



Friends of the Gualala River

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July 17, 2006

Sonoma County Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

To the Sonoma County Board of Supervisors:

Friends of the Gualala River urge you to reconsider the County's general plan amendments regarding forestland conversion to vineyards, in view of the recent landmark decision by the California Supreme Court, *Big Creek Lumber v. County of Santa Cruz*. The California Supreme Court has effectively cleared the way for Sonoma County to pursue again its original objective of prohibiting inappropriate conversions of forestland to vineyards.

The court affirmed the authority of counties to plan and regulate the location of timber activities in relation to other land uses regulated by counties. The Big Creek Lumber decision clarified that counties are not overstepping their authority to regulate the location of timber activities that are otherwise regulated by the California Department of Forestry. In an opinion by Justice Kathryn Werdegar, "Local zoning ordinances, like the County's zone district ordinance, that speak to the location of timber operations but not to the manner in which they are carried out, are not expressly preempted by section 4516.5(d)." In the past, legal concerns arose that a Sonoma County ordinance restricting vineyard conversion in forestlands may be infringing on the Department of Forestry's jurisdiction. These concerns are now addressed fully by the Supreme Court decision. They no longer pose a legal obstacle for an effective ordinance that prohibits wasteful conversion of invaluable coastal forestlands to intensive agriculture.

The forest protections that should have been provided by the original policy of prohibiting vineyard conversions in forestlands were replaced with a compensatory mitigation ratio policy. This policy was a last resort, and an ineffective one: it was legally and scientifically flawed, and gravely so. The only reason it was pursued was the assumption that there was a legal barrier to the County's regulation of the geographic location timber conversions. Now that we know that no such barrier exists, it would be unwarranted to pursue the flawed forest mitigation policy when real forest protection is feasible, scientifically supported, and politically supported.

We request that you work with the planning staff of the County's Permits and Resource Management Department, and legal counsel, to prepare for a public meeting to discuss returning to the original direction of the General Plan amendments regarding the prohibition of converting forestland to vineyards. We will be grateful for your revitalized commitment to protect Sonoma County's forested watersheds.

Sincerely,

John Holland
President, Friends of the Gualala River

Cc: Mr. David Schiltgen, PRMD