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Re: THP/TCP 1-04-030SON (Whistler Hansen)  
Timberland Conversion Permit #530  
State Clearinghouse #2004032087  
Draft Negative Declaration for same

Dear Mr. Robertson:

The following constitutes comment on the above undated draft negative declaration posted at the Ridgeway Forest Practices office and stamped "Received March 16 2004" at that office.

Because the Initial Study/Mitigated Negative Declaration (IS/MND) was submitted with and entered into the public file at the same time as the THP/TCP (Plan re-submitted 3/5/04) I must conclude that all comments to the draft MND from the public and other agencies are bundled with and are referenced to the THP/TCP and that all comments from the public and other agencies in the THP/TCP are bundled with and have reference to the draft MND.

This would include, among other documents, a letter sent to you on 3/31/04 regarding CDF's new streamlining procedure for timberland conversions. In addition it would include material provided to you by the public regarding a civil suit pending in the Sonoma County Superior Court, SCV 232568 which has direct bearing on the feasibility of this Conversion.

The reviewer faces an unusual paradox. The last date for comment on the Negative Declaration (April 14) is weeks before the THP/TCP approval. Logic would seem to say that before a body can declare a project will have no significant impact, it should look at the important work of the other agencies and the comments of the public. This has not been done, at least in any way that makes the process transparent to the public. Furthermore, the public itself cannot meaningfully and thoroughly comment until the PHI reports are in.

I would like to point out the inconsistency of the statement on Page 1-1 of the CEQA checklist, "**The CDF** has prepared this IS/MND for the proposed project because all impacts that would result from the project are considered less than significant" and the statement in your new streamlining procedure, "**Applicant** prepares a draft Initial Study supported by the appropriate studies or analyses and submits to CDF for review and approval." While this extended pre-consultation **may** or may not be within the letter of the law, it certainly buttresses the popular perception that CDF approves forest-to-vineyard conversion plans with little or no serious critiquing of the environmental, social, economic, legal, or technological facts and factors and without the needed level of consideration of cumulative impacts to the environment..

The draft mitigated negative declaration (DMND) is incomplete, inaccurate and failing in substantiation of its conclusions. It does not with thoroughness and accuracy identify and describe the other related projects on-site and in the region that may combine with one another to cumulatively affect the environment. It fails to identify any of the past, present and future vineyard projects (including the one on its own land and ones proposed by the forester's clients) and to assess their potential to combine with one another to affect the environment. It does not even assess the serious impacts of the stated past exemption harvestings on its own land. (p3-10) The treatment of future projects in the cumulative impacts section of the THP is dismissive and non-analytic. Among the many unidentified projects, the DMND does not identify geographically or analyze the impacts of current Annapolis vineyard development, the extremely high density of sediment- delivering roads in the region, (Higgins and KRIS) the drawdown of the Brushy Ridge recharge area by current and future projects, the impact of NTMPs, vineyards illegally converted, loss of canopy from CDF funded restorative forestry projects, and Exemptions. The RPF talks about "four additional Projects" in the area but does not include them in the CI analysis even though they are "reasonably foreseeable" and even though he is the forester on at least one of these.

CDF's failure to detail standards for or even to define the word "organic" (p2-2) is a serious failure of this document and of all of the previously approved and yet to be reviewed conversion projects in Annapolis. These projects are in highly degraded watershed, yet decisions on projects appear to be made based on the spurious claim that "organic" means that no herbicide, pesticide, fungicide or inorganic agrichemical will ever reach the watershed. "Organic" practices even claim in proposed mitigations to reduce erosion.

Even a minimal standard requiring vineyard owners who claim to use organic practices to be in contract for certification of an organic fruit (with CCOF, NDA or another certification body) is missing. No conversion vineyard past or present is registered with the Sonoma County Department of Health Services as certified organic. No affidavit or "Organic System Plan" has been required of CDF. Reports and decisions are made by DFG, WQ and other agencies based on the spurious claim that the future vineyard will be "organic," yet it is admitted in the document that, given the inevitable circumstances, toxics listed in the TCP will be applied.

The public cannot meaningfully comment on this and other conversion plans without a standard, a definition, and a measure for "organic." Organic is not measurable except by chemical analysis of the fruit. Mitigations based on "organic" practices are not technologically feasible. Several of the proposed mitigations use this word and therefore are infeasible.

It is known that extremely low-level concentrations of pesticides and fungicides can cause death in juvenile salmonids. (Lappe) The property of glyphosate (active ingredient in "Roundup) that binds tightly to soil particles (sediment) is well known.

Organic practices can also cause other impacts on the physical environment that remain unanalyzed – noise from the "organic" practice of using mowers and string trimmers instead of herbicides, as one of several examples. In this case one mitigation is the cause of further physical impacts, which remain unmitigated.

Another shibboleth used throughout this document are "Best Management Practices." These commonly boilerplated, industry sponsored documents have value in workshops, instructional manuals for laborers, and in classrooms. That CDF continues to accept them in place of site-specific preventative measures is remiss. "Sustainable" is another word and concept which is not defined or given site-specific, measurable meaning.

In the unprecedented rush to streamline review of this conversion, CDF has permitted a morass of errors to remain in the document, even after Review Team staff have pointed out many more in an earlier draft. CDF's apparently unlimited tolerance for errors, contradictory statements, and cut-and-paste false drops from other THPs prevents analysis and meaningful comment by the public.

From various dates mentioned in the document it appears the work in assembling this THP was done in November and December of 2003. Since that time very significant new conversions have been filed for the Little Creek watershed. That CDF, the agency that filed these recent THP/TCPs has not required these to be included in the CI's is careless.

The Project Objectives in the THP Alternative Analysis differ substantially from the Project Objectives in the DMND. A project is the whole of an action yet the DMND fails to take into account both the environmental impacts from the **house** and the environmental impacts from the ongoing **future** operations of the vineyard. This appears to be a phased project, logical parts in a chain of contemplated actions, result from the lack of clarity here. Whether or not this constitutes project piecemealing may be an issue.

None of the sources (Yates, Higgins, etc) referred to in the CI analysis is in the bibliography. The public cannot meaningfully comment without being able to trace and read these documents on which the Project's conclusions are based. This review is in the unusually paradoxical situation of being forced by the timeline to comment on a document whose sources are not shown.

The THP/TCP and supporting documents trivialize potentially significant environmental impacts by using the “ratio approach,” which is generally unacceptable in CEQA review. Reliance on a Project’s relatively small percent contribution to large baseline conditions to demonstrate “insignificant” impacts is invalid when no numeric thresholds of significance have been established by the Lead Agency. Cumulative impact assessment must review additive, compound, interactive and incremental effects of projects in relation to other project; they cannot diminish impacts by comparison to the resource as a whole instead of other projects.(Baye )

#### Initial Study/Mitigated Negative Declaration

“Environmental Commitments” (p2.2) Numbers 3 and 6 are not mitigations within the power of the submitter or CDF to mitigate. There are no watercourses in the Conversion Project. In 7 and 9 there is no indication of which of the many definitions of “wetlands” and “wet area” is being used.

The DMND fails to address any potential future effects of the vineyard Project on **air quality**. As examples, in addition to the smoke caused by burning logging debris the ongoing vineyard operation is likely to apply sulfur and other “organic” sprays. The submitter fails to discuss methods of application so that all air borne particulates are retained within the vineyard property boundaries, how the vineyard will handle biomass created by pruning, how the commercial vineyard will control dust produced by its employees being transported on the product haul route.

The Project has a high degree of likelihood to expose people to substantial pollutant concentrations. Currently there are only periodic pollutant concentrations due to burning. Compared to the very pure air quality currently enjoyed by residents of Annapolis, the air in the future is likely to be substantially and cumulatively degraded by vineyard operations. The DMND fails to analyze this.

The statement that “residential areas are upwind of the project site” is misleading. Most residences in the subdivision and in the larger populated area are to the east of the site.

The single air mitigation measure offered is confined to the single event of burning logging slash. Declaration that the submitter intends to obey the law does not rise to the standard of a mitigation. No mitigation is provided for either the Vineyard operations or the Housing component of the Project. No mitigation is proposed for agricultural spray drift on to other property.

The statement that “the closest residence is over one mile from the project site” is untrue. CDF failed to require maps or aerials to prove this statement. Twenty-six residences are within 5280 feet of the project boundaries, eighteen of which the submitter himself discloses in his list of DWS letters. Research shows that particulates can travel well over a mile; none of these modern studies of drift are included.

The **Aesthetics** analysis does not take into account the future impacts of typical manmade vineyard structures, for example, frost prevention turbines.

The setting statement falsely asserts that the project area is surrounded by ...vineyards nestled in productive timberland. Another statement falsely asserts “The proposed land use modification and vegetation changes will result in similar appearances to those in the surrounding area.” In fact, the boundaries of the project abut no existent vineyard. The only commercial vineyard in the 760-acre subdivision was planted on forestland illegally cleared. In addition, the CRCs for the Wildwood Subdivision in which the Project occurs allow no commercial agriculture. The only commercial vineyard in the subdivision is currently being challenged in Sonoma County Superior Court, a fact about which CDF has been informed.

To portray the Project area as being “surrounded” by vineyards is deceptive. Surely CDF personnel who visited the site know this, yet they accede to this falsehood in the document.

The **Agricultural** analysis contains the statement that “the lands within the project boundaries are unique vineyard land.” This is an untrue statement. The lands within the project boundaries are unique Coast

Redwood forestlands. In order for them to be made into vineyard soils, considerable modification of the soil is required. The Agricultural analysis impact discussion also fails to mention that the Project lands may not be available for commercial agriculture until the year 2014 when the CRCs for the Wildwood Subdivision in which the project is located will expire.

**Biological Resources.** This component of the DMND is incomplete, erroneous, misleading and/or unsubstantiated in its conclusions.

It fails under IV. E to disclose the local Covenants, Restrictions and Conditions to which the land is bound.

It claims under Mitigation Bio #1 that “No till agriculture practices and “organic” farming will mitigate biological impacts to insignificance. CDF has not taken the obvious steps to assure that the vineyard will be certified organic as discussed on the first page of this response. This mitigation has no substance without documentation of certification both now and annually into the future. Anything short of that is meaningless. In addition, the impact of these “no till” and “organic” practices themselves have significant adverse impacts to both noise and to biological resources. No mitigation for those is proposed.

Mitigation Bio #2 and #3 imply that the area set aside unfenced for wildlife is a corridor. A corridor allows **through** travel from one area to another. The corridor in the THP dead-ends at an adjoining property. It does not allow wildlife to pass **through** to water sources. The statement that these travel corridors will remain unfenced is in clear conflict with the statement two other places in the current document that the owners will deer fence the entire 40 acres.

Mitigation Bio #4 purports to support species dependent upon wetlands habitats but fails to consider the impact of the annual October 1 drainage of the pond upon the wildlife that may become dependent upon it. (It also fails to detail the species or define wetlands) Rainfall patterns vary greatly from year to year. No analysis of site specific rainfall was appended.

The Impact Discussion concerns itself with the introduction of exotic pest plant species, yet the Project itself calls for application straw and rice wattles and rotated cover crops, both of which have a clear likelihood of introducing exotic (non-native) pest plant species. Not all of the cover crops are native. Thus the proposed mitigation will cause an impact for which there is no discussion of *that* impact’s mitigation.

No discussion of the Class 1 Little Creek watershed is included under IV.b The THP falsely and dismissively states (p71) “Little Creek is not a significant stream for fish habitat.” Nothing could be less true. This creek is a refugia for juvenile steelhead, photographed by DFG in 2000. This critical material is not analyzed in terms of the Project, in combination with other Projects having a substantial adverse effect on this endangered species in a sediment and temperature impaired basin.

Mitigation Bio 2 again refers to “watercourses.” In other sections the submitter says the Project contains no watercourses. Where are the watercourses for which the vegetative buffers will control sediment? The continued confusion throughout the plan about 1. whether there are watercourses on either the property or the conversion areas and 2. what off-site watercourses the conversion will impact is a problem CDF still has not required to be resolved.

No discussion is included of the special status *Usnea Longissima* or the rare and unique, endemic, anomalous entity described in the Flora of Sonoma County as a hybrid complex including *Arctostaphylos manzanita* and *A. stanfordiana* discovered recently in the region.

Where is the mitigation for the hydrological interruption caused by the irrigation pond?

The “Setting” section does not describe the setting of the biological resources. It only lists studies. That list does not even include the CDF sponsored KRIS Gualala Basin database. CDF is continuing to accept for filing Projects in the watershed which have not performed the most basic research such as consulting this database, one in which CDF is listed as a sponsor.

IV.e fails to address the Resource Conservation Element of the Sonoma County General Plan.  
 e. p3-12 fails to address subdivision governing documents.

Most egregiously, **the DMNC does not address the failure to mitigate for the loss of 16 acres of forestland habitat.** Thus a most significant mitigation is absent from the Plan. The set-aside of “wildlife areas” does not mitigate for this irreversible, permanent loss of habitat and vegetation.

In its failure to require mitigation for permanent loss of forestland (and consequent permanent loss of endangered species habitat) CDF is not meeting basic CEQA requirements.

Furthermore there is no mitigation proposed for the permanent loss of NSO foraging and potential nesting habitat caused by the conversion.

“...the entire Annapolis vineyard conversion corridor has been, or is in the process of becoming, permanently precluded habitat recovery for this species. This represents a significant, long-term, adverse cumulative impact to the recovery of this species, compared with existing conditions. Neither individual nor cumulative impacts to the recovery of the NSO were assessed or mitigated. **This constitutes a mandatory finding of significance under the California Environmental Quality Act (CEQA:Pub. Res. Code sec 21083)**” (Peter Baye, PhD)

Neither individual nor cumulative impacts to the endangered steelhead in Little Creek were assessed or mitigated. This, too, constitutes a mandatory finding of significance under CEQA.

The **Hazard and Hazardous** materials section does not point out very important facts about the haul route for toxic materials. The project admits that the following pest pesticide and herbicide materials may be used: Roundup, Surflan, Devinol, Rally, Baylaton, Rugigan and Dithane. The bridge over which these chemicals and petroleum based fuels and oils (and the employees who deliver them) must travel is slick, metal 8’8” feet wide ***with no side rails***. In winter frost covers this metal until late in the day. The possibility of the equipment going off the bridge or tipping material into the creek is high; materials would be spilled directly into Class 1 Little Creek. The risk of contamination is very great. No mitigations to assure protection of this watercourse in the event commercial vehicles laden with hazardous material spill it into the creek are provided. Water Quality and/or CDF should require this mitigation.

The **Geology and Soils** Impact Discussion makes the statement that the Project would result in the conversion of timberland...and would not introduce new residences. In another place it says “The proposed project does not involve constructing addition residences and therefore does not call for the use of septic tanks or alternative wastewater systems.” Page 2-1 lists as the 6<sup>th</sup> project objective “to establish a new house-site and attendant driveway.” CDF appears to be approving a segmented, phased project.

The statement does not describe the sanitation facilities, which must be provided for vineyard workers, some of whom are on the property nearly every month of the year. What septic system handles field worker sanitation? On Friday of this week I counted 26 vineyard workers on the Zapar LLC three acre vineyard – how many more will be used and how much more often on this proposed larger vineyard?

Mitigation Geo 1 addresses future introduction into the Plan of BMP’s. It refers to future events that will “*most likely* include the following standard BMP’s.” This constitutes a **deferral of mitigation** until after the plan is approved. Lead and responsible agencies may not be allowed to rely on mitigations formulated after project approval. This mitigation is not feasible. It goes on to say “The nature of the BMPs applied will vary with conditions but are likely to include...” Again, this is a deferral of a mitigation until after plan approval.

Mitigation Geo 2 is imprecise and/or incomplete. “Fertilizers” is not defined. “Amendments” is a meaningless word in this context. Will lime be added to the native soils that are uniquely suited for conifer forests? How will it be applied? Will all fertilizers be natural? How will they be applied? How will the introduction of these materials into the soil impact permeability, ionization (charge) and delivery to fisheries?

Mitigation Geo 3 is vague and does not point out exactly how undefined, immeasurable and uncertified “organic” practices can reduce erosion.

I have observed runoff and sediment delivery into the ditches from the single vineyard property near the proposed Project. That land, too, is Goldridge soil and is a very low slope. Yet the runoff frequently jumps the silt fence in December, January and February after heavy rain. The BMPs in the Conversion Plan are not site specific enough to lead to the conclusion that there is no will be no erosion or loss of topsoil on Whistler Hansen.

Geology and Soils section fails to address the condition of the haul route roads and what the submitters will do to mitigate the dust and sediment delivery during all phases of the Project along this 3 mile stretch which crosses a Class I stream. Logging activities will take place when the roads are their driest and most dusty. The submitter has stated but does not provide documentation that there is a contractor who annually maintains the roads; such maintenance is not evident on-site.

Neither this section nor the CI analysis in the THP analyzes the condition of the road in respect to the damage caused by other commercial vineyard and logging projects (e.g. tractors plates which dig into the road summer and winter, fracturing the surface; slides and erosion on the Zapar, LLC property; newly constructed side roads for vineyard which drain directly on to haul route without culverts, heavy wet weather use from cordwood extractors on logged property, etc) No regular maintenance has occurred on these roads for several years.

Remaining unacknowledged are the 4 quarries from which soft shale is removed for many purposes among which in the past has been to “rock” the haul route. All of the vineyards use this “rock” for their roads. Three of these quarries drain into Little Creek, one is directly above it and one is within the Little Creek WLPZ. The traffic and sedimentation caused by use of these quarries and this soft rock which crushes into powder under the weight of heavy equipment remains unanalyzed in the CI’s or the DMND. This is perhaps the most obvious source of sedimentation in Little Creek yet it is not discussed. Haul traffic to and from local quarries is not discussed either here or in the traffic section.

The National Marine Fisheries Service in 1996 set 2.5 miles of road per square mile as a target for properly functioning condition The Annapolis Calwater has six miles of road per square mile, more than double the level expected to cause problems of cumulative watershed effects. (Higgins) The erosion from existing roads must be considered with erosion from this Project and other past, current and future projects.

Notwithstanding the CDF/submitter’s disclaimer on p.3-9 CDF is not barred from analyzing the potential for significant impacts of restricted chemicals on this project, or the cumulative impacts of restricted pesticide use in the watershed. Five projects (4 vineyards, 1 logging) are active or have filed Plans within a 1500 ‘ stretch of Little Creek; none positively restricts the use of herbicides, pesticides or fungicides. Four are in the designated Brushy Ridge recharge area. **CDF would be remiss if it does not require cumulative analysis of these projects.** Where is reference to studies done since the last DPR studies on each chemical? What reference does CDF have to the March 24, 2004, EPA notice in the Federal Register informing state agencies about pesticides in “salmon supporting” waters?

**Hydrology and Water Quality.** The extremely serious long term and irreversible consequences of approving this Project -both to the watershed and to the health, lives, and economic survival of neighbors - without a complete professional hydrological study and a full EIR should be considered with gravity by the **Water Quality Board and by CDF.**

That the **CDF and Water Quality** would allow a single commercial venture, one with absentee owners who have turned the vineyard operation over to a management company, one which was apprized that it was positioning its industrial vineyard in the midst of a residential subdivision with Covenants, Restrictions and Conditions, and given that CDF and WQ now also know of the situation, shows joint responsibility both for the consequences to the neighboring wells, for the long term impact upon Little Creek, and for the adverse impact on the recharge area.

The “dry farmed” vineyard calls for two 5,000 storage tanks, a reservoir holding 5 acre feet of water (to be filled by rain and pumped water from the aquifer) and two wells, the existent one pumping 40 gallons per minute and a new “deep” commercial well. The impact of this amount of water usage on wells throughout the ridge could be disastrous. For **CDF and Water Quality** to allow these potential impacts to remain unanalyzed is wrong.

Brushy Ridge is specifically designated by Sonoma County as one of only five groundwater recharge areas in the county. The General Plan calls for development standards in and preservation of these areas (Objective RC3.2)It specifically states that development in these areas can increase surface runoff and reduce groundwater quality and recharge capability.

The deficiencies of this section of both the THP/TCP and the DMND are many. There are significant problems with the reasoning, the evidence and the conclusion that the project will not adversely impact local hydrologic conditions. No hydrogeologist has been employed. No description or in-depth analysis of subsurface flow, ground water recharge, geomorphology, depressions, subsidence, or ground water aquifer conditions is included

There are deficiencies in considerations of the hydrologic responses to deforestation of 19 acres of the property. To quote from Greg Kamman a California Registered Hydrogeologist: “A proper evaluation (of hydrology on a conversion) should account for and integrate surface water (runoff, infiltration, etc) and groundwater (e.g. withdrawals) conditions and processes. These hydrologic processes are intrinsically linked at the project site and making statements that removing trees will lead to increased annual and summer minimum flows are inaccurate without characterizing and simultaneously evaluating the other dominant processes at play (increased runoff, reduced infiltration, groundwater withdrawals, etc.)”

“Based on our experience with the installation of wells and aquifer testing of equivalent deposits in southwestern Sonoma county, the relatively fine-grained nature of these deposits and the limited lateral extent can easily lead to rapid dewatering the aquifer system.”

The urgent and immediate concern of landowners in all Sonoma County areas of marginal or scarce groundwater availability is well documented in the local press. *The Sonoma County Supervisors just two weeks ago established new monitoring regulations about new commercial wells ( such as those in vineyards) in unincorporated areas.* In spite of this enormous, valid, well-documented concern of the people, this Project submitter has produced a document which fails even to analyze the significance of fog drip hydrology. That CDF has not required that the impacts of the continued draw from this *critical groundwater recharge area, Brushy Ridge*, should be of great concern to **Water Quality Board** and the neighboring landowners.

Little Creek is a headwaters creek providing clean, cold water for salmonids both within its short reaches and in the entire severely impaired water basin. This creek may be one of the last refugia for steelhead in this degraded basin. This Project and other vineyards and logging projects in the upper reaches of the creek will individually and cumulatively intercept flow in the aquifer, leading to loss of summer flows, which are critical to the survival of steelhead juveniles. These impacts, combined with the intensive logging in the lower reaches of the creek, have not been assessed.

The arbitrary assignment of the boundaries for the assessment area turns a blind eye to the impacts of vineyard activity draining into Grasshopper Creek. The Buckeye Creek watershed cannot be evaluated for cumulative impacts of vineyards without extending the watershed assessment area upstream to Grasshopper and the Soda Springs Creek which runs into it.

Current studies and new interpretations of older studies partially disprove and qualify, for the Annapolis area, the commonly made statements that logging will result in flow increases and total water yield, that moisture savings due to reduced evapotranspiration will override fog precipitation losses, that the planting of grapevines will provide more groundwater than the trees did, etc. In a detailed study of a Sonoma County site in nearly exact in elevation to this Plan (800-850’), distance from the ocean, and with similar vegetative characteristics to this project, Carl Wahl has analyzed factors influencing fog drip production

and its relationship to vegetation removal, the relationship of fog drip and timber harvests to water yield, total net precipitation, and evapo-transpiration, and very importantly the relationship of fog drip to groundwater recharge.

Many of the inadequacies of the Joy Road THP project Wahl discusses are also inadequacies of THP1-04-030: failure to do a valid analysis of the multiple significant hydrologic effects on this known water scarce area, failure to produce the data and interpretations of that data, failure to seriously consider impacts of drawdown, failure to assess subsidence and contamination of a recharge area, etc.

In a ruling with direct implications for THP1-04-030 Superior Court Judge Antolini on Nov. 18, 2003, said that CDF ignored the possible consequences of water drawdown in approving the Joy Road logging plan. CDF continues to ignore the consequences of water drawdown in promoting this Negative Declaration on THP 1-04-030.

The 100% reduction of fog drip due to the conversion is likely to result in a substantially reduced groundwater recharge. This is a significant adverse impact on the groundwater recharge and no mitigation has been proposed.

Brushy Ridge has been identified as a groundwater recharge area; the quantity and quality of flow of water in Little Creek has the potential to be significantly reduced if deep commercial wells continue to be dug and rainwater impoundment is allowed.

**Noise.** The submitter, like most of the commercial grape growers in Annapolis does not live on the property so she is unaware of the severe degradation to the quality of life of the permanent residents caused by the noise of a conversion and by the noise of an on-going vineyard operation. This Plan introduces extremely loud noise into a quiet residential community with few unnatural ambient sounds.

Many of the Wildwood subdivision's residents live there because of the quiet, the safe harbor from commercial nuisance and noise. The Protective Covenants, Restrictions and Conditions of the subdivision are just that – to protect from noise. They very specifically call upon owners to consider the effect of their enterprises on neighboring owners.

The Plan admits to the likelihood of a one to three year or more conversion period. The sound of excavators and huge bulldozers annihilating an established second growth forest can be heard for over a mile. The noise of chainsaws during every waking hour, fully loaded logging and gravel hauling trucks, plate driven equipment, and supply trucks grunting ceaselessly up the grades, the incessant clanging of the back up bells on the equipment, the striking of thousands of metal stakes into the earth with pneumatic equipment – this unremitting noise all day, five days a week is an assault on the peace and quiet of a residential community. The Sonoma County Right to Farm ordinance does not apply in a subdivision with CRCs, especially those expressly addressing the concern for noise.

The chronic operation of heavy equipment in an area where sound travels without impediment and in association with timber removal, vineyard construction, and vineyard operation, in the context of noise intensity, duration, noise receptor sensitivity and rural residential land use settings has a high probability of causing a significant impact

After the conversion is complete, the noise of the ongoing vineyard operations begins. Grape growing literature and the public relations materials of the Sonoma County Grape Growers show that there is no month out of the year that vineyard operations are quiescent. In addition to the noise of mowers, mechanical trimmers, power washers, delivery of field workers by truck and van, disking of soil, disking for crop rotation, pulling and banging of gondolas, premium vineyards often harvest in the cool hours of the night and early morning, introducing new sources of noise and disturbance into the nighttime environment. Propane powered noise cannons and other auditory scare devices are commonly used in vineyards.

None of this has been assessed on a site-specific basis, nor has it been analyzed from the viewpoint of cumulative impacts with past, present and future projects. CDF has required **no** mitigation for noise and

accepts the statement that “Because of the sparse population and because the distance between the project area to the nearest residence is about 0.25 miles, there appears to be no impact.”

The severe, unrelenting noise of a commercial vineyard has not, and likely cannot, be mitigated. Even a soundwall surrounding the entire parcel cannot mitigate the high level, permanent increase in noise levels in the Project vicinity.

The submitters and their employees, unlike their permanent resident neighbors who have lived here for decades, are protected from this on-going assault because they do not live here. Noise is a direct assault on humans, and CDF must consider its impacts.

### **Transportation/Traffic**

The Project, combined with the two other projects on this parcel, have already caused an increase in commercial traffic: employee vehicles, vineyard management operations, inspectors, soil amendment trucks, fencing contractor trucks, etc. Such commercial traffic is incompatible with residential subdivision traffic.

The 8’8” steel bridge is slick in winter. It has no guardrails. To transport workers over such a bridge for commercial activities puts the subdivision landowners at tremendous risk. To transport petroleum and toxic materials over such a bridge, which crosses a Class 1 stream, is an environmental disaster waiting to happen.

### **Alternatives Analysis.**

The submitter did not consider the feasibility of having a small vineyard, but not selling the grapes, an alternative which is feasible. The submitter did not consider smaller, individually fenced conversion plots of 3-5 acres, scaling back the project so it is less damaging to the environment and requiring less water. The submitter did not consider delaying the project until the year 2014 when the CRCs of the Subdivision are up for renewal. The submitter did not consider the alternative of use of the land as timberland, which he could then log in 2014.

No off-site alternatives are evaluated, despite obvious indication of vineyard suitability elsewhere in the region.

Within two miles of the proposed Project the Sonoma Land Trust has accepted 3 new conservation easements, one of them on a proposed vineyard plan, one on a logging plan and one restorative forestry easement. In light of these facts, for the submitter to contend that a conservation easement on his property is “inconsistent with the zoning and that “There is nothing unique or special about the project area in its forested condition that would prompt consideration by a public entity to acquire... a conservation easement” is peculiar and indicative of the Plan’s general lack of awareness about the Project area.

### **Summary**

CDF has not submitted substantial evidence to prove that this timberland conversion project would not have a significant impact on the environment. The project clearly has potential to degrade the quality of the environment and substantially reduce the habitat of a fish or wildlife species, and reduce the number or restrict the range of two rare and endangered animals. This mandatory finding of significance calls for an EIR.

CDF has not shown that the project can mitigate impacts that are individually limited but cumulatively considerable. Incremental effects of this project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects. This mandatory finding of significance calls for an EIR.

The project has environmental effects that may cause substantial adverse effects on human beings both directly and indirectly. The potential for drawdown of neighboring wells and the assault of noise is of great significance. This mandatory finding of significance calls for an EIR.

### **Impact Discussion p. 3-39**

Adverse effects on human beings are not “minimal and limited to the construction phase of the proposed project” as the CDF claims. Thousands of Sonoma County residents can attest to the extremely detrimental and adverse impacts of vineyard operations on residential neighborhoods.

The contention that “at the present time it has been determined that there are no other substantial, ongoing or proposed similar projects in the assessment area” is false, considering 1-04-055, 1-04-059, (2) 3 acre exemptions and Ridgetop Partners vineyard as well as Campbell vineyards are all within a mile of the proposed Project.

#### **Summary of reasons this Plan requires an EIR**

1. Facts and reasonable assumptions predicated upon facts have been given to show there is substantial evidence in light of the entire record to support fair argument that the proposed project *may* have a significant adverse impact on the environment.
  2. The document does not include nor does it refer to thresholds of significance. CDF appears not to have developed any thresholds of significance. No thresholds of significance have been applied to the Project proposal.
  3. The Negative Declaration was prepared prior to inspections and reports from Water Quality. CDF, without benefit of analysis from Pre Harvest Inspections and input from the public, made the determination that the Project would have no significant impacts. Public comment has not been given due process but was prematurely truncated.
  4. The Cumulative Impacts statements are inadequate. The draft negative declaration and THP/TCP fail to effectively measure cumulative impacts. They fail to adequately identify and describe other related projects in the region and on site that many combine additively with one another to cumulatively affect the environment. They also fail to identify any of the potential cumulative effects from any of those projects. They also fail to analyze the potential cumulative effects of all of these projects in combination.
- It is well accepted by regulatory and scientific communities that CDF historically has failed to evaluate cumulative impacts on a THP-by-THP basis, leading to well-documented environmental harm. Documents will be entered into the record showing this.
5. Some mitigation proposals are ones that rely upon the presumed success of future mitigation measures that have not been formulated at the time of project approval. A mitigation measure cannot be left to be formulated in the future. These mitigations are improperly deferred. Other mitigations are the cause of other environmental impacts; no discussion of how these 2<sup>nd</sup> tier impacts will be mitigated is discussed.
  6. The alternative analysis is inadequate. The consideration of alternatives must consider feasible, less damaging alternatives and it has not done so.
  7. Some proposed mitigations are infeasible.
  8. No thresholds of significance have been developed or applied.
  9. This may be a segmented project.

Sincerely,

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