

California Department of Forestry
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October 30, 2006

**RE: Scoping comments for the “Proposed
Annapolis Area Timberland Conversions Project” (Roessler/Martin EIR)**

To the Department: (attn Allen Robertson)

Please add these comments to those expressed at the Annapolis-Sea Ranch community scoping meeting of October 19, 2006 at Horicon School.

Miscellaneous - Documentation, noticing, accessibility to records

Please mail a copy of the audiotape of the Scoping meeting to anyone requesting it.

The name of the Project is misleading and should be changed to “Roessler/Martin EIR” to denote the actual Project location. CDF may hope to create the illusion that CDF is doing an EIR for the “Annapolis Area” by naming this Project something it is not. To name the EIR “Annapolis Area” without including Artessa, a conversion simultaneously under EIR study by Raney, and perhaps other Projects, is deceitful.

The most obvious means of noticing have been neglected. For example, even though my comments to both the Roessler and the Martin plans would clearly indicate that I am interested in these projects, I received no NOP. One would think CDF would make sincere effort to notify participating parties simultaneous to noticing the general public. In addition, no signs have been posted on roads leading to project properties. For that reason, the deadline for Scoping comments should be extended.

CDF indicated at the scoping meeting that its draft EIRs are not accessible on-line and that CDF does not intend to mail draft EIR copies to individuals. Neither Annapolis nor Sea Ranch has public libraries. The closest one is in Point Arena, an hour and a half round trip from Annapolis. All of the material for this EIR should be digitized and put on-line so it is accessible to all, including the homebound and those who work during the day. This would also fulfill CDF’s ADA requirements.

As documentation on this file increases, community members would have to drive either a four hour round trip to Santa Rosa or a 12 hour round trip to Sacramento to view the file. Surely CDF acknowledges that these circumstances will have a very chilling effect on public participation. I am almost certain that the chilling effect caused by this situation, and easily correctible by CDF, is not intentional.

The total THP/TCP administrative file for both Roessler and Martin should be added to this EIR file, including but not limited to agency and public comments, inter-agency memos, in-house memos, briefs and other court documents, 1st and 2nd review notes, inspection reports, photographs, including those taken on 10/19/06 by Raney employees. In addition, the administrative files for 1-04-030 SON (Whistler Hansen) should be added to this case file; even though CDF has chosen not to include them in this EIR review, evidence regarding several aspects of the current review are contained in those files.

Feasibility

Before CDF commits further public resources to this EIR it should require that the applicants settle all property matters that could render the project infeasible. (CCR 15364)

CEQA Required elements

Project description should include discussion of exit strategy for when the vineyards fail due to disease and/or failure of economic return. Description should embrace an entire year so that the Project site can be studied through annual cycles.

Alternatives should include study of alternative locations for these commercial vineyards.

The growth-inducing impacts of vineyards in the Annapolis area, and even possible diminishing of population and recreational growth in the Gualala/Sea Ranch area due to water problems, should be included.

Thresholds of significance

PRC 21082 requires “[all public agencies to adopt by ordinance, resolution rule or regulations” what are frequently referred to as “threshold of significance.]” The Governor’s Office of Planning and Research has described “thresholds” of significance” as “that level at which the Lead Agency finds the effects of the project to be significant.” CDF is a public agency. Reviewers of this EIR will be interested to see how CDF has applied its mandated “thresholds of significance” to each element reviewed and to elements cumulatively.

Geographical focus

Because logging and commercial vineyards influence the waterways of the land on which they are located, and because waterways are a constantly moving continuum, the geographical scope of this EIR should include the Gualala river from the Kendall Jackson vineyards on the North Fork, the entirety of the Buckeye, most intensely from the Grasshopper downstream, but also the upper reaches which have been and will be impacted by the Preservation Ranch ground activities, and both of the waterways to the mouth of the Gualala.

One community water system downstream supplies 1500 homes, businesses, recreational and tourist facilities and attractions; another municipal water company supplies over 1000 hookups. The Gualala River supplies this water. Any EIR that does not include studies of the cumulative impacts on these growing communities will be incomplete.

Time focus

Time periods may differ for different elements. Plant, wetland, rainfall studies, for example, would require a year. Water sufficiency/scarcity studies may go back a century. Other elements might require longer or shorter periods.

For example, with regard to smoke due to logging and agricultural burning, we would expect disclosure of the increase in particulate matter in our residential subdivision during winter burn pile prior to the 3 acre vineyard installment on Roessler. Light and extinguish dates would be expected. Satellite aerial views for those months for that property may be available. Projection of the degradation of air quality due to logging and agricultural burning in the future, and cumulatively from all projects would also be expected.

Scientific focus

Allen Robertson seemed to indicate at the Scoping meeting that CDF regards inter-agency review of Projects as constituting scientific peer review. The movement of paper from one state bureaucracy to another would be a definition perhaps of what happens with the typical THP or TCP, but it is not peer review among disinterested, third party, extramural scientists.

It is hoped that the conclusionary, dismissive, facile determinations of “no significance” will not be evident in the draft EIR as they commonly are in THP/TCPs Negative Declarations. A broad range of current scientific studies and evidence will be expected from chemists, hydrologists with special expertise in such areas as groundwater recharge zones, wetlands biologists, geomorphologists, chemists, ecologists, economists, soil and road engineers, ornithologists, experts in the areas of risk analysis, endangered species, night lighting, fog drip, carbon sequestration, fire. Consultation with Pomo historians, cultural anthropologists and archaeologists, title searchers, fisheries, soils, and amphibian scientists of incontrovertible repute both inside and outside of the logging industry and vineyard industry will be expected.

If CDF is not prepared to submit its work to the scrutiny of extramural experts who can evaluate the scientific and technical merit of their assertions then CDF should be sure that the work of such experts are embraced within this EIR. The use of peer review boards to review a body of scientific evidence underlying important public management decisions such as this is becoming a common procedure to assure information quality.

The informed public will be looking for substantial evidence that the Project has no potential to harm to any part of the environment. Speculation, unsubstantiated opinion and boilerplate narrative which is not site-specific will not be useful.

Disclosure

The NOP description states that the Martin property consists of 57 acres and that the project proposes to convert 3 acres for housing and 26 acres for vineyards. It states that the remaining 28 acres would be placed in a conservation easement, which would restrict forest management and development.

Most people reading this NOP would have no idea that this property is currently under review by CDF on NTMP 009 SON. To say that an NTMP “doesn’t count” because it is selective cut, or that the conservation easement land and the NTMP circumscribe the exact acreage, is deliberately misleading to the public and other agencies.

The NOP also discusses a range of slopes and average slopes but fails to disclose the actual slope on the actual acreage to be converted. This, too, is deliberately misleading to the public and other agencies.

These are examples of ordering, evading and massaging of facts. This practice eludes truth and leads to CDF consistently understating the severity and significance of forest conversions. Such strategies will be on the public’s radar screen in scrutinizing the draft EIR. Good faith effort and full disclosure is required.

Roads

Paved and unpaved, public and private roads and bridges, roads maintained jointly by private assessment and those by taxation, roads newly made on the two properties, roads which serve the commercial enterprises of the properties, roads which were used for logging 60 years ago and have been re-opened on the properties – all traffic, economics of maintenance, all sedimentation and chemical runoff, should be covered in the EIR.

Any assessment of the sub watershed roads that does not analyze the consequences of the density of roads per square mile and which does not disclose the written recommendations of trustee agencies in the review of these conversions and others in the watershed will be incomplete. Any EIR which does not disclose the landowners’ possible intentions to block century old prescriptive easements will be considered incomplete.

Road/traffic impacts should include both public and private roads, which have been already impacted by commercial traffic by these projects, including the 3-acre Roessler vineyard. Serious studies of the impacts of heavy commercial equipment on both gravel and paved roads, the burden that subdivision residents are bearing by subsidizing commercial vineyards through road assessments should be included. Risk assessments, bonds, insurances would be appropriately discussed here.

Water scarcity

CDF continues to assert that the area provides enough water to support commercial vineyards. It does this in spite of the fact that one recent conversion has no water at all and trucks water from a Class 1 to fill its storage tanks. Another commercial vineyard purchases water from a utility company. If wells are sufficient, massive reservoirs and tanks should not even be needed.

With this EIR the burden of proving that there is sufficient water for commercial vineyards to thrive without diminishing the groundwater for residential, recreational and non-commercial agriculture is on Raney and CDF.

Submitted by:

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“Nevertheless, CDF has continued to resist complying with CEQA by advancing increasingly contorted interpretations of settled law. We urge CDF to heed the law as consistently interpreted by the courts of this state, and to commit its time and resources toward the more productive end of conforming its “process” to comply with CEQA”

A105421 Joy Road Area Forest and Watershed Association v. California Department of Forestry & Fire Protection, 2006