

Wine producer wants more land for proposed vineyard

By JOAN RAYMOND
Sentinel Staff Writer

BONNY DOON — Feeling confident following a state appellate court hearing Wednesday, wine producer Jim Beauregard will try to retrieve from the Coastal Commission some acreage that has been earmarked for open space at his 300-acre vineyard development.

Beauregard said he will ask state Coastal Commissioners to amend the conditions of his permit. He will ask the commission to delete from open space areas about 60 acres that includes sandstone rocks and silver-leafed manzanita.

For four years Beauregard has been in the process of developing what will be Santa Cruz County's largest vineyard on a 525-acre ranch. The land is considered by environmentalists to be a unique habitat for rare and endangered plants and animals.

In the meantime, Beauregard plans to lease a different 300-acre parcel in Bonny Doon for more vineyards and a winery. The land near Eagle Rock is already zoned for agriculture, said Beauregard.

Beauregard is a partner in Felton Empire Winery and in his family's grocery store, Shoppers Corner in Santa Cruz.

The vineyard development has been an ongoing tug-of-war between strict environmentalists and agricultural interests.

The conflict moved into the First District Appellate Court in San Francisco Wednesday for a hearing over whether the county should have required an environmental impact report before approving the project in 1981.

County supervisors had approved the project, earmarking acreage in open space for protection of rare plants and animals. A year later, coastal commissioners gave their approval, adding

stricter environmental conditions and requiring more acreage be dedicated to a public agency for preservation of plant species. Exactly how many acres involved will be determined when final maps are complete.

Marilyn Hummel, an opponent of the development who lives across the street from the vineyard site, challenged the supervisors' decision and filed a lawsuit against the county in Superior Court on the grounds an environmental report should have been completed.

There was a "biotic assessment" done at Beauregard's expense.

Hummel lost in Superior Court and appealed to the state court.

Appellate Court judges heard arguments from lawyers Wednesday and made comments. Their decision is expected within 90 days.

Hummel's attorney, Reed Flocks of Santa Cruz, maintained a more environ-

mentally-sound project would be a smaller vineyard with cluster housing.

"The addition of compost (for the vineyard) will alter the soil to make it more fertile so that plants that survive in a very poor soil now will not be able to compete," said Flocks.

The rare plants include Ponderosa pine, Ben Lomond Wallflowers and Santa Cruz Cypress trees.

Judge Sidney Feinberg responded to Flocks that Santa Cruz County "shows an extraordinary sensitivity for the habitat, and you're still complaining in this case that they haven't done enough.

"As a matter of fact, some of the environmentalist groups have backed out of it."

Judge Feinberg noted the Sierra Club had not joined in the appeal.

"The Sierra Club is still interested," said Flocks.

"They're not an appellant," replied Judge Feinberg.

"It's a matter of money. They've never changed their position. They did appeal to the board (of supervisors), but not here," said Flocks.

Judge Feinberg also wanted to know about the "champion" Santa Cruz Cypress tree on the property that was acclaimed by botanists.

"It's been cut down," said the county's lawyer, James Ritchey.

Last April, during the hullabaloo over the vineyard development, someone had illegally chopped down the tree, which in

1977 had been registered with the American Forestry Association as the largest Santa Cruz Cypress known to exist.

"It's already been cut down?" asked Judge Feinberg. "Well, if it's been cut down, not even an appellate court could restore it. Only God could do that."

Also appearing at the hearing was Dennis Kehoe, the lawyer for Teachers Management Investment, the owner of the property.

Ritchey noted the planning commissioners and supervisors had approved the project on unanimous votes.

Flocks noted the vote on the environmental impact report was split, 3 to 2.

Flocks also noted the Local Coastal Plan prohibits agriculture in Ponderosa Pine forests and Santa Cruz Cypress grove and other sensitive habitats.

Flocks said — after the Local Coastal Plan was adopted — Beauregard had been able to secure a grandfather clause to allow agriculture on the site.

Beauregard said he is willing to preserve those species that are officially recognized as rare. But he is not willing to preserve the rocks and silver-leafed manzanita.

The rocks are the habitat of Kincaid's Colletes bee, known for its ability to nest in stone. The manzanita is considered a rare and endangered species by the California Native Plant Society, but not by the

state. It is considered as a candidate for "threatened" status on a federal list.

There is a plan to switch the Santa Cruz County cases from the First Appellate District in San Francisco to the sixth district in San Jose.

Commented First District Judge James B. Scott, "I must confess...we're going to miss the Santa Cruz County cases. They're always interesting."