

Northern Region Headquarters
Attn. Forest Practice
135 Ridgway Avenue
Santa Rosa, CA 95401

Allen Robertson
California Department of Forestry
P.O. Box 944246
Sacramento, Calif. 94224

June 15, 2004

Re: THP 1-04-059 Martin /TCP 04-531

Dear Mr. Robertson:

The following constitutes comment on the above THP and TCP.

In the CDF RPF Recommendations of April 20, 2004, Steve Smith states that "The main issue pertaining to vineyard conversion is essentially a local issue since this conversion is one of four proposed timberland conversions within a relatively small area in the Annapolis area. This proposed project and the proposed 1-02-019 SON, 1-04-030 SON and the 1-04-055 SON THP's are all located within one square mile." This tacit admission of possible cumulative impacts is made even more evident by the fact that CDF is well aware of the many plans in the area that are not listed here, some legal, some illegal. The sum total of these projects and their incremental addition to negative environmental effects as a result of their permanent deforestation is clear to even the layman.

The description of Cumulative Impacts fails to satisfy CEQA. The applicant fails to adequately identify and describe other related projects in the region and on site that may combine with one another to cumulatively affect the environment. Second they fail to identify and quantify the potential cumulative effects from any of these projects. Thirdly they fail to analyze the potential cumulative effects of all of these projects in combination.

This proposed timberland conversion is likely to add individual and cumulative impacts to the Gualala River watershed and in particular to the smaller Class I Little Creek headwaters within the plan and the main watercourse directly adjacent. Being listed under the 303d section of EPAs Clean Water Act and Section 3 of the Basin Plan, all additional inputs of sediment and increased temperatures are forbidden. The inputs of this deforestation plan when added to the concurrently applied for conversions within one mile are likely to hold considerable risk to the Class 1 Little Creek and to the threatened steelhead using Little Creek's recovering resources as habitat and refugia. Nevertheless the Lead Agency seems to uphold the RFP's unsubstantiated claim that THP/TCP will have "less than significant impact with mitigation incorporated."

This project represents one of many proposed and approved similar forest land to vineyard conversions in a small area. They represent a new, significant major land use pattern. Such changes historically have brought systemic changes in the environment. Approvals of these plans individually without addressing their cumulative impacts constitute "piecemealing" of a project. A Program Level EIR is the only appropriate method to assess the impacts of this major new land use.

CONCERNS:

The Alternative Project Analysis

The Alternative Project Analysis is inadequate and illustrates the applicant's failure to propose true meaningful alternatives. Under Project Alternatives on page 29 it is stated the purpose of the

project is to “convert 25 acres to timberland to vineyard and to achieve the landowner’s goal of producing high quality wine grapes.” The purpose of the project cannot be the description of the project as per CEQA. This sets on its head the whole purpose of the alternatives analysis. The existence of an opportunity for alternative use should not be alone sufficient for approving a conversion.

How cutting down forest and the introduction of commercial agriculture and intense human activity will “reduce a significant fire hazard” can only be guessed at.

The conservation easement noted to be “committed to” could play into one alternative not offered. The project could be reduced in size, and not maximized to take advantage of all the parcel that is not steep. Did the owner exercise due diligence and pursue this alternative? Were other organizations approached if Sonoma Land Trust was not interested in securing more of the parcel in an easement?

Alternative Land Uses discussion inadequately addresses the use of the land for timber production. It trivializes this alternative saying that timber production “would require periodic entries and significant disturbance to the property and to the adjacent landowners.” The proposed project with its permanent loss of forest cover, habitat and biodiversity, the changing of soil chemistry using additives, tilling, chemical use, traffic of equipment and workers, noise, yearly burning, frost control, additional housing, new housing of workers on site or in the community etc, pales in comparison to any disturbances associated with use of the property for periodic timber production.

Alternative Project Location discussion fails to disclose why the present owner did not pursue the location of alternative sites that lend themselves to commercial agriculture before he purchased this parcel. Many other open, formerly agricultural lands exist in the area. Did the applicant pursue any avenue before his purchase of this forested parcel to contact real estate firms to try and locate and acquire more appropriate parcels? This timber use for the parcel would be a superior environmental alternative.

The evidence of stumps from previous harvest of up to 4 feet in diameter does not support the trivialization of the importance of the project area as capable of producing high grade timber in spite of it being in the RPF’s estimation a “low site III timberland”.

“Various bird species will continue to forage the area.” These will be not the species whose nesting sites will be eliminated nor ones that cannot navigate through the miles of wire trellising an irrigation lines. The resident species will be displaced.

“In this case, the THP area has no unique potential impacts that would not also typically be potential impacts at other locations. Accordingly, any potential impacts associated with this THP would not be altogether avoided, but would be shifted to another location.” If the submitter relocated his project to non-forested land that has had a history of agricultural use or is presently in such use and avoided the permanent deforestation and habitat loss, there would not be this “shift” the RPF describes. The impacts to biological resources and the Class I stream adjacent could totally change with a different site. Such a site could avoid loss of timber land , prime habitat, take advantage of agricultural improvements and, in all, have substantially less impact. Such land that would produce the “high quality wine grapes ” (specifically Pinot Noir) that the applicant desires can be grown with great success in agricultural areas far inland, the Dry Creek Valley, the Russian River area, in the south of the Gualala watershed and in any one of the surrounding areas and local parcels that have been previously converted to agriculture or do not produce the impacts to clear off the forest as this parcel does. A quick research project could have identified hundreds of alternative sites with available parcels.

The mention of significant effects from subdividing the land amounts to padding the alternatives discussion to mislead the reviewer. Due to the parcels size (presently ~52 acres) the alternative of subdivision is not possible because of the present limitation of 40 acres per parcel.

It is stated: "The habitat for wildlife will only be modified under the proposed alternative and not eliminated." How can the total elimination of 25 acres of forest ecosystem to a fenced, trellised, tilled, commercial monoculture qualify as a "modification"? Where has the submitter created a viable and like kind mitigation for this loss of habitat? How can the 6 foot high continuous wildlife fencing to be used to encircle this project be viewed other than a permanent barrier to those species who are presently living there?

On Page 29, the Registered Professional Forester writing this plan states: "Vineyard establishment is the highest and best use for this property and fulfills the owner's goals, needs and property rights. " This is a subjective statement and all available science on resource management, ecological studies, fisheries science; etc would refute this assertion of highest use.

Project as Proposed discussion states that "potentially significant impacts form the project, including wildlife habitat and watercourses (none) which could result from this project have been analyzed and mitigate or reduced to insignificance." Where in the submission is the data and analysis that supports the absence of wildlife and watercourse impacts? This project contains the headwaters to a Class I watercourse and the project proposes major alterations to the land directly adjacent to this watercourse with the threat of runoff bringing sediment and potentially dangerous chemical to the watercourse effecting resident salmonids. It is not clear from the biologists report by Pamela Town that she has visited the property. Her lack of mentioning the resident and vocal Red Shouldered hawks in the plan area also points to this.

There is a clear omission of (1) data to support assertions of no impacts and (2) mitigations for: the loss of habitat, microclimate effects, wildlife movement impairment, chemical contamination potential, net sediment inputs to an impacted watercourse, peak and summer flow impacts, indirect effects on local infrastructure, loss of foraging habitat for an endangered species NSO, loss of recharge due to elimination of fog drip on the cleared aces, increased fire and noise impacts due to vineyard operations, lack of due diligence to secure a more suitable site for the project, etc.

The California Environmental Quality Act

The California Environmental Quality Act is clear as to the mandated responsibilities the Lead Agency has when a "fair argument" can be made that there are potential negative environmental effects from a project with or without mitigations. Bold type is writer's added emphasis and italics are writer's comments. See below.

15064. Determining the Significance of the Environmental Effects Caused by a Project

(a) Determining whether a project may have a significant effect plays a critical role in the CEQA process.

- (1) If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR. **The whole record in this case should include all available data on other projects that would be additive to this plan's that would potentially cause a cumulative effect.**

(In addition, data analysis and review is needed of the scope and scale of the effects that this plan will cumulatively add to the effects of the following conversions in the surrounding area. Habitat fragmentation, habitat loss, summer flows, microclimate effects, fog drip loss, indirect effects are some of a long list of effects that will be added to incrementally and cumulatively by all these projects.

No data has yet been submitted by the preparer of this plan or any other that allows the reviewing agencies to properly predict the limits of potential acreage that will be submitted in potential future projects. The limitation of the availability of Goldridge soils has been asserted as one limitation to conversion expansion in the area. If that is the case, vast portions of this coastal forest are under threat of conversion pressures since this soil type is common in the area under existing forest. If as the director of the Sotoyome RCD has stated that a specific soil type is not essential to cultivate the types of varietals that are proposed to be planted on these projects, the availability of soil type will not impede the unchecked flood of possible conversions. This needs to be studied and assessed in this plan and the others on Little Creek. Conversion projects that have been filed nearby and should be looked at cumulatively along with this plan are:

1-00-147 SON Campbell	88 acres
1-00-238 SON Putnam	23 acres
1-00-140 SON Coomes	9 acres
1-01-171 SON Artesa	105 acres pending EIR submission
1-01-202 SON Jones	11 acres
1-01-223 SON Michaels	42 acres
1-04-030 SON (TCP 04-530)	"Hansen/Whistler" on Little Creek
1-04-055 SON (TCP 04-533)	"Zapar (Roessler)" "

Additionally:

The adjacent Old Growth Again harvesting of conifers using a firewood permit on a 60+acre parcel.

THP 1-00EX-399-SON

1-99-426 Burns/deRidder 35 acre seed tree removal

1-00-328 Webster 75 acre logging

Re-opening of a WLPZ road paralleling Fluornoy Road

ZPE 02-0133 3 acre exemption of 6/02

*ZPE 02-0135 3 acre exemption of 6/02 both prepared by RPF Burns,
Ridgetop's current 15 acre vineyard planted on illegally cleared forest land*

The Wilson vineyard.

These projects are all within a square mile area of this Proposal and all drain into Little Creek.)

(2)

...
(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, **based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.**

Firstly, speculative data or no data has been presented by the applicant throughout the project application. For example: Page 8. 2 (b) of the Initial Study. "The proposed operation will have no significant impact on stream temperature due to absence of any class I, II, or III watercourses within the project" Class I, II, III's are all associated with this project either adjacent to the cutting area or nearby. No data , studies or analysis is included to support this statement. It also appears

the RPF is only talking about the THP “operations” and is not addressing potential impacts on the environment from the conversion and future commercial agriculture to be installed on site. This lack of inclusion of the TCP’s effects in the initial study occurs throughout the document. This seems like a major oversight due to the intent and title of the document; “Initial Study and Proposed Mitigated Negative Declaration for Sleepy Hollow Timberland Conversion” Looking at 2(c) “Organic Debris” page 8, Only the effects of the THP are addressed. Any effect on the organic debris and the lack on future inputs to the Class III’s as a vital component of the macro invertebrate food chain (for example) are not addressed.

(In regards to this guidelines’ attention to variance of setting, conversion of crop land to vineyards involves a totally different set of effects than converting historical forest land to commercial agriculture in a project or in an aggregated series of projects. Together these separate plans must be viewed as a whole “project” and evaluated as such. Their review cannot be piecemealed during their environmental review despite the fact that they have been applied for by different entities. Without a study to foresee the future projects that can be described in guideline 15064 as a “direct physical change in the environment that will be caused by the project” the scale of the potential impact from this and similar local projects cannot be evaluated. The interest and of other developers will be heightened by these projects as they will create supportive infrastructure for more development. They can fairly be expected to stimulate further conversion applications as the area then develops a reputation as a new “appellation” and a source on relatively inexpensive, available land for new vineyard establishment. This effect can already be demonstrated by the acceleration of applications in the watershed.)

(c) In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, **the Lead Agency must still determine** whether environmental change itself might be substantial. *This precludes the Lead Agency accepting anecdotal evidence from the submitter to justify claims of insignificance.*

(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project. (*These have been touched on above. Also, additional effects will be caused as infrastructure needs change and new facilities as fire protection, schools, social services, roads, maintenance all have to be added and augmented due to the increased activity and population brought to the area by these and potential future projects induced by the approval of these plans.*)

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant. (*The main effect with this and the identical in nature projects that are concurrently being reviewed is the permanent deforestation and its degradation on the habitat of fish and wildlife species, stress an endangered species (NSO), loss of biodiversity, and additions to the temperature and sediment inputs to a already cumulatively impacted CWA listed river.*)

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution. (*See above. A fair argument can be made that these projects, those induced by them in the near future, with the*

practices common to commercial agriculture will cumulatively add direct and indirect physical change to the environment. Presently the area supports a timber products industry which involves the occasional harvest and the maintenance of the traditional forest ecosystem on the steep slopes above the watercourses.)

(e) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect. (*See above. The new demand stimulated by this and similar projects for housing, worker housing, tasting rooms, winery facilities, tourist industry development, services related to the domestic needs of the new population, etc all must be addressed and considered in any analysis as to adverse effects on the environment.*)

(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. (*Where has the lead agency presented supporting, substantial, in house, evidence that the effects mentioned in the many comment letters are not significant?*)

(1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68). (*The comment letters on file, studies entered into the file such as the Scientific Review Panel report and the Dunne Report, and the expert opinion presented all support a "Fair Argument" that there is a significant, so far unmitigated, effect on the environment from this project and cumulatively with past present and foreseeable projects.*)

(g) After application of the principles set forth above in Section 15064(f)(g), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and **shall prepare an EIR.**

(h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual 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.

15064.7. Thresholds of Significance.

(a) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. *(Does the lead agency have any Thresholds of Significance that have been used to scientifically judge the potential impacts on the environmental factors listed in the CEQA Checklist used for the Initial Study of this project? If not, how can the agency state that this project will have no significant impacts on the environment when it is common knowledge that this phenomena of applications for conversion of heretofore forest lands to commercial vineyards is a new and novel potential set of effects that have not been studied and evaluated?)*

Page 31 of the IS which discuss the evaluation of environmental impacts state in (9) "The explanation of each issue should identify: (a) the significance criteria or threshold, if any used to evaluate each question; and (b) the mitigation measure identified, if any to reduce the impact to less than significance.")

(b) Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.

Other Concerns

- The plan incorporates the deforestation of 25 acres of functioning conifer forest and the biodiversity that it supports. No mitigations are put forth to address this permanent loss. The RPF states that the project will have no significant effect on the timberland of Sonoma County because the plan will "reduce the timberland base in Sonoma County by .007 percent." Much case law points to faults of this logic. This effort to diminish the effects of the project with a ratio/"de minimus" approach has not survived legal challenge. Kings County Farm Bureau V. City of Hanford (1990) established the rule that even a very small contribution to an existing cumulative impact could be considered a significant impact. The listing of the Gualala as impaired under EPA's 303d Clean Water Act for temperature and sediment is sufficient evidence that there exist cumulative impacts even before the implementation of any of these numerous projects.
- Does not the loss of foraging habitat for the NSO involved in this plan constitute a "take" under existing ESA law? Does this plan not cause degradation/change in availability of suitable vegetation thus causing increased predation risk/predator avoidance? (I.e. harassment and endangerment)
- Have wildlife corridors been provided to mitigate effects on resident species? Were they designed with the aid of a biologist/expert?
- "Wildlife is abundant with avian and terrestrial species, Birds that have been sighted in the conversion include but are limited to red tailed hawks, ravens steller jays, and wren. Deer, feral pigs, wood rats, and bobcats are found on a regular basis throughout the property."

- How has the loss of 25 acres of this habitat been mitigated other than using a ratio approach and comparing it to the remaining habitat in the watershed?
- The conservation easement that is mentioned in the plan has not been put in place. It is being cited as an official mitigation against environmental harm.
- Page 31 of the Initial Study which discusses the evaluation of environmental impacts states in (9) The explanation of each issue should identify: (a) the significance criteria or threshold, if any used to evaluate each question; and (b) the mitigation measure identified, if any to reduce the impact to less than significance." Where has the loss of the 25 acres of habitat, biodiversity, NSO foraging habitat, been mitigated? A ratio approach/analysis does not qualify as a mitigation.
- Page 34 of the I.S. and MM3.5 Mitigation measure on page 28 states that a mitigation of a Conservation easement "has been set aside" under the guidance of the Sonoma Land Trust. This easement has not been put in place as of the date of this letter. The RPF was knowledgeable of this fact at the writing of the IS. The placement of it as a mitigation amounts to supplying speculative facts and the use of it as a mitigation should not be allowed until it has been formally filed and documentation exists to that fact. No descriptions of the easement, its requirements, monitoring, and allowed activities has been included. No analysis of its value as to mitigation can be made without data in the file.

Until this easement is officially recorded and sufficiently described as to its provisions for management and monitoring, it should not be allowed in the plan. One such provision in the draft management plan for the easement calls for the owner to be given unlimited "personal logging rights" and the ability to construct a reservoir on the easement to service the vineyards. This calls into question the qualifications of the easement as presently described as a mitigation for any potential environmental harm stemming from the granting of this conversion.

- Without a reforestation project of similar size, in the general area and on another parcel, it is fair to say that the permanent loss of 25 acres of forest ecosystem proposed by this conversion project cannot be mitigated. A like kind mitigation must be considered as a true mitigation. This alternative was not mentioned in the Alternatives Discussion.
- "Three acres of the converted area shall be developed as roads to service the vineyard." -Page 6 in the I.S. How has this additional amount of road construction been analyzed? A high degree of road development for the area in the submitted comment by Patrick Higgins. Does not the amount of potential erosion from the tractor rows need to be added to a missing soil erosion budget and sufficiently quantified?
- Peak Flows: "Increase in peak flow should not be significant due to the gentle terrain, broken ground, and the retention of vegetation and ground cover within the adjacent Class III watercourse riparian areas."

Is this the level of data and analysis that is appropriate to submit and be accepted by the Lead Agency in an Initial Study? Not addressed by this one sentence justification are the following:

- The total change in vegetation type and loss of forest cover
- Road construction with its bare earth and compaction effects on soil infiltration and runoff and erosion.
- Any comparison of the rates of runoff and infiltration studies that compare rates found in functioning forests of the type to be eliminated and those of vineyards managed and constructed as described elsewhere in the document?
- Dave Hope (North Coast Regional Water Quality Control Board) participated in the pre-harvest inspection for the neighboring Codorniu Napa, Inc timberland conversion (THP 1-

01-171 SON). Mr. Hope's August 15, 2001 report finds that (page 3),

"The clearing for vineyards and channeling of water via pipes to watercourses will certainly increase the peak flows..."

- Page 32 of the IS. "Aesthetics" states "Vineyards are a common land use in Sonoma County and are not generally considered a substantial degradation of the land and/or its surrounding area." This is another example of the inadequate and misleading discussion and analysis used by the preparer. The loss of historic forestland and its beneficial uses including forest character are of utmost concern to the neighbors of this project and this type of conjecture should not be included. This is another issue that should be addressed in an EIR.
- Page 33- Air Quality "No chemicals detrimental to air quality shall be used during the vineyard conversion process and /or vineyard development or maintenance. How can this be true when the admitted future use of Integrated Pest Management allows for the use of pesticides known to be harmful to humans and endangered species? See letter in file from R. Sinclair. The RPF's stated qualifications of 30 years still does not qualify him as an expert as to the effects of commercial vineyard operation and the yearly burning involved. THPs are not performed yearly on each acre of a parcel if in timberland.
- The preparer should consult the Permit and Resource Management Department in Sonoma County before he proceeds further in plans to build two residences. The present parcel is 52 acres approximately. Only one residence is allowed per 40 acres per parcel.
- Will the repair and maintenance of the road "Sleepy Hollow Road" be incorporated into the plan? Has the increased traffic during tree removal and subsequent operations of a vineyard been addressed?
- The plan submitter has not researched the records and does not present the fact that Little Creek has been officially classified as a Class I watercourse by CDFG. All and any analysis of impacts should take this fact into consideration.
- Steady slopes characterize the plane, ranging to 18%. Tractor rows are planned to follow those slopes directing the ends of furrows directly at the watercourses they abut to. Potential terracing with its potential for sediment delivery during installation and historic use is proposed. (Page 59 of the Erosion Control Plan by Erickson.) What design is submitted by the applicant that describes this potential major contributor of future sediment into Little Creek?
- What assurance does the agency have that the applicant will not piecemeal this plan in respect to the future installation of a reservoir hinted at on page 59 of the ECP?
- A "seasonal wetland seep" is to be developed and mentioned as a possible source of irrigation water on page 5. Hydrological regime alteration will occur. No mitigations offered.
- Loss of foraging habitat for the NSO. No mitigations offered.
- The effective addition much road area on steep terrain from the access roads on site and the tractor rows. There is already a high percentage of road area in the plan area, thus sediment production is heightened as a threat.

- Plan proposes to put tons of lime into undisturbed forest soil above Little Creek. No mitigations offered.
- No grading permit is included in the TCP.
- Serious potential for erosion and introduction of sediment during the completion of this plan and in the future use due to the impact of heavy equipment and service vehicles on the only access roads.
- A submitted paper by Patrick Higgins, fisheries biologist, analyzes the substantially stressed conditions of the Buckeye and the impact on the threatened steelhead. This paper was recently developed for the nearby THP 1-04-030 Hansen/Whistler conversion. Continuing to approve conversions will prevent the return to suitable conditions for our severely imperiled fish community. The several existing conversions added to the proposed conversions draining into Little Creek may exacerbate both flow problems and sediment problems.
- The RPF submitter does not have the necessary training and background to undertake the evaluation and analysis to properly predict the effects of this project on the hydrology of Little Creek. These potential effects added to the ones of proposed new conversion projects on Little Creek need serious scientific review and data gathering. The combined effects of all these projects' well pumping and water interdiction need analysis.
- Thresholds of potential environmental harm need to be set as per CEQA recommendations. This conversion project and those proposed nearby pose a new threat to the very existence of the forest land that has historically has dominated the landscape. The new potential effects of this type of deforestation and introduction of commercial agriculture on these steep, formerly forested slopes are new and novel and must be studied and evaluated before these approvals for deforestation proceed. No data is presented to prove the assertions that no effects will occur most simply because that data presently does not exist.
- CEQA mandates findings of significance wherever a project "has possible environmental impacts which are individually limited but cumulatively considerable." An EIR/EIS must be required to analyze and evaluate such complex but critical hydrological issues as the cumulative impact of water draw down from the groundwater recharge area Brushy Ridge, how these several commercial vineyards will impact quantity and quality of water in residential wells (under normal and drought conditions), the role of tall conifers in converting fog drip, the reduction of base flow to salmonids, interruption of runoff by diverting into "decorative ponds," and reservoirs, and other issues. Even a very small contribution to an existing cumulative impact should be considered as having potential to degrade the environment.
- The submitter does not adequately address the other past, present, and potential future projects in the plan area that would factor into a true analysis of the cumulative effect of this and all said plans. Illegal and vineyards installed using three acre exemptions have not been accounted for.
- Dry farming will be difficult on this parcel based on the experience of the only other vineyard nearby that has been in existence long enough to produce mature vines. Annapolis winery on Annapolis road has recently had to install drip irrigation on its mature vines to boost crop yield to remain competitive. Frost protection is needed for this site and no provisions for it are included in the plan. Has data been submitted on this topic?
- The adequacy of a purported 10-gallon per minute well for a 25-acre vineyard must be documented and placed in the project description. Most estimates based on local

vineyards and experts consulted (see W. Burgstahler letter in file) point to the inadequacy of this water source for a project of this size. No provisions have been made for frost protection in any of the data submitted. A well test of more than four hours with official documentation should be part of the data submitted. Large drawdowns in wells are common in the area and are very prevalent during late summer, fall. A neighbor on an adjacent parcel, the Probert parcel, was forced to truck in water at the end of last summer after their well went dry. The new unproven Martin well is well within the quarter mile commonly cited as the distance well can be and still effect each other's capacities.

- Class III protections and not sufficient. There should be buffer width protections based on slope and measured out from the break a slope of any gorge or unstable area. There also should be no hardwood cutting allowed, maintenance of vegetative cover, and a percent overstory (50% or 60%) with a conifer retention component.
- The watercourse that WQ noted during the PHI as needing Class II protections should be classified as such. Pools were noted with aquatic life. If this is the watercourse associated with the spring, this is all the more important to give this feature more protection, as it is the headwater to Little Creek.
- The effect on microclimate, air temperatures and directly effected water temperatures is a concern. Many scientific studies now point to air temperature being the main factor effecting water temperature. What data is presented to back up the assertions that this plan will not effect, individually or collectively with the other nearby plans, water temperature?
- Stream temperature is noted to be "higher than optimal". There is potential for this plan to add to increased temperatures causing a "take" of endangered species. The added deforestation of this plan in addition to surrounding plans will raise ambient air temperature. The loss of fog drip from the deforested area of this plan will effect the hydrological regime, no data or consideration is included.

The Lead Agency has no authority to disregard a project's incremental contribution to a cumulative effect even though the Project complies with BMPs or a mitigation program. An in-depth hydrological analysis is critical. I urge you to require an EIR on this and all other conversions pending in the Little Creek watershed.

Every forestland conversion application warrants the preparation an E.I.R. due to:

- **the water scarcity of the west county area**
- **the 303(d) Clean Water Act listings of the north coast rivers**
- **the dire situation of the threatened indicator salmonid species**
- **the large, complex, unstudied ecological changes and effects of conversions**
- **the clear written mandate of the County's own General Plan**
- **the need to study the effects of commercial reservoirs, interruption of hydrological regimes and wells on local streams and aquifers**
- **the lack of apparent limits to conversions**
- **the lack of thresholds of significance to gauge potential environmental effects from these new and unique projects inserted into traditional forest lands**

The Gualala River is listed as an impaired river under 303(d) of the Clean Water Act. Much time and energy are being expended by governmental agencies and watershed stakeholders to deal with the restoration of this watershed and its endangered species. Allowing the unmitigated loss of forestland in favor of vineyards upslope of salmonid populations struggling to survive –all for the sake of profits is unconscionable.

This is not the first chance but it may be one of the last to rise to a land management challenge that would save these endangered forests from a systemic threat of conversion.

Yours truly,

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