subject vineyard conversions will exacerbate these problems.

Habitat fragmentation is a result of the unmanaged piecemeal nature of the clearcuts and vineyard conversions already approved by CDF. Irreplaceable ecosystems have been destroyed by this steady encroachment. Habitat is lost and ancient migration routes and food sources are permanently interrupted. The subject THP will worsen this problem.

The high fences that are erected to “protect” vineyards prevent access to streams, rivers, and other water and food sources to terrestrial wildlife. The land is clear cut, the remaining living stumps with their irreplaceable genetic adaptations are ripped out, and the land is plowed in furrows to prepare it for a land preparation and vineyard management program based on

intensive use of pesticides. These pesticides are a threat to the local aquifer and local water supplies; they are also a threat to the quality of the water supplied to the residents of Gualala and The Sea Ranch.

Water is scarce in the upper Gualala River watershed. Viticulture requires large amounts of water for irrigation, and also for frost control and delivery of pesticides and fertilizers. Quickly extracting large amounts of water from the watershed's mountain aquifers is an instable proposition. The new conversions attempt to avoid this by proposing to construct large reservoirs to catch runoff during the rainy season. The collected water, which today both helps recharge the local aquifers and helps the Gualala River recover from the effects of excessive logging, will never reach the downhill streams after the reservoirs are constructed. The River and its tributaries will not receive the peak winter flows needed to flush out accumulated sediment and debris; yet this is required if fish and wildlife habitat is to be restored.

The effects on aquifers and downstream water flows warrant the preparation of an Environmental Impact Report (E.I.R.) for this THP and, in general, all forestland conversion applications in the Gualala River watershed due to:

- the water scarcity of the west county area
- the 303(d) Clean Water Act listings of the Gualala River
- the dire situation of the threatened indicator salmonid species
- the large, complex ecological changes, and effects of conversions, of which habitat fragmentation is just the most obvious
- the clear written mandate of Sonoma County's General Plan
- the need to study the effects of commercial reservoirs and wells on local streams, aquifers, and downslope water availability and quality
- the need to study the effects of pesticides and herbicides, commonly used for vineyard conversions, on local and downslope water quality

Sincerely,

*James A. Jordan, Jr.*

James A. Jordan, Jr  
Secretary  
Friends of the Gualala River

Attachments:

- Appendix on Cumulative Effects on the Gualala River Watershed
- Comments on THP 1-04-059 SON (Martin Conversion) by Dennis Jackson, hydrologist
- Comments on THP 1-04-059 SON (Martin Conversion) by Greg Kamman, hydrologist
- Comments on THP 1-04-059 SON (Martin Conversion) by Michael Johnson,
- Comments on THP 1-04-059 SON (Martin Conversion) by Patrick Higgins, biologist
- Comments on THP 1-01-171 SON (Artesa Conversion) Dennis Jackson, hydrologist
- Comments on THP 1-01-171 SON (Artesa Conversion) Greg Kamman, hydrologist

## Appendix on Cumulative Effects on the Gualala River Watershed

We are writing to place comment in the administrative record and ask that you deny this Timber Harvest Plan and Timber Conversion permit because inadequate and inaccurate Cumulative Effects Analysis has been performed.



Gualala River Watershed

Despite the hoops that timber operators must jump through and the barriers erected by the planning process, the environment is not being effectively protected because of the flawed concept that the Timber Harvest Plan process is based on -- namely that ecology can be addressed on a parcel-by-parcel basis. In addition, the State's focus is almost entirely on procedural steps rather than on the eventual outcome. As a result, what occurs in the real world may have very little relationship to what is prescribed in a harvest plan, and there is no mechanism for linking demonstrated effectiveness of mitigation measures to future policy directives. (*Little Hoover Commission 1994 (Exhibit 1)*)

This THP/TCP fails to satisfy the minimal standards of the California Environmental Quality Act (CEQA) and the Forest Practices Act (FPA).

Cumulative effects are defined as incremental or minor (less than significant) effects that become significant when combined with similar incremental effects from other past, present, and future

activities, both on and off-site. The CEQA Guidelines set forth the minimum elements necessary for an adequate analysis of cumulative impacts: (1) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; (2) a “summary of the expected environmental effects to be produced by those projects....,” and (3) a “reasonable analysis of the cumulative impacts of the relevant projects.” (Guidelines, § 15130, subds. (b)(2), (3).) In short, the essence of a cumulative impacts analysis is a list of projects, a *discussion* of their effects, and a *reasonable analysis* of their cumulative impacts.

The THP/TCP falls well short of these minimal requirements.

First, they fail to adequately identify and describe other related projects in the region and on site that may combine with one another to cumulatively affect the environment.

Second, they fail to identify any of the potential cumulative effects from any of those projects.

And, third, they fail to analyze the potential cumulative effects of all of these projects in combination.

CDF is quite aware that vineyard development and logging activities will continue in the Annapolis region and the Gualala River Watershed for the foreseeable future. Yet, there is no attempt whatsoever to forecast the potential cumulative effects of such development or to analyze how those effects may combine with the present project to affect the environment.

What are the cumulative impacts of these projects combined with one another, combined with past projects, combined with present ones, and combined with future ones?

The answer to these questions is the essence of a cumulative impact analysis, but it does not appear anywhere.

There has not been any threshold of significance established for this project.

Facts and analysis have not been identified that support the conclusion that the cumulative impact of past, present and future logging, vineyard conversions and commercial use of dirt roads on the Gualala River Watershed is less than significant.

The analysis of impacts is fundamentally flawed because it does not focus on the scale of the entire Gualala watershed, including its tributaries and headwaters.

Court interpretations of CEQA have defined CEQA's statutory provisions. For example, a cumulative impact discussion may be found inadequate if it does not include the elements listed in CEQA Guidelines Section 15130 (Cumulative Impacts); specifically, either a list of closely related past, present, and reasonably foreseeable future projects, or a summary of projections contained in an adopted planning document which is designed to evaluate regional or area-wide conditions. This section further requires that the analysis include a discussion of projects under review by the lead agency and projects under review by other relevant public agencies, using reasonable efforts to discover, disclose, and discuss other related projects. This analysis has not been adequately provided.

The requirement for a cumulative impact analysis must be interpreted so as to afford the fullest possible protection of the environment.

In *Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal. App. 3d 604, the court of appeal concluded that CDF was not permitted to conclude that cumulative impacts are addressed by maximizing mitigation measures for the project at hand.

The consideration of cumulative impacts violates CEQA. It is now well accepted by the regulatory and scientific communities that CDF has failed to evaluate cumulative impacts on a THP by THP basis, leading to well-documented environmental harm. This is the conclusion not only of CDF's own task force, but of every independent scientific and agency evaluation of CDF's THP program.

Below is a list of reports that is attached in digital format as a CD Rom for entry into this administrative file.

In considering the proposed THP/TCP we ask you to consider the listed documents, not so much as criticism of CDF, but as evidence that cumulative impacts were not properly considered in the present case, and are likely to occur.

- 1.) Little Hoover Commission, Timber Harvest Plan: A Flawed Effort to Balance Economic and Environmental Needs (Attached Exhibit A)
- 2.) LSA Associates, Final Report: Conclusions and Recommendations for Strengthening the Review and Evaluation of Timber Harvest Plans (Attached Exhibit B)
- 3.) Fed.Reg. 56138: Endangered and Threatened Species: Threatened Status for Central California Coast Coho Salmon (Attached Exhibit C)
- 4.) July 28, 1997, Memorandum from Division of Mines and Geology to CDF re THP 1-97-232HUM (Attached Exhibit D)
- 5.) August 21, 1997, Memorandum from Division of Mines and Geology to CDF re Bear Creek Drainage (Attached Exhibit E)
- 6.) 1997 letter from Alexis Strauss, acting director of the Water Division of the United States Environmental Protection Agency to the California Board of Forestry (Attached Exhibit F)
- 7.) October 17, 1997, letter from National Marine Fisheries Service (NMFS) to CDF (Attached Exhibit G)
- 8.) September 11, 1997, article appearing in the Humboldt Beacon: CDF Says Logging Has Adverse Effect (Attached Exhibit H)

- 9.) October 14, 1997, Memorandum from Department of Fish and Game to CDF re fish habitat conditions in Bear Creek (Attached Exhibit I)
- 10.) November 25, 1997, article appearing in the San Jose Mercury News, Critics scorch forestry agency (Attached Exhibit J)
- 11.) January 22, 1998, letter from NMFS to the Regional Water Quality Control Board (Attached Exhibit K)
- 12.) February 11, 1998, letter from CDF to Pacific Lumber Co. (Attached Exhibit L)
- 13.) April 7, 1998, letter from NMFS to CDF (Attached Exhibit M)
- 14.) November 20, 1998, Water Quality Control Board, Executive Officer Summary Report: Cumulative Watershed Effects Assessment on North Coast Timberlands (Attached Exhibit N)
- 15.) January 21, 1999, letter from CDF to Pacific lumber Co. (Attached Exhibit O)
- 16.) May 24, 1999, letter from Dr. Leslie Reid to Assemblyman Fred Keeley; Dr. Leslie Reid: Forest Practice Rules and cumulative watershed impacts in California (Attached Exhibit P)
- 17.) May 26, 1999, article appearing in the San Diego Union-Tribune: Logging regulation should be tightened, scientist says (Attached Exhibit Q)
- 18.) Scientific Review Panel (June 1999): Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat (Attached Exhibit R)
- 19.) Cumulative Impacts Analysis: A Report of CDF Director THP Task Force (July 1999) (Attached Exhibit S)
- 20.) December 2, 1999, letter from NMFS to CDF (Attached Exhibit T)
- 21.) 65 Fed.Reg. 36074: Endangered And Threatened Species: Threatened Status for One Steelhead Evolutionarily Significant Unit in California (Attached Exhibit U)
- 22.) The University of California Committee on Cumulative Watershed Effects (June 2001): A Scientific Basis for the Prediction of Cumulative Watershed Effects (Attached Exhibit V)
- 23.) August 2, 2001, Water Quality Control Board, Executive Officer Summary Report: Timber Harvest Division Regulatory Coordination (Attached Exhibit W)

24.) . The California Senate Office of Research, *Timber harvesting and Water Quality* (December 2002) (Attached Exhibit X)

25. EPA, *California Nonpoint Source Program Findings And Conditions* (June 1998) (Attached Exhibit Y)

26 Final Report on *Sediment Impairment and Effects on Beneficial Uses of the Elk River and Stitz, Bear, Jordan and Freshwater Creeks - Prepared August 12, 2003* by Humboldt Watershed Independent Scientific Review Panel (Attached Exhibit 4)

These documents are remarkable for their common agreement that CDFs program fails to effectively measure cumulative impacts.

The proposed negative declaration and THP/TCP continue that well documented trend. It fails to adequately identify and describe other related projects in the region and on site that may combine with one another to cumulatively affect the environment. It fails to identify any of the potential cumulative effects from any of those projects. And it fails to analyze the potential cumulative effects of all of these projects in combination. It does not include methodology for identifying and evaluating cumulative impacts, baseline data for measuring them, and adequate description of the current resource conditions.

It assumes cumulative impacts will be eliminated by best management practices, a conclusion that has been forcefully refuted by any number of the enclosed studies.

“A strong influence in denying the potential for CWEs in individual harvest plans seems to be that an applicant is allowed to state, usually without any burden of quantitative proof, that a deleterious effect of a proposed operation can be “mitigated ”(and thus defined not to have an off-site, cumulative effect)if some Best Management Practice (BMP)is prescribed. Apart from the fact that the execution of the BMP is almost never checked in California forestlands, it is the collective judgment of this committee that BMPs do NOT remove off-site impacts. They may reduce them, when the BMPs function well, but they do not remove them, especially when they are tested by severe storms. It is the collective failure of BMPs to mitigate off-site impacts that results in residual, significant cumulative effects.”

*(A Scientific Basis for the Prediction of Cumulative Watershed Effects (Attached Exhibit V))*

The Gualala River watershed has been heavily logged in recent years. Yet, there is no attempt whatsoever to forecast the potential cumulative effects of such past development or to analyze how those effects may combine with the present project to affect the environment. This deficiency is particularly true with regards to lack of a detailed cumulative impact study of effects due to sedimentation.

CDF and the RPF seem to be claiming that the effects of multiple disturbances on suspended loads in the Gualala River watershed are not approximately additive.

CDF and the RPF seem to be claiming that the effects of multiple disturbances on storm discharge peaks and volumes in the Gualala River watershed are not approximately additive.

Evidence is to the contrary - Please refer to *Impacts of Logging on Storm Peak Flows, Flow Volumes and Suspended Sediment Loads in Caspar Creek, California* by Jack Lewis, Sylvia R. Mori, Elizabeth T. Keppeler, Robert R. Ziemer (*Attached Exhibit 6*)

“The current guidance in the FPRs (Technical Rule Addendum No. 2) does not lead to cumulative effects assessments in THPs that provide useful information on how to alter watershed activities that may be impeding or preventing the recovery of salmonid populations.” (*Scientific Review Panel (June 1999): Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat (Attached Exhibit R)*)

Because this THP/TCP fails to adequately consider cumulative impacts, it cannot be approved under the California Environmental Quality Act.

This project, even as mitigated, may have a significant impact on the environment.

We would encourage the California Department of Forestry (CDF) to reconsidered this permit, and instead call for a full Environmental Impact Statement under the California Environmental Quality Act.

## **INDEX OF DOCUMENTS ON THE ATTACHED CD ROM**

### **Introduction**

This CD contains documents cataloging the inadequacies of CDF Forest Practice Rules to protect our rivers and the habitat of threatened salmon and steelhead. The enclosed documents also contain numerous criticisms of the THP process and catalogue its inadequacies in identifying, analyzing, and mitigating cumulative effects.

Most of the documents on the CD have been cited by environmental attorney, Paul V. Carroll, in expert commentary for various THP plans. (Files A through Y)

Other documents were provided by fisheries biologist, Patrick Higgins.

Paul Carroll's commentary is included as:

File: PaulCarrollCommentsOnAretssa.html

File: PaulCarrollCommentsOnJacksonStatePark.htm

File: PaulCarrollCommentsOnHauptCreek.pdf



**Documents cited by Paul Carroll – Files A through Y**

File: A.htm or A.txt

Exhibit #A

Little Hoover Commission, Timber Harvest Plan: A Flawed Effort to Balance Economic and Environmental Needs (Attached Exhibit 1)

File: B.pdf

Exhibit #B

LSA Associates, Final Report: Conclusions and Recommendations for Strengthening the Review and Evaluation of Timber Harvest Plans (Attached Exhibit 18)

File: C.pdf

Exhibit #C

Fed.Reg. 56138: Endangered and Threatened Species: Threatened Status for Central California Coast Coho Salmon

File: D.pdf

Exhibit #D

July 28, 1997, Memorandum from Division of Mines and Geology to CDF re THP 1-97-232HUM

File: E.pdf

Exhibit #E

August 21, 1997, Memorandum from Division of Mines and Geology to CDF re Bear Creek Drainage

File: F.pdf

Exhibit #F

1997 letter from Alexis Strauss, acting director of the Water Division of the United States Environmental Protection Agency to the California Board of Forestry

File: G.pdf

Exhibit #G

October 17, 1997, letter from National Marine Fisheries Service (NMFS) to CDF

File: H.pdf

Exhibit #H

September 11, 1997, article appearing in the Humboldt Beacon: CDF Says Logging Has Adverse Effect

File: I.pdf  
Exhibit #I  
October 14, 1997, Memorandum from Department of Fish and Game to  
CDF re fish habitat conditions in Bear Creek

File: J.pdf  
Exhibit #J  
November 25, 1997, article appearing in the San Jose Mercury News,  
Critics scorch forestry agency

File: K.pdf  
Exhibit #K  
January 22, 1998, letter from NMFS to the Regional Water Quality Control  
Board

File: L.pdf  
Exhibit #L  
February 11, 1998, letter from CDF to Pacific Lumber Co.

File: M.pdf  
Exhibit #M  
April 7, 1998, letter from NMFS to CDF

File: N.pdf  
Exhibit #N  
November 20, 1998, Water Quality Control Board, Executive Officer  
Summary Report: Cumulative Watershed Effects Assessment on North Coast  
Timberlands

File: O.pdf  
Exhibit #O  
January 21, 1999, letter from CDF to Pacific lumber Co.

File: P.pdf  
Exhibit #P  
May 24, 1999, letter from Dr. Leslie Reid to Assemblyman Fred Keeley; Dr.  
Leslie Reid: Forest Practice Rules and cumulative watershed impacts in  
California

File: Q.pdf

Exhibit #Q

May 26, 1999, article appearing in the San Diego Union-Tribune: Logging regulation should be tightened, scientist says

File: R.pdf

Exhibit #R

Scientific Review Panel (June 1999): Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat

File: S.pdf

Exhibit #S

Cumulative Impacts Analysis: A Report of CDF Director THP Task Force (July 1999)

File: T.pdf

Exhibit #T

December 2, 1999, letter from NMFS to CDF

File: U.pdf

Exhibit #U

65 Fed.Reg. 36074: Endangered And Threatened Species: Threatened Status for One Steelhead Evolutionarily Significant Unit in California

File: V.pdf

Exhibit #V

The University of California Committee on Cumulative Watershed Effects (June 2001): A Scientific Basis for the Prediction of Cumulative Watershed Effects

File: W.pdf

Exhibit #W

August 2, 2001, Water Quality Control Board, Executive Officer Summary Report: Timber Harvest Division Regulatory Coordination

File: X.pdf

Exhibit # X

The California Senate Office of Research, Timber harvesting and Water Quality (December 2002)

File: Y.pdf

Exhibit #Y

EPA, California Nonpoint Source Program Findings And Conditions (June 1998)

**The following documents provide technical information about the Gualala River Watershed and were cited by wildlife biologist, Patrick Higgins**

Files Cited by Patrick Higgins

File: 4.pdf

Exhibit #4

Final Report on Sediment Impairment and Effects on Beneficial Uses of the Elk River and Stitz, Bear, Jordan and Freshwater Creeks - Prepared August 12, 2003 by Humboldt Watershed Independent Scientific Review Panel

File: PatrickHiggins.htm

Exhibit #5

Report(Comments to Artesa) written by Patrick Higgins (Consulting Fisheries Biologist 791 Eighth Street, Suite N, Arcata, CA95521 - May 20, 2003(Patrick Higgins)

File: 6.pdf

Exhibit #6

.(Impacts of Logging on Storm Peak Flows, Flow Volumes and Suspended Sediment Loads in Caspar Creek, California by Jack Lewis, Sylvia R. Mori, Elizabeth T. Keppeler, Robert R. Ziemer (Attached Exhibit 6))

File: 8.pdf

Exhibit #8

.( Technical Support Document (TSD) for the Gualala River Watershed Water Quality Attainment Action Plan for Sediment (CWRCB, 2001)

File: Higgins1.doc

GUALALA RIVER WATERSHED LITERATURE SEARCH AND ASSIMILATION BY PATRICK HIGGINS Consulting Fisheries Biologist, 791 Eight Street, Suite N, Arcata, CA 95521,(707) 822-9428

File: Gualala\_LittleCr\_Conversion\_Comments.doc

Report(Comments to Hansen/Whistler) written by Patrick Higgins (Consulting Fisheries Biologist 791 Eighth Street, Suite N, Arcata, CA95521 - April 4, 2004(Patrick Higgins)

**The following document is a study on Fog Drip:**

File: 7.pdf

Exhibit #7

(Dawson, Todd E; 1996. 'The Use Of Fog Precipitation By Plants In Coastal Redwood Forests.

File: Fog Drip & Groundwater assessments. Fay Creek THP.doc  
Comments on Fog Drip for Joy Road Area Forest and Watershed Association by Carl J. Wahl,  
Jr.

**Additional Documents**

File: South\_Fork\_Gualala\_River.doc  
Photo of South Fork of Gualala River showing large sediment buildup below clear-cuts.

-