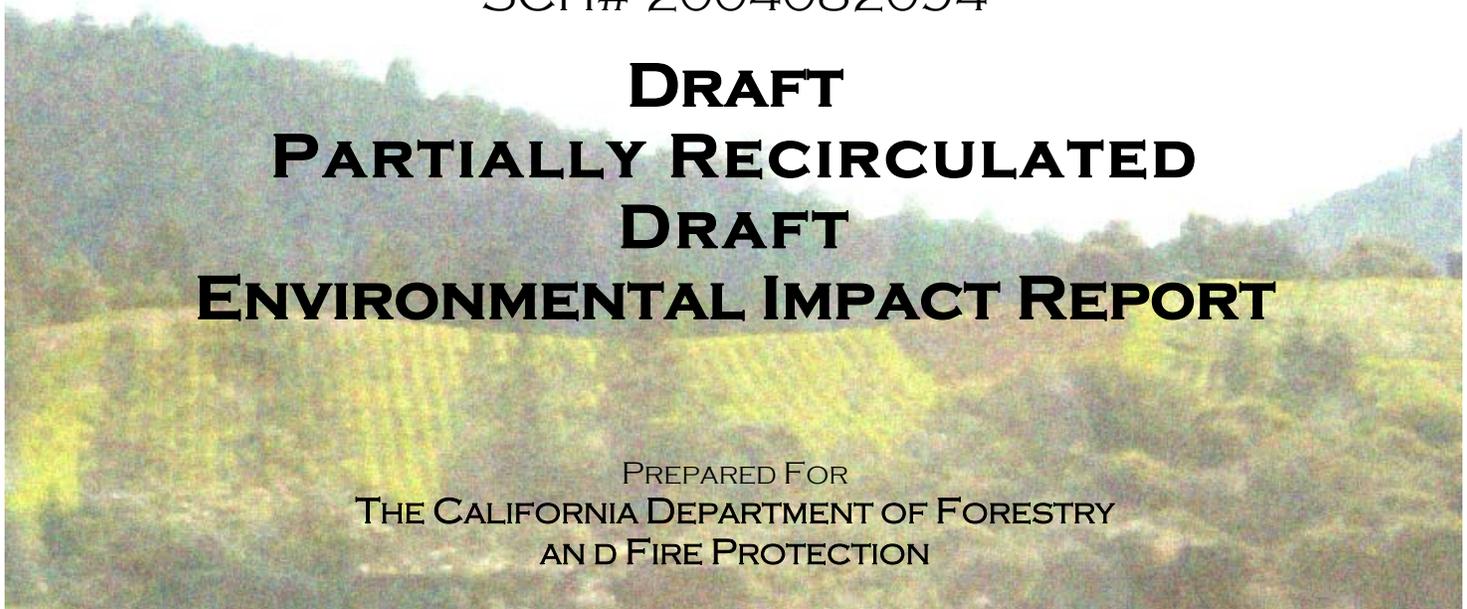


# FAIRFAX CONVERSION PROJECT

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SCH# 2004082094



**DRAFT  
PARTIALLY RECIRCULATED  
DRAFT  
ENVIRONMENTAL IMPACT REPORT**

PREPARED FOR  
THE CALIFORNIA DEPARTMENT OF FORESTRY  
AND FIRE PROTECTION

MARCH 2011

PREPARED BY  
RANEY PLANNING & MANAGEMENT, INC.



1501 SPORTS DRIVE, SACRAMENTO, CA 95834

**Fairfax Conversion Project  
Partially Recirculated  
Draft Environmental Impact Report**

SCH# 2004082094

Prepared For  
The California Department of Forestry and Fire Protection  
(CAL FIRE)

Prepared By  
Raney Planning & Management, Inc.  
Sacramento, CA

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## 1. INTRODUCTION

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## 1.0 INTRODUCTION

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### INTRODUCTION

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This Partially Recirculated Draft Environmental Impact Report (DEIR) was prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended. CEQA Guidelines §15088.5 requires the recirculation of some or all portions of a draft EIR when significant new information is added to the EIR after public notice is given.

The California Department of Forestry and Fire Protection (CAL FIRE) is the lead agency for the environmental review of the proposed Fairfax Conversion Project (the Project) evaluated herein and has the principal responsibility for approving the project. At the time it is called upon to consider approving the Project, the Director of CAL FIRE shall consider the information in the EIR along with other information that may be presented to CAL FIRE during the environmental review process.

It should be noted that the two chapters presented in this Partially Recirculated DEIR (Cultural Resources and Cumulative Impacts) are revised versions of chapters included in the original DEIR. New text in these chapters is shown in double-underline and deleted text is shown with ~~strike-outs~~.

### BACKGROUND

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The DEIR was circulated to the public for a 60-day public review period from May 29, 2009 to July 28, 2009. A total of 36 comment letters were received during the open public comment period on the DEIR and Timber Harvest Plan (THP) from residents, State and local agencies, and organizations. In addition, written comments were provided specifically on the THP by the State agencies comprising the THP review team and during the pre-harvest inspection.

The original DEIR contained the following technical chapters:

- Chapter 3.2 – Land Use
- Chapter 3.3 – Air Quality
- Chapter 3.4 – Biological Resources
- Chapter 3.5 – Cultural Resources
- Chapter 3.6 – Geology
- Chapter 3.7 – Hydrology and Water Quality
- Chapter 3.8 – Hazards
- Chapter 3.9 – Transportation and Circulation
- Chapter 3.10 – Noise

- Chapter 3.11 – Aesthetics
- Chapter 4 – Cumulative Impacts

Based on the responses received on the project, CAL FIRE made the determination to update two DEIR sections: Chapter 3.5, *Cultural Resources*; and Impact Discussion 4-3, *Cumulative Contribution to Global Climate Change*, in the *Cumulative Impacts* chapter. In response to comments, CAL FIRE has added some additional discussion and analysis to these two DEIR chapters, and while no new impacts have been identified as a result, CAL FIRE has decided to recirculate them separately from the original Draft EIR for a full 45-day period.

## **SUMMARY OF TEXT CHANGES**

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### **Chapter 3.5, Cultural Resources**

The revisions to the Cultural Resources chapter are primarily driven by the additional resources found on the project site since the release of the DEIR for public review. The Cultural Resources chapter has been revised to describe generally these additional archaeological resources and demonstrate that the project has been redesigned as appropriate to avoid these resources. In addition, the existing DEIR mitigation measures have been revised as a further precautionary measure to ensure that all known archaeological resources on-site will be protected. The revisions to the Cultural Resources chapter are primarily based upon two source documents: *An Archaeological Survey Report for the Artesa/Fairfax Timber Harvesting Plan*, August 6, 2009, revised May 6, 2010; and *A Supplemental Cultural Resources Survey for the Artesa/Fairfax Timber Conversion, Sonoma County, CA*, Origer & Associates, December 15, 2010. These documents are not included as appendices to this Partially Recirculated DEIR due to their confidential nature.

### **Impact Discussion 4-3, Cumulative contribution to Global Climate Change, in the Cumulative Impacts Chapter**

The revisions to the Cumulative Impacts chapter have been carried out to provide a more detailed greenhouse gas emissions analysis for the project in Impact 4-3. In particular, the DEIR analysis has been expanded to include within the existing carbon sequestration analysis all key carbon pools, including soil carbon for both forest and vineyard land use types. The existing greenhouse gas emissions analysis now also includes estimates for carbon emissions associated with all phases of timber harvest, vineyard construction, and vineyard development. The additional analysis of greenhouse emissions contained in this Partially Recirculated DEIR, and the carbon sequestration dynamics on-site pre- and post-harvest, while detailed in its evaluation of all phases of the proposed project, only serves to demonstrate on a more comprehensive level that which was originally determined in the Fairfax Conversion DEIR – that is, the Fairfax Conversion project would result in a less-than-significant impact to climate change in large part due to its design, including the preservation of 151 forested acres, substantial planting of native

vegetation along upper Patchett Creek, use of chipping versus burning for slash materials, etc.

## **SUBMITTAL OF PUBLIC COMMENTS**

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CEQA requires a lead agency to issue new notice and “recirculate” a revised EIR, or portions thereof, for additional commentary and consultation if, subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds "significant new information" to an EIR. (Pub. Resources Code, section 21092.1; CEQA Guidelines, section 15088.5; *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1993) 6 Cal.4th 1112 (*Laurel Heights II*)). CEQA Guidelines section 15088.5 provides four examples of disclosure which constitute “significant new information” for purposes of requiring recirculation of a revised EIR:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; or
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revised environmental document must be subjected to the same "critical evaluation that occurs in the draft stage," so that the public is not denied "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." (*Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822; see also *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 131.)

Recirculation of an EIR requires notice pursuant to CEQA Guidelines section 15087, and consultation pursuant to section 15086. (CEQA Guidelines, section 15088.5, subd. (d).) Where an agency determines that recirculation is required, the agency can satisfy its obligation by reissuing only the revised part or parts of the EIR, rather than a whole new document. "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified." (CEQA Guidelines, section 15088.5, subd. (c).)

Notably, the recirculation of only “portions” of a draft EIR does not permit commenters to comment anew on topics not subject to a partial recirculation. CEQA Guidelines section 15088.5, subdivision (f)(2), provides:

When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Pursuant to this provision, CAL FIRE directs that public comments must be restricted to the newly circulated information contained in this document related to Cultural Resources, and specifically, within the Cumulative Impacts chapter, the subject of Climate Change – Impact Statement 4-3.

CAL FIRE is not obligated to respond to any new comments that are directed to the portions of the DEIR that were not revised and are not being recirculated in this document. The Final EIR for the proposed project will contain detailed responses to all comments made on the original DEIR and to all comments on this Partially Recirculated DEIR that are properly limited to the subjects of Cultural Resources and Climate Change.

## **MODIFIED PROJECT DESCRIPTION**

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Since the release of the DEIR for public review on May 29, 2009, the Applicant, in coordination with CAL FIRE, has revised the description of the project for which approval is being sought. These changes were carefully made by the project team primarily as a result of the input on the project by members of the community as well as responsible agencies. As is demonstrated in the below list of changes, the carefully selected changes to the Vineyard Plan serve to further refine the design of the overall project, resulting in an even greater level of protection of natural resources, though the project's impacts to natural resources, including biological, cultural, and hydrological resources, were adequately determined to be less-than-significant in the Fairfax Conversion DEIR with implementation of all identified mitigation measures. In no instance, have the changes resulted in the identification of new significant environmental impacts, or a substantial increase in the severity of an environmental impact, which are the clear grounds for recirculation of the EIR as noted above.

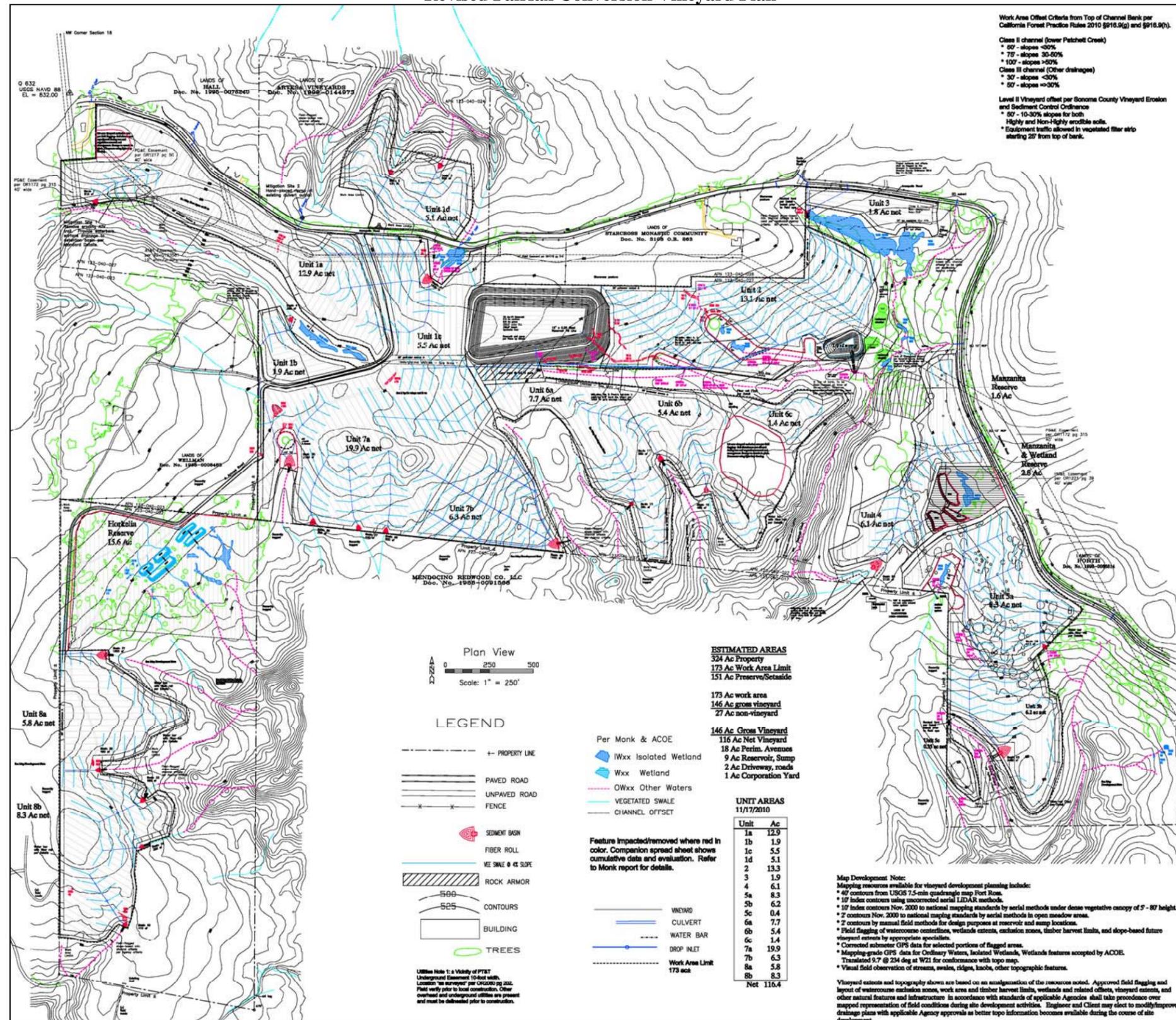
The following is a general description of the changes to the Vineyard Plan to date (see Figure 1-1). In Unit 1 (comprised of subunits a-d) in the northwestern corner of the project site, archaeology exclusion areas have been added based upon the additional site surveys discussed in detail in Chapter 3.5, *Cultural Resources*, of this Partially Recirculated DEIR. In addition, the corporation yard has been relocated from Unit 1c to Unit 6 in order to address aesthetics concerns expressed by the public in the comments on the DEIR. In Unit 2, located immediately east of the proposed reservoir, a redwood cluster, three redwood groves along Patchett Creek, wetlands W26 and W27, and a Class III swale located northwest of the proposed sump have been excluded from the work area based on agency comments during the Timber Harvest Plan on-site inspection. In Unit 4, located in the eastern-central portion of the site, archaeological exclusions areas have been added based upon the additional site surveys discussed in detail in Chapter 3.5, *Cultural Resources*, of this Partially Recirculated DEIR. In Unit 5, located in the southeastern portion of the site, wetland area W32 has been preserved and archaeological exclusion areas have been added based upon the additional site surveys. In Unit 6, located in the central portion of the site, archaeological exclusion areas have been added based upon the additional site surveys and the proposed corporation yard has been relocated here. In Unit 7, located in the western-central portion of the site, archaeological exclusion areas have been added based upon the additional site surveys and a single old growth redwood has been preserved above the head of a Class III waterway per agency comments during the Timber Harvest Plan on-site inspection. Regarding Unit 8, sub-unit 8c (approximately 9.9 acres) has been removed from the vineyard work area and is subsequently now being avoided (see Chapter 3.5, *Cultural Resources*, of this Partially Recirculated DEIR for further discussion). In addition, approximately 0.6 acres of sub-unit 8b have been removed from the vineyard work area. These changes, in combination with the above generally discussed changes to the Fairfax Conversion Vineyard Plan, have resulted in an overall smaller vineyard work area. The current statistics for the Fairfax Conversion Project are as follows:

324 acre property  
173 acre work area limit  
151 acre reserve/set-aside

173 acre work area  
146 acre gross vineyard  
27 acre non-vineyard

146 acre gross vineyard  
116 acre net vineyard  
18 acre perimeter avenues  
9 acre reservoir, sump  
2 acre driveway, roads  
1 acre corporation yard

Figure 1-1  
 Revised Fairfax Conversion Vineyard Plan



Whereas, the DEIR identified that the applicant would set aside approximately 133 forested acres with permanent open space easements on the site, part of which would preserve a wildlife corridor running the length of Patchett Creek on the property, the revised Vineyard Plan, as described and illustrated above, would set aside 151 forested acres. Correspondingly, whereas, the DEIR identified a 135-acre net vineyard area, the revised Vineyard Plan includes a reduced vineyard footprint of 116 acres (net). In summary, approximately 46 percent or nearly one-half of the project site will be preserved permanently to protect biological resources.

## **Comparison of Environmental Effects to Original Project**

### Land Use

The DEIR found that the land use impacts from the vineyard operations on the project site would be less-than-significant, and that the project would not be incompatible with surrounding land uses. The above-discussed revisions to the project would reduce the plantable vineyard area from the originally proposed 135 net acres to 116 net acres, which would further ensure that land use incompatibilities are minimized and therefore less-than-significant.

### Air Quality

The DEIR found that a potentially significant air quality impact would result from site preparation activities such as logging, grading, and excavation. However, implementation of mitigation measures described in the Air Quality chapter would mitigate potential impacts to a less-than-significant level. All other impacts identified in the Air Quality chapter are found to be less-than-significant. The reduction in the vineyard work area by approximately 19 acres (135 net acres to 116 net acres) would further reduce air quality emissions generated during the construction of the proposed project, as well as operational emissions associated with grape harvest, though the DEIR already found that operational emissions associated with the proposed project would result in a less-than-significant air quality impact.

### Biological Resources

The DEIR found that the proposed project would result in potentially significant impacts to thin-lobed horkelia, Annapolis manzanita complex, nesting migratory birds, Northern spotted owl, Foothill yellow-legged frog, red-legged frog, salmonids, Waters of the United States, and streamside conservation areas. However, implementation of mitigation measures required in the Biological Resources chapter would ensure that “take” of protected species would be avoided; thus, all potential impacts would be reduced to a less-than-significant level. All other impacts identified in the Biological Resources chapter are found to be less-than-significant. Given that the revised project reduces the plantable vineyard area by approximately 19 acres, and the fact that some of these adjustments were made specifically to avoid additional wetlands, the revised project

would result in the preservation of more biological resources as compared to the original project. However, because the above-noted biological resource impacts would still occur under the revised project mitigation measures are still required to reduce these impacts to a less-than-significant level.

### Cultural Resources

The DEIR found that the proposed project would result in potentially significant impacts to paleontological resources, cultural resources, and historic resources; however, implementation of the mitigation measures described in the Cultural Resources chapter would reduce the impacts to a less-than-significant level. All other impacts identified in the Cultural Resources chapter are found to be less-than-significant. As discussed above, various changes to the vineyard unit areas of the project have been made for the expressed purpose of excluding additional archaeological resources found on-site by the project archaeologist and CAL FIRE since the release of the DEIR in June 2009. More specifically, the additional locations identified by Origer & Associates during the July 2009 intensive re-inspection of the entire area of the project site proposed for disturbance are being protected via avoidance, as set forth in Mitigation Measure 3.5-2(e) of the Cultural Resources chapter of this Partially Recirculated DEIR. With the required avoidance of all additional resources found on-site, the project would not result in any new significant archaeological resource impacts above what was already identified in the original Fairfax Conversion DEIR.

### Geology

The DEIR found that seismic activity would result in a potentially significant impact to the proposed reservoir. However, this impact would be reduced to a less-than-significant level through proper geotechnical design reviewed and approved by the Sonoma County Permit and Resource Development Department. The EIR also found that increased soil erosion during and after construction from conversion and grading activities would result in potentially significant impacts. Through mitigation measures, these impacts would also be reduced to a less-than-significant level. All other impacts identified in the Geology chapter were found to be less-than-significant. With the reduced vineyard work area now proposed, soil erosion impacts would be further reduced during construction and implementation of the proposed project.

### Hydrology and Water Quality

The DEIR found that the proposed project would have potentially significant impacts related to the availability of irrigation water, vineyard operation sedimentation, and cumulative sedimentation. However, mitigation measures provided in the Draft EIR would reduce the impacts to a less-than-significant level. Impacts to surface water quality from short-term timber harvest-related erosion and sedimentation were found to be potentially significant, but would be reduced to less-than-significant with implementation of the mitigation measures identified in the Draft EIR. All other impacts related to Hydrology and Water Quality identified in the Draft EIR were found to be less-than-

significant. Reducing the vineyard work area by approximately 19 acres, as is now currently proposed, would have consequent benefits to the overall post-project hydrology in that peak flows would be proportionally reduced. The reduced vineyard area would also proportionally decrease the amount of sedimentation predicted for the original project, which was attributable both to construction and operation. However, it is important to remember that with implementation of the required mitigation measures, the DEIR already found hydrology and water quality impacts to ultimately be less-than-significant for the proposed project.

### Hazards

The DEIR found that the presence of hazardous chemicals associated with the old sawmill site, chemicals associated with past illegal activities, past and future use of agricultural chemicals on the project site, as well as the potential for wildland fires would generate potentially significant impacts. However, the mitigation measures identified in the Hazards chapter would reduce these impacts to a less-than-significant level. All other hazards impacts from the proposed project are found to be less-than-significant. The above-noted impact related to the future use of agricultural chemicals would be further reduced by the revised project since the vineyard area has been reduced by approximately 19 acres. Notwithstanding this, the impact related to agricultural chemicals would remain and the DEIR mitigation measures are still required.

### Transportation and Circulation

The DEIR found that short-term traffic related to the timber harvesting and vineyard establishment activities would have a potentially significant impact. However, mitigation measures identified in the Transportation and Circulation chapter would reduce the impact to a less-than-significant level. All other transportation and circulation impacts from the proposed project are found to be less-than-significant. Reducing the vineyard area by approximately 19 acres would not be expected to change the traffic findings reached in the DEIR for the original project; however, as noted above all traffic impacts were found to be ultimately less-than-significant in the DEIR given the relatively few amount of vehicle trips associated with the proposed project.

### Noise

The DEIR found that construction and operational noise impacts resulting from the proposed project would be potentially significant. However, the Draft EIR identifies appropriate mitigation measures which would reduce the noise impacts to a less-than-significant level. All other noise impacts identified in the Draft EIR are found to be less-than-significant. Though noise impacts were ultimately found to be less-than-significant in the DEIR, it is noteworthy that reducing the plantable vineyard area by approximately 19 acres would correspondingly eliminate the need to plant and harvest grapes on these 19 acres. This would have a positive effect on the overall noise generated by the operational activities of the project, albeit the impact would remain potentially significant for which the DEIR mitigation measures would still be required.

## Aesthetics

The DEIR found that the proposed project would result in less-than-significant impacts on scenic resources and residences due to the change in scenery, and would not create a significant new source of light and glare. The changes in the project since the release of the DEIR, both the reduction in the vineyard area by 19 acres, and the relocation of the proposed corporation yard south of the proposed irrigation reservoir, would have enhanced aesthetic effects as compared to the original project.

## Cumulative Impacts

The DEIR finds that the proposed project would result in less-than-significant cumulative impacts to global climate change. The additional analysis of greenhouse emissions contained in this Partially Recirculated DEIR, and the carbon sequestration dynamics on-site pre- and post-harvest, while detailed in its evaluation of all phases of the proposed project, only serves to demonstrate on a more comprehensive level that which was originally determined in the Fairfax Conversion DEIR – that is, the Fairfax Conversion project would result in a less-than-significant impact to climate change in large part due to its design, including the preservation of 151 forested acres, substantial planting of native vegetation along upper Patchett Creek, use of chipping versus burning for slash materials, etc.

## *Summary of Impacts*

As the preceding discussions explain, the revised Fairfax Conversion Vineyard Plan, with its reduction in plantable vineyard acreage and concomitant avoidance of additional wetland areas and archaeological resources, will have levels of impact very similar to, and in many instances less than, those of the original Vineyard Plan design as set forth in the DEIR.

## **REFERENCES**

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The primary references for this Partially Recirculated DEIR are as follows:

1. *An Archaeological Survey Report for the Artesa/Fairfax Timber Harvesting Plan*, Origer & Associates, August 6, 2009, revised May 6, 2010.
2. *A Supplemental Cultural Resources Survey for the Artesa/Fairfax Timber Conversion, Sonoma County, CA*, Origer & Associates, December 15, 2010.