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State of California



## Memorandum

To : Mr. Dennis Hall      Date: November 26, 2001  
California Department of Forestry  
and Fire Protection  
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From : Robert W. Floerke, Regional Manager      (Original signed by Robert W. Floerke)  
Yountville, California 94599      Department of Fish and Game - Central Coast Region, Post Office Box 47,

Subject : Comments on Conversion Exemption 1-01EX-338-SON4 for the Campbell  
Vineyard Conversion (1-00-147 SON), Annapolis, Sonoma County

Department of Fish and Game (Department) personnel have reviewed the conversion exemption (CE) issued by the California Department of Forestry and Fire Protection (CDF) for the conversion of 2.1 acres of timberland into a 31-acre foot vineyard irrigation pond. The project is situated on the ownership of Phil and June Campbell, and lies directly adjacent to the Campbell Vineyard Conversion [Timber Harvest Plan (THP) 1-00-147 SON] plan area. The Department has commented on the THP in a Pre-harvest Inspection report dated June 23, 2000, and on the negative declaration (ND) (SCH# 2001082037) for the conversion of timberland into a commercial vineyard in a letter to CDF dated September 5, 2001. In both comment letters, we requested, given the lack of disclosure and analysis of potential significant impacts to biological resources, that the project applicant prepare an Environmental Impact Report (EIR) for this project, pursuant to section 15065 of the California Environmental Quality Act (CEQA).

The Department disagrees that the CE process (Title 14 California Code of Regulations (14 CCR) Section 1104.1) is appropriate for this conversion of timberlands into a vineyard irrigation pond. Title 14 CCR § 1104.1 (a) states that a conversion exemption is not applicable to a conversion that is "part of a THP." We argue that the construction and use of the irrigation pond should have been disclosed in the THP and ND (or Erosion Control Plan) because it

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will be used to irrigate grapevines that are proposed under THP 1-00-147 SON. In a letter to Mr. Hall from Registered Professional Forester Randy Jacobszoon dated October 30, 2001, Mr. Jacobszoon states that the irrigation pond will be used to serve the vineyards on the proposed conversion area for the THP. We believe that a CE should have been denied for this conversion project because irrigation of vineyards proposed under THP 1-00-147 SON are directly dependant on the irrigation pond constructed under CE 1-01EX-338 SON4, and thus are "part of a THP."

The Department believes that CDF, as Lead Agency under the THP environmental review process, has permitted the segmenting of this project into two projects (i.e., THP and CE), which has precluded the full disclosure of environmental impacts for these linked projects. Section 15378 of CEQA defines project "as the whole of an action, which has a potential for resulting in either direct physical change in the environment, or a reasonably foreseeable indirect change in the environment..." The Department believes that the need for this irrigation pond was reasonably foreseeable and should have been included in the THP and ND.

The Department believes that the 31-acre foot irrigation pond has the potential to adversely affect Federally-listed threatened, steelhead trout (*Oncorhynchus mykiss*). The pond lies on the top of a flat, broad ridge upstream of several tributaries that funnel water into Buckeye Creek. The pond will be supplied with water via direct rainfall and surface run-off. The Department is concerned that the amount of water available to juvenile steelhead in Buckeye Creek during the summer months, especially in dry years when vineyard operations are occurring, will be significantly reduced. The Department asserts that without adequate impact analysis, the irrigation pond could have a significant effect on the environment, per Section 15065 (a) of CEQA, because it has the potential to degrade the quality of the aquatic environment in Buckeye Creek and restrict the range of steelhead trout. The Department recommends that the irrigation pond be rendered nonfunctional until the potential impacts to biological resources resulting from this project are adequately analyzed and disclosed. We believe this can be achieved within the context of an EIR, which should be prepared to address all project impacts associated with the Campbell Vineyard Conversion project.

This concludes the Department's comments on CE 1-01EX-338 SON4. If you have questions or comments, please contact Ms. Stacy Martinelli, Environmental Scientist, at

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(707) 996-2348; or Mr. Stephen P. Rae, Timber Harvest Supervisor  
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SM/pth