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Via Facsimile

Ms. Leslie Markham
California Department of Forestry and Fire Protection
135 Ridgeway Ave.
Santa Rosa, CA 95401

Re: THP 1-04-030 SON (TCP 04-530) Hansen/Whistler

Dear Ms. Markham:

I write on behalf of Sierra Club Redwood Chapter and Friends of the Gualala River.

By notice dated December 2, 2004, CDF has reopened public comment on THP 1-04-030 SON on the ground that the RPF added materials to the file after the close of comment that “could be considered significant.”

Unfortunately, CDF’s handling of this matter constitutes piecemealing. This THP is part and parcel of a timberland conversion that has already been approved. Yet CDF is now accepting new evidence from the plan proponents and their experts, as well as the public, on the THP component of the already-approved conversion. This procedure is improper for several reasons. Since CDF has already approved the conversion (of which the THP is a part), CDF predisposes itself to approve the THP. Second, by separating a single project into two parts, timber operations on the one hand, and conversion to vineyard on the other, CDF obscures their relationship, fails to consider how the effects of one may interact with the effects of the other, and confuses the public and hinders public review and comment.

On a second matter, I note that the plan proponent is now drafting a response to public comments for CDF. There are several problems with this procedure. A response to comments only gets drafted when CDF approves a THP. Drafting a response before the THP is approved strongly indicates that CDF has pre-approved it. Such pre-determination has been condemned by the courts,

especially, as in this case, when the agency is still considering evidence that is critical of the project.

In addition, having the plan proponent draft responses raises an obvious issue of bias. Even if CDF ultimately adopts the plan proponent's responses, it is difficult to see how it can avoid being improperly influenced by them.

Finally, using the plan proponent to draft the response to comments raises questions about the proponent's expertise. Who exactly is drafting the responses and what are his or her credentials? Please identify such persons and provide information regarding their qualifications to respond to the scientific and technical issues raised by the present project.

Correction of these problems will constitute a settlement of the issues raised in this letter.

Thank you.

Very truly yours,

Paul V. Carroll

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