

November 3, 2008

Mr. Dave Hardy, Supervising Planner
Sonoma County Permit & Resource Mgmt. Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Sonoma County Board of Zoning Adjustments
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Opposition by CITIZENS' COMMITTEE TO SAVE MARK WEST CREEK to Application UPE07-0008 For Use Permit for New Winery Under Mitigated Negative Declaration, 245 Wappo Road, Santa Rosa; applicant(s) Cornell Farms, LLC, and Henry Cornell of New York City, New York

Dear Sirs and Madams:

Please accept this comment letter as formal opposition by the Citizen's Committee to Save Mark West Creek to the Cornell Farms application (Sonoma County PMRD UPE07-0008) to (a) build a winery and caves, and (b) expand the existing 26 acre vineyards at the Cornell site at 245 Wappo Road, just off St. Helena Road in northeast Sonoma County. This multi-phase (Cornell is asking for five (5) years to satisfy all EIR mitigation directives, etc.) project was initially proposed, in a modified manner, in application #UPE03-0092, filed in 2003 and subsequently withdrawn (in favor of #UPE07-0008) in or about 2007. On October 6, 2008, Sonoma County PRMD advised applicant Cornell the use Permit for a winery was approved subject to a since agreed to Mitigated Negative Declaration (MND).

The Citizen's Committee to Save Mark West Creek (hereinafter "CCSMWC") is a non-profit community association whose regular members own property through which Mark West Creek (hereinafter "MWC") flows or for which the mid-line of the creek serves as the property boundary line on one or more sides of their parcel(s). Each regular

member has daily exposure to the creek, along with certain deeded interests to it. While not directly affiliated with 'The Alpine Club', a membership group of Alpine Valley residents in the upper Mark West Creek watershed numbering 150 families m/l, established over 60-years ago to protect the interests of area residents, the three (3) founding members of CCSMWC are all former elected presidents of the Alpine Club.

The grounds for the groups' objection to the Cornell Farms winery/vineyard expansion project are numerous, as set forth below. Likewise, CCSMWC objects to the Permit and Resource Management Department's (PRMD) findings and conclusions in authorizing a Use Permit without full review, guided only by an inadequate MND. Please note this communication in opposition to the pending application and intended Use Permit is taken only after a thorough review of the application itself, subsequent clarifying reports by applicant, the original 2003 application, local, state and federal standards and regulations, historical materials evaluated by legal, engineering and wine/grape specialists CCSMWC consulted with, a visit to the proposed site, and anecdotal reports of long-time area residents. In all, thousands of pages of relevant materials have been gathered and reviewed by four (4) CCSMWC members, a process which took hundreds of hours. CCSNWC did not come to its opposition lightly after a cursory investigative process, but rather did so only after conducting a comprehensive due diligence analysis of the project.

SUMMARY INTRODUCTION

This Cornell vineyards, winery and 'caves' project at issue is on one or more recently (post-2001) purchased 40-acre parcels on the north side of St. Helena Road; in that area MWC generally parallels St. Helena Road. None of the Sonoma County properties owned by Mr. Henry Cornell or Cornell Farms, etc., are known to be contiguous to MWC, but they are very close to it at this project site. However, since 2000, the Cornell project has negatively and dramatically impacted both MWC and the surrounding MWC Watershed, as detailed below. The mere absence of a proper permit or THP approval has caused the Cornell group little delay in moving their plans forward, as is documented in the text and exhibits hereto.

This winery project, when the application was filed in 2007, had been determined by county officials (PMRD) to fall within the EIR provisions of the California

Environmental Quality Act (CEQA) [Public Resource Code §21000-21177] as a project which could have adverse effects in the environment (Application, page 1). We applauded this conclusion by county staff because we knew the Cornell winery project would indeed have adverse environmental impact upon MWC and its watershed in years to come, just as it has in recent years past with the grading and clear-cutting preliminary to the planting of its existing vineyards and in site preparation for the at-issue winery. We were surprised and disappointed when we learned in October that a CEQA/EIR review had been shunned by PRMD in favor of a rather benign MND.

This community association, upon careful review of and reliance upon CEQA assessment criteria (as well as those of the federal model for this state's CEQA, the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. §4321-4370 (d)), and the Cornell project application itself, finds no basis for any exemption, statutory or otherwise, from the CEQA requirement that a comprehensive environmental impact report (EIR) be prepared and scrutinized before the taking of any action upon the Cornell application for his vineyards (26 acres already planted), his application's original proposed 13,480 sq. ft. winery (now increased to 18,670 sq. ft.), and his proposed extensive underground wine storage 'caves' of 10,750 sq. feet. CCSMWC specifically objects to the county's plan to allow development under the fully executed MND.

The Cornell winery application suggests this is the first of several developmental 'stages' of the project, and that increased wine production is ultimately anticipated when the several stages are completed. In such a multi-phase piecemeal case, the county should direct the preparation of a 'master EIR' instead of the more limited 'project EIR'. In either case, the Cornell groups' written indemnification agreement, in favor of the county, is in the application file and assures the county will not incur un-reimbursed costs in developing a final EIR. This project application is in no way an appropriate one for either a negative declaration or a mitigated negative declaration resolution. By this letter, the CCSMWC opposes the Cornell application and allowing the project to proceed by MND, for the following specified reasons.

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A. MATERIAL INFORMATION RELATED TO ENVIRONMENTAL IMPACT, AND CHANGED CIRCUMSTANCES, WERE WITHHELD FROM STAFF BY APPLICANT, OR UNKNOWN TO STAFF, MINIMALLY REQUIRING FURTHER ANALYSIS PER CEQA GUIDELINES, SECTION 15162

The California Environmental Quality Act (Public Resource Code (“PRC”) §§ 21000-2177), known as CEQA, “is to be interpreted...to afford the fullest possible protection to the environment within the reasonable scope of the statutory language, “ per PRC §§ 21000-21002. Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553, 563. As interpreted by California’s Office of Planning and Research, CEQA’s basic goal of protecting the environment has two broad purposes: (1) avoiding, reducing or preventing environmental damage when possible by requiring alternatives or mitigation measures (14 Cal. Code of Regulations (“CCR”), § 15002(a)(2)-(3); and (2) providing information to decision-makers and the public about the environmental effects of proposed or approved development activities. (14 CCR § 15002(a)(1),(4)). In the threshold CEQA opinion of our supreme court, Friends of Mammoth v. Board of Supervisors (1972) 8 Cal. 3d 247, 259, the court held in pertinent part:

“the Legislature intended [CEQA] to be interpreted in such manner as to afford the fullest possible protection to the environment....”

The judicial standards set forth in Citizens of Goleta Valley (1990) and Friends of Mammoth (1972) remains the appropriate standard for CEQA analysis. In Sierra Club v. CA Dept. of Forestry & Fire Protection (2007) 150 Cal. App. 4th 370, 382 (involving the Gualala River), the reviewing court reiterated “[T]he decision to adopt a negative declaration and dispense with an Environmental Impact Report (EIR) is essentially a determination that a project will have no meaningful environmental effect and terminates the environmental review process... Thus, CEQA imposes a low threshold requirement for preparation of an EIR.”

Implicit in the CEQA review process is the lead agency conducting the analysis (of whether an EIR is required, or whether a MND should issue and ‘terminate the environmental review process’) must have all relevant and material facts concerning the project’s impact before it to make a legitimate, informed and appropriate determination between EIR and MND under CEQA. PRC § 21092.1 provides that when “significant

new information is added to an [EIR or MND] after notice has been given... but prior to certification, the public agency shall give notice again pursuant to §21092, and consult again ... before certifying the [EIR or MND].”

In this matter, the Cornell Project MND generated from a review of a less than complete and/or candid applicant-supplied record, one which omitted extremely significant information which is material and relevant to the CEQA mandated review. Such ‘new information’ includes, but is not limited to, the following:

1.. **Cornell’s neighbor, Pride Vineyards, went dry again this year.** Not mentioned in the Cornell application, the reports supporting same, or the MND is Pride Vineyards (Pride), a winery and vineyards operation located approximately one-half mile upstream (east and 100-250 foot higher elevation) on MWC from Cornell’s vineyards and proposed winery site. The failure of applicant to mention Pride is puzzling at first glance; it is the closest winery to Cornell, is comparatively similar in size, has similar topography (sloped), similar tree and shrub growth, and similar soils (e.g., Franciscan) impacting groundwater availability.¹

Cornell’s neighbor Pride ‘went dry’ and began importing water to irrigate its grapes, and to operate its winery in May of this year, and in (minimally) the growing seasons of 2006 and 2007 as well. Since May of this year St. Helena Road residents have become all too familiar with the 3,000 to 3,500 gallon water trucks making trips up and down St. Helena Road (passing applicant’s Wappo Road) to supplement the water supply to Pride’s operations and the damage to St. Helena Road they cause. One water hauler delivering to Pride in mid-July, 2008, was interviewed by a CCSMWC officer and advised Pride “went dry” in May of this year and had, since then, been purchasing water (via contractors and directly) from (1) local governments in both Napa and Sonoma counties, and (2) from the Richards family at the Mark West Stables at the corner of Calistoga and St. Helena roads since that time. This water-hauling by Pride has continued into late-October of this year.

¹ For comparative purposes, according to its web site the Pride winery involves 235 acres of land, of which 83 acres are planted. A recent aerial viewing established newly planted grapes of unknown acreage. Six different soil formations are present, including Franciscan. The Pride Winery is permitted for 20,000 cases a year, and states it has 45 employees; the Cornell application envisions 4 or 5 employees. No reason is given for this wide disparity in number of employees since Cornell’s application doesn’t mention Pride.

Clearly, the fact a neighboring winery runs dry each growing season is information which is material, relevant and significant to PRMD's analysis of whether an EIR should be ordered prepared on the Cornell project. This 'new' (to PRMD) information warrants, at a minimum, referral back to the applicant for a full and candid response as to (1) why it was omitted originally, and (2) what factors exist which indicate the Cornell project will not 'run dry' as its neighbor Pride has done in recent years? Do Pride and Cornell share an aquifer? PRMD and the Board should keep this critical omission in mind when reviewing the balance of the Cornell application.²

2. **The MWC and its watershed was designated a 'Priority Conservation Area' by ABAG in July.** In mid-July, 2008, the Association of Bay Area Governments (ABAG) designated the 'Upper Mark West Creek Watershed', in which the Cornell project is located, to be a 'Priority Conservation Area' (PCA) of regional significance. ABAG is a regional council of nine county governments; including Sonoma, which addresses social, economic and environmental issues that transcend local government borders. The criteria utilized in ascertaining the Upper MWC Watershed warranted PCA designation included (1) regional significance, (2) the level of consensus among the nine ABAG counties, and (3) the urgency for environmental protection of the designated area. The Upper MWC Watershed received its PCA designation over dozens of nominated areas within ABAG's members counties. ABAG's PCA process involved an eleven month assessment of the area in which the Cornell project is located, during which time it was noted that the MWC (and its watershed) is a significant factor in the Dept. of Fish and Game's Coho Salmon Recovery Strategy (CDFG, 2004), and its draft Russian River Plan (CDFG, 2001).

In the ABAG forum, Sonoma County successfully urged other ABAG member counties to find the Upper MWC Watershed area to be deemed an area of regional significance in urgent need of environmental protection. PRMD, in concluding the Cornell project could proceed with the scant protection of a MND rather than the more

² Mr. Henry Cornell, the project applicant, is a sophisticated businessman not entitled to claim surprise, oversight or inexperience in explaining this material omission (and others cited herein) from his application. Cornell's local representative is Guy Davis, a vintner and winery developer with extensive experience. Mr. Cornell, of New York City, NY, is a Managing Director of Goldman Sachs and is the chief Operating Officer (COO) of the Principal Investment Area of Goldman Sachs. A lawyer by trade, he is also a Director of Cobalt Int. Energy, Kinder Morgan, Inc., First Marblehead Corp., and several Asian corporations.

detailed EIR, has taken an inconsistent position than that of this county before ABAG. PRMD staff should be allowed to revisit this issue with the enhanced knowledge Cornell's project is in an area designated for 'priority conservation' by Sonoma County and the other members of ABAG.

ABAG's designation of the upper MWC area as one in urgent need of environmental protection is simply incompatible with PRMD's finding that a MND will suffice for the Cornell winery and vineyard expansion, and is contrary to law. "The decision to adopt a negative declaration and dispense with an EIR is essentially a determination that a project will have no meaningful environmental effect" and terminates the environmental review process. Citizen Action to Serve All Students v. Thornley (1990) 222 Cal. App. 3d 748, 753. Thus CEQA imposes "a low threshold requirement for preparation of an EIR." No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68, 84. Generally, a public agency "must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project may have a significant effect on the environment." Laurel Heights Improvements Assoc. v. Regents of U.C. (1993) 6 Cal. 4th 1112, 1123.

These two factors above (Pride vineyards runs dry; ABAG designates MWC Watershed in need of urgent environmental protection) standing alone warrant the continuation of the Board's November 13, 2008, hearing or rejection of PRMD staff's recommendation the project proceed under the MND. A cursory evaluation of the project's application, and professional reports proffered in support thereof, reveals the absolute need for an EIR to determine project feasibility and advisability.

B. THE CURRENT VINEYARD DEVELOPMENT BY CORNELL HAS NEGATIVELY IMPACTED MWC AND ITS ENVIRONMENT, AND FURTHER DEVELOPMENT AS APPLIED FOR WILL RESULT IN IRREPARABLE DAMAGE TO THIS FRAGILE AREA

1. Significant Geologic Factors

In support of its application to PRMD to construct a winery on the 40 acre parcel it recently (2005-06) acquired, Cornell Farms submitted several geologic and hydrologic reports. A May 31, 2006 geologic study by RGH Consultants, Inc., provides a general

overview of the property at issue which may be helpful to understanding the challenges faced by Cornell and the inadequacy of going forward on a MND.

- i 174 acres situated approximately one mile west of the Sonoma-Napa County line (p.1)
- ii The terrain extends over variably sloping shrub-land and woodland; topography ranges from over 1680 feet along the eastern border to 1360 feet within a deep ravine on the west [the proposed winery site is on the hillside immediately above this deep ravine.] (p. 1)
- iii The winery site and immediate vicinity were ‘grubbed’ (trees cut and stumps removed) over the summer of 2005; no approved THP in place [a major landslide occurred here during winter rains of early -2006] (p. 2)
- iv CGS geologic maps indicate an unnamed thrust fault extends NW through the northern portion of Cornell’s land [See Exhibit “A” hereto]; now named the Petrified Forest Fault (pp. 6-7)
- v The winery site is underlain by the Franciscan Complex; soil at the winery site belong to the Goulding (GIF) series, which are found on mountainous uplands with slopes of 30 to 50 percent (p.7)
- vi “Runoff over these soils is said to be rapid. The hazard of erosion is said to be high” (p.8)
- vii “The site is shown to be within a relative slope stability category “C” – areas of relatively unstable rock and soil units, and slopes of greater than 15 percent are said to contain abundant landslides” [See Exhibit “B” hereto] (pp. 8-9)
- viii “There are three landslides within the near vicinity... A very large landslide is shown to the northeast of the winery site... approximately 250 feet east.” [This report did not include the 2006 landslide below the ‘grubbed’ winery site since the report, issued 5-31-06, reported on site inspection and testing conducted by RGH in November and December, 2005.] (p.9)
- ix Groundslopes across the winery site generally range between 3 ½:1 (horizontal and vertical) and 7 ½:1... On sloping terrain 5:1 or steeper, the weak, surface materials undergo a gradual downhill movement known as ‘creep’. Soil creep is inherent to hillsides in the area.” [RGH than states creep issues will be discussed in a future study] (pp. 10-11)

- x “The **natural drainages from the site** trends westerly into a deep ravine that trends southwesterly through the northwestern portion of the subject parcel. The ravine trends off the parcel and into a second south-westerly-flowing intermittent blue-line stream that **empties into Mark West Creek off the property**. Mark West Creek is a perennial blue-line stream that flows Westerly adjacent to St. Helena Road.” [The ‘intermittent blue-line stream’ referenced was bone-dry in May of this year; during or after winter rains, however, torrents of runoff delivering high-volumes of erosion from the ‘grubbed’ multi-acre winery site area are witnessed, turning the waters of MWC a yellowish color akin to a highly creamed cup of coffee. This erosive sediment forms a virtually impenetrable cover over the creeks’ graveled spawning areas when warm weather returns, assuring fish death if there is enough water in the MWC to allow the Coho and Steelhead to get this far upstream in spawning months.] (p. 11)
- xi The winery site is within an area affected by strong seismic activity... future seismic shaking should be anticipated at the site. (p. 15)
- xii The site’s surface soils have a moderate to high erosion potential depending on slope inclination. Uncontrolled erosion could induce sloughing or landsliding. (p. 19)
[Some Cornell vineyards appear planted on slopes exceeding 30%; in fact, a 2001 report from Cherie Blatt of the North Coast Regional Water Quality Control Board noted in Cornell’s original application (UPE03-0092) the 24 acres then planted had a slope average of 27%; see Exhibit “C” hereto]

Throughout the entire RGH geologic report submitted to PRMD are references to the need for additional detailed, site-specific Geotechnical studies which should include test pits, borings, lab testing and engineering analysis. (See, e.g., p. 19.) RGH included the caveat to its report (at p. 20) that “... our conclusions and recommendations discussed above should be considered preliminary and for feasibility and planning purposes only.” Complex geologic reports needed for proper consideration of safety factors and environmental protections should not go forward under a MND, but rather should be part and parcel of an Environmental Impact Report.

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C. APPLICANT'S (1) TIMBER HARVEST WITHOUT AN APPROVED PLAN, AND (2) CLEAR-CUTTING ("GRUBBING") AT THE WINERY SITE ARE TWO IDENTIFIABLE REASONS FOR THE RAPID, EXCESSIVE, EROSION LADEN RUN-OFF INTO MWC AND SOIL INSTABILITY (2006 LANDSLIDE) AT AND AROUND THE WINERY SITE.

In 2000, Cornell project developers submitted a Timber Harvest Plan (THP) which was ultimately denied (THP #1-00-411 SON). A second THP was submitted for approval on 6-21-01, and was ultimately approved 7-19-01 (THP #1-01-215 SON). However, sometime after the first THP was rejected and before the second THP application was approved, dozens of hardwood trees were cut-down to clear hillsides for vineyards. According to the 8-10-01 report of Cherie Blatt of North Coast Water Quality Control Board (attached hereto as Exhibit "C"), some 75 trees with trunk sizes of 2 inches to 16 inches were documented by her as felled by simply counting the 75 stumps. This tree felling to clear for vineyards took place prior to state approval of Cornell's second THP, and Cheri Blatt recommended CDF issue a violation notice under FPR 1103, Conversion of Timberland.

OBSERVATIONS FROM 22 YEARS ON MARK WEST CREEK

This writer has MWC as his southern parcel boundary, and has observed the MWC from this vantage point since 1986, minus several years away. In the late '80's and early and mid '90's, I routinely enjoyed watching the Coho and Steelhead miraculously make their way upstream to spawn and ultimately die. By the early 2000's a fraction of these valiant fish were making it up to the property, and when they arrived they were battered and discolored from their battle with the rocks, no longer covered by the eaters of the creek. By 2003, the spawning fish were gone, unable to navigate the rock-strewn creek-bed left by upstream winery concerns overtaxing our area's groundwater resources. I have not seen a Coho or Steelhead in the MWC on my property (290' m/l) in more than five years... they are apparently all gone..

Between 2000 and 2003, the depth of the MWC creek-bed deepened at least 3 or 4 feet, caused by the severe winter run-offs of denuded hillsides upstream from me, now

planted in grapes. This erosion has exposed the root systems of large, old trees (including redwood and valley oak) and has killed several trees along the creek in my backyard. The death of these trees has, and will continue to, allowed more sunlight to hit the MWC, resulting in raised water temperatures unsuitable for the survival of Coho Salmon and Steelhead Trout.

The Cornell application and the MND do not accurately assess traffic and public safety, health and welfare issues. The scenic, curvey and dangerous St. Helena Road is one of the few routes from Santa Rosa to Napa County; single vehicle accidents are frequent, as are traffic law violators. Due to the proliferation of wineries and vineyards (Cornell, Pride, and a slew of wineries just over the county line in Napa), ‘seasonal (April to November?) workers’ and tourists make St. Helena Road both busy and hazardous. The CHP is the primary law enforcement agency for the project area, while the Rincon Valley Fire District (with backup from the Santa Rosa Fire Department) is the first responder to fires, medical emergencies and vehicle accidents. Two powerline-started fires took place this summer, both of which were contained by Cal-Fire helicopters use of water from a spring fed reservoir (on a different aquifer from Pride and Cornell) maintained on land south of MWC and by ground units from various agencies. Due to excessive groundwater pumping, and lack of recharge, rendering blue-line streams at or near Cornell dry, etc., firefighters will be limited to water they can haul into the area to combat future fires. (See Exhibit “D” hereto.) Additionally, due to the high slope inclinations on the Cornell 174 acres generally, the heavy equipment such as bulldozers used with good results in wildfire control and suppression will be of minimized value should fire strike the Cornell project area.

CONCLUSIONS

This investigation³ into the Cornell Use Permit application to build a 18,670 sq. ft. winery on the one lane Wappo Road in part (with other members’ independent analysis)

³ In addition to the State Bar’s license allowing the undersigned to practice law in this state, granted in 1981, I have held Private Investigator’s license #A6478-I continuously since 1976 through the CA Dept. of Consumer Affairs, Bureau of Investigative Services. My only experience in firefighting was as a contracted seasonal firefighter with the U..S. Forest Services in 1971 and 1972.

led to the decision by CCSMWC to oppose the Cornell winery project, to oppose any further grape planting on the 174 acres of Cornell, and to vigorously object to allowing any part of the project to proceed under the executed Mitigated Negative Declaration, but rather to require an EIR.

It is the position of CCSMWC that the existing 26 acres m/l of vineyards, plans to add vineyards and the applied for use permit to build the winery, individually and collectively (under ‘cumulative impact’ analysis), if allowed to proceed under the proposed MND, will violate the letter and intent of the following legislative and regulatory acts:

1. The federal Endangered Species Act (ESA) (16 U.S.C. §§ 1531-1544) re harm (significant habitat modification or degradation by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering) to the Coho Salmon (endangered) and Steelhead Trout (threatened, but also protected under the ESA); see also Babbitt v. Sweet Home Chapter, etc. (1995) 515 U.S. 687.

2. The California Endangered Species Act (Fish & Game Code §§ 2050-2100), which parallels the Federal ESA.

3. The federal Clean Water Act (CWA) (33 U.S.C. §§ 1251-1387) re discharge of fill material, erosion, etc., into a waterway, creek, wetland, etc. (a permit may be required from U.S. Army Corps of Engineers (USACE); ‘individual permits’ for specific activities may issue if compliance with certain Environmental Protection Agency (EPA) guidelines is demonstrated (33 CFR § 325.1).

4. The Preemption Doctrine (express and implied) which holds a county may not exercise its power on land use laws in a way that conflicts with federal (U.S. Const. Art VI, § 2; Exxon Corp. v. Eagerton (1983) 462 U.S. 176, 180) or state (People ex rel Deukmejian v. County of Mendocino (1984) 36 Cal. 3d 476; Cal. Const. art. XI, § 7) laws that preempt the subject matter.

5. The federal National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321-4370(d).

6. The Sonoma County General Plan as to water and land use as the project is not consistent with the guiding standards and directives. The General Plan sits atop the county’s hierarchy re land use, and all zoning and land use approvals must be consistent

wit the general plan, which is retroactive as feasible when and as amended. DeVita v. County of Napa (1995) 9 Cal. 4th 763,772.

7. Z'berg-Nejedly Forest Practice Act of 1973 (FPA), found at Pub. Resources Code, § 4511 et seq., and related forest practice rules at Cal. Code Regs., title 14, § 895 et seq.; and see Redwood Coast Watersheds Alliance v. State Bd. of Forestry and Fire Protection (1990) 70 Cal. App. 4th 962, 967-971.

8. California Environmental Quality Act (CEQA), Public Resource Code (PRC) § 21000-21177, enacted in 1970, and related/impacted state laws found outside CEQA, the overriding and primary function and goal of which is the protection of the environment. In this matter, CEQA's intended design to help ensure that local projects address regional (e.g., ABAG), state and local objectives, including watershed-level management and multispecies habitat preservation, has not received appropriate consideration and the appropriate state and federal agencies have not been consulted. An EIR would presumably cure this procedural and substantive defect.

9. CA Dept. of Health Services regulations requiring a public water system and a water supply permit from Health Services; using the neighboring Pride Winery employees for a comparative, with the activities planned at Cornell, it appears Cornell will be serving at least 25 people more than 60 days a year. Cornell therefore needs to prove that its water system complies with all applicable construction and design standards.

For all of the above-stated reasons, CCSMWC (1) opposes any further development or planting on the Cornell property, and/or (2) opposes allowing the project to proceed under the MND presented. This sensitive area warrants an EIR for protection, at a minimum.

Very truly yours,

STEPHEN B. KRIMEL