

Vintner is no wallflower on Ben Lomond Mountain

By JOAN RAYMOND
Sentinel Staff Writer

*"Wallflower, Wallflower up on the wall,
Who sowed your seed there?
'No one at all...'"*

— Cicely Mary Barker

BONNY DOON — The Battle of the Beauregard Vineyard isn't over yet.

Bonny Doon's political Armageddon continues over the planting by Jim Beauregard of a 300-acre vineyard — to be the biggest in the county — on a 525-acre ranch in the southwest flank of the Ben Lomond Mountains.

It's been three years since the vineyard development began winding its way through the halls of county government and the state Coastal Commission, and not one vine has been planted yet.

Thirty-six-year-old Beauregard, son of a Santa Cruz grocer, planned to clear the land this summer in time to meet a county deadline that halts clearing in mid-September, but now he says that deadline will be missed and there will be no start on clearing until at least next spring.

Beauregard, a founder of the Felton Empire Winery, has a vision of restoring the once-flourishing premium vineyard and wine industry to Ben Lomond Mountain.

His vision includes reviving the Ben Lomond Wine Company, whose wines from Bonny Doon grapes had won acclaim in the United States and Paris at the turn-of-the-century.

Hard times befell the wine company and Prohibition confirmed its demise.

But in 1982 — 100 years after its establishment — Beauregard reincorporated the Ben Lomond Wine Co.

The 300-acre project, nestled on an odd-shaped chunk of land along Martin Road, is part of Beauregard's plan to develop a series of vineyards totaling 1,200 acres and a winery capable of processing the grapes of Ben Lomond Mountain.

The project has snagged on many limbs.

Besides the usual delays involved with getting government approval for a project like this, it has been challenged in court by environmentalists who say the property in its natural state is a "biologic treasure" that will be plundered by plowing for a large vineyard.

The chaparral and forested land is not only home to white-throated swift, Western Bluebird, broad-handed mole, deer weed and sticky money flower, but its steep sandstone rocks play host to a remarkable animal — Kincaid's Colletes Solitary Bee, known for its ability to nest in stone and even to burrow through cement.

Hummel has appealed a decision in 1981 by Santa Cruz County Superior Court Judge Harry Brauer that the county was fair in its decision to not require an environmental impact report for the vineyard project.

Appellate judges are expected to hear Hummel's appeal sometime in September.

Beauregard did pay for the completion of a biotic assessment of the site by Bill Davilla of BioSystems Analysis in San Francisco, but Hummel and Flocks maintain the biotic assessment did not go far enough in addressing other environmental concerns, such as the impact of irrigation on the underground water source.

They were unsuccessful in an attempt in June to have the Coastal Commission permit revoked on the grounds Beauregard had withheld information about the existence of a "champion" Santa Cruz Cypress tree on the site. The unlawful cutting of this tree in May by an unknown woodcutter triggered protests from nature lovers. There were previous incidents of vandalism to the protected species when a Beauregard sympathizer plowed under a patch of Wallflowers and heads were plucked from the flowers.

Beauregard has been backed by a majority of Bonny Doon residents and agricultural and wine interests.

Two years ago, in a letter to the Coastal Commission, law librarian Pat Pfremmer, a past president of the Rural Bonny Doon Association, wrote: "This proposed project will determine the future of Bonny Doon, and it is a future which I and a large majority of the community strongly support."

Coastal Commission staff member, Jeri Sheele, said most correspondence has favored the project. She has handled reams and reams of paperwork on it, and said, "It seems I've spent my life on it."

Supporters say the opposition by Hummel, Flocks and Bockman amounts to harassment in the name of conservation.

In June, Clare Berryhill, director of the state Department of Food and Agriculture, wrote that Beauregard "is obviously being harassed and victimized by a small but influential group of individuals."

The Coastal Commission issued the permit on the condition Beauregard break up the vineyard development into two phases and "dedicate" open-space to a conservation organization to preserve the sensitive habitats and rocks on the site.

Beauregard calls it "environmental extortion...if they think the land is so important, why don't they buy it?"

Exactly how many acres of open space will be subtracted from the vineyard proposal (including buffer zones

says the report. Without fire, Cypress cones will not open enough to release seeds, says the report.

"Your donating the land, because it's manzanita brush, but it's not going to be here in 15 years," said Beauregard. "Who's going to be enjoying this?...Nobody."

Flocks, backed by biologists and botanists, say clearing the land for grape growing will change the content of the soil to the extent the rare or endangered species will disappear.

"I can scarcely imagine a more unsuitable use of the land," wrote Stanford biology professor John H. Thomas, referring to Beauregard's project in 1981. Thomas is the author of "Flora of the Santa Cruz Mountains of California."

Hummel maintains a smaller vineyard of 157 acres, plus a limited number of houses on 20-acre parcels would be less harmful to the environment than a 300-acre vineyard with no homes.

"Even with a smaller vineyard, there could still be a label with the name Beauregard on it," argues Flocks.

Beauregard says a smaller vineyard won't fly, economically.

Harry J. Krade, assistant director for special assignments of the state Department of Food and Agriculture, has written, "Any further incursions into the proposed vineyard would make the agricultural operation uneconomical."

The county permit does allow Beauregard to advance plans for 10 clustered homes in a planned unit development, but the Coastal Commission permit specifically bars housing.

In June of last year, the State Coastal Conservancy started negotiations with Beauregard to take over management of the natural resources.

The Conservancy drafted a proposal whereby it would develop homesites to offset the cost of managing the natural resources.

In a memo to Gordon Snow, assistant secretary of the state Resources Agency, Krade wrote on June 14:

"The property at Bonny Doon had been divided into 11 parcels and one of the more interesting proposals is that the Coastal Conservancy (of which Snow is an appointed member) would 'take care of' the conservation of so-called sensitive habitat areas if Beauregard will deed those sensitive areas consisting of about eight parcels and then which they, in turn, would sell off to homeowners who would be willing to: (a) build on the property; and, (b) maintain the habitat areas. I don't know why it wouldn't be equally valid for Beauregard to do that himself....

"The whole Beauregard vineyard is

the cream (of the land).

"They wanted to pay for 60 acres; acquire 160 acres and develop 10 homesites to pay for 60 acres, all in the name of conservation." No agreement was ever reached between the Conservancy and Beauregard.

Henson served on the staff of the state attorney general during the drafting of the California Environmental Quality Act regulations.

Flocks said Hummel represents "the people of the state of California. The issue is not Beauregard and what he wants. The issue is the California Environmental Quality Act and to give the people knowledge (about the land.)"

Flocks said he was "initially" surprised when he learned Henson was representing Beauregard.

Said Flocks: "I think (Henson) took the case because the supervisors had approved it, and a majority of supervisors were environmentalists, and I think the supervisors made the decision because it is politically difficult to turn down an agricultural project."

The Rural Bonny Doon Association in the past has stood solidly behind the Beauregard plan as a refreshing alternative to past proposals by other developers for a golf course, condominiums or subdivision.

One resident said he "quit" his membership in the Sierra Club over the local club's opposition to the project.

Also, longtime Bonny Doon resident and landscape architect Roy Rydell — a founding member of the association — said he "lost interest" in the local chapter of the Sierra Club over the Beauregard project.

"The majority of the community was overjoyed when Jim Beauregard came along and could find financial support for a vineyard that would be perfectly compatible with the use of the land," said Rydell.

Flocks maintains the strong support from residents was because, compared to past proposals, the Beauregard project looked so much better to them.

But he thinks the tables are turning more to his side.

In a meeting of the association in May, for the first time Beauregard did not secure a vote of confidence for his project. The meeting followed the much-publicized tree-cutting incident.

Recently 10 other residents have

joined Hummel in objecting to the project's soil erosion and irrigation plan, which calls for the establishment of a cover crop to reduce soil loss.

Residents say the amount of water needed by spray irrigation to establish the cover crop, plus water use for the vines, may jeopardize the fragile underground water supply.

The water issue has thrown a wrench into the soil erosion plan, because without enough water the cover crop will not be established in time for erosion-causing winter rains. County staff is working on that plan now.

Residents say they will appeal the plan to the Planning Commission if necessary. That will mean another round of hearings.

County staff said snags in the plan, plus the pending appeal, means Beauregard cannot meet the county deadline for clearing this year.

One resident concerned with the erosion control and irrigation plans is Steve Sande, secretary-treasurer of the Mountaintop Mutual Water Co., which serves seven families close to the vineyard site.

"I'm all for the vineyard," said Sande. "I think it's a wonderful idea, but a reasonable amount of homework should be done on how it will impact the surrounding area, especially homeowners with families. The main criteria is the use of water and fertilizers, erosion and drainage onto our roads."

Flocks said if an environmental impact report had been done, the questions about water problems would have been answered. He calls the project a "classic case" for an environmental impact report.

Flocks says Hummel is standing up and speaking for the plants and animals. He likes to show how the champion Cypress tree looked before it was cut down, like a mother showing a photograph of her son who was killed in battle.

Said Flocks: "The unfortunate fact is trees do not have the standing to sue. They can't stand up in court and say, 'I'm the biggest one. I've been growing all these years.'"

"Why shouldn't they have a vote? Give them a say. Have someone speak for them. That's what an environmental impact report does. It (makes plant and wildlife) part of the democratic process.

"It's a shame trees have to be cut.

It's not a fair tradeoff. I don't care how good the wine is."

The property is owned by Teachers Management Investments. Beauregard said he now has an open escrow and option to buy, after previous escrow extensions had expired and been renewed seven times.

He claimed the plans are costing taxpayers hundreds of thousands of dollars, and costing him, \$150,000.

He said the sensitive habitat easements are worth \$600,000.

He adds: "I didn't like it when people moved in across the street either, but I didn't tell them how to maintain their manzanita bushes."

If environmentalists aren't "reasonable" now, said Pfremmer, TMI may decide to sell the land to a developer with a less-attractive plan.

"I would much rather have Jim Beauregard as my neighbor than TMI," she added.

There are other skirmishes. Beauregard installed a vineyard for celebrity Merv Griffin in Carmel Valley that last winter eroded onto a neighboring parcel. Beauregard's opponents point the finger of blame at him, but he said it was correctly installed. He said the reason for the failure was lack of proper maintenance after he left.

On another front, Beauregard was one person who brought it to the attention of county staff that a swimming pool on Hummel's property has no fence around it.

The pool was built after the county's pool ordinance was passed, but the ordinance was retroactive.

County staff said the fenceless pool is illegal, but enforcement is a low priority at the moment due to staff shortage.

Hummel said she will build the fence. It will cost more than the typical fence.

Since Hummel's property also lies in a sensitive habitat area, county staff said she would have to pay \$300 for a biotic assessment before the fence can be built.

Beauregard wondered if her fence had to be designed to accommodate the migration patterns of animals, just as his fences must be designed in this manner.

When Hummel was told about the need for the \$300 report, she said, "Oh, my."

When Beauregard was told, he said, "That's really a shame."

ing for a large vineyard.

The chaparral and forested land is not only home to white-throated swift, Western Bluebird, broad-handed mole, deer weed and sticky money flower, but its steep sandstone rocks play host to a remarkable animal — Kincaid's Colletes Solitary Bee, known for its ability to nest in stone and even to burrow through cement.

The gently-to-moderately sloping land is considered a "sensitive habitat area" by the county and Coastal Commission. The site includes Santa Cruz Cypress, an endangered plant species; Ben Lomond Wallflower, a rare plant species; and silver-leafed manzanita, possibly a threatened species.

The Ponderosa pine forest is considered an "area of significant biological importance" by the state Department of Fish and Game.

Also, the Santa Cruz kangaroo rat, possibly a rare species, may still live on the property, although live rodent-trappings performed at Beauregard's expense in 1980 found no animals.

However, a neighbor to the property said she saw a kangaroo rat caught by a cat a couple years ago, according to Reed Flocks, a Bonny Doon resident and lawyer for one of the leading opponents to the project, Marilyn Hummel.

Hummel lives across from the vineyard site. She is a former regional coastal commissioner and alternate on the county Planning Commission, representing Supervisor Gary Patton.

Hummel has been joined in the opposition by Dave Bockman, local spokesman for the Sierra Club. Flocks also is an active member of the local Sierra Club.

Flocks says he follows the thinking of environmentalist and Stanford University Professor of Population Studies, Paul Ehrlich, that "agriculture is the number one destroyer of the botanic species."

up the vineyard development into two phases and "dedicate" open-space to a conservation organization to preserve the sensitive habitats and rocks on the site.

Beauregard calls it "environmetnal extortion...if they think the land is so important, why don't they buy it?"

Exactly how many acres of open space will be subtracted from the vineyard proposal (including buffer zones around the habitats) will not be known until Beauregard files final maps and field inspections are completed.

Flocks says the site is "pristine," but other residents see it as an overgrown, brush-filled fire hazard. Supporters say a vineyard would be prettier.

In a sense, says Pfremer, parts of the habitat were "manmade." Portions had been cleared at one time for a smaller vineyard, Christmas tree farm, pastures and orchards.

The biotic assessment states that it is the clearing of the land that may have triggered the growth of the stands of manzanita that are considered such outstanding examples of the species by the opponents. If left undisturbed, the manzanita may die out on its own naturally, says the report.

Fire is one way the manzanita, Cypress and Wallflowers are encouraged, says the report. They grow after a fire, but clearing may act as a fire substitute,

the conservation of so-called sensitive habitat areas if Beauregard will deed those sensitive areas consisting of about eight parcels and then which they, in turn, would sell off to homeowners who would be willing to: (a) build on the property; and, (b) maintain the habitat areas. I don't know why it wouldn't be equally valid for Beauregard to do that himself....

"The whole Beauregard vineyard issue has been on the drawing boards for the last two or three years with efforts by the Coastal Commission, the Coastal Conservancy, the Sierra Club and others to derail the development.

"As it now stands, the price of the Coastal Commission approval has been a loss of about half of the total acreage, a couple hundred thousand dollars in environmental impact reports (sic) and the interminable delays.

"My feeling is that if the acreage were that valuable a public resource, it should be the public's responsibility through Parks and Recreation or someone to buy it and not have the private developer be holding an expensive dead stinking fish while environmental groups argue over what should be done."

Beauregard's lawyer, Alexander Henson, saw the Coastal Conservancy negotiations this way: "I would say the Coastal Conservancy came in as a land grabber. They saw the opportunity to take