

EXHIBIT 8

NOWWE
7168 St. Helena Road
Santa Rosa, CA 95404

Subject: Review of Reports For
Cornell Winery
245 Wappo Road
Santa Rosa, CA 95404

References: RGH Consultants, Inc. Letter (9-21-09)
RGH Consultants, Inc. Report (3-31-06)
Kleinfelder Letter (10-1-09)
Raymond Waldbaum Letters (11-11-08 and 10-23-09)
BZA Comments Email (12-15-08)
Atterbury and Associates, Inc. (09-14-09)
CRWQCB Letter (11-25-08)

Dear NOWWE:

INTRODUCTION

Per your request, I have reviewed the above referenced documents related to Cornell Winery on 245 Wappo Road in Santa Rosa, California. The purpose of this review is to evaluate the potential environmental effects of the proposed Cornell Winery project, located in Sonoma County.

CEQA PROCESS BACKGROUND

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have any significant effects on the environment. In the case of the proposed project, Sonoma County, acting as lead agency, will use the Initial Study to determine whether the project has a significant effect on the environment. This Assessment must be supported by an environmental analysis provided in the initial study document.

PROFESSIONAL REVIEW

I have reviewed reports on Geology and Soils.

Geology and Soils

The preliminary Geologic Report and Response to BZA Comments produced several test pits, core borings and bucket auger borings which have been logged and samples tested from the site. Based on this data, two slope stability calculations were produced one for the proposed winery site and one for the proposed leachfield site. Due to the "preliminary" status of the report, the laboratory data and slope stability data was not provided for review, and therefore a detail review of the analysis could not be conducted. (As part of the Initial Study process data must be available to the public as part of the public participation).

Klienfelder has been retained by the county to review the project consultant's reports. Please be aware that the California Geological Survey Note 41, *Guidelines for Reviewing Geological Reports* states under the Conflict of Interest Section that "A different type of conflict commonly exists in a jurisdiction where the geologic review is performed by a consulting geologist who also is practicing commercially (performing geologic investigations) within the same jurisdictional area. Such situations should be avoided, if at all possible.". In addition, American Society of Civil Engineers (ASCE) in Resolution 502, *Professional Ethics and Conflict of Interest*, States "Even the appearance of a conflict of interest is to be avoided". Klienfelder should not review reports for the county as Klienfelder is a practicing consultant in the same county.

- However, based on the Klienfelder review of the slope stability data, the slope stability analysis may have been modeled inaccurately. Based on comments by Klienfelder the buttressed fill slope may have to be created larger and wider. The size of the buttressed fill slope, the location, size and elevation of the keyway, have not been determined, the design has not been reviewed for constructability and it has not been reviewed for its possible effects on the environment (i.e. Aesthetics, deforestation, increased absorption of the soils, increased runoff). The buttressed fill has not been properly demonstrated as feasible, and as such the project can not be professionally determined as feasible. The report is incomplete and the county can not rely on an incomplete report.
- There are several geological and soils issues identified on the property based on the "preliminary" geotechnical report, however, no offsite geological and soils exploration and testing has been conducted, this is very important in a landslide prone area as the offsite area is located at the base of the hillside. Without an offsite investigation any land disturbing activities upslope may reactivate the unstable mass and cause a reactivation of the whole landslide. Due to these unresolved issues, the current preliminary geotechnical investigation does not remove the significant impact potential from the landslides to the project feasibility. Therefore, this project has not demonstrated its construction feasibility related to soil issues.

- A slope stability analysis requires a surveyed topographic map covering the entire cross-section. Based on the maps provided (Plate 7 and 9) the topography ends at the property line. No additional maps, surveys were provided to complete the base of the cross-section and the stability calculation. The base of the hill is an extremely important component of the stability analysis and without accurate data the whole calculation could be grossly inaccurate. It appears the base of the slope was estimated along with the depth and thickness of the landslide debris. This area is known for landslides (there are two onsite), inaccurate calculations of slope stability analysis are unacceptable. A full geotechnical analysis of the slope along with test pits and topographic surveys to the base of the slope are required.
- Based on the CB-7 at the upper center of the labeled landslide, the thickness is about 21.5 feet thick, no other testpits or cored boring found a total depth of the landslide. No description of the landslide contact was provided in the log, just that the contact was about 21.5 ft deep; it also appears that the contact was not sampled. In addition, water was reported in one of the test holes. There is a complete lack of information on the depth of the landslide downslope of CB-7 and if water may be perched within the landslide debris or at the landslide contact. The slope stability analysis is inadequate in scope and detail do to data being also lacking of additional detail. You can not calculate slope stability based on one borehole.
- Page 5 of the RGH Report dated Sept. 21, 2009 under the heading Conclusions, states that "the landslide can be remediated by excavating the debris to its full depth and rebuilding the slope..." and "that a level keyway will be excavated into bedrock at the toe of the repair". However, based on Plate 7, the base of the landslide is offsite. If the keyway is to be placed at the edge of property and not at the toe of the landslide debris, there is a possibility of the debris below the repair to reactivate. What is the slope stability of the hillside with the repair and the debris below the repair in the river bottom? What is the stability of the hillside during the repair? Repairs of landslides are a hazard and due to near vertical cuts and heavy vibrating equipment can introduce a high level of instability of the slope. The temporary cut should also be calculated in the slope stability program to identify the safety levels to the contractors.
- A Geotechnical Report where Preliminary or Final, requires the supporting data be included and provided, especially if the report is signed and stamped by a licensed Engineer and licensed Geologist. This slope stability analysis is required to include the calculations, the borehole logs, the cross-sections, the topographic map, the laboratory data, the proposed repair, the calculations and design drawings proving the repair is feasible. This was not provided in this signed and stamped "Response". A Complete Preliminary Report with slope stability analysis and supporting data should be submitted to the Board of Zoning Adjustment and made available to the public prior to being able to making a ruling on whether the project is feasible at this location as proposed.

With two landslides onsite, and the fact the neither of the slides have been adequately explored and slopes stability addressed, this project is not demonstrated its feasibility as proposed.

A significant negative effect from the project may occur based on the preliminary proposed designs. If you have any questions on the plan, please contact me at your convenience at 209-642-5445. It has been a pleasure to be of service.

Sincerely,

JR Squared Consulting, Inc.

James Robinson
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