

HISTORICAL TIMELINE

This timeline not only shows the sequence of events regarding Cornell with their vineyards and proposed winery but also how everything is so interrelated. Many individuals and agencies predicted the sequence of events that are occurring and will continue to occur. Not only has Cornell not followed the rules but others including our Board of Supervisors are complicit in destroying our environment in the Upper Mark West Watershed. I would urge that all who read this use it as a tool to help save what remains of our very sensitive watershed. I believe it is a worthwhile endeavor. Remember all the excerpts in this following document are from items posted on our FMWW website.

1973 - A group of students studies Mark West Creek for their thesis. "The Preservation of Mark West Creek". They use Mark West Creek as it is the only wild and primitive stream left in Sonoma County and urge the landowner to protect this resource immediately.

1989 – Pride purchases Summit Ranch

1995 – Billy Dean Bridgeman gets flooded out at 9709 St. Helena Road. In 1999, Pride purchases the property to avoid litigation.

1/13/98 – First building permit occurs for Pride Winery at PRMD office in Santa Rosa.

1999 – Waithman sells to Cornell

4/25/00 – Building violation

11/15/00 – Cornell applies for a THP (timber harvest plan) (THP1-00-41 SON) – turned down but CDF can't find files. At pre-harvest meeting 12/18/00, Cherie Blatt of NCRWQCB recommends denial due to timber removal and steepness of proposed vineyards and the damage it would create to the watershed. Casey Caplinger and Grinnels get involved.

2/14/01 – Calif. Dept. of Fish & Game (CDFG) Comments on THP - ..."the depletion of subsurface water resources and its effect on species dwelling in and near watercourses such as Mark West Creek.

7/01 – Cornell applies for another THP (THP1-01-215 SON).

7/19/01 – Preharvest inspection – Cherie Blatt of North Coast Regional Water Quality Control Board (NCRWQCB) comments:

"It should be noted that vineyard conversion activities were observed to have already begun at the time of the PHI on July 19, 2001. For instance, a portion of the western end of the northeastern most unit had already been cleared and tilled. Also, the long, narrow unit in the southwestern quarter of the property boundary had approximately 75 hardwoods removed as was counted by the fresh stumps measuring approximately 2 inches to 16 inches in diameter. These two areas were altered prior to the PHI and make evaluation of potential threats to the environment

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more difficult to assess. These actions are in violation of FPR 1103, Conversion of Timberland and associated requirements, and a CDF violation should be issued. “

Since CDF (Calif. Dept. of Forestry) has misplaced files and they can't recollect if a violation was ever issued, we are in the dark, but the Forester Glen Edwards is disciplined by the Board of Forestry (probably due to Casey Caplinger's & Grinnells' complaints).

9/16/03 – Guy Davis submits application to build a 20,000 case winery with 10,000 sq. ft. winery building and 10,000 sq. ft. cave for Henry Cornell.

9/17/03 – Kleinfelder Report – “We are living in a water scarce area which will result in major water shortages in the future.”

7/1/04 – Sonoma County Grand Jury finds:

- 1) Already some residents have reported water shortages and dry wells.
- 2) County develop a comprehensive groundwater management plan.
- 3) “Independent” regional water sources management board be established.
- 4) Well pumping ordinance for new construction projects in water scarce areas “or” when a use permit is required.
- 5) Board of Supervisors lack technical expertise regarding water issues.
- 6) Protect the quality of surface and groundwater resources.
- 7) Assure that there is sufficient groundwater for all new development
- 8) Protect the natural environment
- 9) Assure that public water suppliers manage groundwater to meet future growth.

“Representatives of the county, its cities and water suppliers should work cooperatively in order for all citizens to benefit. Groundwater conservation education must be implemented and vigorously promoted and enforced. Increased population, agricultural expansion and new construction, without implementation of a groundwater management plan, will put the future economic and personal well being of all Sonoma County residents at risk. The threat of out-of-county interests in Sonoma County water resources can be expected to escalate.” (emphasis added)

“In 1992 the California State Legislature adopted the *Groundwater Management Act* (AB3030) which is set forth in the *State Water Code*: Sections 10750-10755. This provides a framework for groundwater management plans which may be adopted by any agency, city or county that provides water service. Approximately 170 public water supply agencies and several California counties have adopted a groundwater management plan. As an example, Santa Clara County successfully established a similar plan more than fifty years ago in response to severe water subsidence of their groundwater basin. (emphasis added) Currently Sonoma County has no such plan.”

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7/15/04 – R.G.H. Geotechnical completes original “Ground Water Availability Study” for original Cornell winery site. This report is used as background for new winery site. Totally incomplete and has nothing to do with ground water availability according to Jim Doerksen.

10/04 – League of Women Voters: Water Watch Comments – (34 pages)

“The habitats of fish and other wildlife will change. “

“Overdraft occurs when more water is drawn from the aquifer than is returned to it. Overdraft is apparently occurring in some water-scarce areas of the county, where rural property owners are finding that the water levels in their wells have dropped. Some wells have even dried up making deeper wells necessary.”

“Currently, California is only one of two states with no laws regulating groundwater.” (emphasis added) Texas is the other.

“Residents are concerned that increased usage of groundwater to supplement surface water will increasingly affect water availability to rural residents. Groups have begun to lobby our county and cities to develop groundwater management plans to coordinate land use and water management.” (e.g. FMWW)

“Human impacts can be found on every major California river, resulting in reduced and impaired native fish populations. A critical challenge is to provide more balance in the uses of water to protect and restore native fish and wildlife. To meet this challenge, agencies often have conflicting approaches, resulting in confusion and uncertainty.” (emphasis added)

“We must recognize the limits of the supply of surface and ground water and learn about the links between land use, ecosystem protection and water.”

“Overdraft occurs when more water is extracted from an aquifer than is returned to it by recharging. As the number of rural wells increases and municipal wells pump more water to serve increasing populations, rural wells in certain areas have dried up (emphasis added) or decreased significantly in water level”.

Kleinfelder proves there is a big problem:

“Sonoma County PRMD issues permits for construction and use of new wells, but does not have a permitting or regulatory program for reporting on the volumes of groundwater use. In addition, the Supervisors have adopted tougher rules on well testing that could make it more difficult for residents and businesses to

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building water-scarce areas. Property owners may have to demonstrate that their wells will provide adequate amounts of water. “

“Consequently” development in these recharge areas can increase surface runoff and reduce groundwater quality and recharge capability. Although the Resource Conversation Element of the Sonoma County General Plan recommends “preserving watersheds and groundwater recharge areas,” (emphasis added) urban development continues to occur in the primary areas of recharge (around the Laguna de Santa Rosa in Rohnert Park, Cotati, Sebastopol and southwestern Santa Rosa). Such development has potentially serious impacts for the future..”

“No comprehensive regulatory process exists for examining pumping influence or controlling potential groundwater overdraft.”

There are no checks and balances in the decision making process by the Board of Supervisors (and also Directors of the Water Agency).

2/1/05 – FMWW proposes a “watershed friendly winery & vineyard criteria” (draft) and Guy Davis to give presentation on Cornell Winery proposal at General Meeting (Alpine Hall). My minutes don’t reflect this meeting happening.

2/9/05 – Davis (Cornell) agrees to the following:

- 1) Limit the size to 10,000 cases
- 2) Work with FMWW to figure out what’s really happening to the water.
- 3) No doubles

2/10/05 – First Cornell hearing takes place. Approved

2/05 – ¹NOWWE (Casey Caplinger) files appeal.

6/05 – ¹Swedenborg of PRMD fails to show existing landslides on site.

7/7/05 – NOAA Fisheries Comments on Cornell.

“We are deeply concerned about degrading habitat quality in Mark West Creek from cumulative development activities such as water supply development and fine sediment generation from grading activities.” “Please ensure that land development is not occurring in inappropriate places such as areas of high landslide potential.”

6/21/05 – David Katz on Cornell Winery Proposal (Trout Unlimited)

- “Potential depletion of ground water resources by this project.”
- “This proposed project will rely on massive amounts of ground water pumping from an aquifer that clearly is contiguous to the creek and that

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directly affects water levels in the creek. This water withdrawal will come at a time, the summer and fall months, when water quality thresholds will be critical for the survival of young fish. (emphasis added)

9/05 – ¹State Board of Registration For Geologists issue written reprimand and warning to Neal Mace & Gary Russey of R.G.H. Geotechnical for substandard work on Cornell Winery project. Ironically, I feel that Todd and R.G.H.'s hydrologist should have their licenses revoked and Kleinfelder should get a serious slap on the wrist.

11/7/05 – Grading Violation

11/23/05 – Building violation

12/05 - ¹Landslide occurs causing major damage to Mark West Creek (adjacent to proposed winery site) and predicted by Cheri Blatt of NCRWQCB in 2001. It was estimated to be 10,000 cu. yds. by Dr. Li (Fish Biologist hired by NOWWE) and NCRWQCB. Sediment was as far down as Doerksen (7125 St. Helena Road). I believe it happened in early January 2006.

5/31/06 – R.G.H. Geotechnical completes geology report for new Cornell winery site. This is later reviewed by Ray Krauss and Ray Waldbaum and found to be totally inadequate.

8/06 – Todd completes “Supplemental Groundwater Availability Study” for Cornell Farms, LLC. Similar to R.G.H. , they again totally circumvent the County requirement showing proof of water with a bunch of meaningless data and do not acknowledge Pride’s wells even though required to do so. Reviewed by Jim Doerksen and engineering contacts. This was again reviewed in November 2008 by NOWWE’s hydrologist Greg Kamman. He makes it plain, this is a flawed document.

8/4/06 – Violation – Discharge into a creek.

9/06 – NCRWQCB notes that summer base flows (after 98” of rain²) in Mark West Creek are significantly lower than the base flows of the two prior dryer seasons.

9/06 – ¹NOWWE appeals to NOAA, California Department of Fish and Game, NCRWQCB, California Environmental Protection Agency (CEPA) and State Water Resources Control Board reporting **Endangered Species Act violations, degradation of Critically Listed Habitat, and depletion of surface and ground water**, and water quality impairment and urges them to take action.

1/5/07 – Violation – No erosion control

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² Doerksen property

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1/17/07 – Dietch, Kondolf, Merenlender report on vineyard ground water water diversion and the serious damage they are causing to water losses and fish kills.

2/7/07 – Cornell applies for construction of a 20,000 case winery with a 13,480 sq.ft. building and a 10,750 sq. ft. cave.

6/12/07 – 10,000 case winery with no future expansion (Guy Davis' application)

11/7/07 – 10,000 case winery with 20,200 sq. ft. building and 9,000 sq.ft. cave (Cornell's statement). Capacity has been reduced by 50% but building size has doubled.

2/08 – ¹Complaint filed with State Board for Registration of Geologist for substandard practice of R.G.H. Geotechnical.

3/5/08 – Kleinfelder reviews Todd report and agrees there are no water shortages here and there will be no effects on Mark West Creek. (I smell a rat here). Total contradiction of what he states in his 9/17/03 report.

6/08 – Jim and Steve Krimel meet with Kimberly Burr, Esq. (attorney for NOWWE).

7/08 – Kleinfelder reviews R.G.H. Geologic Study and indicates the site is underlaid with 5 slides?

9/5/08 – NCRWQCB (by Paul Keiran)Complaint:

“I noted to Mr Hardy that during a late spring inspection last year, all of the springs that discharge to the creek were flowing on the southern bank of the creek; all of the springs on the northern bank (St. Helena Road side) were completely dry. “ Many of the larger Alders have fallen over into the creek due to the higher base level of the creek (scour removing the cobbles and small rocks that anchor the Alder roots) “ – on Doerksen property

9/22/08 – SRJC/Pepperwood - Doerksen & Monan's Rill – Laguna: Upper Mark West Watershed to Laguna Seminar

9/30/08 – Kate, Grif, Jim flyover properties of Cornell, Pride, etc.,etc. (Dragon Air)

10/08 – ¹NOWWE – hire Biologist Dr. Stacy Li who says we have serious fish issues. (formerly a fish biologist with NOAA fisheries)

10/23/08 - Sotoyome Awareness Day – Sbragia Winery

10/27/08 – Jim and Steve meet David Hardy at PRMD (Permits & Resources Management Dept)

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10/08 – Ali Farhat sells his property to Cornell.

11/08 – PRMD staff releases recommendation:

“Adopt the Mitigated Negative Declaration and approve the Use Permit request.”

What a can of worms.

As Ray Krauss states:

“I found the information provided in the MND so incomplete and unfounded that it’s impossible to know what ultimate project is intended or what it’s actual environmental consequences will be. So the draft statement goes beyond just raising our concerns about the project itself to concluding that the County’s process for reviewing and approving vineyards and wineries is broken and needs to be fixed.”

11/10/08 – 3:00 p.m. Meeting with Guy Davis at vineyards cancelled.

11/08 – ¹NOWWE hires Hydrogeologist Greg Kamman to review Todd Engineering’s Water Availability Report and concludes it was totally inadequate.

11/13/08 – Press Democrat article “*Mark West Creek Dispute Pits Water vs. Wine*”.

The interest generated was enormous and it is still going on. To date, none have been negative.

11/13/08 – 1:05 p.m. PRMD B.O.Z.A. Cornell Hearing – Great turnout. Due to family illness, Guy Davis did not attend.

The next hearing was put over to some future unspecified date.

The materials submitted by FMWW, NOWWE, SMWC (Save Mark West Creek), agencies, private citizens and others are vast and a wonderful resource (see FMWW Cornell primer in Documents Directory:

http://www.markwestwatershed.org/Cornell_Winery_PrimerDocsDirectory.html

11/23/08 = Cal/EPA Complaint is filed against Henry Cornell by FMWW and SMWC regarding the January 2006 slide that caused serious sedimentation in an impaired waterway (Mark West Creek). As of April 2009 no response has been received.

11/24/08 – CDFG Comments – Cornell documents are incomplete and more investigation and mitigation are required.

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11/25/08 – NCRWQCB addresses Cornell and all other development that has occurred and that will occur and the impacts that have occurred will continue to destroy the watershed. Cornell and others need a full environmental assessment, including an assessment of cumulative impacts of the Mark West Creek watershed to determine how water quality and all beneficial uses of water are affected. Excellent testimony.

12/9/08 – FMWW writes to Board of Supervisors that “Approval of this proposed grading ordinance will continue this apparently intentional circumvention of CEQA’s requirement that project approvals consider the environmental consequences of the project “as a whole” rather than considering a series of multiple permits and piece-mealed approvals. The ordinance seems to assume that the only conceivable adverse impacts resulting from the conversion of natural habits, including oak woodlands and endangered chaparral, into orchards and vineyards, is its potential to cause erosion and sedimentation. Nothing could be further from the truth.”

“The Friends of Mark West Watershed” respectfully request that the Board of Supervisors set aside this proposed ordinance and direct Staff to develop a proposal that is fully compliant with the impact identification, evaluation, mitigation and disclosure requirements of the California Environmental Quality Act. Any proposal for the regulation of the conversion of natural habitats to orchards and vineyards must include some reasonable way for screening proposed projects for the full range of environmental consequences and adverse effects and assuring their adequate mitigation.”

12/08 – Other Comments (Lynn Hamilton, Town Hall Coalition)

“We, the people of Sonoma County, request that the Sonoma County Board of Supervisors deny the proposed Vineyard and Orchard Site Development and Associated Grading Ordinance as written. Vineyard and orchard site development and grading should not be considered ministerial actions. Grading, vineyard and orchard site development can have adverse effects on water quality, fish and wildlife including species listed under the Federal Endangered Species Act and the California Endangered Species Act. We request that the County revise all sections in the Grading Ordinance and make approval of grading, drainage, vineyard and orchard development projects DISCRETIONARY actions and thus subject to environmental review as required by CEQA. The failure to do so would be breaking the law”. (emphasis added)

12/08 – ¹Complaint is filed against Todd for malpractice with State Board. (Great idea).

12/13/08 – LandPaths Holiday Gathering at Rancho Mark West (Doerksen ranch)

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1/09 – FMWW receives the transcript of November 13, 2008 B.O.Z.A. Cornell hearing. This was done by Steve Krimel and is a wealth of good information and many questions that FMWW needs to address.

1/09 – Burr and Volker, attorneys, etc. file suit on Grading Ordinance in that it deliberately and intentionally circumvents CEQA (as stated by FMWW in letter to Board of Supervisors).

1/15/09 – Land Use Committee is formed with Ray Krauss as convener.

3/09 – Calfire (CDF) rejects Jim Doerksen’s complaint that Cornell did an illegal THP on the proposed winery site. Thorough documentation was submitted but CDF says that the owner’s representative Guy Davis says it was only brush. All was done without permits and was done long before any approval for a NEW winery.

According to the Calif. Forest Practice Rule 4526 (p. 210), the definition of Timberland is “which is available for, and capable of growing a crop of trees of any commercial species used to produce lumber and other forest products.

3/09 – FMWW (including Russian Riverkeepers, CCWI, individuals, etc.) appeal to NCRWQCB to begin implementation of TMDL’S (Total Maximum Daily Load) in Mark West Creek immediately due to its severe impairments (sediment and temperature [due to loss of water]).

3/30/09 - Jim Doerksen with others meet Raissa Lerner, Deputy Attorney General in Sacramento and Vicky Whitney, Deputy Director of Water Resources, and Fish & Game to see if we can do something about the totally gridlocked system. It appears we can’t, but Raissa says she “may” be able to write a letter to Board of Supervisors regarding CEQA process.

4/14/09 – Land Use Committee Meeting: Jim Doerksen becomes convener of the Land Use Committee.

Prepared by: Jim Doerksen

Dated: 4/14/09