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Redwood Chapter

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August 23, 2005

Sonoma County Board of Supervisors
575 Administration Drive, Room 100A
Santa Rosa, CA 95403-2887

Re: Timberland Conversion Ordinance

Dear Supervisors:

The Redwood Chapter of the Sierra Club representing 11,000 members, 6,000 of them residing here in Sonoma County, urges you to support Option 3 which will protect our remaining redwood and conifer forests by prohibiting land uses that require timberland conversion.

Throughout the General Plan update process, citizens of Sonoma County have consistently and overwhelmingly demonstrated their desire to protect coastal forests from permanent destruction through conversion to other uses. Public comment on this issue was nearly unanimous, with almost 100 citizens calling for the option that provided the most extensive forest protection - Option 3. Dissenting opinions were few, and some of those came from employed advocates of one specific timber conversion project.

In recognition of the public support for forest protections, the CAC recommended a modified version of Option 3. Since that time, members of the community have returned 1000 postcards declaring their further support for strong forest protections offered by Option 3. These postcards come from communities across the county, and will be presented to the Board of Supervisors at the August 23 hearing.

By the time the timberland conversion options reached the Planning Commission, a dangerous loophole had slipped into Option 3. This is the "no net loss" provision, found in Option 5 clauses b and c (April 21, 2005 PRMD Staff Report). Sierra Club urges that the "no net loss" allowance be removed from the proposed General Plan update and timber conversion ordinance for the following reasons. These points were previously delineated in Sierra Club's letter to the Planning Commission of April 7, 2005. The Board of Supervisors received carbon copies of that letter. The points are again

summarized here.

- The discussion of the timber conversion issue was fragmented, occurring in five meetings spanning a period of more than one year, which discouraged public review of the final result. Consequently, the CAC was not able to benefit from more public discussion that would have exposed the dangers of introducing the “no net loss” concept into the General Plan.
- Another Option 3 modification recommended by the CAC, incorporation of protections against habitat fragmentation, was removed from the forest conversion ordinance on the advice of County Counsel. Counsel concluded that protections against habitat fragmentation were beyond the jurisdiction of the County and should be dropped. Whether we agree with County Counsel’s analysis or not, the result is that an important safeguard will be stripped from the implementing ordinance. Protection against habitat fragmentation was one check against the dangerous “no net loss” allowance (clause c in Option 5) and also the equally problematic loss of timberland that would occur under clause b of Option 5 which would allow timberland conversions if a significant overriding public benefit is demonstrated. The removal of habitat fragmentation protection, while retaining the public benefits “net loss” provision (clause b) and the “no net loss” allowance (clause c), results in an unbalanced and overly permissive ordinance.
- Without specific standards, and a rigorous mechanism for monitoring and maintaining easements, promises to protect forests in perpetuity are meaningless.
- The apparent meaning of “no net loss” is that a developer will be allowed to destroy a portion of timberland in exchange for not destroying another portion of timberland. It is misleading to call such an arrangement “no net loss”, when it clearly will result in a net loss of timberland. This “net loss” would clearly be the case under clause b of Option 5 that allows conversion of one acre of timberland if two acres of timberland are preserved and a significant public benefit is found. A net loss of timberland would also occur under clause c of Option 5 (referred to by PRMD staff as the “no net loss” clause) which would allow conversion of one acre of timberland if two acres of under stocked timberland are rehabilitated. The only way to actually achieve a true “no net loss” would be to require that previously converted (lost) timberland be brought back as timberland. This may be the intent of clause c, but it is not worded in a way that would guarantee this result. Again, fragmentation due to any new conversion would still be a problem.
- The “no net loss” concept dovetails perfectly with the proposed Preservation Ranch development, which would convert 1900 acres of forests to vineyards. Including the “no net loss” allowance in the General Plan and implementing ordinance will encourage this massive development. In that respect it will be even worse than the existing General Plan, which is neutral – neither encouraging nor discouraging forest conversions. Given the potential of the “no net loss” allowance to stimulate Preservation Ranch and other forest conversion projects, the

County should consider carefully the requirements for public review as dictated by the California Environmental Quality Act.

For these reasons, the Redwood Chapter of the Sierra Club, as well as other organizations, ask you to remove the “no net loss” loophole present in both clauses b and c of Option 5, from the County General Plan and timber implementing ordinance. We continue to urge that you support Option 3 which has the demonstrated support of the public.

More recently questions have been raised at the Planning Commission hearing and in the press regarding the demonstrated need for a timberland conversion ordinance at this time. Two lines of inquiry have been raised: 1) the number of conversions to date has been relatively small, hence there is no real problem at hand, and 2) Conversions are already regulated by California Department of Forestry (CDF); hence County involvement is unnecessary and redundant.

Sierra Club wishes to respond to both of these points. Regarding point 1, no real current threat:

- PRMD staff reports, "The acreage of conversion requests currently pending at CDF in 2005 is greater than all the conversions approved over the last decade."
- The above finding does not even take into consideration the proposed Preservation Ranch conversions, which alone, at 1900 acres, would constitute a 250% increase in converted acres.
- Gail Davis, who oversees the County's hillside ordinance, reported at the April 21, 2005 Planning Commission hearing that she has been receiving quite a few developer inquires about the conversion process indicating considerable and increasing interest.
- Ms. Davis also stated that she tells the inquiring parties that currently almost all conversion applications are challenged in court. She indicated that this information may be deterring or dampening some developer interest in conversion based projects. As one of the community groups that have been involved with challenging conversion projects in court, Sierra Club wants to emphasize that depending on local community groups to hold these projects at bay, via litigation, is not a defensible or satisfactory substitute for sound public policy.
- The North Coast Regional Water Quality Control Board just recently weighed in on this issue with support for Option 3 based on their concerns about conversion impacts on water quality – particularly in this region where every north coast river is already listed as impaired, in most cases due to both excessive sediment and temperature.

Regarding point 2, no need to duplicate regulatory efforts:

The aerial photographs of the Gualala River watershed, provided to you by Russian River Residents Against Unsafe Logging (RRAUL), attest to the inadequacy of the current regulation of timber practices. The same agency that oversaw that outcome, California Department of Forestry (CDF), is responsible for permitting timberland conversions.

The current permitting process works like this:

The developer submits an application for Timber Conversion Permit (TCP) to CDF. Routinely, CDF grants the permit with a negative declaration, stating there are no significant environmental impacts.

Routinely, some local, volunteer-run, cash-limited, community group, such as Redwood Chapter of the Sierra Club, Coast Action Group, Friends of the Gualala River, based on scientific documentation of environmental impacts, challenges the TCP in court.

Just as routinely (but several thousand dollars later) the court rules in the community group's favor – declaring that there are scientifically based environmental impacts that must be addressed, and, therefore, CDF must rescind the permit. This means the developer must either drop the project or prepare an Environmental Impact Report.

The real problem comes next. The EIR will eventually go back to CDF for approval. So the same agency that (in opposition to the intent of the law) originally found no significant environmental impacts, is now in the position to determine if the EIR is good enough, that is, does it in fact address and mitigate for the environmental impacts. How adequate do you suppose that review process is likely to be?

This often repeated course of events demonstrates that there clearly is a role for the County to play in protecting county's timberland resource. The current regulatory process is not adequate. Redundancy is not an issue.

For the reasons stated above, Redwood Chapter of the Sierra Club urges the Board of Supervisors to adopt Option 3, with a clause allowing exceptions for 'public use or facilities' (similar to clause a of Option 5). The other alternatives, including Option 5 clauses b and c, are inadequate, or cloak destruction in the guise of protection.

Maintaining healthy and productive forests as well as protecting natural resource lands, including watershed, fish, and wildlife habitat and biotic areas, as called for by section 2.8.1 of the Land Use Element of the General Plan will be achieved with your support for Option 3. Current Sonoma County residents and visitors, as well as future generations, will thank you for your foresight in protecting the balance of urban, agricultural and forest land that makes Sonoma County the very special place that it is.

Sincerely,

Margaret Pennington
Chair, Redwood Chapter Sierra Club