

# The Friends of the Mark West Watershed

Detailed Comments Re: Proposed Cornell Winery; UPE07-0008  
Mitigated Negative Declaration  
420 Wappo Road, Upper Mark West Watershed, Santa Rosa  
APN 028-260-047

**The Mitigated Negative Declaration (MND) is insufficient and should not be approved because:**

**The MND fails to acknowledge and consider the project's impacts on the special resource values and sensitivities of the upper Mark West Watershed.**

- **ABAG Priority Conservation Area Designation** The Association of Bay Area Governments, with the concurrence of the Sonoma County Board of Supervisors, has designated the Upper Mark West Watershed as a Priority Conservation Area in recognition of its extraordinary environmental values. Those values are well documented in the attached nomination petition (see attached).
- **Priority Coho Salmon and Steelhead Trout Protection and Restoration Area:** The California Department of Fish and Game and other agencies have identified the Mark West Watershed as a priority area in their plans for the restoration of the Russian River runs of both Coho Salmon and Steelhead trout. In a summary of the recent "Coho Salmon Summer Rearing Habitat Delineation for the Russian River Watershed (Draft, 8/15/07)", NOAA's National Marine Fisheries Service states that based on the final estimate of habitat distribution which shows the total amount of available habitat in the Russian River to be extremely limited and fragmented, Mark West Creek shows the only habitat suitable for Coho salmon east of Healdsburg. This is significant in that "a. it is very isolated, b. it is the only representation of habitat in the inland context, and c. the loss of this habitat would likely reduce the environmental diversity and potentially genetic diversity of the population." The summary goes on to state that addressing the limiting warm water temperatures in Mark West Creek, either by improving habitat or improving access to existing high quality habitat in the upper watershed, "it will likely greatly improve a limiting condition for the species" (D. Hines, personal communication, 8/15/07).
- **Exceptional Biodiversity and Rare Plants:** 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.
- The project will further **fragment** the watershed's high quality but waning **wildlife habitat**.
- **Sediment** from the winery project threatens to undo the benefits of a more than \$600,000 Fish and Game funded, multi-year **Sediment Reduction Project** (10% local funds).
- **Franz Valley Area and Specific Plans** resource, environmental and land use policies clearly establishes resource conservation as the priority goal in managing land use in the

area. The FMWW are working with the Sotoyome RCD to develop the **Upper Mark West Watershed Management Plan** (Attachment) to advance and implement these conservation goals. The proposal is well out of compliance with these adopted goals for the area.

- In recognition of the critical environmental resources in the Mark West Watershed, The Sonoma County Ag Preservation and Open Space district acquired the **Saddle Mountain** property. The proposed winery is inconsistent with the policies that drove this public acquisition.
- At least three neighbors in the watershed (Doerksen, Smith and Levine) have donated or sold **Conservation Easements** to the Open Space District or the Sonoma Land Trust.

**The project approvals have been “piecemealed”** in a manner that precludes the CEQA mandated environmental analysis and public disclosure.

- **Conversion of sensitive natural habitats** to vineyard is not regulated as a discretionary project by the County thus circumventing the environmental review and public disclosure appropriate to projects of this scale located in an especially sensitive area such as the upper Mark West Watershed.
- **Vegetation clearing**, well drilling, grading and project related construction activities, otherwise a part of the “whole of the project,” have been undertaken, in some cases with the authorization of the County or other agencies.
- Friends of the Mark West Watershed has previously testified that the county’s project review prices allows the **piecemealing of projects** in a manner that circumvents CEQA (see attached Statements Regarding Proposed Cornell Winery, UPE03-0092, 420 Wappo Road, Upper Mark West Watershed, Santa Rosa, APN 028-260-047 dated February 10, 2005 and June 6, 2005). These deficiencies of the County CEQA review process for vineyards and wineries have not been addressed.

**The project description contains internal inconsistencies and uncertainties** that need to be reconciled before the impacts of the project can be accurately evaluated.

- **Capacity and Source of Grapes:** The applicant’s intentions for the use of the property need to be clarified. The MND variously reports the capacity of the facility at 10,000 cases and 20,000. The applicant has stated that the winery will **ONLY** process grapes grown on the Cornell properties and that they will **NOT** disturb additional areas of the site or plant any vines in addition to the existing 20 acres. The existing vineyard will produce between 2500 and 3500 cases of wine at most. The additional capacity is unneeded and will, if build, assure impacts to the watershed in excess of those anticipated by the project description and evaluated in the MND.
- **Size of facilities:** The proposed facilities are far in excess of those needed to produce 10,000 cases let alone the grapes grown on the property. In fact, the facility would easily accommodate the production of the 20,000, which is inconsistent with the applicant’s stated intentions. This confusion needs to be resolved before the true extent of project impacts can be determined and an adequate MND prepared. As now presented, the oversized project will surely induce further conversions from forest to vineyard or the annual importation of grapes to the site, causing impacts to roads, traffic and public safety not considered in this MND and further circumventing the CEQA requirement to consider the whole of the project.

- **Visitation/Parking:** The project design includes parking spaces well in excess of those needed to accommodate the maximum 15 visitors, or 10 dinner guests and 3 to 4 employees proposed.
- **Water Use:** Uncertainty in the true ultimate size of the operation precludes accurate water use evaluation. The applicant asserts that the winery will use less water than a single family home. This is not adequately verified by the MND.
- **The locations and extent of grading** (and associated loss of vegetation): necessary to stabilize the winery site and to dispose of cave spoils are not and cannot be specified based on the information provided in the MND. The MND is not sufficient to conclude that these project activities will NOT have a significant impact to Mark West Creek and its rare and endangered fishery.
- **Quality of wastewater intended for irrigation disposal:** The hydrology report suggests that the use of wastewater for vineyard irrigation could compromise the quality of the winery's wells. Potential contaminants are not disclosed. These contaminants need to be identified and their transport and fate evaluated.

**The MND lacks sufficient baseline information and environmental analysis to support many of its conclusions of “no significant impact.”** (i.e., the MND does not reach an adequate threshold of confidence to conclude with CEQA mandated certainty that there will NOT be significant impacts on the special resources of the Mark West Watershed).

Because of these and other insufficiencies, the **MND also falls short of fulfilling its CEQA mandate for public disclosure.**

**Evidence of insufficiency of data and analysis of MND:**

- **Geology –**
  - The referenced geologic mapping provided in the MND is insufficient in both aerial extent and in scale/detail to conduct the analyses required to support the MND's conclusions of no significant impact. Additional/updated geologic mapping of the project area (site and surrounding 1 to 2 mile radius) at a scale of 1:6000 or less is required. The geology mapping of the building site alone, without its updated geologic context, is not sufficient.
  - The geology review fails disclose and analyze the large-scale landslide that occurred on the slopes below the proposed winery site during the New Year's storm of 2006.
  - The extensive grading and landslide stabilization work proposed to render the site adequately stable for winery and cave construction is inappropriate to a rural area, let alone a watershed designated as environmentally sensitive and, according to the geology report, may not be effective at avoiding future ground failure and related significant adverse impacts to the creek and the fishery.
- **Hydrology –**
  - The referenced geologic mapping is insufficient both in aerial extent and in scale/detail to conduct the analyses required to support the MND's conclusions of no significant impact.
  - The original hydrology report for the property is not included in the MND for public disclosure and review, only the more recent “supplemental” report.
  - The referenced data is insufficient in both aerial extent and in scale/detail to support the ground water Cumulative Impacts Area determination.
  - The analysis fails to acknowledge or consider the presence and impacts of the immediately up-watershed and adjacent Pride Winery and vineyards which is know to have exhausted its water supply during each of the last two harvests.

- In addition to the insufficiency of the geologic data, the analysis of the impacts of ground water withdrawal on Mark West Creek flows is fatally flawed because it is solely based on the impact on annual average flows and fails to consider time sensitive impacts on late season flows.
- **Sediment and Impacts to Creek**
  - Fish and Game stream characterization studies identify erosion and sediment transport as the most substantial threat to the continued spawning and rearing of Coho Salmon and Steelhead Trout in Mark West Creek.
  - Sotoyome Resource Conservation District has committed extensive efforts to sediment reduction, stream monitoring and other activities to promote the protection and restoration of Mark West Creek as a site of significant importance to the protection and restoration of salmon and trout, a program promoted by both the County and the Water Agency.
  - Local residents contributed \$60,000 as a 10% match for a Fish and Game funded, \$600,000 private road upgrade project to reduce sediment discharge to Mark West Creek. The MND does not demonstrate that this project will not cause significant sedimentation to the creek, offsetting these public and private efforts.
  - The MND fails to disclose and consider the sediment already released to Mark West Creek by the New Year's Day 2006 landslide that occurred on the property and its implications for similar releases in the future.
  - The extent of disturbance to vegetation and grading and the resulting sediment release caused by the project remains unknown and its significance unassessed absent more information regarding the location and extent of grading necessary to stabilize the winery site landslides and the areas needed for the disposal of cave spoils and other excess fill materials
- **Biota**
  - Winery site grubbing and other disturbance to natural communities has occurred prior to project environmental review.
  - The extent of disturbance to vegetation resulting from the project remains unknown without more information regarding the extent of grading necessary to stabilize winery site landslides and the areas needed for the disposal of cave spoils and other excess fill materials
  - *Calistoga ceanothus* (*Ceanothus divergens*), CNPS List 1B.1, and Rincon Ridge *ceanothus* (*C.confusus*), CNPS List 1b.2, are found in the area and may have already been impacted by premature grading and conversion of natural areas to vineyard. Sonoma *Ceanothus* (*C. sonomensis*) is exclusively found in this area. A site-specific plant survey is necessary to support any conclusions of no significant impact to the site's biota.

The MND fails to consider the project's **cumulative impacts** in conjunction with existing and possible future winery projects.

- Cumulative impact considerations, and in particular the geology and hydrology studies, fail to acknowledge and consider the considerable **impacts of Pride Winery** and vineyards located adjacent to and immediately up-watershed from the Cornell proposal. The attached pictures show the Cornell project alone, the Cornell and Pride disturbances together and a closer view of Pride.
- All of the vineyards at both the Cornell and Pride locations displace Douglas Fir forest or oak woodlands. These cumulative conversions from forest and woodland to vineyards, roads and buildings substantially **changes the run off and infiltration characteristics** of the disturbed sites. These changes in turn increase short-term runoff, reduce infiltration to ground water and thus diminish the late summer ground water releases to

the Creek needed to sustain salmon and trout spawning and rearing. The MND does not provide a adequate basis for concluding that these are not significant impacts either individually or cumulatively.

The MND fails to acknowledge and implement the **policies of the Franz Valley Area Plan.**

- Priority as a Conservation Area
- Scale, out of proportion to the resources/constraints of site
- Avoidance of hazardous conditions...land slides
- Avoidance of sensitive habitats...chaparral
- Mark West Creek impacts