

July 14, 2001
Director
California Department of Forestry
135 Ridgway Ave.
Santa Rosa, CA 95402

Dear Director,

The following comments regard **THP 1-01-171 SON** and are made on behalf of Coastal Forest Alliance and Coast Action Group. Please respond to each of the following concerns:

1. Page 3, 13e

“ Will not have a significant adverse effect on the environment” is checked. How is the permanent loss of 105 acres of complex forest habitat for millions of soil, surface dwelling, aquatic and air born species not an impact on an already impacted 303d listed river and watershed? The issue here is whether the substitution of a biological desert and monoculture and its environmental impacts can be mitigated to a level of insignificance. Without further review using CEQA Guidelines in an EIR process, this question cannot be answered.

2. Page 5, 14 c

Even with stocking requirements, the largest unit normally allowed for a clear cut is 30 acres. What measures will be applied to mitigate the potential environmental effects on the surrounding forests and biological assessment areas of a contiguous 105+ acres of permanent clear cut?

3. Page 5, 14e

How will Sudden Oak Death fungus be possibly prevented from spreading if firewood is produced and sold off site? Has a thorough scientific survey been done to determine if SOD is found on the site?

4. Page 12 **Protection Measures for Watercourses**

The RFP should be using the Coho Considerations for watercourse assessment and the proposing of protection methods. Class II and III's should be afforded a minimum of 75 feet of WLPZ zone widths. The Coho Considerations should be used for all other appropriate uses within the rest of the plan.

5. Page 13, 27j

Mitigations should be required to address the loss of habitat presently provided by the seasonal pond shown on Map#2. Native and migrating animals have been provided

habitat by this feature over time, and its loss will impact the dependent wildlife. This effect will be added to by the possible loss of nearby class III stream channels by the proposed culverting. Riparian habitat will be lost in the proposed plan area, and vernal pools provide a habitat type that will not be replaced by any proposed mitigation.

6. Page 15, 32g

How will the loss of habitat for White Kites and Sharp-shinned Hawks be mitigated to insignificance? Their presence and use of the plan site are common knowledge to this and many other neighbors. Sightings are easily made from Annapolis Road that is adjacent. Why have the presence of these species not been noted on any inventories?

7. Page 16, 33

How will the loss of all the snags, etc., in the plan be mitigated? Citing the size of the biological assessment area left does not constitute a mitigation of this permanent loss. FPR 919.1

8. Page 24, **Vegetation and Stand Condition**

“The plan area was converted to agricultural use in the late 1800’s to early 1900’s”. The vast majority of the actual plan area has always been in timber and has not been converted. Please consult all past aerial maps and observe ground conditions to verify. The open area between the Annapolis Road and the northern edge of the plan has indeed been used for past agricultural uses.

9. Page 24, 27g and j,

Due to the permanent loss of riparian habitat and the disruption of the hydrological regime of the plan area, the alternative watercourse prescription of undergrounding two Class III watercourses should not be allowed. The biological functions and benefits of Class III watercourses is well known, and the elimination of these in the plan is an unmitigated impact on top of the loss of 105 acres of forestland proposed. Sedimentation prevention is not the only function of a WLPZ or ELZ. Habitat loss, higher peak flow rates, reduced percolation, loss of wildlife corridors, and visual impacts are among the other impacts.

10. Page 25, 27j,

Adjacent neighbors have pointed out vernal pools that have not shown up on the plan maps and surveys. Some of these are located near the southern edge of the most eastern unit of the clear cut. How will the reservoir mitigate the loss of a vernal pool and the organisms that have evolved to depend on it for habitat? The proposed reservoir will periodically be used for irrigation and experience large differences in depth. It will presumably have some water in it all year round and not dry out to create a substitute for

the vernal pool. It will have different temperatures than a natural pool and possibly have a rubber liner.

11. Page 27, 1, **Cumulative Impacts, Past and Future Projects**

Cumulative impacts are defined as two or more individual effects which, when considered together, may compound or increase other environmental impacts. (CEQA Guidelines 15355, Pub. Resource Code 21083). The following THP/Conversion applications have been filed so far in the immediate vicinity. All effect the 303d listed Gualala River watershed. It is known in the community that more plans are being prepared for submission in addition to these.

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|-----------------------------|-----------|
| 1-00-147 SON Campbell | 88 acres |
| 1-00-238 SON Putnam | 23 acres |
| 1-00-140 SON Coomes | 9 acres |
| 1-01-171 SON Artesa | 105 acres |
| 1-01-202 SON Jones | 11 acres |
| 1-01-223 SON Peter Michaels | 43 acres |

The list of local conversions/THPs in this THP is incomplete and needs to be updated. This many similar THP/conversions in the area warrants looking further into the cumulative effects of these plans as a whole impact. The severe methods used to prepare these areas for their new permanent agricultural use and the consequent loss of natural forest land must be looked at cumulatively and in a quantitative fashion. In addition to these conversion plans proposed is the new vineyard acreage already planted in the area that did not need a THP such as the Kendall Jackson vineyards or those recently put in illegally. These must be addressed in any cumulative effects study. What criteria has CDF established for cumulative “significance” for each of these effects?

Using only the past ten years of past logging projects is inadequate to assess the actual impacts that logging has had on the Watershed Assessment Area. Review of historic THP records for the Wheatfield Fork and the Buckeye Creek show a much higher percentage of area logged than the 36% noted by the RFP as characteristic for the area. For instance, more than 80% of the Buckeye Creek watershed has been logged since the 1980’s. Also, a number of Non-Industrial Timber Management Plans are not included in the list. Since this plan’s data was assembled for submission, other THP/ Conversion applications have been submitted in the immediate area and any analysis of the effects of this plan must include its cumulative effect when added to the future projects planned in the area. Considering the size of this proposed plan and other reasonably foreseeable future conversion applications, the WAA must be expanded to account for the potential cumulative effects of all these projects.

12. Page 22 Future Projects

The submitter should describe their plans for “residential use” and “timber management” as noted to allow proper review of this plan and the potential for future and cumulative impacts.

13. Page 33 **Watercourse Assessment**

“Timber harvesting can degrade the beneficial uses of water through increases in sediment, water temperature, organic debris, chemical contamination and peak flows.”

The proposed permanent clear cutting of the plan area and the loss of forest duff and ground cover will increase the possibility of surface erosion and sediment movement versus a no project alternative. Also increased will be peak flows, an attendant loss in percolation and lower downstream summer flows. Due to the present condition of the larger downstream watercourses, decreased summer flows will contribute to a take of threatened fish species and endangered species. CESA Section 2053 requires that State agencies not approve projects that would result in the destruction or adverse modification of habitat essential to the continued existence of any endangered species.

14. The actions and activities impacting the hydrology regime proposed in this and the other plans in the area will act singly and cumulatively to adversely impact the quality and the quantity of the downstream waters. An expert third party study on the effects on the hydrology is warranted to assess the potential harm generated by the actions proposed. At least one new well has been proposed by this plan in addition to surface water interception.

15. It is well known that air temperatures have a large effect on water temperatures. The loss of forest canopy and other cover over the 105 acres will result in higher temperatures, in downstream waters. The heat from exposed soils will increase the area's air temperatures and the once cool forest air will no longer flow downhill to lie in riparian areas and thereby contribute to cooler water temperatures. The remaining WLPZs and ELZs are not of sufficient size to mitigate the loss of forest cover on the 105 acres of exposed soils.

16. The plan area now is a source of organic debris and minerals vital to the habitat of the macroinvertebrate populations that are the food for downstream populations of threatened fish and amphibians. Removal of the functioning forest on the plan area will destroy the natural cycles that support downstream aquatic organisms. The submitter erroneously states that the sole concern should be an increase in the organic debris content in the watercourses associated with the plan during the timber operation.

17. Toxics proposed for use on the vineyards during normal future operation will be an impact that does not presently exist. One example of this is the proposed use of “Rubigan,” a fungicide. Its active ingredients are 2-4-D and 3-3-5-P (see the Environmental Information form in the conversion application). It is a terratogen, decreases male fertility, and is highly toxic to fish. The cumulative impacts of using such chemicals by this and the other proposed and probable future projects warrant in

depth study. According to CALEPA sources, these chemicals have not been tested on salmonids. Nor have their long term use singly or jointly in a natural setting been studied.

18. Page 34

The complex hydrology of the plan area is addressed in only one paragraph on page 34. No data or studies have been submitted to substantiate the claims by the submitter. For instance, there is no mention of the impact that the interception and storage of surface water or the loss of fog drip will have on the hydrology regime of the plan area. There are unmitigated potential significant impacts on the downstream water quality and quantity in this 303d listed river. Again, pointing to the acreage in the remaining assessment area does not constitute a mitigation.

The interruption of the hydrology regime by the large reservoir, sump pump and collection area is not adequately addressed. The retention of vegetation mentioned in the small EEZs and WLPZs cannot reasonably mitigate the effects of the loss of 105 acres of upslope forest proposed in the plan. Due to the officially “impaired” and “water scarce” designations that this watershed area has been given, an expert, comprehensive study of the hydrology effects of the conversion on the aquifers and surface waters is called for. This is especially called for due to the other conversion applications in the area and the potential cumulative effects.

19. Page 35 **Soil Productivity**

The submitter cites on page 30 the history of negative effects from burning used by early human inhabitants and subsequent clear cutting. “This burning reduced protective ground cover exposing large areas of soil to increased erosion potential. Conifer shade canopy along the watercourses of the assessment area must have been reduced as a result of repeated burning thus leading to higher summer water temperatures. Reduced canopy levels across the timbered portions of the assessment area would have resulted in reduced water use by vegetation and a potential for increased peak flows.”

The permanent clear cutting of the plan area, the future mechanical tilling and the use of herbicide defoliant such as “Roundup” on much of the vineyard area will only reasonably lead to exactly the same or more impacts than these earlier human actions. The plan proposes to clear even more of the area adjacent to the cited area subject to the described past human impacts.

How can soil productivity not be adversely effected with the heavy soil movement, roads, stump removal, ripping, disking, grading, liming, herbicide and pesticide applications reservoir building, top soil set asides, row construction and maintenance? Of special concern are the effects of the toxins used and their effect on beneficial soil organisms down slope. The entry of these toxins into the aquifer and domestic wells, which are located nearby, is of great concern. Without an in depth hydrological study, how can the safety and production of the wells nearby be assured?

20. Page 36 3., **Biological Resources**

The potential effects on the local hydrology alone make the size of the biological assessment area inadequate. The submitter inadequately addresses the potential cumulative effects i.e., the permanent loss of 105 acres of forest habitat must be treated as a significant permanent loss of the area's total habitat, singly and cumulatively with other proposed and potential plans in the area. The submitter does not address the lack of mitigations to address this loss of biological resources. Pointing to the remaining larger acreage of the Biological Assessment Area is not a mitigation to insignificance as required by FPRs. If alternate mitigations are not provided, the submitter must state the existence of an adverse impact in the plan documents.

The RFP has combined the two Cal watersheds into one assessment area. These watersheds should be analyzed separately to show individual impacts on resources in each.

On a similar and adjacent THP/Conversion application now pending (1-00-147 SON) the DFG PHI reviewer stated the following:

“Anticipated impacts include the permanent loss of all onsite plant communities, lethal effects to animals with low mobility and the eradication of wildlife resting, feeding, and breeding habitat. Additional project-related impacts to wildlife may include the obstruction of traditional wildlife movement corridors, *habitat fragmentation and increased edge effects*, noise disturbance, depletion of subsurface water resources and its effect on species dwelling in and near watercourses such as Grasshopper Creek, and the use of synthetic chemicals for pest control.”

Recommendations from the Pre-harvest Inspection Report included the added mitigations of nest boxes to offset the loss of habitat, minimizing the effects on Cass III watercourses, wildlife corridor planning, and an analysis of potential impacts to the watershed's surface and subsurface water sources with the results to be reviewed by a qualified hydrologic engineer. Without these and others recommended in the report, the DFG will consider the environmental impacts substantial and would recommend an environmental impact report.

21. Page 52, **Visual Impacts**

The effect of this and other plans cumulatively will be a significant adverse impact to the aesthetic nature of the area. The permanent loss of these timber lands will not only be a unnatural landscape versus the complex and valued forest it would replace, but it will also be a constant reminder of the loss of these wild and productive, biodiverse lands. The man made rows, wires, machines with their noise, dust, and spray drift and features such as the reservoir next to the road would be an annoyance and visual blight compared to its present state.

22. Page 53, **Traffic**

There is not one mention of one of the largest adverse impacts and legacies of this plan. The vehicular traffic associated with the operations of this large vineyard will impact the traffic on all surrounding roads. Only one small county road services the area, and all of this and other projects' generated traffic will have to use this narrow, marginally maintained road. Since the workers that would work at this site will most likely not reside in the area, they will have to travel the entire length of the road whether they use an east or west approach. The well-known negative impacts of increased traffic need not be reviewed for an understanding of the concern regarding this adverse impact. The cumulative impacts of increased traffic associated with this, proposed and likely future projects in the area needs study and review. No mitigations were offered by the submitters to counter this impact. It is unmitigated.

23. Page 56 **Discussion of the Alternatives to the Project**

Contrary to the submitter's statement, the site is not "ideal for the production of ultra premium wine grapes". To transform the plan area into that ideal site, the submitters are proposing a radical conversion of the land's traditional biodiversity, hydrology, typography, soil chemistry, microclimate, aesthetics, beneficial effects on the health of the watershed and its species, sustainability of the area's forest ecology and its ability to supply wood products in the long term. The short term private gains that might be realized by this conversion are countered by the permanent long term adverse environmental effects. There are no mitigations presented in the plan that offset the loss of critical wildlife habitat. A fact based, and substantial consideration of alternatives is not presented.

24. **The No Project Alternative**

The RFP asserts "the resulting vineyard development as proposed will not result in adverse impacts to the watershed resources, biological resources, wildlife resources or soils resources of the area. Therefore, the no projects alternative is not environmentally superior to the project described in the conversion THP, Timberland Conversion Permit Application and Plan or the Erosion Control Plan." Mere assertion by the RFP is not substantial evidence and is not supported by facts. The mitigations, if presented, amount to pointing out the remaining percentage left in the Biological Assessment Area. This does not point to the plan being "environmentally superior".

25. **Conservation Easement**

The Plan area contains up to six important archeological Pomo Indian sites that would make it of value for preservation as a historical resource. The submitter has not presented substantial evidence that this alternative has been pursued with possible interested parties.

26. FPR 1109.2

A reasonable reviewer would be hard pressed to come to a finding that this plan is in “the public’s interest” as required by FPR 1109.2. The submitters state that their sole private purpose and only alternative presented is to “gain economic return from raising ultra premium wine grapes”. According to 1109.2 FPR-“Public Interest”, this does not support the making of a written finding contained in PRC4621.2 (a)(2), and the Director must consider the following elements of public interest:

- (a) “Whether the alternative use will serve a public need; provide a public service; benefit the community and region, including economic and social benefits; avoid damage or threatened damage to other property, or involve costs and secondary impacts caused by services required by the alternative use.”

Comment: The corporate owner of this property resides in Europe. It is reasonable to assume that the majority of the profits from the proposed vineyard will not stay in the County. Due to the area’s rural character and the high price of Sonoma County real estate, there is not adequate affordable housing for the workers needed on this potential vineyard or the others proposed. They will not spend their wages in our local stores and establishments. There does not exist a long-term economic incentive for our area from this project. However, the local community will have to deal with the “secondary impacts”.

- (b) “The adverse environmental impacts of the alternative use and mitigation thereof. The impacts shall include, but not be limited to, impacts on lakes, streams, and other waters; wildlife; air quality; and aesthetics.”

Comment: These unmitigated adverse impacts have been addressed above

- (c) “The impact on the long term timber supply capability of California, including the cumulative impact from conversions of similar properties.”

Comment: Based on the fact that no mitigations are presented to counter the adverse effect on the long-term timber supply from the execution of this plan, the Director is strongly urged to disapprove the plan.

27. Page 57 **Alternative Location and Timing of the Project**

The owners of the property were well aware of the existence of the timberland within its boundaries when they purchased it. Their present desire to install vineyards not only on the previously agricultural area but also on its forested portions to realize a desired amount of returns does not excuse their error in choosing an inappropriate parcel. To achieve their goal of a vineyard this size, they have the reasonable option to locate an alternative parcel and sell this one profitably to new owners who would preserve the forest resources as per the direction of the FPR’s and the following County General Plan Resource Conservation elements:

GP Goal RC-4: “Preserve, sustain and restore forestry resources for their economic, conservation, recreation and open space values.”

GP Goal RC-5: “Promote and maintain the County’s diverse plant and animal communities and protect biotic resources from development activities.”

Policy RC-5a: “Apply the “Resources and Rural Development” land use category where it is the County’s intent to manage and conserve natural resources, including wildlife and vegetation habitats while allowing a compatible level of residential development.”

In Conclusion:

The intent of the Forest Practice Rules is “the production or maintenance of forests which are healthy and naturally diverse, with a mixture of trees and understory plants, in which trees are grown primarily for the production of high quality timber products” 14 CCR897 (1). How is the intent of the FPRs met by the conversion of these 105 acres?

FPR 898.2 Special conditions Requiring Disapproval of Plans

“The director shall disapprove a plan as not conforming to the rules of the Board if any one of the following conditions exist:

(g) Implementation of the plan as proposed would not achieve maximum sustained production of high quality timber products as provided for by the rules of the Board, and by the intent of the Act.”

Due to the strong probability of significant impacts, their cumulative effects, the lack of substantial evidence and the lack of offsetting mitigations, the Director is urged to require the proper verifiable mitigations that will reduce the environmental harms to insignificance or deny approval of this plan.

Sincerely,

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