

Allen Robertson, California Dept. Forestry
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Re: THP/TCP 1-04-055 Roessler (Zapar, LLC)
And draft Negative Declaration for same

May 3, 2004

Dear Mr. Robertson:

This constitutes comment to be added to the public files of both the THP/TCP at the Forest Practices Office and the draft Negative Declaration. I want also to add to this file the letter on "streamlining" I sent to you on April 5.

This proposed timberland conversion, when added to the previous 3 Acre Exemption ZPE Exemption (02-0133 (prepared by RPF Burns) and 35 acre logging (THP 0-99-426 SON also prepared by RPF Burns) on this 40 acre parcel, is likely to hold considerable risk to the Class 1 Little Creek 280 feet below its southern boundary, to the threatened steelhead given harbor by this headwaters *refugia*, and to the 303(d) sediment and temperature impaired watershed.

The proposal misleadingly states that it is located on a ridge top. (p166,177) It is not on a ridgetop. One need only look at the topographic map. It is on slopes ranging from 5-65%. (There are serious inconsistencies and discrepancies in the THP/TCP documents regarding slope.) It proposes - without mitigation for the loss of this forest land - to disappear 12 acres of forest, to rip the forest soil, and even to terrace on 30% slope. (p225) It proposes to develop in a "seasonal wetland seep" and to interrupt water flow into Class I Little Creek by constructing a 10,000 square foot "decorative" pond, which it purports not to use as irrigation. (except on p.5 where it says it *may* be used for irrigation.) It proposes to disappear a "spring." (p77,79,13,10,66) It proposes to put 480,000 pounds (20 tons per 12 acre,p.10) of lime into undisturbed forest soil above Little Creek where "No record of fish sightings in the creek is known." (!) (p.66) No grading permit is included in the TCP even though one was obtained for the 3 acre conversion. This is a sampling of some of the potential significant risks associated with this Plan.

Nevertheless the Lead Agency seems to uphold the RFP's unsubstantiated claim that THP/TCP will have "less than significant impact with mitigation incorporated."

Residents who must use this part of the road to get to their homes have helplessly watched the gullies deepen, the washboard increase, banks slide below the heavy equipment activity, and high turbidity during the winter months, particularly the winter after the first conversion on this property but continuing throughout this past winter.

In summer, heavy equipment (80,000+ pound bulldozers, backhoes, loaders, etc) and commercial hauling (gravel, vineyard stakes and fencing, delivery, etc) on the dry bed road has churned and pulverized the road surface material and created thick, loose layers of soil and rock powder on this road which was constructed and has been maintained for the purpose of residential traffic. Heavy equipment working in the yarding/landing area during logging, the back and forth pushing of biomass into burn piles during the conversion, and the winter use of the road by loaded cordwood trucks, etc. has caused road degradation at the expense of the residents. Much of the road surface has washed away.

The attached 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 (Whistler). 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.

“Section 3 of the Basin Plan states, ‘controllable water quality factors shall conform to the water quality objectives contained herein. When other factors result in the degradation of water quality beyond the levels or limits established herein as water quality objectives, then the controllable factors shall not cause further degradation of water quality. Controllable water quality factors are those actions, conditions or circumstances resulting from man’s activities that may influence the quality of the waters of the State and that may be reasonable controlled.’ Degradation of water quality beyond the levels or limits established as water quality objectives in the basin plan has **already** occurred, which has resulted in the 303(d) listing for the Gualala River. Therefore, no further degradation of water quality from controllable factors is permitted by the Basin Plan.” Jim Burke, Water Quality Non-Concurrence on Timber Harvest Plan 1-01-365 SON 4/20/04

CDF does not have the expertise to evaluate flow changes with regard to vineyard development on Brushy Ridge Loop. 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 drawdown 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.

CDF and Water Quality continue their uncritical reaction to Project promises to “dry farm” using “organic” methods, requiring from the RPF not so much as an affidavit or organic certification. Is it not somebody’s responsibility to question why so many wells, storage tanks and “decorative” pond/reservoirs are being developed on this groundwater recharge area Brushy Ridge when the RPF says the Project will be “dry farmed?” Dry farming, at least in the Annapolis area, may or may not be feasible for the long haul, through all upcoming drought cycles. Once regulatory approval is locked in, the need for more water usage than planned is likely to occur.

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. Even a very small contribution to an existing cumulative impact should be considered as having potential significant impact.

The Lead Agency must consider later phases of a proposed project (such as proposed residences) as well as probable future projects off-site. (1-04-059SON Martin, 1-02-019 Ridgetop, 1-04-030 Whistler e.g.) The Lead Agency must consider the cumulative impacts of THP 1-00EX-399-SON4, 1-99-426 Burns/deRidder 35 acre seed tree removal, 1-00-328 Webster 75 acre logging, including re-opening of a WLPZ road paralleling Fluornoy Road; ZPE 02-0133 3 acre exemption of 6/02 and ZPE 3 acre exemption 02-0135 of 6/02 both prepared by RPF Burns, Ridgetop’s current 15 acre vineyard planted on illegally cleared forest land, the Wilson vineyard, et al. These projects are all within ¾ square mile area of this Proposal and all drain into Little Creek.

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.

Yours truly,

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Enc: letter from LH to AR April 5, 2004; Patrick Higgin’s comments on THP/TCP 1-04-030; Carl Wahl material on hydrological role of fog drip