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**For immediate Press Release, Dec. 9, 2005.**

The Board of Supervisors will again take up the **timberland ordinance** question at a public hearing on Tuesday, Dec. 13, at 2:15 at the BOS hearing room.

The **Sierra Club** and **Sonoma County Conservation Action** have been following the progress of the ordinance and commenting on it. The present ordinance proposal, although somewhat improved from previous iterations, does not offer sufficient protections in allowing conversion of timberland to agricultural uses. We are holding a joint press conference at 2:00 on Monday, Dec. 12 at the Sonoma County Environmental Center, to discuss the issues involved. The Environmental Center is located at: 404A Mendocino Ave, Santa Rosa (phone 707-578-0595).

The key objection to the present ordinance language is this. At their last hearing the Supervisors explicitly directed Permits and Resource Management to "Draft a zoning code interpretation for the Board's consideration clarifying that agricultural cultivation is a permitted use within the TP District only on lands that are not considered timberland by CDF". But the present ordinance language is not explicit about this point; it could allow unwarrantable timberland conversion. The additional protections for Site Class I and II timberlands and for riparian zones which had been earlier discussed only come into effect on lands zoned RRD, and RRDWA, but not in TP zoning. Since much of the forest we are discussing is TP, this affords no County protections on the TP lands.

The current PRMD Staff Report can be found at: <http://www.sonoma-county.org/prmd/timber/reports.htm>. Please contact Jay Halcomb or Craig Litwin (see below), for more information. We have other objections to the present language, which we will explain on Monday. Please also see the background material below, or in the attached PDF.

Thank you,

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Redwood Chapter, Sierra Club

Anne Hudgins, Chair  
Sonoma Group, Sierra Club

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Sonoma County is developing a timberland ordinance to regulate conversions of forested land to other uses. Protecting forests from conversions has received more public comment than any other issue before the Board (1).

The urgency for strengthening forest protections comes from the number of recent applications to replace coastal forest with vineyards in the West County. Many of Sonoma County's forests have been battered by years of abusive and non-sustainable logging practices. Now the forested watersheds of the Gualala, which are already listed for both temperature and sediment impairments, face an even greater threat: permanent destruction through conversion to vineyards (2).

The increasing threat of deforestation by vineyard conversion

Forested acres on steep ridge tops are in peril of permanent conversion to intensive agriculture and 'starter castle' residential development. Other conversions are in the pipeline, and the Permits and Resource Management Department has received this year applications for the conversion of more acreage than in the previous decade.

The largest ever such project in northern California is now being designed on a 19,000 acre parcel in the Gualala River watershed. It aims to convert 1,900 acres to vineyards, and is called 'Preservation Ranch' (by Premier Pacific Vineyards). This project has been funded by CalPERS, the largest, and one of the most successful, public retirement trust funds in the United States. CalPERS should be, and is attempting to be (3), a leader in encouraging sustainable agricultural practices. In particular, we hope that they will avoid the depletion of scarce water resources and the destruction of forests, open space lands and native habitats. But it is feared that in funding such an environmentally sensitive project as Preservation Ranch, CalPERS has not done due diligence in its initial foray into environmental investing (4). While environmentalists are attempting to work with CalPERS and the project managers to forestall these dangers, the dangers underscore the immediate need for a strong County timberland ordinance governing conversions.

Suggestions for the timberland ordinance

We urge the Supervisors to prohibit timberland to vineyard conversions altogether; Sonoma County already has adequate non-forested agricultural land available for vineyard production. But as we understand that the Supervisors will not consider an outright prohibition upon forest conversion, we wish also to offer them our own suggestions for an ordinance governing timberland conversions which will provide an adequate measure of forest protection. We have read the latest proposed language from the Permit and Resource Management Department, and are we approve some of the revised ordinance language, but we find certain deficiencies,

as follows.

At their last hearing on the proposed ordinance, the Supervisors (in part) directed PRMD to “... draft an ordinance that has the following features... 4) ... a zoning code interpretation... clarifying that agricultural cultivation is a permitted use within the TP district only on lands which are not considered timberland by CDF.” (P. 1, PRMD Staff Report, 12/13/05).

Much of the forestland we are particularly concerned to protect from agricultural conversion is presently zoned TP (rather than RRD or RRDWA). Yet the new language proposed by PRMD does not entirely clarify this point, as it says (P. 5-6, PRMD Staff Report, Exhibit A) : “Major timberland conversions shall require a use permit in the RRD, RRDWA, and TP zoning districts. In the RRD and RRDWA zoning districts, major timberland conversions may be allowed for permitted uses and uses permitted with a use permit. In the TP zoning district, major timberland conversions shall be limited to permitted uses and uses permitted with a use permit that do not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.”

This language, importantly, does not clarify the Supervisors request that “ agricultural cultivation is a permitted use within the TP district only on lands which are not considered timberland by CDF.” The appropriate way to make that clarification is to make exactly that statement of permitted use explicitly in this Code section itself, and we strongly urge the Supervisors to do just that, to avoid any possible confusion. In this regard it is particularly important to notice that in the proposed ordinance language the forest protection benefit of other PRMD forest protection language respecting stream setbacks and prohibiting conversion of Site Class I and II timberland do not apply in TP zoning, but only to RRD and RRDWA.

Our other recommendations are (irrespective of zoning, whether it be zoned TP, RRD, or RRDWA):

- I. Require that a finding of a public benefit must be made by the County for any proposed conversion.
- II. Require that no conversions be permitted which are:
  - A. on slopes steeper than 15 percent (to prevent erosion), or
  - B. within 600 feet of a riparian zone (for riparian protection), or
  - C. above an altitude of 500 feet (to protect the ridge-tops of higher and steeper elevations, which are particularly subject to erosion).
- III. Require that no conversions be permitted on Site Classes I, II, or upon Site Class III lands which will be at least minimally stocked (according to the California Forest Practice Rules) within 10 years of the application – this determination to be certified by a Registered Professional Forester. Most of our Sonoma County timberland is Site III, and this will permit conversions to be done only of the poorest timberland, thus retaining most of our forest for the beneficial purposes of sustainable forestry. Much of the land we are discussing has already been heavily logged, and over-logged. This land badly needs to be given time to recover, and no forest should be sacrificed to conversion which evidences a reasonable ability to recover as functioning forest; the fostering of sustainable forestry on Sonoma County timberland is a primary goal of the County General Plan.

- IV. Require that all conversion applications be certified by inspection and accompanied with a report of their accuracy, made by an independent Registered Professional Forester hired by the County. This to be paid for by an appropriate fee collected by the County for the administration of the permit.
- V. Require that for each acre proposed for conversion, 3 (not 2) acres of at least minimally stocked Site III (or better) timberland (5) be permanently retained under a conservation easement attached to the ownership of the property (one which may, however, permit sustainable forestry under the FPRs).

The tragedies of the Katrina and Rita hurricanes have reminded us of the harms which a failure of foresight can bring, while deforestation worldwide is the second leading contributor to the threat of human-induced global warming. We hope the Supervisors will bear these important lessons in mind as they contemplate action on a timberland ordinance, and will align their timberland ordinance with other actions which they have recently taken (on Sept. 22, in setting greenhouse gas emissions targets).

Margaret Pennington, Chair Redwood Chapter, Sierra Club	Craig Litwin, Co-Director Sonoma County Conservation Action
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Anne Hudgins, Chair Sonoma Group, Sierra Club	Jay Halcomb, Chair Forest Protection and Vineyard Committee Redwood Chapter, Sierra Club
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(1) 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.

The Supervisor's hearing room at a meeting on the timberland ordinance was packed with supporters calling for a prohibition on forest conversions. There was a standing room only crowd, overflowing into the corridors, and 90% or more were wearing green ribbons showing their support for keeping our remaining forests as forests. 90% or more of the public comments that night were in support of our forests. Additionally, the Sierra Club delivered 1,000 postcards to the Board urging the County to adopt strong forest protection. Public comment on this issue, in general, has been nearly unanimous, Dissenting opinions in the matter have been few, and most of those come from employed advocates of one specific timber conversion project.

The Board at that meeting, however, rejected an outright prohibition on conversions, and instead directed County Staff to prepare alternative measures for its further consideration.

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(2) The Gualala River watershed is in serious trouble from previous logging operations, and is now listed by State and Federal agencies for both temperature and sediment impairments. The slopes above the river have been over harvested by previous timber operations, which left the forest in large part even-aged, with intense competition among species – hardwoods and commercial timber. The steepness, geology, and soil types are, in part and in combination with the intense harvest history, responsible for aggravated and accelerated erosion processes. Fishery and wildlife conditions in the Gualala basin have also suffered,

and water supply in various regions of the watershed is also increasingly a serious problem. All of these existing conditions will place have additional burdens placed on them on large scale industrial vineyard development.

Increasingly, coastal forests of our North coast counties, especially Sonoma, Napa and Lake Counties, being converted for vineyard development leading to significant loss of Redwoods, Douglas Firs, mixed Oak woodlands and chaparral. CalPERS recently provided funding for a project (Preservation Ranch/Premier Pacific Vineyards, Inc.) that will destroy 1,900 acres of forested land in Sonoma County in order to develop vineyards on it. The project property involves a total of 19,000 acres, much of it forested. Potential environmental impacts from that project include increased sedimentation into creeks and rivers, percolation of pesticides and fertilizers into the watershed, the loss of habitat for wildlife and fish, the disruption of wildlife corridors, and reduced carbon dioxide absorption that will further contribute to global climate change.

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(3) CalPERS should be a leader in encouraging sustainable agricultural practices that avoid the depletion of scarce water resources and the destruction of forests, open space lands and native habitats.

In February, 2005, CalPERS announced a policy of seeking "Greater Disclosure of Environmental Data Under New Corporate Governance Initiative" and approved a plan to Pshine light on corporate environmental liabilities, improving transparency and timely disclosure of environmental impacts." "Information is a necessary tool for investors," said Rob Feckner, Acting President of CalPERS. "Shareowners need information on environmental liabilities to make informed investment decisions and access costs associated with the impact to the environment." In March and April 2005 CalPERS made additional related announcements and actions, including a CalPERS workshop, "An Exploration into Environmental Investing".

An article in the February 15, 2005 San Francisco Chronicle stated that CalPERS trustees had voted to "...use its clout to pressure businesses to release more information about corporate effects on the environment. The vote is the final step in an effort by the California Public Employees' Retirement System to use environmental measures as one guide in its investments".

We applaud the goals mentioned, and appreciate the occasions afforded by CalPERS earlier to discuss our concerns. Despite these good intentions, however, we believe that CalPERS review of such projects has been deficient. We are deeply concerned about a use of CalPERS retirement funds that will contribute to deforestation of California's open space lands.

Sonoma County CalPERS retirees and members have written to the President of the CalPERS Board of Administration in Sacramento to protest the proposed funding of such environmentally damaging projects. We encourage the public to do likewise. Comments can be sent to: Mr. Rob Feckner, President, CalPERS Board of Administration, P. O. Box 942702, Sacramento, CA 94229-2702

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(4) Questions from re the Preservation Ranch project and CalPERS involvement. The first group of questions is specific to the Preservation Ranch project:

1. What due diligence assessment and analysis of the business model, costs, and profit potential related to the project did they do? This includes assessment of the value of the properties purchased - including timber inventory, valuation, and timber production potential. Was assessment done by independent experts? What information did CalPERS have about the current conditions of the lands, prior to approving the investment? Particularly re stocking.
3. What specifics did CalPERS take into account re any restoration plans for the properties? The acreages and the nature of consultancy being contemplated in this regard, if any, and the type(s) of restoration contemplated (afforestation, reforestation, reclamation, rehabilitation)? What would be the time frames involved, and the projected growth rates?
4. Re restoration efforts: what plans were made to consider habitat fragmentation, diversity loss, microclimate impacts, and related ecological issues?
5. What did CalPERS learn about the plans for subsequent timber harvesting in regards to financing the project and financing restoration efforts? What are the silvicultural operations contemplated, and the amounts, and time frames? What is the expected yield?
6. What did CalPERS learn about the expected situation and the plans for water use, and water rights and permits? For erosion control and hydrological issues?
7. What were the road issues, and how much road maintenance and further road development is being planned? What further infrastructure will be necessary?
8. What were the projected soil impacts of conversions, and what chemical treatments are planned?
9. What were the plans for further development and possible subdivision of the property?
10. Has the project considered Scientific Certification Systems (SCS – the Forest Stewardship Council)?

General questions regarding CalPERS environmental investments:

- 1'. While the California Environmental Quality Act (CEQA) provides that the environmental impacts of a project must be identified, analyzed, and appropriate mitigation measures identified, this process usually starts after a project is well on its way to approval and development. By incorporating in its initial analysis of proposed projects, an approach such as (LESA) to rate various factors related to environmental concerns, CalPERS can ensure that projects would not be approved, or facilitated with state retirement funds that are detrimental to the environment, agriculture, wildlife and natural resources,
- 2'. Does CalPERS use the Land Evaluation and Site Assessment (LESA) Model when analyzing a proposed investment project before approval?
- 3'. Are the environmental impacts analyzed and assessed before an investment project is approved and if so, how?
- 4'. When reviewing investments related to agriculture does CalPERS consider any current restrictions on the land such as Williamson Act contracts and/or conservation easements?
- 5'. Is conversion of prime soils taken into consideration?
- 6'. Is water resource availability considered?
- 7'. Is the amount and rate of soil erosion from project conversion analyzed for impacts to streams, soil loss, possible control features, etc.?

8'. In agricultural related investments does CalPERS analyze the potential for creating leap frog development, growth driven development, general plan compatibility, alternative sites for the type of proposed investment?

9'. Does CalPERS use a weighted calculation of various factors to determine negative impacts to the environment, soil erosion, wildlife habitat and wildlife corridor impacts, water availability and impact on underground aquifers, streams and rivers, and other environmental factors particular to the project area?

10'. Would CalPERS cooperate with environmentalist to develop a version of LESA or other rating model to incorporate along with the financial investment analysis in determining whether to approve or disapprove an investment if the environmental impacts are detrimental?

(5) Why do we especially need to preserve Site Class III, as we've indicated above? There is almost no Class I or II in private TPZ, for instance, the bulk of it is III. The percentages of Site Classes are probably similar in RRD – although there seems to be no information available at either CDF or the County about this; this is just one more reason why we would very prefer to see more science involved in the ordinance formulation process.

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Table 7. Timberland Production Zone (TPZ) acreage by Site Class in California as of 2000-2001

County	Total Acreage	Site Class				
Sonoma	82,819	I	II	III	IV	V
		-	3,551	51,664	21,712	5,892

Source: Timberland Site Class on Private Lands Zoned for Timber Production, Forest Resource Assessment Project – CDF,  
[http://frap.cdf.ca.gov/publications/Timberland\\_Site\\_Class\\_on\\_Private\\_Lands\\_Zoned\\_for\\_Timber\\_Production.pdf](http://frap.cdf.ca.gov/publications/Timberland_Site_Class_on_Private_Lands_Zoned_for_Timber_Production.pdf)