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# Vineyard opponents will continue fight

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SANTA CRUZ — Opponents to a 300-acre vineyard in Bonny Doon lost in the appellate court but vowed Tuesday to take their case to the state Supreme Court.

First Appellate Court judges decided in San Francisco Monday to uphold an earlier decision by Superior Court Judge Harry Brauer.

The appellate court judges agreed with Brauer that an environmental impact report was not required before the county had approved a permit in 1981 for the vineyard planned by James Beauregard, a partner in Felton Empire Winery.

Judges ruled county supervisors had complied with the California Environmental Quality Act. The permit had been approved with the condition that Beauregard dedicate acreage for the protection of the Santa Cruz Cypress tree, Ben Lomond Wallflowers and coastal ponderosa pine to a public agency. He was also required to submit drainage and erosion control plans to protect the watershed.

Marlyn Hummel, a neighbor to the vineyard site on Ben Lomond mountain — once a productive grape-growing area — had filed suit against supervisors.

Hummel is a county planning commission alternate appointed by Supervisor Gary Patton, a former regional coastal commissioner and former planning commissioner.

"We now have four judges who have made mistakes," said Hummel's lawyer Reed Flocks, an active Sierra Club member, referring to Judge Brauer and the three appellate court judges.

Said Flocks, "We're not done with this. We'll be going to the Supreme Court. We will do everything we can to convince the Supreme Court to take this case."

Flocks said judges had "missed the point" of the appeal. He said they concentrated on the protection of rare and endangered plants but failed to focus on the impact of plowing under 300 acres considered by researchers to be a treasure of unique plants and wildlife.

Local Sierra Club activist Dave

Bockman had failed in June to convince the state Coastal Commission to revoke a Coastal Commission permit for the vineyard on the grounds Beauregard had kept secret the existence of a "champion" Santa Cruz Cypress tree on the site. That tree was chopped down by an unknown person during the time of Bockman's attempts.

Beauregard commented Wednesday: "I feel that Bockman and Flocks, from the Sierra Club, and Hummel, an alternate planning commissioner, have totally abused the beaurecratic process.

"They have used every trick in their book and, unfortunately, local conservation groups have suffered because of it."

Beauregard still maintains he will return to the Coastal Commission for an amendment to the permit.

The conditions of the coastal permit add more acreage into undevelopable, plant-protection zones.

Beauregard said he will try to recall 88 acres from protection zones "so as to avoid the over-reaching land grab...that was initiated by these three individuals."

Hummel and Flocks maintain the vineyard development is a threat to the water supply, but that that issue was not addressed.

But Beauregard maintains "water is not an issue." He said he will scale down the first planting phase of the project, scheduled for next year, to 50 to 75 acres — about half of the original acreage to be planted the first year.

If state coastal commissioners do consider a permit amendment, Flocks said he will ask them to require an environmental impact report.

Responded Beauregard: "They're exhausting the administrative process. There aren't too many leaves left to turn over."

The 300-acre site lies on a 525-acre ranch owned by Teachers Management Investment, Inc.

Flocks said he couldn't understand how a group of teachers "are playing a role in the destruction of this important botanic site."