U.S. FISH AND WILDLIFE SERVICE
Sacramento Fish & Wildlife Office - Santa Rosa
Conservation Partnerships Program
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404
Phone: (707) 578-8515 Fax: (707) 578-3435

FAX TRANSMISSION COVER SHEET

Date: **January 28, 2010**

To: **Melinda Grosch, PRMD**

Fax: 707-565-1103

SUBJECT: Crossbarn Winery (PLP08-0073)

Sender: Kate Symonds

Total Pages (Including Cover): 4

REMARKS:

Please deliver to Melinda ASAP.

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JAN 28 2010
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT
COUNTY OF SONOMA

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

January 27, 2010

Melinda Grosch
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403

Subject: Crossbarn Winery, 4930 Gravenstein Highway North, Sebastopol, Sonoma County. Application PLP08-0073

Dear Ms. Grosch:

We appreciate the opportunity to comment on the proposed Crossbarn winery and tasting room at 4930 Highway 116 North, Sebastopol, Sonoma County (File No. PLP08-0073). We have reviewed the Mitigated Negative Declaration, dated December 23, 2009, and the Wastewater Study, dated December 20, 2007, prepared for the proposed project.

Site Background

The proposed winery project is located immediately adjacent to and upslope of the lower portion of the Pitkin marsh, Sonoma County, California. Pitkin marsh is one of three historic perennial wetlands in southern Sonoma County with similar distinctive local wetland floras which include numerous species either only known from a very limited distribution or widely separated from other populations. These distinctive Sonoma County wetlands have ecological and floristic similarities with acidic, sandy/peaty bogs occurring further north on the California and Oregon coast and northward. In contrast to the Santa Rosa Plain vernal pools, which are dry in the summer and have limited groundwater influence, Pitkin Marsh is influenced by groundwater year round. Of the three wetlands, Pitkin Marsh has been know to support the richest native wetland flora, and the highest number of co-occurring disjunct species typically found in acidic, nutrient poor wetlands of the northern Sonoma and Mendocino outer Coast Ranges. Of the three marshes, only Pitkin and Cunningham marshes remain.

The proposed Crossbarn project is located within a few hundred meters of the only known site for the federal and state endangered white sedge (*Carex albida*). Formerly described from five locations, white sedge was thought extinct until its rediscovery in 1983 at Pitkin Marsh, which is now permanently protected by the Sonoma Land Trust and the Sonoma County Agricultural Preservation and Open Space District. Primary threats to white sedge include loss of habitat

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from urbanization and agriculture, competition with non-native vegetation, and alteration of hydrology from groundwater pumping. The federal listing document (62 FR 55791) describes one of the sites that no longer supports the species due to the addition of wells and other construction that altered the marsh hydrology. The small population size of this species increases the susceptibility to extirpation from random events.

Potential Indirect Impacts

Our primary concern regarding this project is its potential to result in indirect impacts to lower Pitkin marsh and any sensitive biological resources that may be present south and down slope of the project area. Such impacts may include alterations in hydrology that could result in increased and possibly focused runoff from impervious surfaces which in turn could result in erosion, sedimentation, and increased pollutants into the marsh and riparian area below the project site.

We are also concerned about the potential to alteration subsurface hydrology as it relates to the pumping of additional ground water which is either applied to the land or released subsurface through the septic system on a year round basis and how that would affect down slope marsh vegetation and stream flows. From the new septic system, there may also be some increase in contaminants and nutrients from septic leachate that would flow down slope to the wetlands and riparian area. Various products and other contaminants entering the septic system could change the pH or increase the nutrients in the soils. Pitkin Marsh is rather unique in that it is considered an acidic nutrient deficient bog type wetland. This enriched effluent may in turn stimulate grow of nonnative vegetation which may out compete some of the rare flora that could potentially exist in this portion of the lower Pitkin marsh. The proposed siting the new infrastructure and the septic leach field so close to the southern property boundary leaves little room to buffer such offsite impacts.

Inadequate Biological Information and Analyses

The documents we reviewed mentioned some of these potential impacts, however they did not provide adequate information to evaluate their potential because they lacked sufficient information about the biological resources on the down slope properties. For example, we do not know whether white sedge and other sensitive plant species occur south of the proposed project that could potentially be affected by any of the indirect impacts described above. Furthermore, the evaluation of any measures to mitigate such effects is not possible because the Mitigated Negative Declaration leaves it to a later date to develop such measures, after public review and project approval.

Recommendations

To adequately address the potential for indirect adverse effects on sensitive biological resources, we recommend biological surveys be conducted on the adjacent down slope propert(ies) that feed into Pitkin marsh and creek. Surveys must be conducted in the appropriate season to enhance detection of sensitive species, if present. An evaluation of alterations in hydrology on the marsh, riparian areas, and stream flows south of the project site should be thoroughly assessed and

adequately mitigated. Measures to ameliorate such impacts should be clearly described in documents made available for public review.

Short of conducting such surveys and additional detailed hydrological analyses, we recommend locating the septic system and other project elements away from the southern boundary to an area of the property where the facility would greatly reduce or eliminate the potential to affect the surface and subsurface hydrology and the biological resources of the lower Pitkin marsh and creek.

Thank you for the opportunity to comment on this proposed project. If you have any questions on this matter, please contact Kate Symonds at (707) 578-8515 or kate_symonds@fws.gov.

Sincerely,

Kathy Brown

Kathy Brown
Conservation Partnerships Program Division Chief

SWiG
SEBASTOPOL WATER INFORMATION GROUP

January 25, 2010

Robert Williams, Chair
Sonoma County Planning Commission
2550 Ventura Avenue
Santa Rosa, CA 95403

Subject: Unresolved Roblar Road Quarry water quality issues

Dear Mr. Williams,

Sebastopol Water Information Group is an alliance of West County well owners and Sebastopol residents, which provides Sonoma County citizens with accurate scientific information about water supplies and quality. I am a Ph.D. geologist (Stanford University, 1974), with 25 years experience of teaching and performing geologic investigations for the U.S. Geological Survey, and well acquainted with Sonoma County's geologic and hydrologic conditions and issues.

SWiG has pointed out the potential for siting an active and ultimately unusually deep quarry directly adjacent to the old, unlined landfill, for which Sonoma County is now responsible. The County must not permit a project at the proposed site that could destabilize this landfill. In particular the County must not permit a project with such a large potential to destabilize the landfill and redirect groundwater into nearby surface waters. These surface waters include Estero Americano, which lies directly downstream and which provides habitat for threatened native fish species.

Having read the North Coast Regional Water Quality Control Board letter of December 15, 2009, expressing similar concerns to our own, SWiG agrees that:

- both the proposed quarry's DEIR and FEIR lack sufficient mitigations to prevent discharge of excess groundwater into nearby surface waters,
- the groundwater contains heavy metals and other pollutants at levels exceeding ground and surface water quality objectives, and
- the quarry proponents do not convince us that landfill pollutants in groundwater will not adversely affect water quality in Americano Creek, and downstream.

Clearly, the County must finally clean up this legacy landfill before considering this, or any other potentially destabilizing project for the proposed quarry site.

Sincerely,

Jane Nielson, Ph.D. (Geologist)
President, Sebastopol Water Information Group
3727 Burnside Road
Sebastopol, CA 95472
jenielson@comcast.net

cc: Commissioner Don Bennett
Commissioner Paula Cook
Commissioner Dennis Murphy
Commissioner Tom Lynch

AGVWC

ATASCADERO / GREEN VALLEY WATERSHED COUNCIL
P.O. BOX 302 GRATON, CA 95444
WWW.AGVWC.ORG

To: Sonoma County Board of Zoning Adjustments
Melinda Grosch, Planner, Sonoma County PRMD

From: Atascadero / Green Valley Watershed Council (AGVWC)
Date: January 21, 2010

Subject: Crossbarn Winery, 4930 Gravenstein Highway North, Sebastopol, Sonoma County. Application PLP08-0073

The Atascadero / Green Valley Watershed Council is dedicated to taking responsibility for our watershed through protection, restoration and education. Because of our mission AGVWC is submitting the following comments on the proposed new winery and tasting room, Crossbarn Winery at 4930 Gravenstein Highway North, Sebastopol. Our comments are as follows:

1) New site structures and a "process and sanitary subsurface drip dispersal systems" are shown on site plan maps located in the southeast corner of the 7.45 acre parcel. This location is only about 40 feet from the fence line to the adjacent parcel to the south (Lands of Holcomb). The Holcomb property contains wetland and riparian areas of Pitkin Creek and Pitkin Marsh. (These wetlands and riparian areas are co-joined with lower Pitkin Marsh under the Hwy 116 overpass.)

AGVWC is concerned with the placement of impervious pavement, structures and an onsite commercial waste and septic system on a slope which drains directly to the wetlands and riparian areas of Pitkin Creek. Although a wetland delineation and biological assessment was conducted for the Hobbs property, no assessments were conducted on the adjacent Holcomb property. Since, to our knowledge, there has been no work to identify the potential for rare plants or to delineate wetlands on the Holcomb property to the south, Sonoma County PRMD does not have the evidence it needs to determine that the septic system is sited 100 feet from wetlands or surface seeps (springs) as required in the county septic permit process and the Water Quality Control Board Basin Plan. Also, because of the sensitive nature of Pitkin Creek wetlands and the potential for rare plant species to exist downgradient of the lower Pitkin Marsh, a greater than 100 feet setback from the uphill septic system to wetlands of Pitkin Creek should be considered.

AGVWC recommends that to properly site the septic system 100 feet from wetlands or surface seeps, a wetland delineation should be performed on the adjacent parcel to the south. If this is not possible, the winery project should be redesigned to locate the proposed features, including the septic, away from the south end of the property, possibly north of the existing residence in the septic expansion area.

2) The existing septic system is not shown on the site map.

3) Pitkin Creek flows into Atascadero Creek, Green Valley Creek and finally the Russian River. Atascadero and Green Valley Creeks are identified as important Coho and salmon habitat streams and much effort has been expended to try to recover these species along these creeks. However, as has been said, the fish are literally dying a "death by a thousand cuts" and this project may be one more cut.
According to the declaration, a "properly installed septic system will not result in wastewater being discharged into the environment." However, since the septic system is on a downward slope toward Pitkin Creek, it is hard to imagine that the waste stream would not someday enter the creek and add another negative water quality impact to the fish trying to survive in the Atascadero/Green Valley system.

There is no mention in the mitigated negative declaration regarding hydrology, water quality, or cumulative impacts about the potential for further degradation of Coho and salmon habitat due to changes in the drainage, hydrology and water quality from this winery project. This issue should have been addressed in the neg dec.
There is also no analysis of the impact on creek water flow secondary to dramatically increased groundwater use

4) To prevent runoff of storm water, surface soils and sediment to Pitkin Creek, PRMD recommends a mitigation measure to "install vegetated swales, detention basins, and other forms of storm water management" "along the edges of the vineyard as well as in areas around the winery and tasting room." The storm water features are not shown on a site map. Melinda Grosch has stated that the storm water management features would be designed and incorporated after project approval. How can the public evaluate the placement and adequacy of storm water features if they are not included in the project design? These features need to be incorporated in the site map available for public review prior to public review and public hearing.

Additionally, with the location of structures (including a trash receptacle) within 20 feet of the south property line, there does not appear to be enough room for the installation of storm water swales or catchment basins between the proposed structures and the south fence line.

5) We see no mention in the declaration of the possible impacts of the proposed widening of Highway 116 on the protected wetlands that the highway crosses. We are also concerned about the safety of the winery entrance on this dangerous stretch of highway 116.

6) Potential alternative locations for the winery should be evaluated as part of the mitigated neg dec. We are aware the Mr. Hobbs owns additional vineyards within the area, including other vineyards near and on Hwy 116. Would the construction of a winery on any of these alternative locations be feasible and result in less potential impacts to wetlands and creeks than the proposed location? We believe this question should be asked by PRMD and the Board of Supervisors to determine if a more suitable winery location with less potential environmental impacts could be found.

In summary, it is the opinion of the AGVWC, that the mitigated negative declaration does not suffice to answer the numerous environmental questions raised by the proposed project,

especially to the nearby extremely sensitive and important wetlands. We strongly urge a wetland delineation on adjacent properties and believe that an Environmental Impact Report for the proposed project is essential.

Thank you for allowing these comments.

For the Atascadero / Green Valley Watershed Council,

Dr Zeno G Swijtink
President

January 25, 2010

To: Melinda Grosch
PRMD
2550 Ventura Ave.
Santa Rosa 95403
mgrosch@sonoma-county.org

Re: Crossbarn Winery Proposal
Application # PLP08-0073

From: Jon F. Sassin, Friend of Pitkin Marsh

A REMINDER: Just two years ago Sonoma County through the OSD, Sonoma Land Trust, CA Fish and Game and other agencies invested heavily in the preservation and restoration of Pitkin Marsh for the good of all Sonoma County residents. Preservation of Pitkin Marsh has long been part of the County Plan.

A QUESTION: Why is another County Agency about to approve a proposal for a privately owned commercial interest that will unquestionably put that fragile wetland in danger of further degradation??

COMMENTS

WATER: 1) Wetland Delineation

The south border of this property in overhead aerial views clearly abuts the wetland and is literally a few feet from the Pitkin Marsh now under the stewardship of SLT. There has never been a Wetland Delineation of the property known as Land of Holcomb, which from the same views clearly includes Pitkin Creek and the lower end of Pitkin Marsh on the West side of Highway 116. This wetland needs to be defined before the impact of this proposal can truly be assessed.

2) Mr. Hobbs has already denuded the upland area for this wetland of numerous trees and plants for his vineyard. Now he proposes to endanger further the creek and marsh directly with sanitary/septic/wastewater systems that are clearly too close to the water.

3) Pitkin Creek flows East into Atascadero Creek and then Green Valley Creek. This waterway system is presently under intense Federal scrutiny in an effort to save the endangered Coho salmon. The outflow from this winery cannot be "mitigated" enough to prevent its negative impact on water quality in this habitat.

4) Noticeable on the project map is the delineation of "Willows" to be removed to situate the actual winery building itself! Anyone living in Sonoma County for more than a few days knows that WHERE THERE ARE WILLOWS, THERE IS WATER. There is no indication as to how this will be dealt with. Does h plan to fill the area?

5) Where is the plan for storm water control? Where are the plans for groundwater recharge??

6) Will the widening of Highway 116 that will be necessary for mitigation of traffic impacts be done within ANY of the confines of the wetland on either side of the road? It appears that CalTrans has no yet addressed that issue.

NOISE, TRAFFIC, AIR

7) The mitigated negative declaration is also woefully inadequate with respect to the impacts of NOISE (machinery, trucks, cars, music), LIGHT (commercial lighting, parking lot lights, tractor and truck lights especially during harvest) and AIR QUALITY (exhaust from cars, trucks, machinery). The proposal's estimates in these areas are unrealistic and not commensurate with the actual experience of Sonoma County residents living near wineries.

ALTERNATIVES

8) Mr. Hobbs is known to own a number of properties in West Sonoma County. Is there documentation that any consideration was given to an *alternative site* for the winery? Is there documentation that any consideration has been given to alternative sites for the winery and disposal systems *on this property*.

PROCESS

9) Have CEQA rules been followed for this project? Hasn't instead the process been a series of permits to establish a vineyard and then suddenly a mitigated negative declaration for a winery and tasting room when it would appear that the plan all along was to have a vineyard, winery and tasting room on this parcel?

IN SUMMARY

I: This mitigated negative declaration is wholly inadequate to respond to the severe impacts to the environment that this proposal will produce and should be rejected.

II: An Environmental Impact Report is clearly necessary.

III: A Wetland Delineation on the Lands of Holcomb would be a requirement.

Respectfully Submitted

Jon F. Sassin,

A Friend of Pitkin Marsh
jonsassin@comcast.net

John Herrick
10123 Old River Road
Forestville, CA 95476

January 26, 2010

Melinda Grosch
Sonoma County PRMD
2550 Ventura Venue
Santa Rosa, CA 95403

Via email

Re: Crossbarn Winery, PLP08-0073
Comments for January 28 Board of Zoning Adjustments Hearing on Mitigated Negative Declaration

Dear Melinda,

Thank you for the opportunity to comment on the Mitigated Negative Declaration for the Crossbarn Winery application (PLP08-0073).

The assessment of biological impacts is too narrow in scope. Neither the Biological Assessment prepared by Kjeldsen Biological Consulting, the environmental checklist nor the Sonoma County Board of Zoning Adjustments Staff Report acknowledges that the wetland on the 27.04 acre parcel , 084-130-003 (Holcomb parcel) adjoining the project parcel to the south is Pitkin Marsh. The Biological Assessment states:

> *"The Pitkin March is located on the east side of 116 and Pitkin March Creek is located south of the property."*
>
> Kjeldsen Biological Consulting, Biological Assessment Crossbarn Winery El Molino Rancho, page 1

Peter Rubtzoff, in his 1950s study of Pitkin Marsh included the Holcomb parcel as part of the Marsh:

> *"The Lower Marsh, which is separated from the upper Marsh by a drier area, extends southward somewhat across the highway from Sebastopol to Guerneville (this extension south of the highway, in which no collection of plants was done, in not shown on Map 2)"*
>
> Peter Rubtzoff, A Phytogeographical Analysis of the Pitkin Marsh, Wasmann Journal of Biology 11 (2), Summer 1953, page 136

Rubtzoff's Wasmann Journal article does not appear in the Literature cited/References section of the Kjeldsen Biological Assessment. The article is the authoritative study of Pitkin Marsh.

Rubtzoff, his colleagues and current botanists/ecologists familiar with Pitkin Marsh attribute the unique collection of special-status and disjunct plant species to the acidic, low nutrient conditions found there.

Coastal Plant Ecologist Peter Baye states:

> *"Pitkin Marsh has the richest native flora, and the highest number of co-occurring disjunct species typically found in acidic, nutrient-poor wetlands of the northern Sonoma and Mendocino outer Coast Ranges (Table 1). These three "Marshes" (in the broad sense; wetlands including emergent marsh communities and other types of wetlands) have been interpreted as remnant floristic "islands", relics of past climates and plant migrations (Rubtzoff 1953, Best et al. 1996)"*
>
> Peter Baye, Vegetative Management Plan: California Department of Fish and Game "Cunningham Marsh" Conservation Easement Site, Sonoma County, California, April 2005, page 5.

Project assessment documents fail to consider these unique conditions. There is no analysis of how wastewater flowing from the project parcel will impact Pitkin Marsh and the creek flowing through the Holcomb parcel. Likewise, there is no discussion of the impacts resulting from site preparation (1,900 cu yards of cut/fill), development, winery operation and frost protection will have on seeps feeding Pitkin Marsh and the creek on the adjoining Holcomb parcel.

This oversight is inconsistent with the Sonoma County General Plan Open Space and Resource Conservation Element. Policy OSRC-7r states:

> *"Develop comprehensive programs for preservation and restoration of freshwater marsh habitat of the Laguna de Santa Rosa area, the extensive marsh areas along the Petaluma River, other tidal marshes and freshwater marshes such as **Pitkin** (emphasis mine), Kenwood, Cunningham and Atascadero Marshes. Include mechanisms for preservation and enhancement such as land acquisition, zoning restrictions, public and private conservation easements, regulating filling, grading or construction, floodwater retention and wetland restoration."*

Project impacts on the Holcomb parcel could negate upstream habitat enhancement work. In 2007, the Sonoma Land Trust (SLT) acquired the 27 acre parcel on the east side of Highway 116 from the Holcomb parcel. Water quality improvements resulting from SLT's upstream management activities could be diminished by nutrient leaching from the Crossbarn Winery.

Project-related traffic mitigation impacts to Pitkin Marsh and the creek cannot be assessed as the mitigation plans have not been completed and have not been approved by the Department of Transportation.

Further biological and hydrological analysis of the proposed Crossbarn Winery project is required.

Pitkin Marsh is a regional and national asset. A narrow, project parcel-restricted biological study of a denuded landscape does not adequately reveal the proposed project's impacts. Based on a review of the parcel permit history, overall parcel development appears to be the result of CEQA-prohibited project segregation. The vineyard installation and the winery proposal should have been considered as one project. As an aggregated project, cumulative impacts could have been more accurately evaluated and appropriate mitigation measures implemented.

Thank you for your consideration, contact me if you have questions.

John Herrick
887-8542

SONOMA LAND TRUST

966 Sonoma Avenue
Santa Rosa, CA 95404
Tel: 707-526-6930
Fax: 707-526-3001
www.sonomalandtrust.org

January 27, 2010

Permit and Resource Management Department
Attn: Melinda Grosch
2550 Ventura Avenue
Santa Rosa, CA 95403

VIA Email

Re: Crossbarn Winery Proposal for Hobbs Property – Application PLP08-0073

Dear Ms. Grosch:

Thank you for the opportunity to comment on the proposed new winery and tasting room on the Hobbs property known as Crossbarn Winery at 4930 Gravenstein Highway North in Sebastopol (Application PLP08-0073). Sonoma Land Trust owns a preserve located across Highway 116 from the proposed project and has been actively engaged in developing a long-term conservation plan for the larger Pitkin Marsh region. Our intent is to draw your attention to the unique and rare natural resources within Pitkin Marsh and to the substantial investment of over $1.1 million in public and private funding to protect this Sonoma County treasure. We also offer some specific comments regarding the Mitigated Negative Declaration for the proposed adjacent winery.

Sonoma Land Trust

Founded in 1976, Sonoma Land Trust is a non-profit land conservation organization dedicated to protecting the varied scenic, natural, agricultural, and open landscapes of Sonoma County for the benefit of present and future generations. The Land Trust develops long term land protection strategies for different regions of the County; works with landowners who may want to sell or donate their land or a conservation easement over their land; holds conservation easements; manages preserves; works on land stewardship and restoration projects; and provides opportunities for the public to participate in hikes, environmental education, and restoration activities.

Lower Pitkin Marsh Preserve

In 2007, Sonoma Land Trust purchased a 27-acre property (4869 Gravenstein Highway North; APN 084-120-034) in the lower portion of Pitkin Marsh that was slated for imminent development. The property, which is commonly referred to as "Lower Pitkin Marsh Preserve," features a complex of wetlands, mixed native riparian habitat, oak woodland, and grasslands. The perennial freshwater wetlands and quaking bogs on the site have been recognized and studied for many years for their unique physical habitat characteristics and significant botanical attributes. Plant species occur here that are indicative of globally

extremely rare coastal fens, and there are several species that are currently listed and protected at either the state or federal level, including the white sedge (*Carex albida)* - a species considered extinct until its rediscovery in 1983 at Pitkin Marsh. This Sonoma County endemic is severely threatened by loss of habitat, alteration of hydrology, and competition with exotic species. The population at Pitkin Marsh is the only known extant population of white sedge.

Because of the irreplaceable nature of the property's resources, the Sonoma County Agricultural Preservation and Open Space District and the California Wildlife Conservation Board contributed a combined $970,000 of public funding toward the acquisition. SCAPOSD holds a conservation easement over the property and an additional $150,000 of public funding has been secured for its stewardship.

Pitkin Marsh Conservation Plan

In 2009, Sonoma Land Trust, in collaboration with several local, state, and federal partners, completed a long-term conservation plan for the greater Pitkin Marsh region which extends several parcels downstream from SLT's Lower Pitkin Marsh Preserve across Highway 116 and upstream to Middle and Upper Pitkin Marshes. The plan proposes to conserve the region's significant natural resources by permanently protecting—either by fee acquisition or conservation easement—31 parcels totaling nearly 300 acres that contain the riparian corridor of Pitkin Creek, the marshes along and adjacent to Pitkin Creek, and upland habitat. The Land Trust is actively working with willing landowners in the Conservation Plan area who are interested in expanding the protection of Lower Pitkin Marsh, in ways that will protect the riparian and upland habitat on the easement property, as well as restrict groundwater pumping and surface hydrology alteration in this sensitive watershed.

The Pitkin Marsh region has been recognized for many years for its unique assemblage of habitats, including riparian, marsh, oak woodland, and grassland areas, and its significant botanical attributes, including several species that are currently listed and protected at the state and/or federal level. In addition to its botanical resources, Pitkin Marsh also provides habitat for migrating and nesting bird species and an essential movement corridor for wildlife between surrounding residences, estate homes, orchards, and vineyards.

Permanent protection of this important natural resource is called for in several local, regional, state, and federal plans and studies, but only 27 acres – Sonoma Land Trust's Lower Pitkin Marsh Preserve – are currently protected. Additional protection within this area is essential to prevent further fragmentation, protect multiple federal and state listed plant species, restrict groundwater pumping and surface hydrology alteration that may negatively impact sensitive species, provide opportunities for research and recovery of listed species, and enable future restoration projects.

The majority of the Pitkin Marsh region is designated as a Biotic Resource and portions of it as a Scenic Resource by Sonoma County Planning agencies and is identified as such in the Sonoma County 2020 General Plan adopted in September 2008. The Sonoma County Agricultural Preservation and Open Space District's (SCAPOSD) long-range acquisition plan (completed in 2006) entitled, "Connecting Communities and the Land: A Long Range Acquisition Plan," identifies Pitkin Marsh as a major groundwater basin or natural recharge area for Sonoma County.

In 1983, the region was ranked as the highest priority natural area for acquisition in "The Atlas of Natural Habitats in Sonoma County," a document sponsored by the Sonoma County Planning Department. The Laguna de Santa Rosa and Cunningham Marsh ranked second and third, respectively.

More recently, in 2008, Pitkin Marsh was selected as 1 of the 98 Priority Conservation Areas (or PCAs) in the 9-county San Francisco Bay region by the Association of Bay Area Governments' (ABAG) FOCUS Program. Preliminary draft maps in the Upland Habitat Goals Project, a San Francisco Bay Area science-based conservation planning effort, also identify Pitkin Marsh as critical to achieve Bay Area biodiversity goals.

Comments/Questions Regarding the Potential Impacts of the Crossbarn Winery:
The following comments and questions relate to specific sections of the Mitigated Negative Declaration as noted.

4. Biological Resources
a) The Biological Assessment prepared by Kjeldsen Biological Consulting only addresses the parcel owned by Mr. Hobbs (APN 084-130-009) and does not address the possibility that rare plant species and/or wetland habitats may exist on the parcel directly to the south (APN 084-130-003). Given it's proximity to Lower Pitkin Marsh and known populations of federal and state listed plant species, it is possible that one or more of those species exists on APN 084-130-009 and could be adversely impacted by the construction and operation of the proposed winery and tasting room.

b) According to the Biological Assessment, "The project has the potential to impact seasonal wetlands off-site if sediment or storm water is diverted into the neighboring property to the south of the project site. This impact can be avoided with proper drainage and sedimentation control measures implemented during grading and site preparation and building construction." How does PRMD propose to monitor the required mitigation measures to ensure that the project does not significantly impact sensitive wetland habitats on APN 084-130-003?

6. Geology and Soils
The proposed project site is located within 300 feet of Pitkin Creek, a tributary of Atascadero Creek. The mitigated negative declaration outlines a number of mitigation measures designed to reduce soil erosion from the project site during construction and operation, but does not establish any monitoring requirements to ensure the effectiveness of these measures. What measures will PRMD take to ensure that required mitigation measures are effective?

8. Hydrology and Water Quality
b) According to the project proposal, the proposed winery and tasting room will require a new water supply well and will result in an increased amount of impervious surface at the project site. Given that the ground and surface water interactions in the Pitkin Marsh region are complex and not well understood, we ask that PRMD provide an assessment of the potential hydrological impacts of the proposed project on the watershed that can be reviewed by the public. In addition to assessing the overall hydrologic impacts, the

assessment should examine the impacts of drawdown during critical dry periods in the spring and summer and take under consideration the cumulative impacts of other approved projects in the area and predictions for altered precipitation and runoff caused by climate change.

15. Transportation/Traffic

d) Access to SLT's Lower Pitkin Marsh Preserve is on Highway 116 just north of the bridge over Pitkin Creek. Pulling off of and onto Highway 116 at this point, in the immediate vicinity of the project site, is already dangerous given the tendency of many drivers to speed on this stretch of the highway and the narrow width of the road shoulders. Increased traffic in this area is likely to make accessing the preserve even more dangerous.

Increased vehicular traffic coming to and from the new winery and tasting room may also lead to increased nitrogen deposition in nearby Pitkin Marsh. The complex of wetland habitats that comprise the Pitkin Marsh region are considered acidic, nutrient-poor wetlands and the rare plants that live there are uniquely adapted to tolerate low nutrient conditions. Increased nitrogen availability in these wetlands through nitrogen deposition would likely have a detrimental impact on these species, several of which are currently listed and protected at either the state or federal level.

Conclusion

Thank you for the opportunity to comment on the Crossbarn Winery Proposal. We hope that you will consider the unique natural resources of nearby Pitkin Marsh in making your decision.

Sincerely,

Ralph Benson
Executive Director

Francine Archer

From: Kimberly Burr [kimlarry2@comcast.net]
Sent: Wednesday, January 27, 2010 4:49 PM
To: Francine Archer; Melinda Grosch
Cc: Jessica Diaz; Susan Upchurch
Subject: Cossbarn Official COMMENTS PLP08-0073

January 27, 2010

Board of Zoning Adjustments & Chairman Williams
c/o Melinda Grosch
Permit Resources and Management Department

RE: Mitigated Negative Declaration PLP08-0073 Crossbarn Winery; 4930 Hwy 116 N. Sebastopol; Paul Hobbs

Dear Board and Staff:

"The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." (California Public Resources Code 21000(d)).

The California Legislature discovered over thirty years ago that environmental devastation does not always occur in one fell swoop but often occurs a little at a time. This was in the 1970s when Californias were alarmed over the rapidity with which sprawl, imprudent land use decisions, and inadequate planning were changing California by significantly adversely impacting its bounty and quality of life.

The California Environmental Quality Act was passed in order that decision makers not only had the authority to consider cumulative impacts of past and reasonably foreseeable projects when deciding the propriety of adding additional demands and stresses to natural and human communities, but the Act (CEQA) placed a duty on decision makers to fully understand the potential impacts of their decisions and required them to give major consideration to preventing environmental damage in order to protect natural systems from being significantly impacted.

Hobbs' Aggressive Business Model

When individuals or entities display an inability to restrain themselves, like was occurring in the 1970s, especially when lack of constraint translates into a contribution to significant harm to others down stream, off site, or next year, good government goes to work. Currently, this project applicant is in the process of obtaining a permit to convert redwood and douglas fir forests in Pocket Canyon for another grape related enterprise.

Piecemeal Development

Among the already high impact projects the applicant has in Sonoma County, the applicant has cleared the subject site, drilled a well, and planted vineyards adjacent to the high value Pitkin Marsh (see attached photos) home to the rare Pitkin Lily among many wetland dependent amphibian, reptile, and bird species(See studies of the Sonoma Land Trust 2005 to the present). Despite the rapacious nature of the Hobbs business model and the well known pattern of wine makers to piecemeal their projects in in this County, all these high impact winery

related impacts were allowed, in the absence of environmental review. The County should have stopped these development activities at the beginning and required the applicant to fully disclose the whole of his project, in order that all the high impact activities associated with clearing land in proximity to a wetland, pumping water from closely connected ground water, and planting more vineyards on the slopes above the wetland were evaluated and properly mitigated if possible.

Since the applicant apparently was not asked about his intentions, or was and was not truthful, and thus proceeded to carry out the predictable and oft repeated steps of segmenting the whole of a large project over a relatively short time period, the County is now responsible for carrying out an extremely thorough environmental review of all the cumulative direct and indirect impacts to this watershed and marsh area potentially affected by this portion of the proposed project.

Fair Argument

Comments of knowledgeable members of the public and experts support the concern that significant environmental impacts may occur as a result of construction of this project. This new portion of the project when added to the already cleared ownership, well development, and vineyard construction, makes the environmental review described above imperative to knowing the full extent of the cumulative impacts and must include, thorough independent review of the current impacts on water availability year round, hydraulic impacts of past, present, and reasonably foreseeable future projects, full animal and plant surveys, wild life corridor mapping, and edge affects caused by the encroachment of development on this rare thicket and marsh area (See expert comments of John Herrick, California Native Plant Society, Larry Hanson long-time coordinator of the Green Valley Creek Restoration effort on the Martinelli Ranch, and comments of the Atascadero Green Valley Watershed Council; see attached photos).

According to the National Marine Fisheries Service, Green Valley Creek is among only five critical restoration watershed for endangered Coho Salmon and is already experiencing low flows during significant portions of the year severely limiting recovery efforts. Flows to the watershed are under extreme demand and must be augmented not diminished or subjected to the potential pollution of large septic systems in close proximity to the marsh and thence Green Valley and Atascadero Creeks. The applicant takes the watershed as it is, and it is already impaired. The level an impact has to reach to be significant, in such a case, is much lower or smaller. The public has made a fair argument based upon substantial evidence that impacts may occur as a result of this project and an environmental impact report is required.

Despite CEQA's intent and explicit requirements, this county has allowed the thresholds on salmon to be exceeded. And the same can be said for many species hanging on in small patches of fragmented habitat. Balance is required, and when it comes to special status species restoring balance is also required under state and federal law. The county General Plan requires balance and this does require placing meaningful effective limits on development and projects. (3.1 Policy for critical habitat areas -- Certain biotic resource communities provide wildlife habitat and contribute to the quality of life in Sonoma County. These critical habitat areas are designated on Figure OS-3 on page --- and require special protection because they are highly sensitive to change and could be adversely affected by development.
Important critical habitat areas include: wetland and marshes ....Pitkin Marsh.)

1)**Wetlands and Marshes** - These are identified as critical habitats and may include, but are not limited to, tidal salt marshes and estuaries, freshwater marshes such as the **Pitkin**, Petaluma and Kenwood marshes, and vernal pools. Wetlands provide a habitat for many animal and plant species and serve as the base of a food chain which supports many types of fish, waterfowl and other birds and mammals. Loss of wetlands affects these species and decreases hunting, fishing, and recreational opportunities.

Developers and speculators know that they are subject to the laws passed to ensure that thresholds are not exceeded, and as long as decision makers have the will, and hold up their end of the deal, sustainable development can occur.

Thank you, and please make these comments a part of the official administrative record.

KIMBERLY BURR
Green Valley Creek Restoration Volunteer

California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

Linda S. Adams
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

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JAN 28 2010
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT
COUNTY OF SONOMA

January 28, 2010

Ms. Melinda Grosch
Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Dear Ms. Grosch:

Subject: Comments on the Mitigated Negative Declaration for the Crossbarn Winery project, 4930 Gravenstein Highway North, Sebastopol, Sonoma County, SCH No. 2009122060

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the Crossbarn Winery project and use permit. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of beneficial uses of these waters.

The Crossbarn Winery project consists of the development of a 2,000 square foot winery, parking lot and driveway, and a septic system. The project is proposed to be constructed in the southeast corner of a parcel approximately 7.45 acres in size.

Pitkin Creek and Pitkin Marsh are located south of the project site. Pitkin Marsh is an extremely sensitive wetland and riparian habitat that is home to multiple state and/or federally listed species. Pitkin Marsh is a historic perennial wetland complex, identified in the 2009 Pitkin, Cunningham and Perry Marshes Conceptual Area Protection Plan as a 'floristic island' preserving past climates and plant migrations. Pitkin Creek flows into Atascadero Creek which is tributary to Green Valley Creek, thence the Russian River. The entire Russian River watershed is listed on the 303(d) list as impaired due to sedimentation/siltation and water temperature, with potential sources including storm water runoff, urban runoff, land development, and erosion. In addition, Atascadero Creek and Green Valley Creek have been identified as habitat for Coho salmon. Protecting Pitkin Marsh, Pitkin Creek, and their receiving waters is of utmost importance, as they are all valuable and threatened resources.

The project site is separated from Pitkin Marsh by the lands of Holcomb, which have not undergone a wetland delineation survey but may have wetlands and riparian habitat

present. Pitkin Marsh joins the Holcomb property underneath the Highway 116 bridge at the southeastern corner of the project site.

General Comments

We do not consider the Mitigated Negative Declaration prepared for the Crossbarn Winery project to be adequate. We are concerned about the location of the proposed project in relation to Pitkin Marsh and Pitkin Creek. The document does not properly define all potential individual and cumulative impacts of the project and does not provide sufficient specific mitigation for many impacts that are identified. The Regional Water Board believes that the preparation of an Environmental Impact Report (EIR) is necessary to demonstrate adequate mitigation of impacts to ground and surface water quality, beneficial uses of state waters, and hydrology. Alternatively, we would request that mitigation measures be more clearly described and that additional mitigation measures for potential cumulative impacts be developed.

In 2006, Regional Water Board staff commented on a proposed project at 4869 Gravenstein Highway North that was subsequently not approved by the County due to the potential for significant impacts to Pitkin Marsh and Pitkin Creek. In 2007 that property was purchased by the Sonoma County Agricultural and Open Space District to preserve this significant marsh system. The Regional Water Board encourages the County to seriously consider the implications of allowing potential environmental impacts associated with continued development in the watershed tributary to the Pitkin Marsh.

The following specific comments identify the areas in the MND that we consider insufficient and our recommendations for addressing them. Without further attention to these issues, we cannot support the proposed project.

Specific Comments

Septic system

1. The December 20, 2007 Wastewater Feasibility Study by Steve Martin Associates estimates a daily average of five visitors to the winery's tasting room, with peak days averaging 15 visitors. The January 2, 2008 Focused Traffic Impact Study by Whitlock and Weinberger Transportation estimates an average of 15 tasting visitors, with 20 on peak days. These two reports also have discrepancies between their estimates of employee traffic. Furthermore, the Regional Water Board believes that a daily estimate of five tasting visitors is extremely low given the visibility of this site from Highway 116. A reasonable estimate of visitors must be used in the Wastewater Feasibility Study.

   The MND should provide a standard estimate of visitor and employee traffic, and studies provided to support the CEQA document should be performed using this

standard estimate. The Regional Water Board strongly recommends a reevaluation of the estimates used thus far, as we consider them to be so low that they prevent an accurate assessment of the project's impacts. County staff should consider additional pretreatment of domestic and process wastewater to reduce nutrient concentrations that would reach sensitive surface waterbodies through ground water.

2. The MND is lacking information, analysis, and mitigation regarding the process and sanitary wastewater treatment and disposal systems. As no wetland delineation has been performed for the Holcomb property, it cannot be determined that the proposed location for the wastewater disposal system is at least 100 feet from wetlands or surface waters as required by the Water Quality Control Plan for the North Coast Region (Basin Plan). In addition, the slope where the wastewater disposal system is proposed drains directly to Pitkin Marsh and Pitkin Creek. Given the slope of the property and the sensitive and valuable character of Pitkin Marsh, the wastewater disposal system should be fully evaluated and all potential impacts analyzed.

   A wetland delineation study should be performed for the Holcomb property. Analysis of the septic system must provide a detailed description and diagram of the location and capacity of all system features, and must take into account the slope of the property and the potential impacts upon downslope areas, particularly the wetland and riparian habitat. The Regional Water Board strongly recommends moving the location of the winery and associated wastewater disposal system to a portion of the property that is further from the sensitive wetland areas, or moving the location of the winery to another parcel altogether.

3. The MND should evaluate for possible impacts to groundwater. The MND states "No Impact to water quality is anticipated from wastewater disposal" but provides no information to demonstrate this.

Other Impacts

1. Widening of Highway 116 has been proposed.

   The MND should note Caltrans's intent to widen Highway 116 and add a left turn lane. The MND should identify potential impacts that this widening may have on the placement of the septic system, on storm water drainage, and on the wetland areas that the highway crosses. Low impact development storm water controls should be mandatory for all new pavement areas.

Cumulative Impacts

1. The MND states that the project does not have impacts that are individually limited, but cumulatively considerable. This statement is not substantiated. The

Regional Water Board believes that the project will have impacts that are cumulatively considerable due to the environmental sensitivity of the area where the project is proposed. The project is very close to Pitkin Marsh and Pitkin Creek, which flows into Atascadero Creek, Green Valley Creek and the Russian River. As previously mentioned, the Russian River watershed is already impaired, Atascadero Creek and Green Valley Creek provide much needed fish habitat, and Pitkin Marsh is a very unique and valuable wetland complex. Development of surrounding land has increased in past years and has the potential to cumulatively affect these resources.

The MND must address the cumulative impacts of the project, taking into account recent development within the Atascadero/Green Valley watershed and the Russian River watershed. The cumulative impacts assessment should also include an evaluation of the proposed project in conjunction with the recent conversion of the project site to a vineyard.

Storm Water Runoff

Storm water runoff, both during construction activities and after the project's completion, is a major concern for the proposed project, but it is not appropriately addressed in the MND. Storm water runoff carries pollutants and sediment from disturbed areas and impervious surfaces, and can cause erosion and channelization in riparian areas. This is a particularly significant concern for the Crossbarn Winery project due to the project's location on a slope above a sensitive and valuable wetland feature.

1. The proposed project does not provide sufficient analysis of storm water runoff. No hydrology studies are provided. The MND does not answer the CEQA Environmental Checklist question: "Will the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?"

   The MND must provide a detailed analysis of potential impacts of storm water runoff upon the adjacent wetlands on the Holcomb property and the adjoining Pitkin Marsh. All questions in the CEQA Environmental Checklist must be answered in full. The issue of the project's location on a slope draining to the wetland areas must be addressed specifically. The analysis should consider the related discharges of runoff from onsite vineyard areas in order to determine cumulative impacts.

2. The Biological Assessment performed by Kjeldsen Biological Consulting clearly states that "the project has the potential to impact seasonal wetlands off-site, and potential habitat for rare plants off-site if storm water and runoff from impermeable surfaces is not contained onsite" (page 16). However, the MND does not ensure that storm water runoff will be contained onsite. The MND does not show mitigation features on the site map and only provides a vague

description of some features of runoff control that are intended to "prevent rain water and other runoff from impervious surfaces from directly entering Pitkin Creek." From the project description, it seems unlikely that adequate mitigation can be performed in the limited project site.

Due to the sensitive nature of the nearby downslope wetlands, it is unacceptable for runoff to leave the site. This project must use Low Impact Development (LID) techniques to retain and infiltrate runoff onsite via bioinfiltration and evapotranspiration. We have enclosed a list of LID resources with this letter for your reference. Furthermore, the MND must describe in detail the exact methods proposed for mitigation and provide a visual depiction on the site map provided with environmental review materials.

Project Siting

The Regional Water Board strongly suggests that the winery be constructed on a different portion of the project site area, preserving the greatest distance between the winery and the Holcomb property and Pitkin Marsh. In addition, relocating the project offsite should be considered.

In summary, this project is located near a sensitive waterbody of national significance. Enhanced mitigation measures for all project-related impacts are necessary. As proposed, we believe this project may have significant impacts to water quality and beneficial uses of state waters.

If you have any questions or comments regarding 401 certification, please contact Stephen Bargsten at (707) 576-2653 or sbargsten@waterboards.ca.gov. If you have any questions or comments regarding storm water, please contact Mona Dougherty at (707) 570-3761 or mdougherty@waterboards.ca.gov.

Sincerely,

John Short

John Short
Senior Water Resources Engineer

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Low Impact Development Resources

State Water Board Low Impact Development and Sustainable Storm Water Management:
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml

State Water Board Resolution on LID and Sustainable Water Resources Management:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2008/rs2008_0030.pdf

Resolution of the California Ocean Protection Council Regarding Low Impact Development:
http://www.resources.ca.gov/copc/05-15-08_meeting/05_LID/0805COPC05_%20LID%20Res%20amended.pdf

Puget Sound LID manual:
http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf

Low Impact Development Center:
http://www.lowimpactdevelopment.org/

Green Infrastructure Municipal Handbooks:
http://cfpub2.epa.gov/npdes/greeninfrastructure/munichandbook.cfm

Marin County's LID manual:
http://www.mcstoppp.org/acrobat/GuidanceforApplicantsv_2-5-08.pdf

San Diego County's LID manual – has a section on LID for roads:
http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf

Low Impact Development – Sustainable Storm Water Management:
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/

EPA Green Infrastructure Basic Information:
http://cfpub.epa.gov/npdes/greeninfrastructure/information.cfm

Managing Wet Weather with Green Infrastructure:
http://cfpub.epa.gov/npdes/home.cfm?program_id=298

Contra Costa Manual and Guidance to Municipalities:
http://www.cccleanwater.org/new-developmentc3/stormwater-c3-guidebook/

Contra Costa approach powerpoint to implement LID:
http://www.cccleanwater.org/Publications/StormCon-5-06/5-ContraCostaApproach-I-Dalziel-Cloak.ppt

State Water Board Funded Projects That Include Low Impact Development:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/low_impact_development/

City of Portland's Sustainable Storm Water Management Program – LID for streets:
http://www.portlandonline.com/bes/index.cfm?c=34598

Low Impact Development Center – Green Highways and Green Infrastructure:
http://www.lowimpactdevelopment.org/green_highways.htm

Streetscape improvements and water quality design:
http://www.lowimpactdevelopment.org/nhb/lid.htm

Low Impact Development for Roads - Washington State Green Building for Transportation Infrastructure webpage: http://www.metrokc.gov/kcdot/roads/eng/lid/militarys272/index.cfm

LID Urban Design tools – has design software for different BMPs:
http://www.lid-stormwater.net/homedesign.htm

LID design fact sheet:
http://www.coastal.ca.gov/nps/lid-factsheet.pdf

Storm Water Runoff Calculator:
http://www.stormulator.com

LID Training Program for Linear Transportation Projects:
http://www.lowimpactdevelopment.org/epa03_transportation.htm

Storm Water Management and LID at EPA headquarters – BMP choice and design:
http://www.epa.gov/owow/nps/lid/stormwater_hq/

http://sustainablesites.org/

A Review of Low Impact Development Policies: Removing Institutional Barriers to Adoption:
http://www.waterboards.ca.gov/lid/docs/ca_lid_policy_review.pdf

Storm Water Resources:

The CASQA Construction BMP manual:
http://www.cabmphandbooks.com/Construction.asp

North Coast Regional Water Board Municipal Storm Water:
http://www.waterboards.ca.gov/northcoast/water_issues/hot_topics/santa_rosa_ms4_npdes_stormwater_permit/

State Water Board Storm Water Program:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/

Erase the Waste Campaign – California Storm Water Toolbox:
http://www.waterboards.ca.gov/water_issues/programs/outreach/erase_waste/

State Water Board Storm Water Grant Program:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/index.shtml

The San Francisco Regional Water Board storm water website:
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/avail_docs.shtml

EPA Storm Water Program:
http://cfpub.epa.gov/npdes/home.cfm?program_id=6

Federal Funding Sources for Watershed Protection:
http://cfpub.epa.gov/fedfund/

California Stormwater Quality Association:
http://www.casqa.org/

Stormwater Manager's Resource Center:
http://www.stormwatercenter.net/

Post Construction BMPs:
http://www.stormwaterauthority.org/library/library.aspx?id=190

For more information, please contact Mona Dougherty at mdougherty@waterboards.ca.gov or John Short at jshort@waterboards.ca.gov