DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES

Tony Linegar
Agricultural Commissioner
Sealer of Weights & Measures

Date: 3/21/2019
File no.: 29810 River Road, Reimers
Investigators: Andy Casarez, John Bishop, Shelley Janek

Introduction:
The Sonoma County Department of Agriculture/Weights & Measures manages the Vineyard/Orchard Erosion and Sediment Control Ordinance (VESCO) program. VESCO is the permitting program for vineyard and orchard development in Sonoma County. In December 2018 our office received a complaint of potentially illegal vineyard development occurring in the hills East of Cloverdale. While discussing the situation with the complainants it became clear that the alleged developer is Hugh Reimers. Our department is familiar with Mr. Reimers as a vineyard developer who has worked extensively with Ag Department Staff on several vineyard development projects. He is well aware of the permit requirements for vineyard development in Sonoma County. Mr. Reimers has obtained VESCO permits under his own name, under his business partnerships KRASILSA LLC and R & H Ranches LLC. He worked previously as the President of Jackson Family Wines, and now serves as the President of Foley Wines.

Since the initial complaint, we have determined that Mr. Reimers has removed approximately 50 acres of mature oak trees, deep-ripped approximately 200 acres of previously native oak and grassland land, creating environmental harm to the area and greatly impacting natural waterways. It appears from several field site visits and through analysis of aerial imagery and County LiDAR imagery that deep ripping also occurred through several potential wetland features, ephemeral drainages as well as on steeper slopes exceeding 50% gradient, all of which would have received required minimum setback protections or exclusions if the project had gone through the standard VESCO review and permitting process. The result of deep ripping on these steep slopes, and the lack of an established cover crop or other erosion control features has resulted in numerous examples of erosion such as the formation of rills, gullies, and landslides across the entire site. Sediment is actively being delivered to waterways in multiple locations.

The majority of the trees that composed the 50 acres of trees removed appeared to have been either pushed into the headwaters of streams, or pushed onto the banks which were highly unstable and contained a large amount of soil and debris.

Timeline:
12/13/18 - (Written in perspective of Andy Casarez, Vineyard and Agriculture Conservation Coordinator, Sonoma County Department of Agriculture/Weights & Measures).

Jeff and Jerry Angeli came into the Department of Agriculture in the late afternoon to update their pesticide use permits. While in the office they alerted Andy Casarez, Agriculture and Vineyard Conservation Coordinator, that illegal vineyard development had occurred at 29810 River Road, Cloverdale. They explained to Mr. Casarez that they are members of a hunting club on the property and frequently go there to enjoy the ranch. When they went to the property in September 2018, they saw
that “a tall Australian guy” was doing illegal vineyard development. Mr. Casarez asked “Is his name Hugh Reimers?” and they responded, “Yes, that’s the guy”. The Angelis stated that they saw Mr. Reimers at the site directing work in which several bulldozers were working to deep-rip the site (a common practice in vineyard development). When Mr. Casarez told them that he would have to check to see if a permit had been issued for the site, they said “You didn’t permit this! He’s making a mess, taking down trees, and digging in the creeks.” They told Mr. Casarez that they have been visiting the ranch for several years and are upset that it is being damaged.

Written in perspective of John Bishop, (Vineyard Erosion Engineering Technician, Sonoma County Department of Agriculture/Weights & Measures)

12/20/18 - Mr. Bishop call with Jeff and Jerry Angeli.
Jeff Angeli 707-486-5920
Jerry Angeli 707-478-5076 or 707-894-2135
The Angelis filed the complaint after realizing that Mr. Reimers had cleared trees and ripped large areas without a permit. Stated they observed Mr. Reimers onsite several times as trees were being removed and site being deep ripped. Stated that Allan Nelsen was the contractor performing work with a D7 bulldozer and a D8 bulldozer. They are willing to testify that Mr. Reimers mentioned that the clearing work was for a vineyard. They stated that Tom Rued hauled in road rock material for main driveway road improvement.

12/20/18- Mr. Bishop Call with Allan Nelsen (contractor - Nelson Bulldozing, LLC) 707-433-5324. Nelsen stated he started his work of removing trees and ripping the site after he finished with the Vino Farms project off River Road. Nelson moved his equipment across River Rd. He drove his tractors up Shellenger Road to the top of the ridge, “bladed off and cleaned up roads” as he went. He stated that he worked on the site off and on from May to August. He stated that he was instructed by Mr. Reimers to clear trees and rip/disk ground for sheep grazing, but acknowledged some areas were for vineyards. He stated that Mr. Reimers told him that permits had been obtained for vineyard clearing but did not follow up with county ag department to confirm.

12/20/18- Mr. Bishop Called Hugh Reimers – Mr. Reimers stated he was not clearing trees or disturbing ground for vineyards, but had been conducting some tree clearing after the Pocket Fire burned a portion of the ranch. Mr. Reimers stated that approximately 20 fire-damaged trees had been removed due to the fire, but then later said not all of the removed trees were damaged by fire. Google Earth Imagery taken after the fire showed only a small area of the south eastern portion of the ranch suffered fire damage and was not in the area where trees had been removed.

Mr. Reimers stated that some deep ripping had occurred only where trees had been removed and was done to establish pasture for grazing of horses and sheep. Mr. Reimers stated that California Department of Fish and Wildlife contacted Mr. Reimers sometime during the summer after receiving a complaint from a neighbor, and he responded that he was just removing brush.

Mr. Reimers was informed that ag department staff would need to verify this information and inspect the site as soon as feasible. Mr. Reimers responded that we would be traveling and upon his return, he would accompany us to inspect site.
12/24/18 – Site visit with Scott Gergus (California Regional Water Quality Control Board) and Hugh Reimers; Focus of site visit was on recently disturbed areas and areas where trees had been removed. We observed:

1. Large-scale tree clearing of mainly oaks, but at least one area where pine/fir or redwood were likely removed. Evidence that trees cleared lower into the valleys had been chipped. Trees and roots cleared higher on the ridges had been pushed into the ephemeral drainages.
2. Evidence that approximately 200 acres of ground had vegetation and trees removed, and was ripped and disked. The majority of these areas contained steep slopes (30%-50%) and in some areas, the slopes exceeded 50%.
3. Several medium sized erosional slumps and gullies were actively eroding sediment into access road and directly discharging sediment into adjacent ephemeral stream. Widespread erosional rilling was observed on much of the site where soil had been ripped and cover crop had not been well established.
4. Disturbance and extensive grading of ephemeral class III stream channels and wetland areas.

During site visit, Mr. Reimers wavered between his intent to use the property for grazing or for vineyards. He stated several times that he cleared the site for vineyards in the future but did not have an adequate water source to irrigate more than approximately 20 acres of vines, so he intended to graze sheep on the site until a better water source could be developed.

Scott Gergus instructed Mr. Reimers to retain an engineer experienced in hillside erosion control to immediately inspect the site and make prescriptions for erosion control measures before the next storm event on 1/5/19.

Site pictures, aerial maps, LiDAR maps of site location were shared with Scott Gergus after the site visit.

1/2/19- Mr. Bishop received call from Cort Munselle of Munselle Engineering. Mr. Reimers had contacted Mr. Munselle because of his hillside vineyard erosion control experience and from a working relationship on current and past vineyard development projects. Mr. Bishop provided Mr. Munselle the background information of the site, including the significant size, scale of disturbed ground, and risk for further environmental damage. Mr. Bishop encouraged Mr. Munselle to coordinate with Mr. Gergus on inspecting the site and developing an emergency erosion control plan as soon as feasible.

Mr. Munselle was surprised that Mr. Reimers had decided to move forward with developing the site without VESCO permits, especially since Mr. Reimers knows the requirements of the VESCO permitting process and had current projects actively being reviewed by the Ag Department. Mr. Munselle mentioned that he had accompanied Mr. Reimers on a site visit to the same property shortly after it was purchased to assess vineyard potential. He had assumed Mr. Reimers would contact him to develop engineered plans necessary for VESCO permit approval once Mr. Reimers was ready to proceed. Mr. Reimers did not let Mr. Munselle know that he had begun vineyard development on the property.

1/14/19 – Site visit with Regional Water Quality Control Board Staff – Water Board Staff broke into three groups to review the site, document potential water quality violations, and inspect the adequacy of the erosion control measures installed. Department of Agriculture/Weights & Measures Staff – Mr. Casarez and Mr. Bishop joined Group 1 of the Water Board Staff to inspect the southern portion of ranch and observed numerous erosional features that had further destabilized and were continuing to worsen in the absence of professionally designed and installed erosional control measures. Group 1 observed large piles
of oak trees that had been cut down and pushed by bulldozers away from cleared areas and into stream channels. Large piles of trees and debris were also pushed into long berms immediately adjacent to streambanks, perched and actively eroding into streams channels. There was also gully development that had hydrologic connectivity to ephemeral streams.

Violation of Sonoma County Code:
Based on the facts that Mr. Reimers is a vineyard developer, that Mr. Munselle had inspected the site previously in order to assess it for vineyard development, that Mr. Reimers said he intends to put a vineyard at the site, and that the site was deep ripped, the Department of Agriculture/Weights & Measures conclude that the work at the site was for vineyard development. In Sonoma County, soil disturbance with the intent to plant a vineyard without a permit is a violation of the Sonoma County Code.

Sonoma County Code Section 36-04-010 Vineyard/Orchard Erosion and Sediment Control (VESCO) Permit Requirements.

A. A vineyard and orchard development permit shall be required prior to commencing any vineyard or orchard development or related work, including preparatory land clearing, vegetation removal, or other ground disturbance, except where exempted from permit requirements by Subsection D. A separate vineyard and orchard development permit shall be required for each site.

Fine for Violation. This violation is also subject to Sonoma County Code Section 1-7.1(a)(1)(iii), which states: “In the event that the use or structure in violation may be permitted with an appropriate permit, a minimum of three (3) times and up to a maximum of ten (10) times the amount of the standard fee for every required approval, review and permit.”

For this unpermitted vineyard development, the Sonoma County Department of Agriculture proposes a fine of $131,060.00 This fine is based on the fee of $13,106.00 for Level II vineyard/orchard development of more than one hundred (100) acres, with over 0.5 acre of tree canopy removal, and with drainage, multiplied by ten (10) times the cost of the original permit, which is the result of a Penalty Calculation Worksheet which factors in seriousness of violation, length of time violation has existed, diligence/cooperation of owner, effect on other properties, culpability of owner, and sophistication of owner.

Hugh Reimers Permit History:
ACO14-0007- 3975 Mark West Station Road, Windsor, APN 066-280-048, Level II 9.4 acre new vineyard, KRASILSA Pacific Farms LLC, issued 06/04/2014.
ACO17-0104- 2320 Crane Canyon Road, Santa Rosa, APN 049-091-040, Level II 95.38 acre new vineyard, KRASILSA Pacific Farms LLC, issued 10/04/2017.
ACO17-0165- 4223 Adobe Road, Petaluma, APN 017-100-022, Level II 60.25 acre new vineyard, Hugh Reimers, issued 05/08/2018.
ACO18-0128- 4223 Adobe Road, Petaluma, APN 017-100-022, Level II 19.7 acre new vineyard, Hugh Reimers, project still under review.
ACO19-0005- 5743 Hall Rd, Santa Rosa, APN 130-210-001, Level I 28.46 new vineyard, R & H Ranches LLC, project under review.

During the permit review process for the projects ACO14-0007, ACO17-0104, ACO18-0128, and ACO18-0128 the Sonoma County Department of Agriculture worked closely with Mr. Reimers, including conducting site visits at the project locations. Ag Department personnel Andy Casarez, John Bishop, and Shelley Janek have explained to Mr. Reimers the VESCO permit process and that all new development
projects require that a qualified biologist first inspect the site to identify any sensitive biological features prior to any ground disturbance. These VESCO requirements include setbacks from streams and protection of riparian vegetation, setbacks from wetlands, and additional engineering requirements for removing trees. We also explained permit requirements of other agencies (CADFW, RWQCB, and USACE) if he wanted to work directly in and around streams and wetlands. We have determined that Mr. Reimers has been previously educated and is aware of agency requirements when the work at 29810 River Road took place.