

September 5, 2001

Andrea Tuttle  
Director

California Department of Forestry and Fire Protection P.O. Box 944246  
Sacramento, California, 94244-2460

**Re: Campbell 88-Acre Conversion**

Dear Director Tuttle,

The evidentiary burden rests squarely on the plan submitter to demonstrate that no adverse cumulative impacts will result from the permanent removal of 88 acres of forest in an impaired watershed.

It is common knowledge that the land use activities that occur in one part of a watershed necessarily affect the whole watershed. Forest removal allows areas to dry up, increases ambient air temperatures, increases water temperatures, and severely reduces the lands ability to absorb, store, slowly release and purify water. All the environmental effects that occur in vineyard management must all be fully evaluated and properly mitigated to "insignificance" as per statute. In light of the severely impacted condition of the watershed, the conversion plan is far from a complete and adequate analysis of all the impacts associated with this vineyard development project.

CEQA law is clear. Any agency granting discretionary permits for projects that potentially have environmentally significant impacts is subject to CEQA. **Granting sequential permits for forestland conversions without proper environmental review and not studying the cumulative impacts of the individual impacts of these separate applications violates CEQA law.**

This application document for 88 acres of forestland conversion does not contain adequate answers regarding environmental impacts backed up by logical argument and evidence. All the other plans in the area must be included in the cumulative impact analysis. For instance, the plan submitter includes information with respect to the number of acres in Sonoma County that are forested, however he fails to evaluate the relevant issue. The relevant issue is, of course, what is the cumulative impact on forest in Sonoma County when past, present, and future projects are disclosed and evaluated as required. The plan submitter merely concludes that because his incremental project will take less than one percent of the forest of Sonoma County, the impact of the project is not significant.

A fair argument can be made that there will be significant individual and cumulative impacts. According to CEQA, substantial evidence for an initial study means enough relevant information and reasonable inferences from that information to make a fair argument. It consists of facts, reasonable assumptions predicted on facts, and expert opinion based on facts. This plan is vague, lacking in facts, studies, and information on impacts of similar adjacent plans.

The Negative Declaration prepared by CDF states that the conversion are has "marginal timber production capabilities". The plan states however that the plan area contains "approximately 500 MBF of merchantable conifer lumber". The preparer also states that the plan area and surrounding area has been logged repeatedly over the last 100 years. The logical inference from these facts would be that these are not really marginal lands but potentially productive and restorable ones if they were treated to BMPs and restoration.

By the issuing of Negative Declarations on this and other pending conversions CDF violates not only its own mission statement but also CEQA's requirement of adequately addressing cumulative effects. CEQA Guidelines 15064(i)(1). CDF is potentially contributing to cumulative environmental impacts, forest quality impacts and failure to require needed mitigations. Due to the lack of any adopted Thresholds of Significance by CDF, the lead agency, or any other agencies, there exists no consistent and reliable standard that is an identifiable quantitative, qualitative, or performance level of environmental effect. Guidelines sec. 15064.7

CDF cannot make a finding of no significant impacts and issue a Negative Declaration without requiring an EIR in light of the following flaws in the initial study and its review:

### **1. Noticing**

Public involvement is an essential feature of CEQA. (See Guidelines sec. 15201) "Each public agency should include provisions its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues." In fact, the California Supreme Court has stated that members of the public hold a "privileged position" in the CEQA process. *Concerned Citizens of Costa Mesa v. 32<sup>nd</sup> District Agricultural Association* (1986 42 Cal. 3d. 929.

CDF as the lead agency in the CEQA review of conversion applications for timberland conversions in our area of Sonoma County has an entirely inadequate procedure for noticing the public as to the start of the public comment period on negative declarations. Presently the noticing consists of posting on and off the site where the project is located. Our watershed is a large area and the access to and traffic by these sites is many times difficult. The public would only become aware of a project if they were to perchance come upon the remote and rural site. This "fence post noticing" does not meet the Guidelines requirements of reasonable adequate noticing and the spirit of the substantive requirements of CEQA. A number of individuals who specifically requested in writing the notification related to these conversion applications have not been yet notified. Pub. Res. Code sec. 21080; Guidelines Sec. 15002.

### **2. Inadequate Hydrological Studies**

Adequate water for the successful operation of the proposed vineyard is based on the applicant's statement that a 100 gallon per minute well exists. No recent well report from a licensed professional has been submitted for review. An EIR would include such information and would include the cumulative effects on the aquifer and local hydrological regime from this and the other projects nearby. . Viticulture requires water for irrigation but also for frost control and delivery of pesticides and fertilizers. No comprehensive study has been submitted for this conversion.

This well will be called on to serve the needs of the proposed vineyard, "20 +" units of worker housing, additional residences, and a lumber mill. A reservoir will be used to collect some surface water flow and store pumped water. If this well does not perform to these specifications the project is not feasible. To meet all the desired needs the owner would be forced to locate additional well water and/or apply for appropriate water rights to draw water from the nearby Class I Grasshopper Creek.

The existing condition and impacts of wastewater treatment devices for these numbers of housing units should be included in any hydrological study. This many units also require a monitored water supply system and permit as per county regulations. The impacts or existence of these systems have not been submitted with any study or data.

The calculations of the needed water for these units and the other uses described above have not been submitted.

The closest set of rainfall records to the plan site give the average for the immediate area to be close to twenty inches less than the figure used. A contact number for obtaining a copy of these figures is available on request.

**Rain Totals 1983–2001**

**Average 53.61”**

**(9 years, or half of total 18 years reported less than 50”).**

This northwest county area is a water scarce area and the underground aquifers are radically different that those found in inland valleys with their undisturbed geological layering. Extracting of large amounts of water from these mountain aquifers can quickly lead to many negative, unintended repercussions. In an attempt to overcome this underground scarcity, these new conversions (147 SON included) are proposing the construction of large reservoirs that catch seasonal sheeting runoff during the rainy season. The collected water will never reach the downhill streams reservoirs are constructed above. These streams are presently recovering from the logging excesses from the recent past and back to the turn of the century. To be restored, they need normal peak flows to flush out the accumulated sediment and debris to maintain fish and wildlife habitat.

Added to this loss of the restorative actions of normal peak winter flows is the further harm done by the pumping of the aquifers to recharge the reservoirs. Sonoma County does not have a groundwater ordinance that would address potential abuses of aquifers. No expert studies have been submitted that describe the aquifer, its recharge rates, and the effects of agricultural sized wells on the aquifer or flows of nearby watercourses. The plan requests the clearing of forest on slopes greater than 20% that lead directly into class I watercourses. Class III watercourses will be entered with equipment to remove root wads and slash. Ripping with d-9 tractors to a depth of four feet in three different directions will occur on the entirety of the planted area of the plan. This will potentially lead to sediment discharges into those watercourses. Further study in an EIR would lead to mitigations that would protect downstream water quality and endangered species and prevent a possible “take” due to habitat degradation. There can be no increases in sediment inputs, pesticides, herbicides, or peak flows. This conversion plan does not include an engineered plan to incorporate “natural filter areas” to prevent these increases. No monitoring plan to assess discharges during the installation or operation of the vineyards has been included.

Forest Practice Rules section 14 CCR 916.9 (a) states that “every timber operation shall be planned and conducted to prevent deleterious interference with watershed conditions that limit the values set forth in 916.2 Protection of the Beneficial Uses of Water and Riparian Functions”.

The draft TMDL of the Gualala River shows that human caused sediment delivery is roughly 200% of the natural delivery rates. Without a programmatic EIR with a complete review of the cumulative effects of the interruption of the hydrological regime added by this plan, others submitted, and those currently installed legally and illegally, a fair argument can be made that significant environmental impacts will occur.

**3. Plan Does Not Meet County Planning Goals**

CEQA requires that the plan must meet all local county planning regulations and goals. This plan does not. The goals below describe the intent of the General County Plan for

the plan's zoning, RRD. See the conversion/THP comments file for a complete letter from County staff.

The County General Plan Resource Conservation element contains goals and policies regarding timber resources:

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

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.

#### **4. Public Controversy**

CEQA requires that an EIR be undertaken when there is sufficient public controversy. CEQA Guidelines 15064(h). The many letters in this plan and the other nearby conversion files, the newspaper articles and phone calls to all the agencies involved more than satisfy this requirement. A fair argument can be made that there are numerous environmental and social impacts from the conversion of forestland. The public has made it clear from the volume of comment that an EIR is necessary to properly and scientifically study those impacts and their significance.

#### **5. Critical Water Use Area**

The County has designated this area as a water scarce area. The additional listing of the Gualala River as a 303d listed river demands an in-depth EIR to study the potential impacts of the interruption of the hydrological regime by this and cumulatively the other plans. Numerous similar projects in the area have not been included in any treatment of the cumulative effect of this plan. Included in these, for instance, is a 14-acre illegal conversion that CDF conducted a legal action against on Brushy Ridge Loop. Directly adjacent to the Campbell plan is a new olive orchard installation that has not appeared in any plan submissions.

#### **6. Class I Stream Protections**

The Grasshopper Creek is less than 1500 feet away and is a Class I watercourse. Nowhere in the THP or Conversion application does it mention the status of this watercourse and address the additional protections and mitigations needed to avoid impacts. The reservoir has no submitted design features to deal with peak flow overflows and any resultant sediment introduction and or chemical contamination into this nearby Class I watercourse. An EIR would include any needed study (see Item 2 above) and mitigation recommendations. CDF's approval of past conversion plans and the approval of this plan without more study could potentially constitute a "take" of listed species under the ESA.

#### **7. Inadequate Alternatives Discussion:**

The alternatives analysis included in the plan is inadequate. The desire of the landowner to not pursue alternatives is not a reason to treat the alternatives as unfeasible.

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 desire to earn an economic return by developing a vineyard on former timberlands cannot be used as a reason for approval.

The alternative to place in timber production an open, equal sized area from the owner’s holdings has not been proposed. This would not replace the level of biodiversity lost from the plan, but would help mitigate.

Keeping the plan area in timber production cannot be described as “environmentally inferior to the project described.” considering the impacts on the stock of forestland and the effects of intense agriculture on down stream biodiversity and beneficial uses.

#### **8. Inadequate Biological Review:**

Details from an “interview” with a consulting biologist have been included in the TCP. The observations that were submitted with this interview were obtained during “THP field work”. No descriptions of the scope, duration of the observations, or final reports have been included. A map or any identifier of the WAA (Wildlife Assessment Area) was not included in the conversion plan. Snags and wildlife trees “shall be retained within the conversion area, provided they do not compromise the integrity of the vineyard.” No quantifiable figures or locations were submitted along with this statement to assure that this mitigation for habitat loss would ever be executed.

In the plan it is stated repeatedly that the “short term loss of timberland is not a significant cumulative adverse impact to this species”(in this case, Ringtails) The RPF is basing this on pointing to the remaining acreage of Sonoma County timber land. This is not a mitigation, and it is not a logical argument or based on evidence. Surveys for this nocturnal species was conducted “during daylight hours”. This level of review is typical of this plan. CDF would counter the intent of CEQA by approving a plan with this amount of evidence and review.

Due to the potential effects of this radical change of land use an EIR is needed to supply information to make a reasoned and science-based decision as to the environmental effects of the actions proposed. Approving this and the other conversions nearby with out this minimal study can be fairly argued to endanger inadequately studied species and habitat.

Fish and Game also insisted that in order to mitigate the impacts to wildlife and forest habitat caused by the elimination of 88 acres of forest, that the landowner make a commitment to conserve a biologically equivalent portion of land. The plan submitter rejected, in whole part, that mitigation without evaluating the feasibility of such a mitigation.

#### **9. Added Habitat Fragmentation**

“Biodiversity is reduced when natural habitats are converted into urban, suburban and agricultural land. This problem is compounded by the fragmentation of contiguous natural areas into an increasing number of smaller fragments, each of which may not be large enough to support viable populations of all the original inhabitants.

Fragmentation has been linked to a number of environmental consequences in Sonoma County and elsewhere. These include physical effects due to increased amounts of forest edge that cause changes in microclimate and can result in tree mortality. The biological effects of fragmentation include a decline in species requiring large amounts of connected habitat and increased predation of native fauna.” (Heaton E and Merenlender A. Modeling vineyard expansion, potential habitat fragmentation. California Agriculture, vol. 54 no. 3, Page 16, )

“With a population increase of 282% from 1960 to 1995, Sonoma County is one of the fastest growing counties in California. The pressures to convert forestlands are strong. With a size of around 1 million acres, it contains a substantial amount of hardwood rangeland (135,599 acres) and forest (561,468 acres) (ABAG 1996). Over 90% of the land is in private ownership. Using a GIS mapping system researchers have recently revealed that 11,663 acres of new vineyards were planted from June 1990 through June 1997, bringing the acreage of grapes to at least 48,000 acres in 1997. This was 20% higher than the Sonoma County Agricultural Commissioner’s estimate at the time.”(Merenlender A. 2000 Mapping vineyard expansion provides information on agriculture and the environment, California Agriculture vol. 54 no.3,)

Other quotes from the article above are:

“Conversion of undeveloped land to vineyards involves the clearing of native upland and riparian vegetation, this type of conversion has the potential to affect natural resources—increasing hillside erosion, impacting endangered species or impeding wildlife migration. In addition, increased vineyard development may lead to overproduction of wine grapes, loss of local agricultural diversity and changing scenery.” Page 8

“In addition, the loss of diversity in agricultural systems can have consequences for California Agriculture...Moving toward a single agricultural crop across the North Coast is at odds with the principles of sustainable agriculture, and could lead to over reliance on a single industry.” Page 10

“The CDFG lists increased sedimentation, introduction of nonnative fish species as a result of increasing the number of reservoirs, and loss of wetland habitat as issues of concern for watersheds with vineyard development.” Page 11

“Although our research focus has been on oak woodlands, some North Coast vineyards have replaced conifer-dominated forests that include redwood, Douglas Fir and tan oak trees. However, very little data on this trend exists for Sonoma County because it has occurred so recently and is not reflected in the available maps and statistics on vineyard acreage.”Page11

24,000 feet of additional fencing added to the existing will be added. No adequate discussion of wildlife corridors or other habitat loss/effect mitigations is included in the plan.

An EIR is called for to address the potential impacts above as no findings based on logical argument and evidence have been submitted with the conversion. Pointing to the remaining area in an assessment area is not a mitigation for the loss of a resource or addition of an impact.

**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 88 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.”

The Gualala River is listed as an impaired river under 303(d) of the Clean Water Act. Much time and energy are being expended by governmental agencies and watershed stakeholders to deal with the restoration of this watershed and its endangered species. Allowing the loss of forestland to conversions and large clear cuts upslope of salmonid populations struggling to survive for the sake of profits is unconscionable. We urge the denial of this Conversion Plan.

We look forward to your review of these serious flaws in this plan's environmental review and your response to the evident need for an Environmental Impact Report. An EIR will also determine whether there are significant environmental effects due to its inclusion of the effects of past, current, and probable future projects. Guidelines secs. 15064(i)(1)

Sincerely,

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