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PD Editorial: Just say no

Breaking easements is not to be taken lightly

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As agendas go, the one before the Sonoma County Board of Supervisors on Tuesday is colossal. Supervisors face several significant environment-related issues in apparent hopes of having them wrapped up by the end of the year.

These include:

- A request by Syar Industries Inc. to begin in-stream gravel mining — to the tune of 350,000 tons of gravel a year — in exchange for restoring habitat in the Alexander Valley.
- A landmark proposal to have the county regulate the use of Russian River water by grape growers for frost protection;
- And a proposal by John Barella, the owner of a recently approved 70-acre quarry on Roblar Road west of Cotati, to create a 105-acre preserve for the endangered California tiger salamander and red-legged frog on dairy pasture adjacent to the quarry.

On Dec. 14, the board is set to take a final vote on the Dutra asphalt plant.

Why the hurry to resolve these major issues just days before the holidays? Some, including the frost protection ordinance, are time-sensitive because of pending state action. But it's also no secret that proponents of these projects would like to see votes cast before the board loses two long-standing, largely conservative, members — Paul Kelley and Mike Kerns.

Kelley and Kerns have served this region well for a number of years — 28 years between them — and deserve the opportunity to have their final say. Still, supervisors should be wary of decisions that are made on complex subjects during last-minute crunch periods. They're in danger of following in the footsteps of Congress and the state Legislature, neither of which has a good track record when it comes to the quality of laws that are passed in the 11th hour.

At the moment, the issue that has us most concerned is the proposal to amend an open space easement to help a quarry owner meet his mitigation needs. The answer should be no.

Our concern is not with the proposal itself. Barella makes a compelling bid to alter the easement in exchange for donating 130 acres of his land surrounding the quarry to the county and donating the reclaimed quarry once the commercial operations there are halted.

We have no qualms with setting aside land for tiger salamanders. We're also not



CHRISTOPHER CHUNG / The Press Democrat

Stuart Martin, a land acquisition specialist for the Sonoma County open space district, views the Roblar Ranch property in 2004.

opposed to the creation of easements that allow for such mitigation preserves.

Our concern is not with the proposal but the precedent. This easement was created in 2004 for the purpose of preserving both the agricultural and natural resources of the land. The county should not take that commitment lightly and, furthermore, should not get in the habit of changing open space easements in this fashion.

Taxpayer-funded conservation easements are held by the Open Space District and are supposed to offer permanent protection. Breaking this agreement undermines public confidence and potentially jeopardizes the ability of the county to secure similar easements in the future.

Furthermore, this could open the floodgates to similar amendments for the creation of mitigation banks and other tinkering. On what grounds will the county say no?

Under its stated policies, the Open Space District may amend easements "where there is a clear benefit to the district and its conservation goals." We don't see the benefits so clear as to warrant breaking this contract or the public trust.

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