



Letter 21

Department of Anthropology

PO Box 117305
Gainesville, FL 32611
Telephone: (352) 392-2253
Fax: (352) 392-6929

July 27, 2009

Allen Robertson
Deputy Director
California Department of Forestry and Fire Protection (CAL FIRE)
Sacramento, CA

Dear Mr. Robertson,

I am a professional archaeologist with long-standing interest in the history and archaeology of the Pomo people of northern California and more specifically, Sonoma County. As a long-term former resident of Sonoma County and then as a landowner in the Salt Point area since 1979, I have maintained my interest in Pomo history during the years as I have followed an international career in heritage management and archaeology. My experience in cultural heritage assessment is extensive, starting with my service as State Archaeologist and State Historical Preservation Officer (SHIPO) of Idaho (where I read and assessed hundreds of EIRs) and continuing over the years with service on the Rhode Island Preservation Commission and RI National Review Board. I have worked both domestically and internationally for decades to enhance the quality and methods used in heritage assessment. As a neighbor to the Fairfax Conversion Project (SCH# 2004082094), my curiosity was naturally piqued about the potential impact on cultural resources. Consequently, I obtained a copy of the DEIR and also made a site visit to adjacent properties, with the permission of property owners, to examine the contexts in which the archaeological assessments were conducted.

My following remarks are divided into three sections. The first deals with archival resources and what they have to tell us about the location of important prehistoric and historic settlements in the area. The second section focuses on the knowledge that local citizens have about archaeological locales within an environment they have intimately known for decades. The third section examines the assessment methodologies and the proposed mitigation plan for archaeological resources.

Archival Sources

21-1

Letter 21 Cont'd

21-2

An examination of the anthropological literature, something that is not manifest in the DEIR, reveals that the Annapolis is a rich and hugely significant historical zone. It is perhaps one of the most extensive settlement areas associated with the Kashaya Pomo, a phenomenon that is documented by Samuel Barrett (1908), a UC Berkeley anthropologist who focused considerable attention on the Pomo, their language, and their historical communities. Using the testimony of living informants at the turn of the 20th century, Barrett recorded detailed testimonies about the locations of numerous Pomo settlements and encampments in northern California, including what he called the Gualala Division. A short review of these historical communities, many of which have their origins in great antiquity, is pertinent given the importance of the Barrett evidence. Barrett mentions a number of village sites, many of which cluster in the general Annapolis area. Among these are:

- Kōba'te: "on what is known as Biddle ridge north of the middle fork of Gualala river and at a point probably about two miles northeast of the confluence of that stream with the main branch of Gualala river" (Barrett 1908:225). These approximate distances would place the site on the northern outskirts of today's Annapolis, within the orbit of the Fairfax Conversion.
- Ca'mli: "in the mountains immediately north of the middle fork of Gualala river and at a point probably about three miles a little north of east of the confluence of that stream with the main branch of Gualala river. (Barrett 1908:225). The description provided by Barrett places this village site in general zone of the Fairfax Conversion.
- Ma'kawica:"in the mountains immediately north of the middle fork of Gualala river and at a point probably about a mile and a half a little north of the old village of Kōba'te. The site is about midway between Buckeye creek and the middle fork of the Gualala river" (Barrett 1908:225). Barrett's description of this site places it in the zone of the Fairfax Conversion.¹

This extensive array of settlements documented by Barrett is one of the densest and most significant, interactive clusters of human habitation along the Sonoma coastal hinterland. It is puzzling that such critical evidence has not been mentioned, or given the prominence that it deserves in an assessment of cultural resources. Clearly, the Annapolis area is an archaeological zone of great importance, holding a priceless record of prehistoric and historical life on the Sonoma Coast hinterland.

21-3

The DEIR mentions only one historically documented site, quoting from the Neri report (Gifford and Kroeber 1939)—that the site of Kaba'tūi may have been in the vicinity of the Fairfax Conversion. Barrett has more to say about this settlement, referring to it as an encampment, viz: "in the mountains north of the middle fork of Gualala river and at a point about a mile and a half northwest of the old village of hībū'wī" (Barrett 1908: 226).

¹ The Barrett estimates are just that—estimates. While not precise, they do show that these sites bracket the development area, with some possibility that part of one may be located within the Artesa property. Cumulatively, this evidence is critical for demonstrating that the Beatty Ridge area is a highly sensitive cultural zone.

Letter 21 Cont'd

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While the particular location is vague, it nonetheless amplifies the earlier point that this is a rich archaeological zone.

21-4

This quick review leaves one with the distinct impression that there has been a failure to incorporate key and very significant archival information about the prehistoric and historic settlements of the Kashaya Pomo people in Sonoma County. This does not meet professional standards. EIRs must show full and complete archival research that is comprehensive and exhaustive. This has not occurred in this case, and this failure is a major problem that may have significantly biased the assessment of cultural resources on the Fairfax Conversion. The extensive archival records indicate that there was every reason to use the most rigorous scientific inquiry possible to assess the significance of archaeological resources in the development zone.

Interviews with Local Residents

21-5

On July 23, 2009, I visited Annapolis and conducted oral interviews of local residents as well as visited several areas of archaeological interest contiguous to the Artesa property. According to one well-informed resident, there are at least four archaeological locales within 200 meters to the south of the Artesa-01 site (and in all likelihood, there are additional locations contiguous to the spring seepage in the vicinity). Using information recorded over the years by local informants, a map of observed archaeological resources shows ten (10) archaeological locales² either on the Artesa property or immediately contiguous to it.³ The likelihood of additional locales in the immediate area can only be ascertained through a systematic sampling program.

Archaeological Resources and the DEIR: Methodology and Mitigation Protocols

21-6

I present here summary remarks and evaluations on the assessment methodologies and the planned mitigations for cultural resources within the Fairfax Conversion. Let me start with what appears to be a fundamentally flawed methodology used in the assessment, something that subsequently influenced the proposed mitigation. I will first address the assessment methodologies and then the mitigation protocols.

Assessment Methodologies

21-7

It is not apparent why the post-Neri investigations by Origer and Associates were restricted, with the exception of sites-01 and -04, to sites documented by Neri. There are numerous warning signs in the Neri reports as quoted by Origer. For example, it is mentioned that "Ground visibility was generally fair in the wooded areas, and fair to poor in the grassy meadow areas. Numerous roads and skid trails were present throughout the wooded and grassy areas and provided the best opportunity for observing project soils.

² The term locale is used because there has not yet been a formal archaeological determination, using the criteria in the DEIR, of "site" status. Most, however, appear to meet such criteria.

³ For reason of confidentiality, I have not included this map in these comments. It is available by special request to authorized agencies.

**Letter 21
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21-7
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The areas of high archaeological sensitivity were investigated completely using pedestrian transects spaced between 20 and 30 meters, and random hoe scrapes” (DEIR 5.3:17). Fair to poor ground visibility in an area with sometimes deep duff compels methods that go much further than random hoe scrapes. Additionally, the bias introduced by depending on roads and skid trails for surface exposures is problematic. Finally, the use of transect intervals and locations are vague and imprecise. Given that there are no indications of a scientifically adequate survey method used by Neri, restrictions on the scope of the Origer investigations—to documented only designated sites—were inappropriate, simply amplifying the idea that the Neri-designated resources are the only archaeological resources present on the parcel.

21-8

Given the archaeological importance of the Annapolis area and the demonstrable failure to conduct a rigorous scientific assessment of heritage resources on the Artesa property, additional assessment using much more rigorous methods is imperative. At a minimum, in an area that has been subjected to mechanical alterations in the past (such as cut and fill), low-impact, sub-surface investigations are compelling. I strongly recommend a complete re-evaluation of the methodology to incorporate scientific standards that will ensure that sites are less likely to be overlooked because of low visibility on the surface. Using the principles demonstrated by Handsman and Lamb (1995), sampling transects in contexts with smaller sites must be responsibly spaced, e.g., 10 meter intervals, possibly less. Moreover, sampling methods should incorporate sub-surface examination on a flagged grid in a manner that has low impact, e.g., bucket augers, with provisos to expand assessment using STUs to confirm auger results. Furthermore, in such a sensitive setting, there is a strong justification for the use of remote sensing, possibly a magnetometer transect survey, to locate areas of human habitation that involved burning, e.g. burned rock (chert processing), hearths, and other such features.

Mitigation Protocols

21-9

The DEIR presents mitigation protocols [3.5-3(a)] for archaeological sites that require a Pomo tribal representative and a consulting archaeologist to be present during “grading” activities, but it unfortunately fails to require that such representatives be present during ALL earth moving activities. Moreover, the mitigation protocols stipulate that machine operators will be trained to recognize artifacts and will report any findings to said representatives. These are not adequate protocols. The mitigation fails to mention that vineyard conversions entail deep ripping of the soil, a ground-disturbing process that instantaneously destroys the integrity of archaeological sites, particularly smaller sites with low visibility. In such a sensitive cultural context, monitoring *alone* without rigorous and systemic survey, poses high risk to sub-surface archaeological resources—a risk that can be significantly reduced by employing sub-surface testing during a new survey assessment. Monitoring should be seen as a secondary, back-up protocol to more intensive sub-surface investigations.

21-10

Secondly, the idea that machine operators will be objective observers of archaeological objects ignores a strong conflict of interest that such individuals have as employees of contractors working for the developer [protocol 3.5-3(b)]. It also questionably assumes

Letter 21 Cont'd

21-10 Cont'd	<p>that such individuals can observe small objects in the midst of dust and moving earth while mounted on large machines. Assuming that monitoring has a back-up role to play in such a sensitive archaeological zone, the consulting archaeologist(s) and Pomo tribal representative should be present at all times in the location of each operating machine.</p>
21-11	<p>After having read the DEIR, and having observed the Artesa-01 site from continuous property, it is not clear why sub-surface investigations did not occur on the periphery of this site, given its size and argued importance. The demarcated limits must be seen as just that—preliminary and tentative—until such time as a systematic sub-surface inquiry can define its precise extent and ancillary remains such as residences. Middens in this region have been shown to be spatially related to residential units; this site likely does not stand alone, but is rather a part of a larger array of satellite sites. Additional assessments are also suggested in light of the questionable mitigation suggested for seasonal road use in the area.</p>
Concluding Observations	
21-12	<ul style="list-style-type: none"> • There are hearsay accounts circulating that additional sites have been discovered on the Artesa property in Annapolis since the DEIR was published for comment, and if such reports are accurate, this additionally points to deficiencies of the survey and sampling strategies thus far employed.
21-13	<ul style="list-style-type: none"> • The DEIR treatment of archaeological resources treats each of the defined sites as discrete rather than part of a larger constellation of sites through deep time, with perhaps strong social interaction during historic times. Provisionally, it would appear that the local documentations, the evidence from Samuel Barrett's 1908 listing of Pomo sites, and the preliminary and incomplete DEIR evidence all point to the very real possibility that the Artesa property or Fairfax Conversion is located in the midst of a significant complex of Native American archaeological sites. This in turn suggests that all concerned parties should be considering <i>an archaeological district</i> for nomination to the National Register of Historic Places (NRHP), a process that automatically leads to listing on the California Register of Historical Resources (CRHR).
21-14	<ul style="list-style-type: none"> • Finally, the Artesa sites are of great interest to Goal OS-9 of the Sonoma County General Plan, viz: Preserve significant archaeological and historical sites, which represent the ethnic, cultural, and economic groups that have lived and worked in Sonoma County. In the larger scope of opportunities to address the long-marginalized history of Native peoples in Sonoma County, the archaeological resources on the Artesa property and surrounding properties provide an unusual opportunity to preserve and expand knowledge about a little known past that continues to suffer rapid erosion.

Letter 21 Cont'd

Should you like additional information or want to discuss my comments, I can be reached at schmidtp@ufl.edu. Until August 4, I can be contacted at (707) 847-3838.

Yours sincerely,

Peter R. Schmidt
Professor of Anthropology and Archaeology
University of Florida

Cc: Reno Franklin, Tribal Historic Preservation Officer, Stewarts Point Rancheria

Additional Sources Cited

Barrett, Samuel A. 1908. The Etho-Geography of the Pomo and Neighboring Indians. *University of California Publications in Archaeology and Ethnology* 6(1):1-332.

Handsman, R. and T. Lamb-Richmond. 1995. Confronting Colonialism: The Mahican and Schaghticoke Peoples and Us. In *Making Alternative Histories: The Practice of Archaeology and History in Non-Western Settings*, pp. 87-117. SAR Press, Santa Fe.

LETTER 21: PETER R. SCHMIDT – UNIVERSITY OF FLORIDA

Response to Comment 21-1

The comment is an introductory comment to the following comments and does not address the adequacy of the DEIR.

Response to Comment 21-2

The commenter is accurate in describing the Annapolis area as having relatively dense habitation in the period preceding European settlement. The references mentioned by the commenter were indeed part of the archival research conducted through the Northwest Information Center of the California Historical Resources Information System for the original survey.

In 2000, when consulting archaeologist Max Neri conducted the initial record search for this project, he found no documentation on file at the NWIC that any portion of the project area had been surveyed, nor evidence that any sites had been previously recorded in the project area. In 2005 Neri submitted his report to the NWIC and it was assigned report number S- 26495. In 2006 an updated records check was conducted of the property by Tom Origer at the request of Jeff Longcrier, the Registered Professional Forester (RPF) contracted to prepare the Timber Harvest Plan (THP) for the Fairfax Conversion project. This records check showed that only Origer's 2006 study of specific sites within the study area had been conducted since 2000. This study was assigned report number S-33149 by the NWIC. In 2009 for the purposes of revising the survey of the property a records check was again conducted. This records check did not show any changes since 2006. In 2010 another record search was conducted which showed that a survey had been conducted of the project area in 2009 which resulted in the finding of an additional six resources above Neri's original six archaeological sites and 11 isolates (Origer 2009). This report was assigned number S-36197 by the NWIC.

Three ethnographic sites are reported near Annapolis, and therefore, in the vicinity of the current project area (Barrett 1908). Barrett's (1908:225) description of the location of ca'mli places this old village approximately one mile south of Annapolis. Barrett's (1908:225) description of the location of koba'te places this old village approximately one mile west of Annapolis. Barrett's (1908:225) description of the location of ma'kawica places this old village northeast of Annapolis. Based upon Barrett's descriptions of these site locations, all three of these named villages appear to be outside the project area. Tribal scholar Otis Parrish has mapped several sites in the Kashia Pomo territory. He places sites qaye'eli ("where manzanita is place") and kaba'thwi ("madrone fork") nearby, but outside of, the project area (Parrish 1996).

Review of Barrett's ethnographic information shows some three dozen named places within two miles of the coast with another 30 or so at interior locations. The densest concentration of named places lies approximately six miles north of Plantation where five old villages and one old camp site are shown within 2.5 miles of each other (see Barrett 1908: map titled Pomo Linguistic Stock). Two other concentrations of Barrett named places in Kashia Pomo territory are marked by concentrations of four places each. Near Annapolis, Barrett shows three named places within 2.5 miles of each other (see preceding paragraph). This suggests that, while there are important

Native American sites in the vicinity of Annapolis, it is not a unique area in terms of archaeological and/or cultural site density.

Please also see Responses to Comments 13-5 and 13-13.

Response to Comment 21-3

The reference in Barrett to Kabatui is vague. However, Kashia Scholar Otis Parrish locates this village approximately one-half mile south of the southern boundary of the Artesa Fairfax Conversion property.

Response to Comment 21-4

Please see Response to Comment 21-2.

Response to Comment 21-5

Interviews were conducted by both Mr. Neri and by Tom Origer & Associates. Local residents were very willing to share information regarding the historical era resources (sawmills, orchards, and houses) on the Fairfax Conversion property. However, those interviewed, were not able, or were not willing, to provide information regarding Native American resources on the property. See Response to Comment 13-5 for a more detailed response of the additional on-site surveying and Native American consultation conducted since the release of the DEIR for public review in June 2009. All additional resources discovered within the project area have been identified for preservation/avoidance, as clearly described in Response to Comment 13-5.

Response to Comment 21-6

The comment is an introductory to the following specific comments on assessment methodologies; see the below responses to specific comments.

Response to Comment 21-7

Please see Response to Comment 21-5.

Response to Comment 21-8

As discussed in Response to Comment 13-5, Origer & Associates conducted subsequent field surveys, which resulted in comprehensive survey coverage of the entire project site conducted on July 16 and 17, 2009, with the exception of two areas which were subjected to mixed-strategy survey due to the fact that they were covered by dense patches of brush (see more on this below under “November 2010 Surveys”). The results of Origer & Associates’ additional comprehensive evaluation are presented in the Confidential Report prepared for CAL FIRE review and approval, entitled “*An Archaeological Survey Report for the Artesa/Fairfax Timber Harvesting Plan,*” dated August 6, 2009. The reviewing CAL FIRE archaeologist provided comments on this report that Origer & Associates incorporated into the revised report, dated May 6, 2010.

The purpose of the July 2009 surveys performed by Origer & Associates was to inspect the three additional locations identified during the PHI, as well as to survey all portions of the property where improvements or timber harvesting are planned. Special attention was paid to those areas where archaeological specimens were found during the PHI. Intensive surface survey coverage was performed by surveying in a zig-zagging pattern in corridors approximately 20-25 meters wide. During this comprehensive survey effort, where newly found archaeological sites were detected in portions of the property where improvements are planned, the site perimeters were subjected to shovel test pit exploration to better understand site boundaries. As noted above, dense vegetation prevented intensive survey coverage in only two areas of the property. In these areas where dense vegetation was growing, forays were made into the brush, where possible, to examine the ground surface.

The results of Origer & Associates' July 2009 surveys indicate that an additional six locations were identified for further consideration and analysis, five of which have been recommended for avoidance, as required in Mitigation Measure 3.5-2(e). See Response to Comment 13-5 for a full discussion of these additional six locations and the mitigation measures set forth in this DEIR to ensure that the project does not result in adverse impacts to these resource locations.

November 2010 Surveys

In consideration of public comment on the DEIR, CAL FIRE requested that the applicant have their archaeologist complete intensive archaeological field survey coverage of the two densely vegetated areas, which were surveyed by a mixed-strategy in the July 2009 field surveys. Generally, the two areas can be described as follows: a 5-acre block in the northern portion of the project site and a 15-acre block in the southern portion of the project site. To intensively survey the two dense brush locations, Origer & Associates initially proposed the use of a backhoe to flatten brush and create corridors in which the field crew could conduct an intensive survey of the exposed ground surface. After a few initial forays into the dense brush with the backhoe, it quickly became apparent that this method could not be employed without creating ground disturbance that would require a Native American monitor to be present per CAL FIRE directives. As a result, all backhoe-related work was terminated on the project site.

Because the backhoe clearing method was terminated, transects were subsequently made through the brush with loppers and other hand tools to clear the brush in locations with somewhat less dense vegetation. In the northern dense brush area (~5 acres) transects no more than 15 meters apart were traversed by a combination of clearing dense brush and crawling, as needed, to complete an intensive survey of the entire five-acre area. The same methods were applied to the southern dense brush area (~15 acres) with less success. Approximately three acres of the 15 acres were intensively surveyed; the remaining 12 acres could only be inspected by a mixed strategy approach.

As part of the November 2010 survey effort, Origer & Associates also intensively examined subsurface soils ranging from four to eight inches deep in the road cut across the Wellman property and extending southwest into the project area west of Artesa Site-01. The road bed itself was examined where past construction, use and maintenance of it had cut into native soils and thus provided good visibility of the ground with the assistance of a hoe and trowel used to clear

small patches of low growing grasses and forbs as needed. Ground obscuring fill was not observed on the surface of the approximately 500-foot long portion of project road that lies to the west of Artesa Site-01.

According to “A Supplemental Cultural Resources Survey for the Artesa/Fairfax Timber Conversion, Sonoma County, CA,” dated December 15, 2010, no cultural resources were found during the recent survey of the two dense brush areas or the road segment. However, because a 12-acre densely vegetated area of the project site was not intensively surveyed in the November 2010 surveys, the applicant has excluded this 12-acre block from vineyard development; this significant adjustment in the vineyard acreage has been reflected on the latest version of the Vineyard Plan exhibit, which is included in Chapter 1, *Introduction*, of this Final EIR (see Figure 1-1).

Further, the suggestion of completing a magnetometer survey of the property is impractical. With a development area of 173 acres, a full magnetometer survey to identify possible additional resource locations would require approximately 238,000 to over one million hours to complete, depending on the equipment used (Silliman, Farnsworth, Lightfoot 2000). Magnetometer surveying within identified site locations could be completed in a shorter time, but because the locations are to be excluded from development, it would be an unnecessary requirement.

Response to Comment 21-9

First, it should be clarified that vineyard preparation activities do not include deep ripping.³⁹ From a viticultural standpoint, minimum soil disturbance is desired in order to retain the various soil horizons. Therefore, no significant grading will be undertaken after clearing. Holes created by stump removal will be smoothed over. Minor earthwork cuts and fills are expected around the perimeter of individual vineyard blocks, to facilitate shaping of perimeter avenues for safe operation of farming equipment. Soil tillage in preparation for vineyard installation will occur, including shallow ripping to bring residual tree roots to the surface.

³⁹ Deep ripping is practiced by using a ripper shank that penetrates 4-5 feet pulled by a D8 or larger tracklayer. This soil disturbing practice is not planned for the Fairfax Conversion project. It is important to note that deep ripping is not necessary for stump removal. Most stumps are small, and a typical, efficient method of removal is as follows:

- Cut the stem off 2-4 feet above the ground.
- Pull the stump and main roots using an excavator with thumb and gently shaking sideways while lifting.
- Minimum soil disturbance and maximum root removal occurs using this method.
- Larger stumps may require some digging around the base to free up the larger roots.

Shallow ripping is practiced using a smaller tractor and smaller set of ripper shanks that penetrate 18-24 inches into the ground. The tillage operation does not change the soil profile or bring material to the surface. It is used to break up any shallow hard pan to promote root penetration into the soil. In addition, rock removal will be negligible for the Fairfax Conversion project because the local Goldridge-variant sandy loam soils typically do not include rock in the profile.

Most roots in the soil profile will be in the approximate upper foot of soil. A typical method of root removal is to use a brush rake mounted on a dozer blade to selectively bring roots to the surface. The brush rake penetration depth is generally 12 inches or less, depending on the size of the dozer. A combination of mechanical raking and hand picking will result in removal of most of the objectionable residual root mass.

Normal industry-standard agricultural practices include discing a field in preparation for planting, to create a seed bed free of competing weeds. A typical disc penetrates the first 6-8 inches of topsoil during that operation.

The one-time site preparation activity of shallow ripping modifies soil structure to 18-24 inches, only about 12-18 inches deeper than the final field preparation activity of discing. Once the vineyard is set up, there should be no further tillage or soil disturbing activity.

Please see Response to Comment 10-44 for the presentation of updated DEIR Mitigation Measure 3.5-3(a), which now includes a requirement for a Native American monitor appointed by the Stewarts Point Rancheria THPO and an archaeological monitor to be present during all earth-moving activities associated with the proposed project.

Regarding the rigorous and systematic survey aspect of the comment, see Response to Comment 13-5.

Response to Comment 21-10

Please see Response to Comment 10-44 for the presentation of updated DEIR Mitigation Measure 3.5-3(a), which now includes a requirement for Native American monitor (representing the tribe) and an archaeological monitor to be present during all earth-moving activities associated with the proposed project.

Response to Comment 21-11

The commenter's expression of concern regarding ancillary remains implies that residences would be outside the Artesa-01 Site area. The commenter's allegation is not supported by the archaeological record of the area, where residential units are located within midden sites. As noted in Response to Comment 13-5, as part of the November 2010 survey effort, Origer & Associates also intensively examined subsurface soils ranging from four to eight inches deep that have become exposed in the road cut across the Wellman property and extending southwest into the project area west of Artesa Site-01. The road bed itself was examined where past construction, use and maintenance of it had cut into native soils and thus provided good ground surface visibility with a hoe and trowel used to clear small patches of low growing grasses and forbs as needed. Darkened soil or archaeological materials were not observed on the surface of the approximately 500-foot long segment of existing project road that lies to the west of Artesa Site-01, indicating that the site does not extend to the existing road.

As previously indicated the site is located completely within a preserve area and is excluded from any proposed development. Therefore, any sub-surface investigation would constitute unwarranted destruction of a portion of the site. Mitigation Measure 3.5-2(c) of the DEIR is provided as a worst-case scenario because the road is approximately 200 feet outside the limits of the site (see Response to Comment 13-5 for updated Mitigation Measure 3.5-2(c)).

Regarding the commenter's assertion that additional assessments are suggested in light of the questionable mitigation suggested for seasonal road use in the area, it is important to note that DEIR Mitigation Measure 3.5-2(c) has been revised (now numbered 3.5-2(d)) as follows (*as also reflected in Response to Comment 13-5 of this Final EIR and Chapter 3.5, Cultural Resources, of the Fairfax Conversion Partially Recirculated DEIR*):

3.5-2(d) *Artesa Site-01*

1. *No project or ground disturbing activities or impacts of any kind shall take place within the site boundaries. The site shall be clearly marked with highly*

visible fencing by the consulting archaeologist and/or his qualified designee(s) - in consultation with the Stewarts Point Rancheria THPO or his designee - prior to and during all ground disturbing timber harvesting and vineyard development activities. This fencing shall be maintained as necessary throughout ground disturbing activities within 100 feet of the site boundary. This location shall be clearly plotted on the project maps with specific and clear notations that this area is NOT to be encroached upon. In so doing, however, this location shall NOT be specifically labeled or identified as an archaeological site on the project maps in order to keep the identity and location of the site confidential and thus protect the site from damage by artifact hunters or vandals.

2. *Although re-use of the existing seasonal road located approximately 150-200 feet to the northwest of the site is permitted, such use is restricted to ingress and egress – there shall be no mechanical grading or widening of the road.*
3. *A minimum 4-inch thick layer of gravel or other similar, suitable road rock material shall be placed (and maintained at that thickness throughout operations) on the 500-foot long segment of existing dirt road near Artesa Site-01.*
4. *Ground disturbing activities taking place within 100 feet of the site shall be monitored by a professional consulting archaeologist and the Stewarts Point Rancheria THPO or his designee(s). Prior to beginning operations, the scope of the monitoring shall be determined in consultation with the CAL FIRE Archaeologist and the Stewarts Point Rancheria THPO or his designee. When artifacts and/or other site indicators are encountered during operations, ground disturbing activities within 100 feet of the find shall be halted, and the provisions of 14 CCR 929.3 implemented (which include promptly notifying the CAL FIRE Archaeologist about the find).*

Response to Comment 21-12

Please see Response to Comment 13-5.

Response to Comment 21-13

Please see Response to Comment 13-13.

Response to Comment 21-14

The commenter recognizes that the archaeological sites on the Fairfax Conversion property represent ‘the ethnic, cultural, and economic groups that have lived and worked in Sonoma County’. The statement is true; therefore, the archaeological sites are being excluded from development and protected. See Response to Comment 13-5 for further discussion on this point.

Letter 22

Mr. Allen Robertson
Environmental Protection
CDF
P.O. Box 944246
Sacramento Ca. 94244-2460

Jamie Hall
34910 Annapolis Rd.
Annapolis Ca. 95412
(707) 886-5321
phoenix11@dishmail.net

Mr. Robertson

- 22-1 This letter is in response to the request for comments on the so-called Fairfax (Artesa) vineyard conversion project DEIR. We are concerned that CDF informed us that the comment period would continue after the DEIR deadline until the THP comment deadline, which as I understand has been delayed indefinitely, that this is no longer the case, CDF should stick to their word, as this is a complex issue and Artesa has been allowed 5 years to draft their DEIR, but we only have 60 days to comment on such a vast document.
- 22-1 My wife and I are long term residence of Annapolis and I have resided on a property adjacent to the former Fairfax property for 36 years (AP # 123-040-18-0) with two sides of our property bordered by the project property (see enclosed map). We are most concerned about the fact that some 170 acres will be “permanently” clear cut. At least in a timber harvest, clear cut trees will grow back, whereas here they will be permanently removed. I don’t see any mitigation for the loss of 190 acres of habitat in this plan. Timber harvest clear cuts are limited to 20 acres because of the possible cumulative impacts of larger areas of deforestation. So why should 170 acres be allowed in this case?
- 22-2 Of great concern to us is the fact that the 12 acre vineyard section (1a) directly across the road from us will leave no buffer except for Annapolis Rd. We strongly request that this section of the project be abandoned, as it will have profound impacts on us, as I will illustrate in forthcoming sections. I have updated my original comments, as I don’t feel that any of the concerns were adequately addressed in the DEIR

Project Location and Setting

- 22-3 This Project site is in the heart of the Annapolis community and I believe have very significant impacts on the quality of life particularly for the residents adjacent to the sight. The previous project was 105 acres of conversion compared to the new projects 190 acres. This is 85 acres or some 70 percent larger conversion area than the previous project proposal. This is a great concern because we feel that this project was too large in the first place, and is now even larger. Our concern is for the permanent loss of Forest and natural habitat. This area is just beginning to recover from decades of abuse (logging, grazing and agricultural). The permanent loss of habitat will have, I believe detrimental effects on the area, as I shall address.
- 22-4 The old sawmill site is of particular concern, as there may be harmful substances (petroleum, fire retardants, defoliants, PCBs, etc.) used at a time when there was

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virtually no concern or knowledge of there effects on the environment. This site is adjacent to and drains into "Patchett Creek". We feel that this site (old sawmill) if disturbed, has the potential to release toxins not only into Patchett Creek but into the water system of the neighbor adjacent to the site (Ron and Tracy Anderson) as well as the portion draining toward the existing and previous Annapolis Dump site. Suggestions for this area, would be to scale back the project on the old sawmill site as well as adjacent to Patchett Creek.

The DEIR states that no substances were "observed" in Patchett creek. It is my understanding that potential hazards wouldn't be observable, but only detected with extensive soil and water testing on and around the site.

Project Components

22-5

The proposed THP/TCP of 170 acres of timber, for the production of a legal drug (wine, an alcoholic beverage) in our minds is not a beneficial land use. There has already been a minimum of 600 acres of timber cut adjacent to this property in the last few years, however, much of this logged forest will grow back, unlike vineyard conversion which will remove the roots as well as the foliage and will not grow back.

22-6

It will create increased water runoff, which will facilitate soil transport into waterways, increase solar radiation to the general area, destroy 190 acres of habitat for resident and migratory species, as well as destroy important soil processes, vital to a healthy environment.

22-7

The notion that the project could be "dry farmed" once established, is in my opinion, erroneous, based on evidence from neighbors who have attempted to dry farm, and that this is merely a ploy to have this project approved in an area known for its lack of ground water. Subsequent attempts to obtain water by drilling would have a detrimental affect on the areas aquifer, which could easily be depleted. The previous rainfall figures of 70 inches for this area are erroneous and any calculations of runoff based on them should be discounted. This makes one question the statement about using runoff water to establish the vineyard. Certain vineyards adjacent to this site are currently hauling water from another site to maintain their vineyard. The additional traffic, pollution, road trash and wear and tear on our roads must be considered.

The DEIR admits that many of these factors will have detrimental effects and claims that they will be mitigated to insignificance with little or no proof as to how this will occur.

Environmental Effects

22-8

Aesthetics

Currently the forested / grasslands aspects of the site could not be improved by the so-called aesthetics of a linear monocultural vineyard environment, with stakes, wire, irrigation, farm equipment and fencing. (See photo below). The view from our property will be severely impacted rows of grape vines are unsightly and monotonous.

**Letter 22
Cont'd**



Bryce Jones Vineyard

Air Quality

22-9 The short-term effects to air quality are obvious, Tractors, worker transport, dust from operations and chemical spraying, will have a profoundly detrimental effect to the surrounding environment. Logging trucks and logging equipment will have considerable short term effect on air quality dust and diesel fumes will be considerable. Grading, ripping and general earthmoving will go on long after logging is complete causing more air pollution.

22-10 The long-term effects to air quality are much more insidious. Vehicles: taking into considerations the over all effects of pollution caused by vehicles, Field tractors mowing, tilling, transporting workers (in the field), are a few of the effect of exhaust, not to mention overspray from spraying herbicides, insecticides and fungicides.
Worker Transport to the site, currently many workers come from outside the area and use their own vehicles. I pass at least a dozen vehicles in the early morning associated with vineyard production; and later see these vehicles at vineyard sites. Then they have the return trip home at night.
As well as vineyard managers, who all seem to own very large trucks generally with nothing in the beds, also machinery transport from out of the area.

Biological Resources

22-11 It seems that the time that transpired between the last plan and this (5 years) was not well used, as the biological resources have not been systematically studied and insufficiently surveyed.
Biological resources are something that I am very concerned with. Being an avid naturalist, I have observed many species on and around this property and have compiled a list of species (attached) These will all be severely impacted and mostly excluded from this property. The conversion of this and several hundred more acres of land in the

**Letter 22
Cont'd**

22-11
Cont'd

↑
immediate area will have severe consequences to the species in this area. All ground, tree and cavity nesters will be excluded by timber harvest, tilling, mowing and chemical use. Field fencing will extend for an almost uninterrupted 4500 ft along Annapolis Rd. except for a 400 ft. (so called wildlife corridor/conservation easement) stretch at the headwaters of Patchett creek, how will deer and other animals that can't fly find this small area at one end of this property and where will they go once they find it? This is totally unacceptable, anyone driving Annapolis road has seen confused deer attempting to find an escape route, usually into the path of the vehicles.

The DEIR states that due to the mitigations listed there would be no significant impacts to biological resources, how can this be when they are considerably reduced and fragmented by this project.

22-12

Cultural Resources

Over my 32 years of living next to this property and prior to the recent ownership, I have hiked most of this property and I have personally found artifacts on many parts of this property. The current plan includes a section not in the previous plan that appears to intrude into the Native Village site. This village is included in Kroebers Handbook of the Indians of California and should be surveyed intensively by professional Archeologists or left alone. Also the local Pomo tribe should be included in this discussion, as this was apparently a very important Village site.

It is obvious in the DEIR that none of the above was done in the five years that the applicant has had.

22-13

Geology and Soils

Soils will be highly impacted by the addition of supplements and soil additive that will wash into the watershed by our intense rainfall. With the increased runoff caused by the loss of forest and the impermeable nature of the local clay soil, adding unnecessary chemical loads to an already, 303d listed, impaired waterway (the Wheatfield Fork of the Gualala River).

22-14

Hazards

The use of fertilizers, pesticides, herbicide and fungicides, will be detrimental to everything within a large area around this site. The old plan stated they would not use them unless absolutely necessary. As anyone who lives next to a vineyard knows, all of them seem to need these environmentally hazardous substances. Under the current plan, we will personally be put in jeopardy by the use of these substances as the conversion shows vineyards within 100 feet of our dwelling along our longest property line upwind of our dwelling, so that any over spray or runoff will impact us and our property.

Also our water source, which we have used for the last 36 years, is down slope from this area and considerable runoff will drain right into it.(see map attached)

My wife has respiratory problems and the use of chemical spraying and dust from operations will likely have detrimental effects on her health.

The DEIR goes to great lengths to state that overspray will be minimal. Apparently whoever wrote this has never driven through a freshly sprayed vineyard area the fine mist of spray is everywhere regardless of the lack of wind or whether they don't spray to the end of a row.

Letter 22 Cont'd

- 22-15 **Hydrology and Water Quality**
It is widely know by residents in the area and hydrologists familiar with the area that this is a water scarce area. As I explained previously, the claim of dry farming is not cedible. One reason for this is the moisture holding qualities of the local soil is not adequate for dry farming. It seems that this is simply a ploy for one of the largest issues (lack of water) to be glossed over, by the county and CDF. This could mean that the project will have to rely on well water to sustain this project. There are several personal water systems in this immediate area, which could be highly impacted by the pumping of such large amounts of ground water.
- 22-16 Due to the nature of the areas soil and rain patterns, additional runoff from so much cleared area will be considerable. (photo below) Erosion and sediment transport will be a great concern, especially since the forest downstream is currently being cut by Mendocino Redwoods, and almost all of the headwaters will be planted in grapes. The previous project quoted a much misused rainfall figure for the immediate area of 70 inches, this figure (apparently) is taken from the publication "Flood Control Design Criteria, Sonoma County Water Agency Isohyetal Map PLATE No. B-3. Rainfall Figures from at least four different local sources refute this figure. Map and Excel synopsis (Attached).
The Water Quality of our spring (see map) will be adversely impacted, as it is downstream from unit 1a and much closer to a previously unproposed section of Vineyard. Chemicals and increased sediment will be washed directly into our water source, making that water source unusable.



Bryce Jones Vineyard

- 22-17 **Land use and Agricultural Resources**
All of the immediate area and the Wheatfield drainage are in private hands i.e. Logging Vineyards, grazing and residential, very little is public or has the potential of being left undisturbed for the benefit of the environment. Large corporations are notorious for coming into areas and buying up land for profit and not giving anything back to the communities either human or environmental.

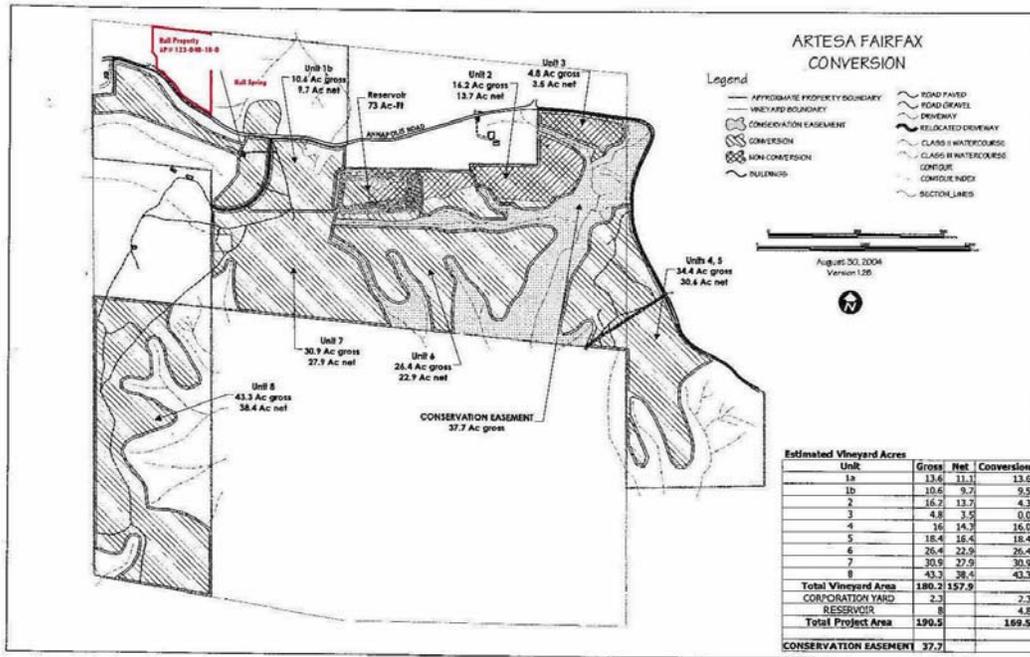
Letter 22 Cont'd

22-18	<p>Noise Increased noise will be considerable, if this project is approved. Initially the clearing of the property will be many months of noise due to tractors and clearing equipment, chainsaws, skidders, graders, logging trucks, workers personal vehicles, possibly air traffic by executives surveying the site.</p>
22-19	<p>Long term noise from workers vehicles, tractors, spraying, mowing, planting, pruning, etc.</p>
22-20	<p>Transportation and Circulation Traffic factors will increase noise, air pollution, public safety, road maintenance, and traffic violations. Most of the vineyards in this area bring in workers who use their own personal vehicles, this increases traffic, garbage, abandoned vehicles and traffic hazards as we have already seen, especially on Skaggs Springs road in the last few years. Large trucks for equipment movement, grape harvest, water system support and maintenance have increased considerably and will be compounded by this project.</p>
22-21	<p>Cumulative Impacts There is a statement in this section that concerns me “These projects must be within the project vicinity and of sufficient size to affect the anticipated future conditions of the project site.” This statement would seem to somewhat confined in its scope. It seems to me that cumulative impacts associated with this project should include anything that this project in turn would affect, i.e. anything within a watershed associated with this project. Since this project drains into three separate watersheds, that would include any projects on these. They are Patchett Creek/ Wheatfield, Falls Creek Which flows past Horicon School then into the Wheatfield and the small tributaries which flow into Grasshopper Creek then to Buckeye Creek. The immediate area of the proposed conversion has been considerably impacted by recent Vineyard and Logging projects, past, present, ongoing and proposed, Peay Vineyard 40 acres?, Bryce Jones Vineyard 30 acres, Scalabrini Vineyard 20 Acres?, Starcross Olive orchard 40 acres?, Wellman Vineyard 15 acres. Logging MRC 1-04-045 SON 296 acres, MRC 1-04-096 SON 167 acres, Wellman 1-99-390 SON acre? MRC 1-00-129 100 acres? and the Proposed Preservation Ranch 2000 acres. These projects alone will constitute some 2700 disturbed acres in the immediate area, if we add the Artesa project, this brings the total to around 2900 acres. Also Falls Creek flows past the new Horicon School, which currently lacks sufficient water, as well as into one of the most extensive wetland habitats in the Annapolis area. This would seem to be a very good reason for extensive investigation of the cumulative impacts. I suppose this would be a good place to address the issue of forest fragmentation also.</p>
22-22	<p>Discussion of Alternatives Our personal take on alternatives on this project is that it should never happen, and that this property be bought by a public entity, and set aside as open space, and an archeologically significant site. Barring this alternative, we would hope that the company would be more sensitive to the local wish that they scale down this project to just the</p>

**Letter 22
 Cont'd**

22-22
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open areas existing and leave the rest to nature, even this will destroy much needed grassland habitat, which is rapidly disappearing in this area due to the current grape grab. Why couldn't this massive company buy property already in grapes and plant their own varieties instead of destroying 190 acres of forestland?



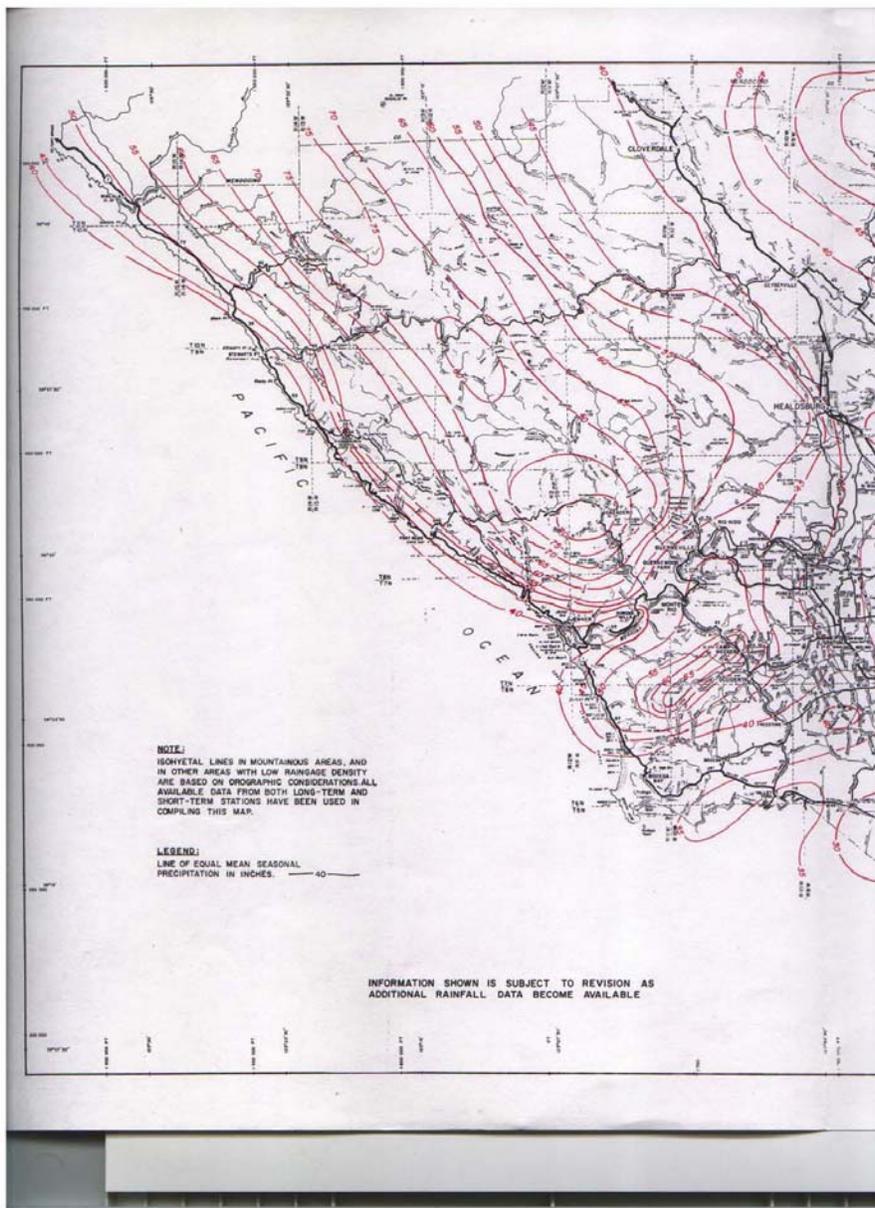
Hall Property/ Spring (AP# 123-040-18-0) Location Map

Letter 22
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Year	Hedgepeth Data	15 yr Average	Average (all years)	ICO Data (Annapolis)	15 yr Average	Average (all years)	Smith Data (Annapolis)	15 yr Average	Average (all years)	ANN 7003 STA, 10=14-36	15 yr Average	Average (all years)	Com
Location	Hedgepeth Ranch			Hollow Tree						Miller Ridge			
1959	37.05									29.52			
1960	49.99									39.04			
1961	62									44.95			
1962	40.66									43.05			
1963	48.49									46.24			
1964	30.83									26.79			
1965	66.75									51			
1966	56.36									40.66			
1967	70.07									59.15			
1968	49.32									38.5			
1969	79.77	53.75*								68.28			
1970	72.24									58.45			
1971	59.7									50.95			
1972	31.92									22.93			
1973	63.03									58.32			
1974	82.93									85.23			
1975	61.21									54.11			
1976	27.97									31.16			
1977	20.62			28.13						21.13			
1978	88.35			84.66						67.32			
1979	46.59			52.05									
1980	63.14			69.66						56.14			
1981	42.68			42.68						38.79			
1982	87.15			93.78						78.41			
1983	98.84			103.04						89.81			
1984	62.61			63.13			57.91						50
1985	40.42	58.47		37.46			41.73						
1986	72.46			70.36			65.87						
1987	40.8			39.1			40.35						
1988	46.27			49.5			46.14						
1989	42.13			45.9	*59.95		47.03						
1990	39.67			51.74			42.05						
1991	36.42			33.68			34.64						
1992	44.93			45.42			45.19						
1993	68.45			61.69			65.56						
1994	36.8			37.1			35.89						
1995	95			89.39			85.57						
1996	64.31			58.53			57.05						
1997	64.4			64.4			53.97						
1998	100.78			100.78			96.22						
1999	54.05			57.05			55.94						
2000	53.62	57.33	57.16	55.22			54.86						
2001				45.95			38.97	53.29	53.6				
2002				52.21									
2003				63.88									
2004				57.04	58.27	50.67							

Annapolis Area Rainfall Figures (local sources)

**Letter 22
Cont'd**



Sonoma County Rainfall Map

Letter 22 Cont'd

Fauna List for Fairfax Property

Birds

- *+ Spotted Sandpiper (*Actitis macularia*)
- *+ Killdeer (*Charadrius vociferous*)
- * Common Merganser (*Mergus merganser*)
- * Mallard
- * Red-breasted Merganser (*Mergus serrator*)
- *+ Belted Kingfisher (*Megaceryle alcyon*)
- ** Turkey (*Meleagris gallopavo*)
- +California Quail (*Lophortyx californicus*)
- Screech Owl (*Otis asio*)
- Great Horned Owl (*Bubo virginianus*)
- * Spotted Owl (*Strix occidentalis*)
- Pygmy Owl (*Glaucidium gnoma*)
- Saw Whet Owl (*Aegolius acadicus*)
- Barn Owl (*Tyto alba*)
- Turkey Vulture (*Cathartes aura*)
- Red-shouldered Hawk (*Buteo lineatus*)
- +Red-tailed Hawk (*Buteo jamaicensis*)
- Black-shouldered Kite (*Elanus caerulus*)
- Sharp-shinned Hawk (*Accipiter striatus*)
- Coopers Hawk (*Accipiter cooperii*)
- Merlin (*Falco columbarius*)
- American Kestrel (*Falco sparverius*)
- Northern Harrier (*Circus cyaneus*)
- +Band-tailed Pigeon (*Columba fasciata*)
- Mourning Dove (*Zenaida macroura*)
- Downy Woodpecker (*Picoides pubescens*)
- +Hairy Woodpeckers (*Picoides villosus*)
- +Red-shafted Flicker (*Colaptes auratus*)
- +Acorn Woodpecker (*Melanerpes formicivorus*)
- Red-breasted Sapsucker (*Sphyrapicus varius*)
- +Pileated Woodpecker (*Dryocopus pileatus*)
- Red-breasted Nuthatch (*Sitta Canadensis*)
- +Brown Creeper (*Certhia familiaris*)
- +Allen's Hummingbird (*Selasphorus sasin*)
- Rufous Hummingbird (*Selasphorus rufous*)
- Black-chinned Hummingbird (*Archilochus alexandrous*)
- Anna's Hummingbird (*Calypte anna*)
- American goldfinch (*Carduelis tristis*)
- +Wilson's Warbler (*Wilsonia pusilla*)
- Yellow-rumped Warbler (*Dendroica coronata*)

Page 1

Letter 22 Cont'd

Townsend's Warbler (*Dendroica townsendi*)
Lesser Goldfinch (*Carduelis psaltria*)
Western Tanager (*Piranga ludoviciana*)
+Spotted Towhee (*Pipilo erythrophthalmus*)
Varied Thrush (*Ixoreus naevius*)
+American Robin (*Turus migratorius*)
Red Crossbill (*Loxia curvirostra*)
+House Finch (*Carpodacus mexicanus*)
Purple Finch (*Carpodacus purpureus*)
+Oregon Junco (*Junco hyemalis*)
+Wren (*Chamaea fasciata*)
+Bushy-tit (*Psaltriparus minimus*)
+Chestnut-backed Chickadee (*Parus rufescens*)
* Dipper (*Cinclus mexicanus*)
Western Bluebird (*Sialia mexicana*)
+Stellar's Jay (*Cyanocitta stelleri*)
+Scrub Jay (*Aphelocoma coerulescens*)
Golden-crowned Kinglet (*Regulus satrapa*)
Ruby-crowned Kinglet (*Regulus calendula*)
Orange-crowned Kinglet (*Vermivora celata*)
California Towhee (*Quercus laevis*)
Winter Wren (*Troglodytes troglodytes*)
House Wren (*Troglodytes aedon*)
California Thrasher (*Toxostoma redivivum*)
Swainson's Thrush (*Catharus ustulatus*)
Hermit Thrush (*Catharus guttatus*)
+Olive-sided Flycatcher (*Nuttallornis borealis*)
+Pacific-slope Flycatcher (*Empidonax difficilis*)
+Brewer's Blackbird (*Euphagus cyanocephalus*)
Cedar Waxwing (*Bombacilla cedrorum*)
Song Sparrow (*Melospiza melodia*)
House Sparrow (*Passer domesticus*)
White-crowned Sparrow (*Zonotrichia albicollis*)
Golden-crowned Sparrow (*Zonotrichia atricapilla*)
Black Phoebe (*Sayornis nigricans*)
Red-winged Blackbird (*Agelaius phoeniceus*)
Common Raven (*Corvus Corvax*)

Note. Underlined species are BSSC species of special concern.

22-23

Note: not all of these birds are residents, many are transients and use this place to rest and feed, so that they can continue their migrations, lack of open spaces for certain species to rest and feed can cause adverse health effects, including starvation and failure to breed.

Page 2

Letter 22 Cont'd

22-23
Cont'd

+ Birds that breed in area, according to Sonoma County Breeding Bird Atlas.
(Madrone Audubon Society, editor Betty Burridge)

* These birds are not found within the conversion area, but reside, feed, breed or nest,
downstream of this area, and could be adversely affected by silt, pesticide and
herbicide use, and increased water runoff due to deforestation.

** Introduced or non-native species.

Mammals

Sonoma Chipmunk (*Eutamias sonomae*)
Western Pocket Gopher (*Thomomys umbrinus*)
Pacific Shrew (*Sorex pacificus*)
Shrew- Mole (*Neurotrichus gibbsii*)
California Vole (*Microtus californicus*)
Western Harvest Mouse (*Reithrodontomys megalotis*)
House Mouse (*Mus musculus*)
Deer mouse (*Peromyscus maniculatus*)
Dusky-footed Woodrat (*Neotoma fuscipes*)
California Myotis (*Myotis californicus*)
Little Brown Myotis (*Myotis lucifugus*)
Fringed Myotis (*Myotis thysanodes*)
California Gray Squirrel (*Sciurus griseus*)
Douglas Squirrel (*Tamiasciurus douglasi*)
Striped Skunk (*Mephitis mephitis*)
Raccoon (*Procyon lotor*)
** Opossum (*Didelphis virginiana*)
* River Otter (*Lutra Canadensis*)
Porcupine (*Erethizon dorsatum*)
Black-tailed Jack Rabbit (*Lepus californicus*)
Brush Rabbit (*Silvilagus bachmani*)
Gray Fox (*Urocyon cinereoargenteus*)
Coyote (*Canis latrans*)
Bobcat (*Felis rufus*)
Mountain Lion (*Felis concolor*)
**Wild Boar (*Sus scrofa*)
Black-tailed Deer (*Odocoileus hemionus columbianus*)
Black Bear (*Ursus americanus*)

Page 3

12

Letter 22 Cont'd

Reptile & Amphibians

Painted Ensatina (Ensatina picta)
Arboreal Salamander (Aneides lugubris)
Speckled Black Salamander (Aneides flavipunctatus)

Rough-skinned Newt (Taricha granulose)
California Newt (Taricha torosa)
Red-bellied Newt (Taricha rivularis)
Pacific Giant Salamander (Dicamptodon ensatus)
California Slender Salamander (batrachoseps attenuatus)
Pacific Treefrog (Hyla regilla)
Bullfrog (Rana catesbeiana)
* Foothill Yellow-legged Frog (Rana boylei)
Western toad (Bufo boreas)
* Western Pond Turtle (Clemmys marmorata)
Western Fence Lizard (Sceloporus occidentalis bocourti)
Western Skink (Eumeces skiltonianus)
Southern Alligator Lizard (Gerrhonotus multicarinatus)
Rubber Boa (Charina bottae)
Sharp-tailed Snake (Contia tenuis)
Western Yellow-bellied Racer (Coluber constrictor mormon)
Pacific Ringneck Snake (Diadophis punctatis amabilis)
Common Garter Snake (Thamnophis sirtalis)
California Red-sided Garter Snake (Thamnophis sirtalis infernalis)
California King Snake (Lampropeltis getulus californiae)
Gopher Snake (Pituophis melanoleuchus catenifus)

*Fish

* Pacific Lamprey (Lampetra tridentate)
* Steelhead (Onchorhinkus mykhiss)
Gualala Roach

*These animals are not found within the conversion area , but reside ,feed, breed or nest, downstream of this area , and could be adversely affected by silt , pesticide and herbicide use, and increased water runoff due to deforestation.

Page 4

LETTER 22: KATHY AND JAMIE HALL

Response to Comment 22-1

Please see Response to Comment 4-1 regarding the comment period for the DEIR.

The project proponent is seeking CAL FIRE's approval of a Timberland Conversion Permit and Timber Harvest Plan. The total proposed timber conversion area, as described in the latest THP for the project (see Appendix C to this Final EIR), is 154 acres. Approximately 151 forested acres of the project site are being preserved in perpetuity. Furthermore, any potential special-status species impacts occurring from the timber harvest operations are being mitigated as described in the Biological Resources chapter of the DEIR, Chapter 3.4, and certain responses in this Final EIR (see responses to Letter 1 submitted by the California Department of Fish and Game).

Response to Comment 22-2

The comment provides general concerns which are elaborated upon in the following comments; see the responses to specific comments below. The commenter states that Annapolis Road is the only feature separating their property from vineyard Unit 1a; however, a review of detailed aerial photographs reveals that the commenter's porch area is about 87 feet to the nearest vines. In addition to a fence, there is incidental vegetation and trees along the commenters' roadside. The wood fence now in place will limit both vineyard visibility and noise impacts relative to the Hall residence.

Response to Comment 22-3

Please see Responses to Comments 15-12 and 15-13.

Response to Comment 22-4

As stated in Impact Statement 3.8-1, the DEIR does acknowledge that the old saw mill could contain unknown subsurface chemical hazards as shown in the second paragraph of page 3.8-10.

“...because it is currently unknown whether the historical uses of the sawmill included wood treatment, the sawmill site could potentially contain currently unknown subsurface chemical hazards, including, but not limited to creosote, arsenic, and fire retardants.”

The DEIR determined that safety-related impacts pertaining to the presence of hazardous chemicals associated with the old sawmill site are potentially significant. Implementation of DEIR Mitigation Measure 3.8-1(a) located on pages 3.8-10 through 3.8-11 would mitigate potential impacts to a less-than-significant level by ensuring that any hazardous materials present on the proposed project site would be properly identified and disposed of, and any affected soils would be remediated in accordance with local, State, and federal standards.

- 3.8-1(a) *Prior to issuance of a demolition permit by the County for any on-site structures, the applicant shall provide a site assessment that determines whether the old sawmill foundation to be demolished contains asbestos and/or other hazardous substances. If asbestos and/or other hazardous substances are found at levels above the applicable fiber count (asbestos) or TTLC (other substances) set by DTSC, the application shall include an asbestos abatement plan and/or hazardous substance remediation plan and the contractor shall take appropriate precautions to protect his/her workers, the surrounding residences, and to dispose of any hazardous construction waste in a manner consistent with local, State, and federal standards, subject to approval by the County Building Official and DTSC.*
- 3.8-1(b) *Prior to issuance of grading and/or demolition permits, multiple soil samples shall be taken from the abandoned mill site and the samples shall be analyzed by a licensed toxic substances specialist. If hazardous chemicals are detected at levels in the soil samples above the applicable TTLC set by the DTSC, the applicant shall retain a licensed and certified hazardous waste removal contractor to prepare a remediation plan for the contaminated areas in accordance with local, State, and federal regulations and to the satisfaction of Sonoma County Environmental Health Department and the DTSC.*

Therefore, the DEIR did adequately address the hazards associated with the old sawmill.

Response to Comment 22-5

The comment does not address the adequacy of the DEIR but provides an opinion on the proper use of the project site. This comment is part of the record and will be considered by CAL FIRE as it continues to process the project in accordance with State and local requirements.

Response to Comment 22-6

For sedimentation concerns see Response to Comment 12-7.

The specific concerns behind the commenter's belief that the project would increase solar radiation to the general area are assumed to be related to loss of canopy cover, increased evapotranspiration, etc. Please refer to the "Water Balance" discussion in Chapter 3.7, *Hydrology and Water Quality*, of the DEIR, and Impact Statement 3.7-6, which discuss the potentiality for reduced canopy interception of rainfall following timber harvest to result in more precipitation getting to the soil for infiltration and reduced evapotranspiration.

Please see Responses to Comments 15-12 and 15-13 for concerns pertaining to loss of habitat and impacts to wildlife.

Please see Response to Comment 15-5 regarding impacts to important soil processes.

Response to Comment 22-7

DEIR, Appendix O, includes a hydrologic analysis documenting availability of water for irrigation. Groundwater effects are minimal owing to extremely limited groundwater use for the project. See Response to Comment 12-5.

Response to Comment 22-8

Please see Response to Comment 10-68.

Response to Comment 22-9

The short-term effects to air quality from dust operations have been discussed in Impact 3.3-1 in Chapter 3.3, *Air Quality*, of the DEIR. While the project would not result in the construction of a new development, conversion of the project site to vineyards has the potential to generate dust. However, the implementation of mitigation measures would require the preparation of an Erosion Prevention and Dust Control Plan which would reduce construction impacts of the project to a less-than-significant level by controlling the amount of dust that is generated by the project.

Please see Response to Comment 7-9 for a detailed response to chemical drift concerns.

As discussed in Chapter 3.9, *Transportation and Circulation*, of the DEIR, an average of two truck trips per day is expected to be required during the harvest season. The traffic analysis prepared for the project conservatively assumed a maximum of three truck trips per day during the harvest season. This low level of truck traffic for a condensed period of time associated with the harvest operations on-site would not result in a substantial amount of diesel fumes that would create health risks.

Response to Comment 22-10

The largest component of vineyard operational traffic is employee trips. Employee trips constitute home-to-work trips, lunch trips, errands, and other business trips. As noted in Chapter 3.9 of the DEIR, ten percent of the employees are expected to carpool from home to work, while 50 percent are anticipated to carpool for lunch. Errands and other business would be expected to generate 0.2 trips per employee. To be conservative in the traffic analysis, TJKM assumed a high percentage of car ownership among seasonal workers. Based upon an average occupancy of three employees per car for carpooling, average employee traffic is estimated at 128 trips per day.

Impact 3.3-2 in Chapter 3.3, *Air Quality*, of the DEIR discusses air quality impacts associated with additional vehicles and agricultural activities on the project site. As discussed, the analysis of the incremental daily emissions associated with the project is considered a worst-case scenario. The Reactive Organic Gases, Nitrogen Oxides, and PM₁₀ generated from the project's auto and truck traffic in pounds per day were all below the Northern Sonoma County Air Pollution Control District Recommended Significance Threshold.

See also Response to Comment 22-9 above and Response to Comment 6-8 for an updated greenhouse emissions discussion.

Response to Comment 22-11

Figure 3-7 below illustrates the fencing proposed for the Fairfax Conversion project. Deer exclusion fencing that is installed will only surround individual vineyard units, not the entire site. Thus, deer and other wildlife will be able to freely traverse the vineyard areas along the wildlife corridors indicated in the plan.

The DEIR discusses those impacts regarded as potentially and/or significant with respect to wildlife species, and CAL FIRE believes this discussion is comprehensive and in conformance with the CEQA.

The EIR's wildlife list consists of species observed on the project site during the several years of surveys and site visits conducted in 2006 and 2007. Its purpose is to accurately assess which species occur on and/or migrate through the project site.

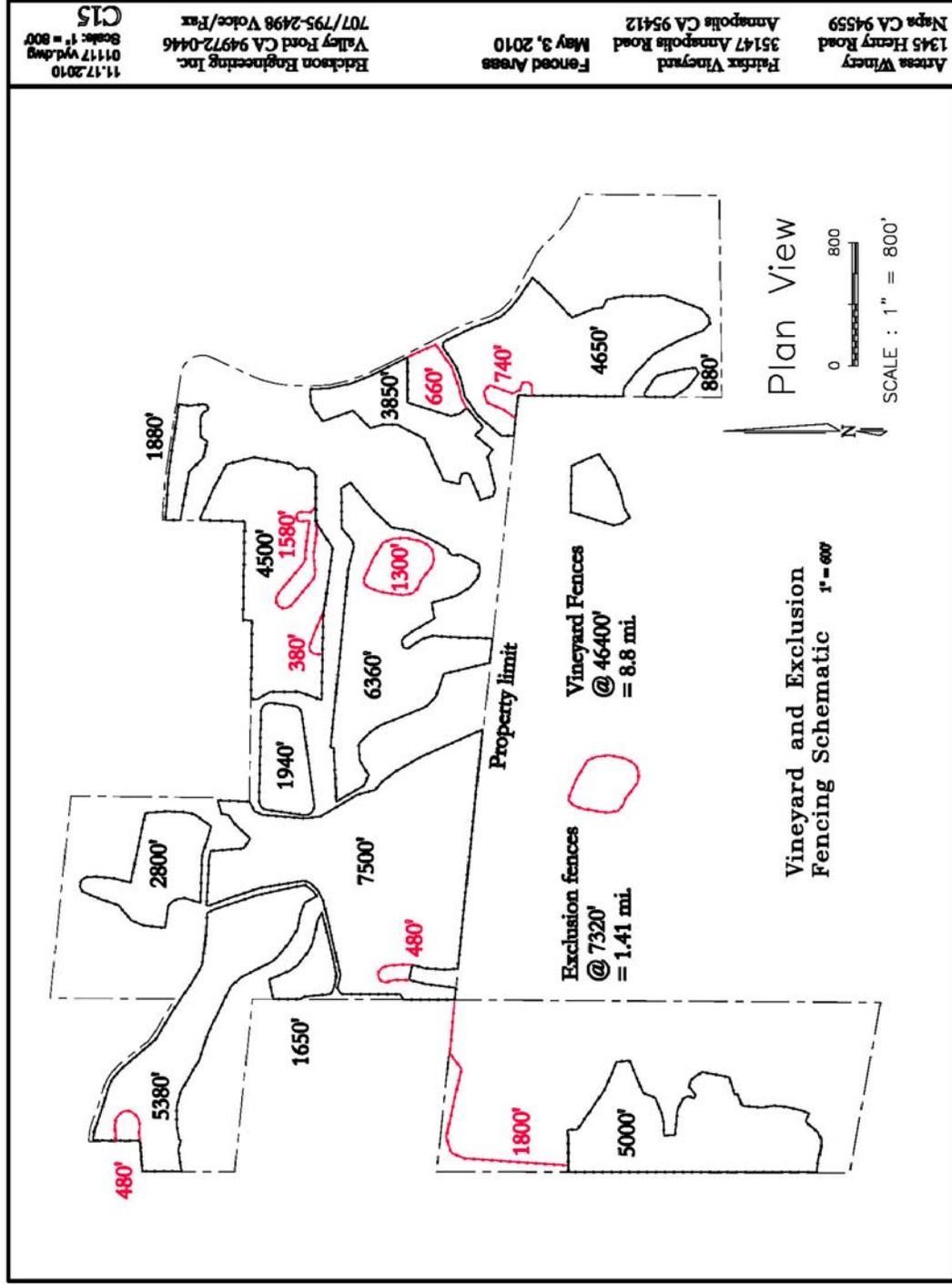
The species list provided by the commenters is an impressive one. However, although the commenter states that it is a list of species observed on or near the project site, the footnotes indicate that it also includes species not directly observed by the commenter, but rather taken from the Sonoma County Breeding Bird Atlas⁴⁰. The list also includes species that occur in lower watersheds below the project site, such as the northern river otter (*Lontra canadensis*), American dipper (*Cinclus mexicanus*), common merganser (*Mergus merganser*), red-breasted merganser (*Mergus serrator*) and belted kingfisher (*Ceryle alcyon*), all of which occur in open water habitats that are typically perennial and that support fish species. Suitable habitats for these species do not occur on the project site. In addition, the project site does not support fish species. Thus, this wildlife list cannot be used to compare with the EIR's list; nor can it be relied upon to further assess which species occur on the project site.

Response to Comment 22-12

The commenter advocates intensive survey by a professional archaeologist, of the Native American Village site, which we take to mean the site referred to as Artesa-01 in the DEIR. The site was recorded by Neri, and reexamined by Tom Origer & Associates. The commenter declares that the site is included in Kroeber's Handbook of the Indians of California. Although possible that the midden site on the Fairfax Conversion property is one of the villages mentioned by Kroeber, he gives no location information whatsoever. Artesa-01 is within an area designated as a preserve, and is not scheduled to be developed in any way. Based on these facts, additional work at the site would be unnecessary. The Kashia Pomo Tribal Historic Preservation Officer and other members of the tribe have visited all archaeological sites identified on the property, and mitigation measures were developed incorporating their input.

⁴⁰ Burrige, B. (ed). 1995. Sonoma County breeding bird atlas: detailed maps and accounts for our nesting birds. 216 pp. Madrone Audubon Society, Inc.

Figure 3-7
 Proposed Fencing Plan



Response to Comment 22-13

The DEIR provides quantitative information as to the amounts of fertilizer that will be used at the project site. As explained in the DEIR, nutrients will be utilized on as-needed basis based on annual monitoring results. (Draft EIR, p. 2-25.) If fertilizer is in fact needed, the DEIR states that fertilizer will be applied only once during the growing season. (*Ibid.*) The DEIR provides that on such occasion approximately 10 to 15 gallons of concentrated fertilizer would be applied per acre. (*Ibid.*) In addition, the DEIR states that an application of 12-26-26 fertilizer or gypsum may be used at a rate of 500 to 1,000 pounds per acre when called for, but not every year. (Draft EIR, p. 2-25.)

The DEIR analyzed potential impacts to waterbodies (e.g., Patchett Creek, Wheatfield Fork) resulting from the aforementioned fertilizer usage. The DEIR provides as follows:

As with any fertilizer application, there is potential for excessive nutrients in the site runoff to affect downstream water bodies. However, since the drip irrigation system will be used to apply fertilizers at agronomic rates (and rain is minimal during the growing season when they would be applied), it is likely that these constituents would not runoff into the surrounding streams. Furthermore the presences of 50-foot forested buffer areas between the vineyard blocks and onsite waterways [including a 100 foot buffer for Patchett Creek] will likely entrap applied fertilizers before leaving the site in the event that significant runoff does occur following an application.

(DEIR, p. 3.7-79.) The DEIR also notes that any agricultural chemicals, including fertilizers, must be applied at low, safe agronomic rates, utilizing permitted materials according to label directions and under the supervision of a qualified, trained vineyard manager. (DEIR, p. 2-25.) Thus, given the limited application of fertilizers onsite, as well as the buffers protecting onsite waterways from the planned vineyard operations, the DEIR concluded that direct or cumulative impacts to waterbodies from fertilizer usage would be less than significant. See also Response to Comment 1-12 for further discussion of the buffers employed on the project site.

Response to Comment 22-14

Please see Response to Comment 7-9.

Response to Comment 22-15

Please see Responses to Comments 10-50 and 12-5.

Response to Comment 22-16

For sedimentation concerns, see Response to Comment 12-7.

The comment notes that local rainfall data indicates that average annual rainfall at the project site is likely less than 70 inches. Please see Response to Comment 12-5 which demonstrates that the

proposed irrigation reservoir has been designed to not only fill during years of normal precipitation, but also during dry years.

The comment express concerns regarding potential adverse water quality impacts of vineyard block 1a on the commenter's "spring", which is an in-channel, on-stream diversion located on property owned by the project proponent. Current conditions are affected by surface runoff from Annapolis Road. Erosion control measures are expected to prevent adverse sedimentation effects, and the use of agricultural chemicals is expected to be extremely limited. The commenter's use of this spring is not described, and would appear to be a potentially unsanitary supply for domestic use owing to surface runoff from Annapolis Road. Conversion is expected to potentially result in increased summer base flow, which could be manifest as improved "spring" flow.

Response to Comment 22-17

The comment does not address the adequacy of the DEIR. However, it should be noted, as discussed in Chapter 1 of this Final EIR, that the applicant will set aside approximately 151 forested acres on the site, part of which would preserve a wildlife corridor running the length of Patchett Creek on the property. In summary, approximately 46 percent or nearly one-half of the project site will be preserved permanently to protect biological resources, including wetlands and important plant species.

Response to Comment 22-18

Potential noise impacts generated by the proposed project were discussed in Chapter 3.1, *Noise*, of the DEIR including, short-term construction noise impacts, long-term increase in existing traffic noise levels, and noise impacts related to operation of the vineyard. All impacts were determined to be less-than-significant with implementation of necessary mitigation measures. See also Responses to Comments 10-65 and 10-66.

Response to Comment 22-19

Please see Response to Comment 10-66.

Response to Comment 22-20

As stated in Impact 3.10-2 of Chapter 3.10, *Noise*, of the DEIR, the traffic study noted that the proposed project would be expected to result in a maximum traffic volume increase of 30 to 32 percent on local roadways during the harvest season, resulting in a maximum predicted traffic noise level increase of only 1.5 dB over existing baseline levels. Therefore, the increase generated from long-term increase in existing traffic noise levels are well below the 5 dB traffic noise significance threshold.

In addition, the traffic study prepared for the proposed project found that project traffic would not adversely affect any existing intersections, nor cause significant deterioration of the LOS on affected arterial roads.

Implementation of Mitigation Measure 3.9-2 of the DEIR would require the preparation of a Construction Traffic Management Plan prior to any logging taking place on the site. The plan would include temporary traffic control, temporary signage and striping, location points for ingress and egress of logging vehicles, staging areas, and timing of logging activity which appropriately limits hours during which large construction equipment may be brought on or off the site.

In addition, see Responses to Comments 22-9 and 22-10 regarding the commenter's air quality concerns.

Response to Comment 22-21

The commenter is concerned that the Cumulative Impacts assessment may be confined in its scope and may not account for past logging projects. However as indicated in the DEIR, the basis for determining the geographic scope of the various assessment areas is outlined in CEQA Guidelines section 15130(b)(3). The CEQA Guidelines dictate that the geographic scope vary depending on the type of impact discussed and these guidelines were followed in determining the scope of the assessment areas described in the DEIR. As correctly observed by the commenter, the proposed operations occur in three separate watersheds. A list of all projects occurring in those three watersheds in the last ten years is included in the DEIR as Table 4-1, and all projects were considered in the cumulative impact assessment.

Response to Comment 22-22

The comment expresses opinion on the project, which will be considered by CAL FIRE. See also Response to Comment 19-19 regarding the scope of alternatives considered in the DEIR.

Response to Comment 22-23

Please see Response to Comment 22-11.

Letter 23

05-Artesa (Fairfax) DEIR is incomplete on CALFIRE website.txt
From: Dave Jordan [webmaster@gualalariver.org]
Posted At: Monday, June 15, 2009 10:34 AM
Conversation: Artesa (Fairfax) DEIR is incomplete on CALFIRE website
Posted To: Sacramento Public Comment

Subject: Artesa (Fairfax) DEIR is incomplete on CALFIRE website

To: Allen Robertson, Deputy Chief, Environmental Protection,
CALFIRE/California Department of Forestry and Fire Protection

Re: SCH# 2004082094

Mr. Robertson,

I have downloaded and reviewed the "Fairfax Conversion Project Draft Environmental Impact Report" available on the CALFIRE website:
http://www.fire.ca.gov/resource_mgt/resource_mgt_EPRP_FairfaxDEIR.php

23-1

I believe that the files listed on your website are grossly incomplete. Please understand - I am not criticizing the Draft EIR prepared by Raney Planning & Management at this point. I am reporting that, as far as I can tell, CALFIRE's website fails to provide the public with access to a COMPLETE copy of the Draft EIR.

I have looked through every file listed on the Fairfax page of the CALFIRE website, and I can not find Chapters 6, 7 or 8 or Appendix M of the Draft EIR. According to the Table of Contents, Chapter 6 contains the Alternatives Analysis, and Appendix M contains "Assessment of Potential Hydrologic Effects," both of which are crucial for the public to be able to review.

23-2

Pages 1-12 and 1-17 of the report say that the Alternatives Analysis is located in Chapter 5, contradicting the Table of Contents, which says the Alternatives Analysis is located in Chapter 6 (I can't find it at all). This confusion within the report prepared by Raney P&M, combined with confusion in CALFIRE's presentation of the Draft EIR on their website, makes it impossible for the public to review and comment meaningfully on the proposed project.

23-3

CALFIRE's arbitrary division of the report into numbered "parts" which do not correspond to the chapter numbers of the report as prepared by Raney P&M may contribute to the confusion. CALFIRE apparently attempted to limit the size of each file, so that even those with dial-up internet connections (like most of the residents of Annapolis, the site of Artesa's proposed project) would be able to download the report, one part at a time. That's a good idea, and one that serves the public well.

However, it would be a *lot* easier to understand if the resulting files were given meaningful filenames which correspond to the section of the report they contain, rather than creating files with arbitrary sequential numbering.

For example, the file named "Fairfax_DEIR_Part5.pdf" contains Chapter 3.4 of the report. Wouldn't it make more sense to call the file "Fairfax_DEIR_Chapter3.4.pdf?" Then it would be much easier for the public to find the sections of the report in which they were interested, and it would be much easier to detect if entire chapters were missing!

23-4

Providing public access to reports, so that the public can be informed about potential environmental impacts and comment on those impacts, is fundamental to the California Environmental Quality Act (CEQA). Without access to a COMPLETE copy of the Draft EIR, it is impossible for the
Page 1

**Letter 23
Cont'd**

23-4
Cont'd

05-Artesa (Fairfax) DEIR is incomplete on CALFIRE website.txt
public to provide informed comments on the report.

Maybe all of the sections of the Fairfax Draft EIR *are* listed on CALFIRE's website, and I'm just not looking in the right places. If so, I apologize; please let me know where to find Chapters 6,7 & 8 and Appendix M.

23-5

On the other hand, if the missing chapters & appendix are NOT listed on CALFIRE's website, then I request that you:

a) Update the CALFIRE website to include all missing material;

b) Verify that the CALFIRE website provides a COMPLETE copy of the Fairfax Draft EIR;

23-6

c) Re-start the CEQA clock once the COMPLETE report is available, and extend the deadline for public comments on the Draft EIR so that the public has adequate time to review this voluminous report.

Thank you for your attention to this matter.

Regards,
Dave Jordan
PO Box 594
Gualala, CA 95445

cc:
Friends of the Gualala River
Sierra Club, Redwood Chapter
California Native Plant Society, DKY & Milo Baker Chapters
Peter Baye, ecologist
Paul Carroll, attorney

LETTER 23: DAVE JORDAN

Response to Comment 23-1

On the day this comment letter was sent, CAL FIRE provided the following emailed response:

Mr. Jordan,

Thank you for letting me know about problems with the posting of the DEIR for the Fairfax Conversion Project. You are correct in determining that the small file sizes were intended to assist the public that relied on dialup service; however, as you observed, this resulted in a large number of files. Unfortunately, the naming of files that only contain portions of chapters, leads to confusion so we numbered the files sequentially and provided the Table of Contents.

My apologies for the missing files. They have now been posted. With regard to the missing Alternatives Analysis, it is located in Chapter 6 of the DEIR (Part 10 of the electronic version). There were some errors you pointed out in Chapter 1 referring to the Alternatives Analysis being located in Chapter 5. Unfortunately, large complicated documents like this occasionally have such errors. The DEIR Table of Contents did correctly direct the reader to Chapter 6 for that information.

In regard to "restarting the CEQA clock", CAL FIRE does not intend to do that at this time. The Department has provided the public and agencies 60 days v. the normal 45 day public comment period for this review. As of today, there are 42 days remaining in the comment period. In addition, the DEIR was placed on the CAL FIRE Forest Practice website at the time the THP was submitted for filing on May 19th. And lastly, CAL FIRE will continue to accept comments on the project as a whole (both conversion and THP) until the last comment period ends. As you probably know, THPs frequently remain open for comment beyond the minimum.

Thank you for your assistance.

Allen Robertson

In summary, every inadvertent error that was brought to CAL FIRE's attention relative to the posting of the DEIR on its website was corrected as soon as possible. In addition, while there were a few inadvertent errors in CAL FIRE's posting of the Fairfax Conversion DEIR on the agency website, this posting was provided as a courtesy to the public, and such posting on the web is not required by CEQA. As stated in CEQA Guidelines Section 10587(a):

The lead agency shall provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to the Office of Planning and Research. If the United States Department of Defense or any branch of the United States Armed Forces has given the lead agency written notification of the specific boundaries of a low-level flight path, military impact zone, or special use airspace and provided the lead agency with written notification of the contact office and address for the military service pursuant to subdivision (b) of Section 15190.5, then the lead agency shall include the specified military contact office in the list of organizations and individuals receiving a notice of availability of a draft EIR pursuant to this section for projects

that meet the criteria set forth in subdivision (c) of Section 15190.5. This public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

- (1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
- (2) Posting of notice by the public agency on and off the site in the area where the project is to be located.
- (3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

Response to Comment 23-2

Chapter 1, *Introduction, Scope, and Summary*, of DEIR incorrectly states that the Alternatives Analysis is located in Chapter 5. Chapter 1 of the DEIR is hereby revised on page 1-12 for clarification purposes, as follows:

Chapter 5 – Alternatives Analysis

Describes the alternatives to the proposed project, their respective environmental effects, and a determination of the environmentally superior alternative.

Summary of the Project Alternatives

CEQA Guidelines §15126.6 directs that an EIR shall describe a range of reasonable alternatives to the proposed project, or to the location of the proposed project, which would feasibly attain most of the basic objectives of the project while avoiding or substantially reducing any of the significant effects of the project. This analysis must also evaluate the comparative merits of the alternatives. The following summarizes the alternatives which are evaluated in this EIR. A complete analysis of alternatives is provided in Chapter 5.

Response to Comment 23-3

Please see Response to Comment 23-1.

Response to Comment 23-4

Please see Response to Comment 23-1.

Response to Comment 23-5

Please see Response to Comment 23-1.

Response to Comment 23-6

Please see Response to Comment 23-1.

Letter 24

July 6, 2009

PUBLIC COMMENT on CODORNIU/ARTESA CONVERSION

TO: Allen Robertson, CDF

LAMENT FOR A WHITE KITE

I'm 19 years old, and from a small place called Annapolis, near the coast on the Sonoma-Mendocino county line. The Annapolis area in Sonoma County has a balance of grapes and forest. That's great and I would love to keep it that way.

I grew up at Starcross Community. I was very sick when I was a child and still often have a lot of trouble. The bed in my room, where I spent a lot of time as a child, faces a beautiful forest, which is home to my favorite bird: the Kite. It's a rare, white-tailed bird that hovers in the air. It is in decline. The Kite has always been a symbol of hope for me and still is.

Now I have learned that most of the trees in the Kite's forest were going to be cut down. No, it was not my neighbors doing that because they love the trees and the birds as much as I do. It's a huge multinational corporation in Spain called Codorniu. They seem to have no problem with cutting down 171 acres of redwoods to plant more grapes and make more money. Their people in Spain have never lived near this property nor do they ever plan to but they make all their decisions in a conference room in Spain. Those 171 acres are right where the Kites have made their home and where a lot of my childhood memories lie.

So many of my memories are about to be destroyed and turned into vineyard. I'm really going to miss the white-tailed Kites and all the hope they brought me. I am sorry that my children will not be able to experience them. It's a darn shame because those birds are special to me and have a lot of meaning to many of my neighbors here in Annapolis. I really wish there were something that we could do but it feels like there is no chance left for these birds.

These birds brought me hope and I wish I could do the same for them.

Holly McCarroll
34500 Annapolis Road
Annapolis Road, Annapolis, CA 95412

24-1

LETTER 24: HOLLY MCCARROLL

Response to Comment 24-1

White-tailed kites are considered raptors, which are protected under the Federal Migratory Bird Treaty Act. As discussed in Chapter 3.4, *Biological Resources*, of the DEIR, implementation of Mitigation Measure 3.4-5 would ensure that the proposed project would not result in significant impacts to nesting raptors and would result in a less-than-significant impact (See Response to Comment 1-17 for an updated version of DEIR MM 3.4-5). In addition, as stated on page 3.4-72 of the DEIR, "...“fully protected” birds, such as the white-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), are protected under California Fish and Game Code (§3511). “Fully protected” birds may not be taken or possessed (that is, kept in captivity) at any time.”

Letter 25

Mr. Allen Robertson
C.D.F & F.P.

RECEIVED
CDF

JUL 26 2009

RESOURCE MANAGEMENT
ENVIRONMENTAL PROTECTION

Randall Sinclair
36600 Annapolis Rd.
Annapolis, Ca. 95412

Dear Mr. Robertson:

25-1 I hereby, respectfully request CDF and the Board of Forestry, to deny the Fairfax/Artesa project, because it is not in the Public Interest to allow; for many reasons.

25-2 It is not in the public interest to convert forestland to vineyard monoculture because we are all presently aware of the Grape glut in California and valuable forestland, capable of production of quality wood products would be lost. The project applicants would counter, "these will be ultra-premium wine grapes that will produce wine that sells for \$50 to 100\$ per bottle and is an economic niche that bears our taking advantage of". This reasoning is only in the interest of the very few individuals (in my mind, "wine snobs") who feel that their taste buds are superior to ours; that they can taste nuances in the wine that the masses can't and that we should cater to their elitist tastes in life by allowing this project.

25-3 It is not in the public interest to allow this project to deprive the Pomo people, the State of California and the U.S. in general, of the vast, undiscovered Cultural and Archeological resources that would be lost in turning water into wine.

This site should be designated as an archeological district, instead of the minor role of village with scattered, isolated encampments. This site has National Historical Register potential.

25-4 The archeological surveys conducted so far are inadequate and the proposed mitigations are a farce. Further, indepth archeological investigations need be done by serious and qualified individuals who won't gloss over and misrepresent the actual and intrinsic value of the finds!

Sincerely:

Randall Sinclair
July 23, '09

LETTER 25: RANDALL SINCLAIR

Response to Comment 25-1

The State of California has adopted regulations that provide certain criteria for CAL FIRE's review and consideration of a proposed Timberland Conversion Permit. For example, Section 1106.4 of the California Forest Practice Rules states:

1106.4 Conversion Permit Denial

- (a) The Director shall deny a conversion permit:
 - (1) For any of the reasons set forth in PRC 4624;
 - (2) If, in the Director's judgment, the applicant has failed to provide satisfactory proof of his bona fide intent to convert;
 - (3) If the Director cannot make the findings required by PRC 21801 [sic], if an environmental impact report has been prepared;
 - (4) If the Director finds that necessary and feasible mitigation measures have not been incorporated into the proposed conversion; or
- (b) The Board upon appeal shall deny a conversion permit for any of the reasons specified in subsection (a) above.

Regarding the above-referenced Public Resources Code Section 4624, this section states:

4624. Denial of conversion permit; reasons. The board shall deny a timberland conversion permit for any of the following reasons:

- (a) The applicant is not the real person in interest.
- (b) Material misrepresentation or false statement in the application.
- (c) The applicant does not have a bona fide intention to convert the land.
- (d) The failure or refusal of the applicant to comply with the rules and regulations of the board and the provisions of this chapter.
- (e) The failure of the proposed alternate use in the application to meet the findings required in subdivision (a) of Section 4621.2 and other provisions of that section.

CAL FIRE will utilize the above statutes when considering whether to approve the proposed Fairfax Conversion TCP.

Pursuant to Section 4624.5, a person whose application for a timberland conversion permit has been denied shall be entitled to a hearing before the board pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Response to Comment 25-2

The comment is an opinion and does not address the adequacy of the DEIR; however, this comment will be considered by CAL FIRE as it continues to process the proposed project.

Response to Comment 25-3

Please see Responses to Comments 13-5 and 13-13 regarding the degree to which the project is

protecting archaeological resources. In addition, in terms of the formal TCP approval process, public interest is a necessary written finding only for conversions which are located on lands that are zoned as timberland production zones, and which, accordingly, require a rezone to allow conversion. The project site is not zoned TPZ; therefore, this finding does not apply.

Response to Comment 25-4

Please see Response to Comment 13-5.