



November 13, 2008

Members, Board of Zoning Adjustments
Permit and Resource Management Department
Sonoma County
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Proposed Cornell Winery, UPE07-0008, 245 Wappo Rd, Santa Rosa, APN 028-260-041

Dear Board of Zoning Adjustments Members,

The Friends of the Mark West Watershed (FMWW) is a community of neighbors, landowners and supporters working to protect, restore and sustain the Upper Mark West Watershed in Sonoma County, California (www.markwestwatershed.org). Our watershed continues to provide spawning and rearing habitat for Coho Salmon and Steelhead Trout. We make our decisions by consensus.

We have carefully reviewed the Draft Mitigated Negative Declaration (MND) for the Cornell Winery, UPE03-0092, and concluded that it fails to provide sufficient environmental baseline data, adequate environmental analysis, appropriate mitigation or the necessary public disclosure required by the California Environmental Quality Act. **It is our consensus that the Draft Negative Declaration, as presented, is fatally flawed and should not and cannot legally be approved and that the project as proposed should be denied.** In fact, the Draft MND is so deficient that it lacks the information necessary to make any reasoned and accurate conclusions about the environmental consequences or the merits of the proposed project.

In particular we want to draw you attention to the following concerns:

1. **Size and Capacity:** The winery as proposed is grossly out of scale for the location. It exceeds the capacity necessary to produce wine from the grapes grown on the property, and is inconsistent with the policies of the Franz Valley Plan to limit agricultural production facilities to those necessary to support local agricultural production. The proposal is in fact for a Napa Valley style showcase winery that is entirely out of proportion with and inappropriate to the mountains of the Mark West Watershed.
2. **Excess and Unnecessary Impacts:** The proposed oversized facilities will cause environmental disturbances and impacts in an especially sensitive environmental

setting far in excess of those necessary to use the property for the purposes stated by the applicant.

3. **Environmental Sensitivities and Constraints:** The Draft MND and analysis fails to acknowledge and consider the special environmental sensitivities and constraints documented for the proposed winery site and the Upper Mark West Watershed.
4. **Geologic Impacts:** The proposed winery site is, to the extent that it can be determined from the MND, located on active landslides. Construction at the proposed location will require extensive vegetation removal, excavation, buttressing, fill, and regrading. The areas to be disturbed and the total volume of rock and soil to be relocated cannot be known from the information in the MND, but it will be in the thousands of cubic yards and extend well beyond the mapped winery site. The MDA does not disclose, identify or evaluate the disposal sites and volumes for cave spoils. These activities will cause unknown biological impacts, extensive and unavoidable sediment release and other significant impacts that are both unnecessary and unacceptable in Mark West Watershed. The MND fails to report and evaluate the implications of the major slide that occurred on the slopes below the winery in the spring of 2006.
5. **Cumulative Impacts:** The Draft MND and analysis fails to acknowledge and consider the existing Pride Winery and vineyards located immediately up-watershed from the proposed project. The Pride Winery has depleted its water supply at the top of the Mark West Watershed during the late summer in both 2007 and 2008 to the extent that it has thus been forced to truck to the winery tens of thousands of gallons of water daily during the critical low flow period. The Pride operation also includes a number of surface impoundments that further deplete downstream flows in Mark West Creek. Despite already having planted beyond their available water supply, Pride winery has in the last year converted yet an additional four acres of natural habitat in preparation for planting yet more vines. The Draft MND fails to acknowledge and consider the impacts of the Cornell proposal in the context of the up-watershed Pride operations and thus ignores both the lessons learned about the impacts of Pride and the cumulative impacts of the Pride and Cornell projects together.
6. **Creek Impacts:** It is widely acknowledged, that late summer flows in Mark West Creek have greatly diminished over the last decade and longer. These late season flows are essential to the successful spawning and rearing of endangered salmon and trout. These reductions in late season flows are known to be caused by excessive creek and ground water extractions and the substantial changes in the runoff and infiltration characteristics of the watershed resulting from the conversion of natural habitats to vineyard. The Draft MND only looks at the potential impacts on stream flow on an average annual basis and fails to evaluate the projects impacts on these crucial late season stream flow. A more detailed analysis on a monthly basis is required.

7. **Biological Impacts:** The biological information used to evaluate the impacts of the Cornell proposal is entirely insufficient to conclude that there will NOT be significant biological impacts. The geology of the upper Mark West Watershed is highly complex and chaotic, changing over distances of tens and hundreds of meters rather than the hundreds and thousands of meters typical of much of the rest of the County. As a consequence the distribution of the various soil types and the biota they support is very patchy, changing repeatedly over short distances, producing the extremely high biodiversity characteristic of the Mark West watershed. Although the Draft MND points out that there are data referencing rare serpentine indigenous plants in the vicinity of the project, it doesn't provide either the geologic and soils information or the biological field survey data needed to conclude that there will NOT be significant impacts on these resources.

8. **Additional Draft MND Deficiencies: The Friends of the Mark West Watershed's more detailed comments regarding the Draft Mitigated Negative Declaration are attached.**

The Friends of the Mark West Watershed are most concerned that the manner in which the county now reviews and approves vineyard and winery projects is broken and needs to be fixed. The County approval process allows the non-discretionary conversion of valuable and sensitive biological habitat without any public disclosure or CEQA review of environmental impacts. The multiple approvals required for this project have been piecemealed in a manner that makes it impossible to identify, analyze mitigate and disclose the environmental consequences of the project as a whole as required by CEQA.

In conclusion, we reiterate that, it is the consensus opinion the Friends of the Mark West Watershed that **the Draft Mitigated Negative Declaration is fatally flawed and should not be adopted and that the project as presented, should not be approved.,**

We have attached our detailed comments for your consideration and response and inclusion in the official record.

Thank you for considering the consensus of the Friends of the Mark West Watershed.

Sincerely,

Harriet Buckwalter, Co-Chair
Friends of the Mark West Watershed

Linda Sartor, Co-Chair
Friends of the Mark West Watershed

Copies to:
Valerie Brown