A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

To: Laverne Bill, Yocha Dehe Wintun Nation P.O. Box 18, Brooks CA 95606
Kevin Block, Block & Block LLP., 1109 Jefferson Street, Napa, CA 94559
Lisa Lawley & Jason Anderson, 35 Quail Ridge Drive, Napa CA 94558
Glenn Rice, Quantum Limit Partners, LLC., 2700 Aqua Vista Blvd, Fort Lauderdale, FL 33301
Omar Reveles Acme Engineering Inc, 1700 Soscol Avenue, Suite 9, Napa CA 94559

From: Donald Barrella

Subject: Response to Comments – Quantum Limit Vineyards II Vineyard Conversion
Agricultural Erosion Control Plan (ECPA) File #P19-00453-ECPA
Assessor's Parcel Number 033-140-052
25 Quail Ridge Drive
SCH #2021120333

Date: June2, 2022

Attached is a copy of the Response to Comments for the subject project. The report contains our responses to comments provided on the Initial Study/Mitigated Negative Declaration dated November 19, 2021.

The County could approve the Project on or after **Thursday June 2, 2022**.

Should you have any questions, please call Donald Barrella at 707-299-1338 or via e-mail to donald.barrella@countyofnapa.org

Respectfully,

Donald Barrella
Planner III

cc: Brian Bordona, Assistant Director PBES (via email)
Patrick Ryan, Deputy Director PBES (via email)
Daniel Hornet, Assistant Engineer, Engineering Division (via email)
Laura Anderson, Deputy County Counsel (via email)

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David Morrison
Director

TO: Application File #P19-00453-ECPA

FROM: Donald Barrella, Planner III

DATE: June 2, 2022

RE: Response to Comments – Quantum Limit Vineyards II Vineyard Conversion
Agricultural Erosion Control Plan (ECPA) File #P19-00453-ECPA
Assessor's Parcel Number 033-140-052
25 Quail Ridge Drive, Napa, CA
SCH #2021120333

INTRODUCTION

This memorandum has been prepared by the Napa County Conservation Division of the Napa County Department of Planning, Building and Environmental Services (Napa County) to respond to comments received by Napa County on the Proposed Initial Study/Mitigated Negative Declaration (Proposed IS/MND) for the Quantum Limit Vineyards II, Vineyard Conversion #P19-00453-ECPA (Proposed Project). An IS/MND is an informational document prepared by a Lead Agency, in this case, Napa County, that provides environmental analysis of a development project for public review. The agency decision-maker considers the IS/MND before taking discretionary actions related to any proposed project that may have a significant effect on the environment. The Proposed IS/MND analyzed the impacts resulting from the Proposed Project and where applicable, identified mitigation measures to minimize the impacts to less-than-significant levels.

This memorandum for the Quantum Limit Vineyards II Vineyard Conversion ECPA Proposed IS/MND, presents the name of the persons or organizations commenting on the Proposed IS/MND and provides responses to the received comments. Where necessary, the applicant made adjustments to the Proposed Project in response to the comments received and in addition to implementing the mitigation measures identified in the Proposed IS/MND. This memorandum, in combination with the Proposed IS/MND, completes the Final IS/MND.

CEQA PROCESS & PROJECT CHANGES

In accordance with Section 15073 of the CEQA Guidelines, Napa County submitted the Proposed IS/MND to the State Clearinghouse for a 30-day public review period starting December 15, 2021. In

addition, Napa County circulated a Notice of Intent to Adopt the Proposed IS/MND to interested agencies and individuals.

The public review period ended on January 14, 2022. During the public review period, Napa County received three comment letters on the Proposed IS/MND. A fourth comment was received after the close of the comment period. Table 1 below lists the entities that submitted comments on the Proposed IS/MND during both the public review and comment period and after the comment period closed. The comment letters are attached as identified in Table 1.

TABLE 1
COMMENTS RECEIVED ON THE PROPOSED IS/MND

Comment No./ Attachment	Comments Received from	Date Received
1	Yocha Dehe Wintun Nation	January 10, 2022
2	Kevin Block, 1109 Jefferson St., Napa, CA	January 10, 2022
3	L. Lawley & J. Anderson, 35 Quail Ridge Dr., Napa CA	January 14, 2022
4	J. Anderson, 35 Quail Ridge Dr., Napa CA	March 8, 2022

In accordance with CEQA Guidelines Section 15074(b), Napa County considers the Proposed IS/MND together with comments received, both during the public review process and before action on the project, prior to adopting the Proposed IS/MND and rendering a decision on the Proposed Project. The CEQA Guidelines do not require the preparation of a response to comments for negative declarations; however, in the interest of completeness, this memorandum responds to comments received.

Based on review of the comments, no new potentially significant impacts beyond those identified in the Proposed IS/MND would occur, no new or additional mitigation measures or project revisions must be added to reduce impacts to a less than significant level, and no grounds for recirculation of the Proposed IS/MND as specified in State CEQA Guidelines Section 15073.5 have been identified. All potential impacts identified in the Proposed IS/MND were determined to be less-than-significant or less-than-significant with mitigation incorporated. However, as noted above, the applicant has made minor changes to the project after considering the comments received. These changes are limited to replacing the three (3) outfalls located along the southern side of Vineyard Block X1 with drop inlets connecting to the adjacent subsurface drainline that outfalls at the southwestern corner of Vineyard Block X1.

This Response to Comments Memorandum will also be provided to the owner/Permittee as **notice** of potential Local, State and Federal permits, agreements or training that is necessary to implement and/or operate the Proposed Project as identified within the attached agency comment letter. Furthermore, project approval if granted shall be subject to conditions of approval requiring any and all such permits or agreements be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P19-00453-ECPA, and that #P19-00453-ECPA shall be subject to any conditions and/or specifications of such permits, agreements or training.

RESPONSE TO COMMENTS

Comment #1 Yocha Dehe Wintun Nation (Attachment 1)

Response to Comment 1.1: As disclosed in the Proposed IS/MND, project approval, if granted, would be subject to a Cultural Resources Condition of Approval described below, which would incorporate the Tribe's recommendations into the requirements for the Project.

Cultural Resources – Conditions of Approval:

1. Prior to the commencement of vegetation removal and earth-moving activities of #P19-00453-ECPA, the owner/permittee shall provide documentation to the Napa County Planning Department that cultural sensitivity training for project personnel was conducted. A qualified cultural resources specialist, or Tribal designee, shall conduct training for project personnel regarding the appearance of cultural resources and the procedures for notifying cultural staff should cultural materials or resources be discovered. The owner/permittee shall ensure that project personnel attend the training and retain documentation demonstrating attendance.
2. Implementation of the following measures and procedures if any cultural, historical or archaeological resources, or human remains are discovered during construction, grading, or other earth moving activities associated with the Project:
    a. In accordance with CEQA Subsection 15064.5(f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable solids, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching or other onsite excavation(s), earth work within 100-feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists or Tribal designee has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
    b. If human remains are encountered the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required and/or if the remains are of Native American origin. Pursuant to Public Resources Code Section 5097.98, if such remains are of Native American origin the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity.
    c. All persons working onsite shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.

Furthermore, as stated in the CEQA Process Section above, this Response to Comments Memorandum will be provided to the owner/Permittee as **notice** of required training necessary to implement and/or operate this project, and as conditioned would require documentation of sensitivity training prior to the commencement of vegetation removal and earth-disturbing activities associated with #P19-00453-ECPA.

Comment #2 Kevin Block (Attachment 2)

Response to Comment 2.1: The comment and request is specific to the project narrative and plans submitted by the applicant (**Exhibits A-1** and **A-2** of the Proposed IS/MND), and not directed at the disclosures and assessment within the Proposed IS/MND. The requested clarification to the project narrative can be reflected in the revised plans required pursuant to **Mitigation Measure BR-1**.

The Proposed IS/MND appropriately discloses that the Proposed Project would rely on water supplied by the four existing onsite wells as identified in the Project's Water Availability Analysis (Acme Engineering, October 2019 - **Exhibit D** of the Proposed IS/MND). The Proposed IS/MND also conservatively discloses and assesses anticipated overall groundwater use for all onsite uses supplied by groundwater, regardless of whether the groundwater comes from one of the existing onsite wells or other wells to which the Applicant may have access. The requested clarification to the project narrative/plans can be reflected in the revised plans required pursuant to **Mitigation Measure BR-1**. Therefore, this clarification to the project narrative does not affect the potential level of impact disclosed and analyzed in the Proposed IS/MND as a result of the Proposed Project, in that the Proposed IS/MND conservatively considers overall groundwater use regardless of which well(s) are supplying said uses.

Comment #3 Lisa Lawley and Jason Anderson (Attachment 3)

Response to Comment 3.1: The County acknowledges that Martin Trso (P.G., CPESC) of Balance Geo provided consultant services on the original ECPA on the subject property (Lands of Rice, #P14-00356-ECPA) and is the plan preparer of record of the ECPA on the commenter's property (Lands of Okell Holding LLC., #P17-00217-ECPA).

The referenced documents/exhibits are included in the commenter's letter: see **Attachment 3**.

Response to Comment 3.2: See *Responses to Comments #3.4 and 3.5, below,* regarding OHS DD (incorporated herein by reference), *Response to Comments #3.7, below,* regarding the reservoir (incorporated herein by reference), and *Response to Comment #3.6, below,* regarding drainage system outfalls (incorporated herein by reference).

Response to Comment 3.3: While the County considers easements in connection with development applications/proposals, the County is not responsible for interpreting or enforcing the terms of easement agreements or other private property matters. Nor is the County responsible for performing an exhaustive search of recorded easement documents as part of application processing. The County, therefore, takes the representations of the applicant as true and correct, unless the clear meaning on the face of a legal document shows otherwise.

The County is concerned with whether a permit applicant has the legal right to perform the work requested on the property. The County requires applicants to provide any information about recorded easements in the submitted plans to aid the County in this determination.

If the County discovers an easement or other legal record that shows that the applicant does not have the right to build on or use the property in the manner set forth in the application, then the County can require additional proof of the legal right to use the property. If no such proof is provided, the County can deny the permit, or if already issued, can revoke the permit. However, the legal record must be clear on its face; the County is not in a position to render a judgment about the extent of private legal rights between private parties. If the private parties get a court judgment determining the extent of the legal rights, the County will honor those. In short, the County is not a court and has no jurisdiction to decide a private civil matter between private parties.

Response to Comment 3.4: While the OHS DD drainage course identified by the commenter may be identified by different terminology among the various consultants that have provided reports and/or plans for the subject property for various applications, the hydrologic effects of this Proposed Project (#P19-00453-ECPA) have been included in the project's hydrologic modeling[1]. The project specific modeling has concluded that no net increase in soil loss and runoff would occur as a result of the project.

Furthermore, as indicated in *Response to Comment #3.1* (incorporated herein by reference) Martin Trso (P.G., CPESC) of Balance Geo provided consultant services on the original ECPA on the subject property (Lands of Rice, #P14-00356-ECPA). On pages 20-21 of the Balance Geo, March 31, 2015 report for the Quantum Limit Conversion project[2] it was disclosed that the OHS DD drainage course is characterized morphologically as a discontinuous gully, and based on historical analysis the reservoir only rarely transmits runoff toward the OHS DD drainage course.

With regard to potential groundwater recharge, no evidence (other than anecdotal evidence) is provided to support the assertion that several acre-feet per year of potential groundwater recharge is provided by this drainage course, and, as indicated above, the reservoir only rarely transmits runoff toward the OHS DD drainage course. Also, see *Response to Comment #3.5 and #3.7* (incorporated herein by reference).

Response to Comment 3.5: The reservoir is not germane to the Proposed Project; it is not relied on to attenuate runoff or soil loss as a result of the project, it is not relied on as a water source for the project, and no modifications to the reservoir are included in the project. To the extent the reservoir is associated with this Proposed Project, as disclosed in the Proposed IS/MND, it is limited to disposal of pond dredging spoils within the Proposed Project area. The owner/applicant submitted revised plans and modeling on December 18, 2020, to incorporate and account for changes that occurred in the project area as a result of spoils disposal.

To the extent necessary pursuant to CEQA and for this Proposed Project, the reservoir was disclosed in the Environmental Setting and Background Sections of the Proposed IS/MND as an existing site feature.

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[1] Acme Engineering Inc., October 12, 2021, Soil Loss Analysis Calculations, Compilation of the following modeling results: Blocks W, X2, V and X3 October 25, 2019; Block Y May 15, 2020; and, Block X1 December 17, 2020 (**Exhibit C** of the Proposed IS/MND)

[2] Balance Geo, March 31, 2015, Landslide Hazard, Erosion, Sedimentation, Water Balance, and Biogenic GHG Emissions Assessment, in Support of Legacy Hillside Erosion Repair, Road Repair, Vineyard Erosion and Sediment Control Plan: Quantum Limit Vineyard Conversion Project, P14-0356-ECPA.

Regarding reservoir overflow, as disclosed in the Proposed IS/MND, the hillside gully located east of Vineyard Block K associated with the reservoir's outfall (identified as Block K Gully in the commenter's exhibits[1] - also see below) was repaired consistent with #P14-00356-ECPA and #P17-00146-ECPA. The repairs included abandoning an existing 12" Corrugated Plastic Pipe (CPP) within the gully, and re-contouring and installing with check dams. It was also disclosed that calculations prepared by Acme Engineering, Inc. (July 16, 2019) for this repair would not result in increased runoff. Furthermore, as disclosed in **Section X** (**Hydrology and Water Quality**) of the Proposed IS/MND the proposed runoff collection and diversion system has been designed so that there is no net increase in runoff resulting from the Proposed Project as compared to pre-project conditions.

With respect to potential groundwater recharge resulting from reservoir overflow, no evidence or documentation has been provided demonstrating or quantifying the potential recharge or loss thereof as asserted in the comment. No further response is necessary. Also, see *Response to Comment #3.6 and #3.7*, incorporated herein by reference.

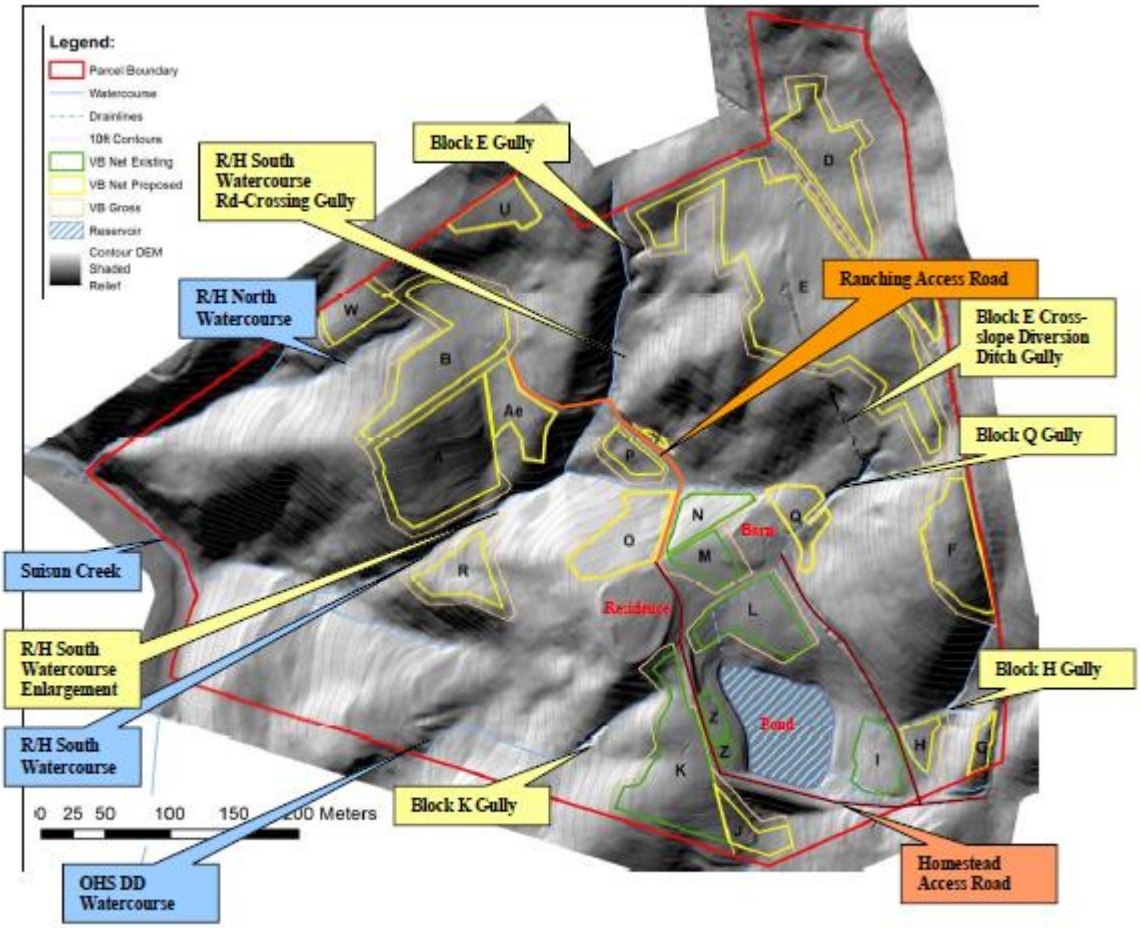
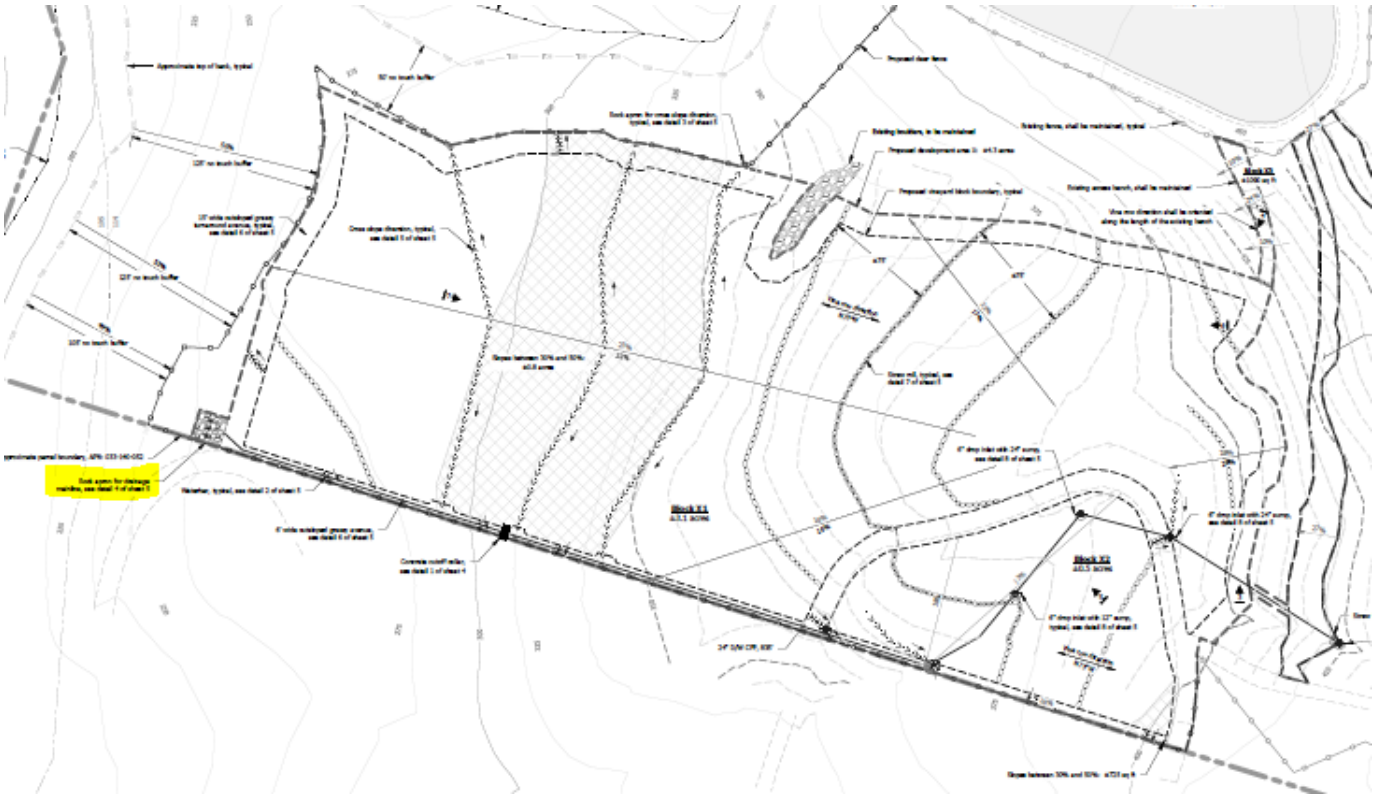


Figure 5. Rice/Hoy property's on-site and off-site channel network (from field reconnaissance), hillside gullies, roads, and proposed Project (existing and proposed vineyards). 2-foot DEM-derived 10-foot contours (AAM 2012).

Response to Comment 3.6: Regarding the proposed outfalls at the three cross-slope diversion ditches located on the southern side of proposed Vineyard Block X1 (also identified as in the comment as being 'between the upper and lower halves of the Quantum Block X1'), that outfall is identified at locations noted as "C2", "C4", and "C6" in the project modeling and plans. As indicated above in the CEQA Process & Project Changes Section of these responses to comments, the owner/Permittee has reconfigured the drainage system, replacing the identified three outfalls with drop inlets that connect to the adjacent subsurface drainline, which outfalls at the southwestern corner of Vineyard Block X1. This minor change has relocated drainage outfalls away from the adjacent access road to minimize any potential adverse effects to the access road as a result of the Proposed Project. This change does not alter the overall hydrologic modeling results of no net increase (**Exhibit E** of the Proposed IS/MND). Additionally, as substantiated in Figure 1, which will supplement the project's hydrologic

modeling, the subsurface drainline and outfall are adequately sized to accommodate requisite design criteria storm events.

Regarding the subsurface drainline, that outfall, as shown in the project plans (See below and Plan Sheet 4 of the March 2021 Erosion Control Plan included as Exhibit A-1 of the Proposed IS/MND) is located at the western end of Vineyard Block X1; and therefore, is not located adjacent to the access road. Furthermore, the outfall design orients discharge to the west away from the abutting property line to the south. See Exhibit E of the Proposed IS/MND for hydrologic modeling of this drainage feature.



Response to Comment 3.7: The onsite reservoir is not germane to the proposed project; it is neither relied on to attenuate runoff or soil loss as a result of the project, nor relied on as a water source. To the extent necessary pursuant to CEQA and for this Proposed Project, the reservoir was disclosed in the Environmental Setting and Background Sections of the Proposed IS/MND as an existing site feature.

It was also disclosed that after #P19-00453-ECPA application submittal, a Notice of Apparent Code Violation was issued on December 15, 2020 (Record CE-20-00182) for pond dredging and spoils disposal onsite within the Proposed Project area. The owner/applicant submitted revised plans and modeling on December 18, 2020, to incorporate and account for changes specific to the project area that occurred as a result of disposing dredge spoils in the project area.

The reservoir capacity was also disclosed, as reported by the owner/applicant, in the Environmental Setting and Background Sections of the Proposed IS/MND to the extent necessary for CEQA. Also see

Response to Comment #3.5 and #3.7 (incorporated herein by reference) and **Exhibits C, E, H**, and **I** of the Proposed IS/MND for additional details.

Because the reservoir neither is a component of the project, nor is relied on as part of this project (#P19-005453-ECPA) no further response is necessary.

Response to Comment 3.8: As indicated in **Section IV (Biological Resources**) of the Proposed IS/MND, at a local scale, the project site provides connectivity between a patchwork of undeveloped lands consisting primarily of woodland and grassland, and low-density residential and agricultural developments. While the proposed vineyard blocks would result in portions of the site having reduced potential for on-site wildlife movement, the avoidance of streams within the project site, in particular Suisun Creek and its associated stream setbacks pursuant to NCC Section 18.108.025 that range from 105 feet to 125 feet (as measured from the top of bank), provides a ±150 foot to ±600 foot wide corridor within the western portion of the project site allowing for continued north-south movement through the subject parcel. Furthermore, with implementation of **Mitigation Measure BR-1** and the Fencing Conditions of Approval identified in the Proposed IS/MND (also see below), significant impacts to wildlife movement are not anticipated. Therefore, no additional measures or project revisions are necessary. Also, See *Response to Comment #3.3* (incorporated herein by reference).

> **Fencing – Condition of Approval:** The owner/permittee shall provide a Deer Fencing Plan for #P19-00453-ECPA to be reviewed and approved by the Planning Department that shall be incorporated into Erosion Control Plan #P19-00453-ECPA. The revised Deer Fencing Plan shall be submitted within 30 days of approval of #P19-00453-ECPA. New Deer fencing (i.e. Wildlife Exclusion Fencing) shall generally be limited to the periphery of each vineyard block as modified by **Mitigation Measure BR-1** and include the following components:
>
> - New fencing shall use a design that has 6-inch square gaps at the base (instead of the typical 3-inch by 6-inch rectangular openings) to allow small mammals to move through the fence.
> - Exit gates shall be installed at the corners of wildlife exclusion fencing to allow trapped wildlife to escape. Smooth wire instead of barbed wire shall be utilized to top wildlife exclusion fencing to prevent entanglement.
> - Any modifications to the location of wildlife exclusion fencing as specified in Erosion Control Plan #P19-00453-ECPA pursuant to the Vineyard Fencing Plan required by this condition shall be strictly prohibited, and would require County review and approval to ensure the modified wildlife exclusion fencing location/plan would not result in potential impacts to wildlife movement.

Response to Comment 3.9: The comment has been noted; see *Response to Comment #3.1 through #3.8* (incorporated herein by reference). Regarding the enforcement or elimination of private easements and the separation of existing historic infrastructure on the subject property or surrounding properties, as indicated in *Response to Comment #3.3* (incorporated herein by reference), the County is neither responsible for interpreting or enforcing the terms of private easement agreements or other private property matters, nor a court having jurisdiction to decide private civil matters.

Regarding the safety of the reservoir dam, as indicated in *Response to Comment #3.5 and #3.7* (incorporated herein by reference) the reservoir is not germane to the proposed project, and no evidence or documentation has been provided demonstrating or justifying there are safety issues with the dam.

Comment #4 Jason Anderson (Attachment 4)

Response to Comment 4.1: While statements made by owner's, attorneys, or opposing parties in an arena outside of the CEQA review of this project may be compelling or persuasive on its face, no additional evidence is provided in either the transcript or declaration to demonstrate that the project would have a potentially significant impact on groundwater beyond what was disclosed and analyzed for in the Proposed IS/MND. Moreover, these statements neither raise a fair argument supported by evidence that potential groundwater impacts have not been adequately disclosed or assessed pursuant to CEQA, nor do they diminish the conclusions of the Project's WAA[3].

Regarding the four project wells identified in the Proposed IS/MND, they have all been installed under well permits issued by the County: Well 1 #96-11538, Well 2 #E16-00131, Well 3#E16-00249, and Well 4 #E16-00418.

Response to Comment 4.2: Agricultural uses are defined in NCC Section 18.08.040, Landscaping is defined in NCC Section 18.108.030, the landscape exemption is set forth in NCC Section 18.108.050(C), and the erosion hazard area use requirement are in NCC Section 18.108.070(B) (also see below). Based on these code definitions and sections vineyard installations are an agricultural use needing an ECPA (Agricultural Erosion Control Plan) if located of lands with slopes over 5%.

A agricultural/vineyard installation can be determined to be landscaping through an ECPA Applicability Determination, provided there is adequate documentation (evidence) clearly demonstrating that the agricultural/vineyard installation and use is in fact decorative landscaping. ECPA Applicability Determinations are also means to provide evidence in the record of a property that a given agricultural/vineyard installation is not subject to an ECPA.

In this case, the approximate <0.1 acre area between retaining walls necessary for residential construction[4] containing vines, is an area that has been previously disturbed with slopes of generally 5% or less; therefore, an ECPA is not necessary for this installation pursuant to NCC Section 18.108.070(B).

> *18.08.040(A) – "Agriculture means the raising of crops or livestock and includes the following: Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops.*
>
> *18.108.030 - "Decorative landscaping" means vegetation, plantings, shrubs, trees and the like established and maintained in proximity to a residential structure, landscape structure or related access*

[3] Acme Engineering Inc., October 25, 2019, Water Availability Analysis, 25 Quail Ridge Drive (**Exhibit D** of the Proposed IS/MND)

[4] Constructed under Building Permits #B18-01077 and #B18-01078.

road for ornamental or aesthetic purposes. Decorative landscaping does not include agricultural crops established or maintained for commercial use.

18.108.050(C) - Land clearing, earthmoving and/or grading in connection with the planting and/or maintenance of decorative landscaping and/or construction of landscape structures as defined in Section 18.108.030 for which no building or grading permits are required as part of an existing or approved residential structure; and the clearing and/or grading does not involve more than one acre per legal parcel, and the clearing and/or grading does not involve removal of any living tree from the ridge line or hilltop visible from any public roadway unless such tree is replaced in a manner approved by the director, and temporary erosion control measures are installed by the winter shut-down period applicable to the project site;

18.108.070(B) - Erosion Control Plans. No otherwise permitted agricultural earthmoving activity, grading, or improvement, shall commence on slopes over five percent until an erosion control plan which complies with the requirements of Section 18.108.080 has been submitted to and approved by the director.

List of Attachments[5]

Attachment 1 – Yocha Dehe Wintun Nation, letter dated December 2, 2021
Attachment 2 – Kevin Block, email dated January 10, 2021
Attachment 3 - L. Lawley & J. Anderson, Okell Holdings-Vineyards LLC., letter dated January 13, 2022
Attachment 4 – J. Anderson, email dated March 8, 2022
Figure 1 - Acme Engineering Inc., May 5, 2022: Supplement to the October 12, 2021, WinTR-55 Hydrology Report Compilation.

[5] To conserve resources hard copies (i.e. printed copies) of this Response to Comment document will limited to the responses (Pages 1 - 11). Response to Comment Attachments can be accessed at the County's Current Projects Explorer/Portal (https://pbes.cloud/index.php/s/3g49gN5es8MSeNW) or the State Clearinghouse CEQAnet Web Portal (https://ceqanet.opr.ca.gov/2021120333).

Attachment 1

YOCHA DEHE
CULTURAL RESOURCES

January 7, 2022

Napa County – Department of Planning, Building, & Environmental Services
Attn: Donald Barrella, Director
1195 Third Street, Suite 210
Napa, CA 94559

RE: 25 Quail Ridge Drive Quantum Limits Vineyard II Project YD-08142014-01

Dear Mr. Barrella:

Thank you for your project notification regarding cultural information on or near the proposed 25 Quail Ridge Drive Quantum Limits Vineyard II Project. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, Yocha Dehe Wintun Nation is not aware of any known cultural resources near this project site and a cultural monitor is not needed. However, we recommend cultural sensitivity training for any pre-project personnel to be added to the permit as a condition of approval. 1.1

To schedule cultural sensitivity training, prior to the start of the project, please contact:

CRD Administrative Staff
Yocha Dehe Wintun Nation
Office: (530) 796-3400
Email: THPO@yochadehe-nsn.gov

Please refer to identification number YD – 08142014-01 in correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

DocuSigned by:
5ED632FDB9C34EA...
Tribal Historic Preservation Officer

Attachment 2

From: Kevin Block
To: Barrella, Donald
Subject: Quantum Limit Partners ECP P19-00453
Date: Monday, January 10, 2022 10:22:51 AM
Attachments: Quantum ECP Narrative.pdf

[External Email - Use Caution]

Hi, Don:

I hope you are doing well. I am sitting at home with COVID myself but expect to get over it in few days.

I represent Quantum Limit Partners in a lawsuit that is unrelated to its ECP but does involve a dispute over water and wells. Four of the wells (three connected) supply water to the vineyard. None of them supply water to the two residences, which are supplied from a well on the neighbor's property under a water sharing agreement. The narrative portion of the ECP application gets this wrong, probably because the consulting engineer did not understand the water system when he wrote the document.

It is very important that we get this changed. It is inaccurate and will be used against Quantum in the lawsuit. The principal, Glenn Rice, tells me that he spoke with you about this issue some time ago and thought he had an agreement to revise the narrative to make it accurate. I think Glenn or his engineer have already supplied you with an accurate text. If not, I will get one to you.

I would like the inaccurate version removed from the website and replaced with the accurate one at your next opportunity.

Thanks. Call me if there are any problems.

Kevin

Kevin Block
Block & Block LLP
1109 Jefferson Street
Napa, CA 94559

T: 707.251.9871
C: 707.246.9013
kb@winelawyers.com

Erosion Control Plan Narrative:

1. Nature and Purpose of All Land Clearing, Grading or Earthmoving Activity:
   a. This project proposes the development of approximately 4.1 net acres (4.8 gross acres) of vineyard at 25 Quail Ridge Dr., located in Napa, California. The property is owned by Glenn C. Rice and corresponds to APN 033-140-052 (69.9 acres).
   b. Activities associated with the completion of this project include tree and brush removal within the proposed development areas, ripping, rock removal, application of soil amendments prior to planting, seeding of cover crop, mulching, installation of straw wattles, trenching for irrigation pipelines, installation of a new surface drainage system, installation of end posts, trellis system and deer fence, and planting of vines.
   c. No off-site spoils disposal sites are anticipated. Rocks encountered in the development area shall be used for decoration. Any leftover rocks shall be used as road base. All temporary rock, soil and soil amendments shall be stockpiled within the development areas, if needed. No long term stockpiles of rock or soil are anticipated.

2. Description of Existing Site Conditions (prior to site disturbance):
   a. Topographic information was provided by CMP Civil Engineering & Land Surveying from September 2018. The datum is North American Vertical Datum from 1988 (NAVD 88). The elevations in the proposed vineyard areas range from approximately 265 feet to 525 feet above mean sea level. Slopes within the proposed vineyard areas range from 13 to 48 percent.
   b. According to a biological report by WRA Environmental Consultants prior to site disturbance, the subject parcel contains vegetation that consists mostly of ruderal grassland interspersed with patches of interior live oak woodland and blue oak woodland. A complete list of plants located within the project areas is included in the biological report prepared by WRA Environmental Consultants, and dated September 2019.
   c. The proposed project shall retain approximately 95% of the tree canopy and 86% of the shrub/brush/grass cover that existed on the property in 2018. The 2018 conditions were used as a baseline due to the fact that the subject parcel was damaged by the 2017 Atlas Fire (Napa County Ordinance No. 1441).
   d. The project site is located in the Suisun Creek watershed, this is not a municipal watershed, nor is it a water deficient area.
   e. Initial site visit was conducted by Omar Reveles of Acme Engineering Inc. on May 23, 2019. Followed by other site visits on May 31, 2019 and July 22, 2019. And the last site visit on August 21, 2019.

3. Natural and man-made features on site:
   a. According to the biological report from WRA Environmental Consultants and dated September 2019, an ephemeral stream runs through the subject parcel. A 50 foot minimum setback shall be maintained from the development boundary to the watercourse top of bank. There is also a blue line stream (Suisun Creek) that runs just outside of the western parcel boundary. Setbacks based on existing ground slope shall be maintained from the development boundary to the top of bank of Suisun Creek. These setback shall protect any riparian habitat associated with the previously mentioned watercourses.
   b. Based on the biological report from WRA Environmental Consultants and dated September 2019, there are no seasonal wetlands or vernal pools associated with the project footprint.
   c. There is an existing reservoir on the subject parcel. The spillway of this reservoir drains into a portion of the proposed development area.
   d. Access to the subject parcel is achieved through Quail Ridge Dr. off of Wooden Valley Cross Road. There is an existing network of paved, gravel and dirt roads which provide access to all of the existing structures and to the proposed vineyard areas. Structures on the subject parcel include a primary and secondary residence (currently under construction), as well as access roads to these structures.
   e. The nearest blue line stream is Suisun Creek, it is approximately 180' west of the project site.

4. There are four existing wells on the subject parcel, three of these wells provide water to the two residences, landscaping, livestock and existing vineyard. The fourth well is not yet plumbed into the existing infrastructure. The existing wells shall be the water source for the proposed vineyard. Based on a water availability analysis prepared by Acme Engineering Inc., the total irrigation water required is 1.64 acre-feet per year for the proposed vineyard, and 13.2 acre-feet per year for all water uses on the property (this includes domestic, livestock, landscaping and vineyard irrigation).
5. Soil types, boundaries and erosion factors were obtained from Web Soil Survey (https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm). The soil types present on the project sites are Bressa-Dibble Complex.
   a. The Bressa-Dibble Complex has a K-factor (soil erodibility) of 0.43. and a T-factor (natural soil loss) of 3 tons per acre.

6. There are no critical areas for erosion within the project site. Implementation of additional erosion control measures will only enhance the stability of the site.

7. Soil loss was calculated using the Universal Soil Loss Equation (USLE). USLE calculations show that a 75% minimum ground cover combined with no tillage is adequate to maintain an acceptable soil loss. During the vineyard establishment period all rows will be tilled. In order to prevent excess soil loss during the establishment period, straw rolls will be installed on contour at blocks W, X1 and X2. USLE calculation show that a 75% minimum ground cover with all row tillage and the use of straw rolls is adequate to maintain an acceptable soil loss during the vineyard establishment period.

Attachment 3

January 13, 2022

Dear Don,

Thank you for providing us with the opportunity four (4) weeks ago to review and comment on our neighbor's Quantum Limit's new vineyard erosion control plan and the entire ECPA application packet. The plan was prepared by Omar Reveles, P.E. of ACME Engineering, Inc., and the packet contained various natural resource evaluation studies and documents by ACME as well as other resource professionals. We also looked over the County's draft Initial Study Mitigated Negative Declaration (12/2021). Our review and comments were done by Okell Hill Vineyards (Lisa Lawley and Jason Anderson) and our land use attorney Katharine Fallace of Buchalter Law Firm, based on comments previously voiced in our August 6, 2021 letter to the County.

Additionally, last week, our attorney requested that some of the highly technical aspects (hydrology) of the new Quantum ECP be reviewed by our erosion control plan preparer Martin Trso, P.G., CPESC of Balance Geo, who has been working on our new 13-acre vineyard ECP and the ECPA application packet over the past several years, and whose design of our new ECP partially rests on the Quantum's new ECP. **Our neighboring properties are connected topographically, geologically, and hydrologically** (**we are "on the receiving end"**), and thus understanding Quantum's new ECP is fundamental to the preparation of our new ECP. **About 36% (27.0 acres) of our 74-acre property is downslope/downstream from our neighbor's 70-acre property, including the proposed new Quantum vineyards.** Specifically, we aim to use the hydrologic runoff data from the new Quantum ECP 2, to supplement the runoff data needs on our watershed-based modeling for our new ECP.

On January 5-7, 2022, Martin Trso reviewed Quantum Limit's new ECP 2 site plans dated April 3, 2020, and the corresponding hydrologic analyses dated June 5 and December 16-17, 2020, as well as the final versions of each from March 24, 2021, and September 3, 2021, respectively. His main focus was on assessing the engineering structural design of the ECP, and evaluating how it was reflected in the delineation of the relevant watersheds on their hydrologic analyses. He did not evaluate the WinTR-55 model input values or parameters, nor the individual calculations of runoff, all of which had already been subject to very detailed review by the Napa County PBES engineering staff. Martin's review comments are also reflected in this Comments letter.

It should be noted that Martin is intimately knowledgeable with both our properties: he was involved with Quantum's first 21.6-acre ECP/ECPA in 2014-2017 (he was not involved with the ECP's modification which took place in 2017 and which was accomplished by William Lincoln, CPECS of Lincoln AE Agricultural Engineering LLC), as well as our first 11.3-acre ECP/ECPA in 2017-2018. We purchased our property in Fall 2016, and in January 2017 embarked on regulatory code compliance of the aforementioned ECP/ECPA, as our hillside vineyards were built by the previous owner James Congdon and his wife in the period 2006-

3.1

2009 without the County's review and permit. Martin stands by his work on the Quantum Limit's first ECP and has no disputes with Quantum Limit's owners Drs. Glenn Rice and Cynthia Hoy.

We have provided you with some exhibits from our project planning and design on the Okell ECP 2, such as the cultural and biological assessments reports, our vineyard layout version 11 map (dated 10/15/2020), and our hydrologic analysis catchments map (dated June 20, 2020). With these, we wish to provide the framework for our comments in this Comments letter.

3.1 Cont.

Overview of concerns and comments

In principle, we have no objections to the new agricultural project on our neighbor's property, which involves a 4.8-acre (gross) vineyard conversion, the **vast majority of which (4.6 acres gross) is immediately next to an upslope from our property.** We understand our neighbor's desire to expand their existing 21-acre or so vineyard as much as possible given that the new vineyard (4.1 acres net) can be supported by ample water availability at their parcel, especially from their three (3) new wells which were installed in 2016. We have been fully expecting Quantum's new vineyard since late 2017 when the Quantum owners Drs. Glenn Rice and Cynthia Hoy themselves shared with us their planning for their lower vineyard. This was not too long after the Atlas Peak Fire of October 2017, significant tree removal of numerous Oak trees within the pre-fire oak woodland.

To that effect, to deal with this new baseline topographic, ground cover, and hydrologic condition next to and upslope from our property but within the watershed draining to ours, we have planned to fully account for the hydrologic, slope stability, and soil erosional effects of the Atlas Peak Fire, Quantum's new vineyard project, as well as our new vineyard project in our technical analyses in support of our ECP/ECPA 2 design. Our ECP preparer had set out to develop a cumulative watershed effects analysis, and employ physics-based digital terrain modeling using the 5-foot digital elevation model (derived from Napa County's 25-foot contour coverage, prepared by U.S. Army Corps of Engineers in 2002) and winter period observations, to address the hillslope runoff and slope stability scientifically.

3.2

Quantum's new proposed vineyard is located between our property and the Quantum's 19-acre foot livestock watering and fire protection reservoir,[1] and some

[1] *The 19 acre foot Quantum Reservoir was built in 1984 by the previous owners, the Congdon family, in order to support livestock rangeland activities on their formerly 1,000-acre Okell Hill Enterprises ranch (this ranch included the parcels APN 033-140-049 and 033-140-052, and maintained about 70-160 head of cattle). The main dam of this Reservoir is located 240 feet upslope from our property (the main dam has no spillway), above our vineyard blocks VB2 and VB3, and the minor dam 730 feet (the minor dam has a 24" diameter spillway pipe). The Reservoir was already altered twice by the Congdon family relative to the original design by the Napa office of the USDA NRCS, and it also underwent major maintenance and possibly even design upgrade by the Quantum owners in 2020. When seeking information from the Quantum owners on the dimensions and infrastructure of the Reservoir in early 2020, when we needed it for our hydrologic analysis,*

portion of it drains to our property along the natural watercourse named OHS DD Watercourse. The catchment area between the minor dam of the Quantum Reservoir and the OHS DD Watercourse's outlet by Suisun Creek, which is located on our property, is 12.4 acres, of which about 6.2 acres stretch across the Quantum property and about 6.2 acres across our own (we refer to this catchment in our hydrologic analyses by the name Catchment 2). We limit our concerns and review comments in this Comments letter only to the 27-acre portion of our property which is downslope/downstream from the Quantum property, with additional specific interest in the 12.4 acre OHS DD Watercourse catchment, of which half (over 6 acres) is located on the Quantum property.

The preliminary plans (dated 2019-2020) for the new Quantum ECP 2 were made available to us only 4 or 5 months ago, and the final ones (dated mid to late 2021) only four weeks ago, since we have not had direct communication with the Quantum owners for over a year now. [2] Therefore, we now understand that about 1.7 acres of the new Quantum vineyards (portion of Block X1, and entire blocks X2 and V), and about 0.1 acres of the new and downslope road, are located within the 12.4-acre ephemeral OHS DD Watercourse catchment, while another 1.6 acres are located outside this catchment **but still directly draining to the lower hillsides on our own property**. Consequently, **absent any engineering over two-thirds of Quantum's new vineyards would directly drain to our property hillslopes and the ephemeral OHS DD Watercourse.**

3.2 Cont.

Per our ECP preparer (Martin Trso, personal communication), Quantum's ECP 2 and the entire ECPA packet have been thoroughly prepared. He thought that Quantum's ECP 2 is

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they ignored our request. Therefore, we made a FOIA request for the construction documentation through the Napa office of the USDA NRCS and received the original design (1984), many other documents, and two reservoir surveys: one by the Napa County Resource Conservation District, which in 1984 and 1992 estimated the Reservoir's storage to be 26-acre feet, and the other from the State Water Board, which in 1992 surveyed the storage to be 19-acre feet. Both agencies expressed in their letters that the reservoir was built much larger than 10-acre feet, for which it was designed in 1984.

[2] *Regrettably, the owners of Quantum Limit are no longer on direct speaking terms with us as of fall 2020 (we communicate only through our attorneys), and therefore we had no access to any of this information. The unwieldy and abrupt cessation in our communication was brought about by our years-long lasting disputes concerning shared water rights and access easements, especially since the Quantum owners demolished their old home and started the construction of their new home in summer 2018. Since about 2018, the Quantum owners have failed to honor their share of our mutual obligations which are presented in two legal and Napa County Recorder Office registered water systems and access easement agreements (12/18/1996 and 5/1/2005), and disrespect the terms of these agreements. The agreements were formulated by the previous property owners Jim and George Congdon and dictated the mutual obligations of the owners of those two parcels APN 033-140-049 and 033-140-052 (which are subject to two appropriative water diversion and use rights and many shared infrastructures, including the place of use and two points of diversion) since 1996.*

highly hydraulically engineered, unlike ours (we avoided the need to install runoff collection, concentration, and drainage pipelines, and instead depend on hillside runoff dissipation via thin rock-filled benches and maintaining very high density---90-100%---cover crop). He was impressed by the high quality professional civil, agricultural, and hydraulic engineering standards involved in their design and the related reporting, and appreciated the transparent manner with which the Quantum ECP preparer approached the high complexity of the hydrologic and erosional assessments, which are needed in support of development projects located on geologically sensitive and responsive areas like the landslide debris deposit ("DD") of Okell Hill. (This debris deposit is described in Quantum's first ECP/ECPA, as its abbreviated name---OHS DD---is derived from the full name Martin assigned in 2014: Okell Hill Slide Debris Deposit.) As a practicing watershed science hydrologist himself, he is fully aware of the care and high time demands, likely in the hundreds of person-hours, involved in the preparation of the hydrologic analyses and their revisions on the Quantum ECP 2. Martin also appreciated the quality professional technical reports by the project biological and geotechnical consultants.

However, for reasons detailed in the paragraph below, **our ECP preparer also identified the following seeming data gaps concerning the above mentioned topographic, geologic and hydrologic connectivity of our two properties:**

1) the lack of physiographic/topographic information concerning the OHS DD Watercourse, which stretches across both properties, and parallels the southern boundary of the debris deposit OHS DD;

2) the lack of quantitative information on the fate of the Quantum Reservoir spillage, i.e. stormwater runoff from the Reservoir spillway pipe during a spillage event, when the Reservoir is at capacity, into the OHS DD Watercourse; and

3) the lack of quantitative evaluation of hydrologic dissipation by rock level spreaders located at four proposed new outlet locations, to which current hillside and future vineyard runoff are being concentrated.

As property and business owners, **we have been concerned about the possible placement of engineered drainage and diversion of surface runoff from Quantum's new vineyards, as well as the outlet of the extended spillway pipe of Quantum Reservoir**, at the property boundary between our properties, with the aim of discharging this concentrated storm runoff into our property. **Since January 2017, our property in this general area has been repeatedly and even extraordinarily flooded by runoff from the Quantum Limit property, as we have reported to you over the past three years**. The flooding has been in the form of hillslope overland flooding and channel flooding along the OHS DD Watercourse. This has **caused repeated documented damage to our ranching access road, which stretches between our vineyard blocks VB3 and VB4, and to our vineyard block VB4**. **On several occasions, the rapid runoff delivered tons of sediment directly from our property (!) to Suisun Creek and into our vineyard block VB4 (also**

3.2 Cont.

documented). We have spent hundreds of hours monitoring and repairing the erosion and gullying along some 700 feet of our steep access road. **We do not fully understand the specific causes for the flooding but suspect the following: Quantum Reservoir spillway spillage, spillway pipe modification, other previously unaccounted subsurface pipes, or hillside grading and recontouring within the 4-acre portion of the OHS DD Watercourse catchment, in association with the construction of their new residence since 2018**.

Having reviewed the Quantum ECP 2, we are encouraged to see that the Quantum ECP 2 preparers have been responsive to our concerns by proposing to collect the surface runoff (overland flow) from what appears to be the entire 6.2-acre catchment of the OHS DD Watercourse on the Quantum property, and diverting this runoff in the 24"-diameter D/W CPP drainage mainline over a distance of over 400 feet into a natural hillside bench location close to Suisun Creek, away from the areas of the past flooding. It is unclear though, from Quantum's ECP 2 hydrologic analysis, if the proposed 24"-diameter drainage pipeline is also designed to receive and route the runoff of the Quantum Reservoir spillage, and thus also divert it away from our property. As mentioned above, **the principal spillway pipe of the Reservoir drains into the OHS DD Watercourse, and consequently to our property downslope. Where exactly is the Reservoir spillage runoff being routed, and what is the spillage regime? Additionally, is our property going to lose some of its groundwater recharge, or the OHS DD Watercourse lose some of its flow, as a result of this water collection and diversion?**

3.2 Cont.

We provide a more detailed presentation of all, including the above, concerns and the related inquiries below:

1) Access Easement not noted on Quantum ECP 2: Currently, **there is a legal access easement in place that goes through areas of Quantum Limit ECP 2's Block X1 and X2. This easement is between the parcels at 25 Quail Ridge Drive and ours at 35 Quail Ridge Drive, and it should have been noted on the new Quantum ECP 2.** The 40-foot-wide access easement practically mirrors the trace of the 40-year-old and 10-foot-wide access road and also documents the inter-connected nature of the engineered water systems. These systems were originally built in the period 1984-2000 as part of the water diversion and use rights on the two neighboring parcels owned and shared by their previous owners, the families of George and Jim Congdon, and was initially operated as the 1,000-acre livestock rangeland Okell Hill Enterprises ranch. **The main (4,600 foot long) segment of this access road/access easement mostly traverses across our property, starting at Quail Ridge Drive and ending in our vineyard block VB4 by Suisun Creek;** a shorter (1,000 foot long) segment mostly traverses the Quantum property, starting at our shared domestic water well, connecting to the top of the Quantum Reservoir, and ending on the Quantum property where it connects to the main segment, in the area of the proposed Quantum Blocks X1 and X2. As on the first Quantum ECP, **the County was not notified of the easements by the Quantum owners on the new**

3.3

ECP 2, and now it appears that the County allowed the easement areas to be used by both the old and the new Quantum vineyards, thereby blocking our own legally recorded access easement. We would welcome a resolution of this matter as part of the ECP review process. NOTE: we too plan on disclosing this access easement on our new ECP 2 site plans.

3.3 Cont.

2) OHS DD Watercourse not noted on the Quantum ECP 2: The ephemeral watercourse which the Quantum Reservoir 24"-diameter spillway pipe drains into is referred to in the Quantum's first ECP by the term OHS DD Watercourse (abbreviated from the full name Okell Hill Slide Debris Deposit Watercourse). The ephemeral watercourse drains over 6 acres of the steep Quantum Limit land below the minor dam of the Quantum Reservoir, **and its channel naturally enters our property close to our vineyard block VB3, where it crosses our ranching access road in several locations before fanning out naturally on the narrow alluvial terrace on our property by Suisun Creek.** It was documented as Possible Waters of the United States by Northwest Biosurvey in the summer of 2014 in their biological resources assessment in support of the Quantum ECP 1 (they placed the extent of this ephemeral watercourse to the Reservoir's spillway pipe outlet); and then again by Northwest Biosurvey in the summer of 2018 on our ECP 2 project. Northwest Biosurvey refers to this ephemeral watercourse by the letter J in Quantum's 2014 biological resources assessment, and letter B in ours in 2019. **This watercourse is fully disclosed in the site plans and the supporting documentation for the first ECP, but OHS DD Watercourse is missing in any of the new Quantum ECP 2 supporting documents,** including the 2019 biological resources assessment by Wetlands Research Associates, Inc. It appears that the Quantum ECP 2 preparer refers to the trace of the OHS DD Watercourse by the following hydraulic term: "**Shallow** concentrated flow along critical path, typical." As presented above, the catchment area of the OHS DD Watercourse **is over 12 acres**, therefore, **the natural storm runoff and sediment load in its channel are sizeable during heavy storms, with associated locally high groundwater recharge (several acre-feet per year).**

3.4

3) OHS DD Watercourse catchment groundwater recharge vs. Quantum ECP 2: It seems that the Quantum ECP 2 preparers propose to collect all of the overland and channel flow from the entire 6.2-acre portion of the catchment of the OHS DD Watercourse located on the Quantum property (they refer to this area as Watershed A in their WinTR-55 hydrologic peak flow modeling), divert this runoff into the proposed 24"-diameter D/W CPP drainage mainline, and then transfer this concentrated runoff over a distance of over 400 feet into a natural hillside bench location close to Suisun Creek. This solution would certainly alleviate---and perhaps eliminate---the flooding which took place in the 2017-2020 period along the access road on our property, but we would also welcome clarity on the following two matters: **the fate of the Reservoir's spillage runoff, the degree to which our property would be losing its groundwater recharge, and the associated ephemeral watercourses natural flow. Where is the Reservoir spillage runoff**

3.5

being routed? Is the proposed runoff collection and diversion system capable of handling the infrequent spillage from the Reservoir? Are we expected to replenish the missing natural channel runoff in the OHS DD Watercourse, for instance by diverting hillside or vineyard sheet flow runoff on our property ourselves?

3.5 Cont.

4) Quantum ECP 2 hillside overland flow collection, diversion, and dissipation vs. access road erosion and stability: The Quantum ECP 2 preparers propose to install three cross-slope diversion ditches over a 0.4-acre steep hillside located between the upper and lower halves of the Quantum Block X1, and collect, divert, and concentrate this hillside runoff to three locations identified as "C2", "C4", and "C6". The outlets, and thus the associated rock level spreaders, at these locations, were designed to be receiving, in hydraulic terms, "channel flow along critical path, typical". **They are located upslope from our access road** at a distance ranging from 100-170 feet. Additionally, the "A8" pipe outlet from the proposed 24"-diameter D/W CPP drainage pipeline, which diverts runoff from an area over 6 acres, and the associated larger rock level spreader, **is located immediately next to our access road**. While in principle we understand the need for this proposed drainage management system (except for its groundwater recharge reduction aspect), **we are very concerned about possible future adverse effects on the stability and erosion of the access road**. **Have the post-development flows at these four locations,** to which the proposed post-development storm runoff has been diverted and concentrated, **been fully dispersed by the proposed rock level spreaders?** The evaluation of the hydrologic performance of the rock level spreaders at these four locations appears to be **missing in the Quantum ECP 2 preparer's hydrologic analysis.** Are we expected to mitigate any possible adverse effects to our access road, or even Suisun Creek, for instance by building a detention or retention pond on our alluvial terrace by Suisun Creek?

3.6

5) Quantum Reservoir spillage regime not noted in the Quantum ECP 2 vs. possible benefits to hazard reduction: It appears that the Reservoir spillage regime has not been presented in the Quantum ECP 2 preparer's hydrologic analysis for their Watershed A (Martin Trso, personal communication 2021). **We feel a need to raise this issue, though it is not directly associated with Quantum's ECP 2, because of the two following concerns:**

1) we would use hydrologic data on the Reservoir spillage---if provided---on our hydrologic analysis in support of our ECP 2 (Martin Trso, personal communication 2021), and

2) **we have also been very concerned about the stability of the minor dam of the Quantum Reservoir over the past several years because the Reservoir's principle 24"-diameter spillway pipe was practically closed off in 2016 when the Quantum owners planted a new vineyard over it** (we have reached out to and retained a professional water resources engineering firm to help evaluate the dam

3.7

stability). The spillage of the Reservoir directly relates to the Reservoir's storage capacity. The smaller the capacity, the more frequent the spillage. If the Reservoir's capacity is 19-acre feet, as documented by the Napa office of the USDA NRCS, the Napa County RCD and the State Water Board, undisturbed hillside soil and ground cover conditions, and the annual maintenance of the Reservoir sedimentation, the Reservoir would spill very infrequently and only during extraordinarily large 24-hour rainfall events, such as 11 inch, 200-year storms (Martin Trso, personal communication 2021). With such a regime, it would be providing us with the benefit of reduced hazard (assuming a functional spillway). However, the Initial Study Mitigated Negative Declaration reports that the Quantum ECP 2 preparers estimated the Reservoir's capacity to be 11.9-acre-feet. This would imply a much higher frequency of spillage, perhaps during 50–100-year storms, especially without annual sedimentation maintenance.

3.7 Cont.

6) Terrestrial Wildlife and Livestock movement vs. Quantum ECP 1 and ECP 2: With **the new Quantum ECP 2, it appears that more fencing will be installed, further displacing more cattle and terrestrial wildlife from the Quantum property, and, consequently**, completely cutting off the free migration of livestock and terrestrial wildlife into and through our property. The State Water Board-permitted Quantum livestock watering and fire protection reservoir, which is shared between our two respective properties and which is supposed to provide water to all the cattle on Okell Hill, **was made no longer accessible to the cattle during the installation of Quantum ECP 1**. **The Reservoir continues to be inaccessible to terrestrial wildlife and livestock. Via grazing over hundreds of acres, the cattle provide fire protection for all residents on Okell Hill.** After the installation of Quantum ECP 1 in 2016-2017, **the Quantum property reduced its cattle grazing area to less than 5 acres**. In preparation for Quantum ECP 2, the **Quantum has already installed (mid-2021) a 6' deer fence, minimizing their own livestock grazing land down to an acre or less and completely stopping livestock and terrestrial wildlife migration to and through our own property.** The said limited livestock grazing on the Quantum property is not a concern to us, but **the closing off of the livestock access and terrestrial wildlife to our property is**, which the installation of this new 6' deer fence has accomplished. **With more fencing expected with Quantum ECP 2, more fire protection livestock and wildlife will be displaced and their migration across and through the land will be completely eliminated**. We would appreciate it if the wildlife exclusion fencing as purposed in the Quantum ECP 2 was modified to restore the free terrestrial wildlife and livestock movement across our two properties and to illuminate the newly imposed habitat fragmentation.

3.8

Conclusion

In principle, we have no objections to the new agricultural project on our neighbor's property, which involves a 4.8-acre (gross) vineyard conversion. The purpose of this Comment letter was to address our **concerns over several hydrologic aspects of**

3.9

Quantum's new vineyard ECP 2 project and seek mutually beneficial solutions with our neighbor to our respective new vineyard projects.

Additionally, we wish to address and resolve three other outstanding issues:
(1) the need to either enforce or altogether eliminate the legal access easement between our two properties;

(2) our concerns over the Reservoir's dam safety; and

(3) the need to fully separate the historical infrastructure and water systems which were installed on our properties by the Congdon family in the period 1984-2000, who owned our respective parcels in 1980-2012 (Quantum Limit Vineyards), and 1980-2016 (Okell Hill Vineyards).

We seek assistance from the Napa County PBES staff in the above matters and look forward to your responses to our concerns.

3.9 Cont.

Sincerely,

LISA+JASON
OKELL HOLDINGS LLC
OKELL HILL VINEYARDS

BIOLOGICAL RESOURCE ASSESSMENT
WITH BOTANICAL SURVEY,
WOODLAND ASSESSMENT,
and
DELINEATION OF WATERS OF THE U.S.
for the
OKELL HILL VINEYARD
APN 033-140-049
Napa County, CA

August 8, 2018
Updated April 30, 2019

Prepared by

Northwest Biosurvey

BIOLOGICAL RESOURCE ASSESSMENT
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FIGURES AND TABLES

1.0 PROJECT DESCRIPTION

1.1 Proposed Project: This biological resource assessment was conducted on a 71-acre parcel proposed for vineyard development near Wooden Valley, east of the city of Napa. The parcel is currently partly developed with residential uses and agriculture. The property burned during the Atlas Fire in October of 2017. The local permitting agency is requesting completion of a botanical survey and assessment of biological resources on the property as part of the California Environmental Quality Act (CEQA) review required for development of a vineyard on the property.

A preliminary biological assessment was completed in late 2017. That report contained most, but not all, of the required components of an assessment in Napa County. This was because the location of proposed vineyard blocks was reassessed following the fire which burned over the entire property except the residence and existing vineyards. Consequently, new block designs were not available at the time the preliminary report was completed and an assessment of potential project-related tree loss and other impacts could not be done. This amended report provides an assessment of, and proposed mitigation for, potential impacts from vineyard development.

The initial phase of this assessment evaluates the potential of the parcel to contain sensitive plant and wildlife habitat. The second phase consists of a floristic-level botanical survey listing all plant taxa[1] on the property. The assessment will determine whether the property contains sensitive plants or potentially contains sensitive wildlife requiring mitigation under the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA). As used here, the terms sensitive plant or wildlife includes all state or federal rare, threatened, or endangered species and all species listed in the California Natural Diversity Database (CNDDB) list of "Special Status Plants, Animals and Natural Communities".

A survey for sensitive bat habitat (Section 5.0) is included in this report. Due to the fact that wetland delineations are prepared with a standard format for U.S. Army Corps of Engineers review, the delineation is provided in its own section. The delineation and findings are provided in Section 6.0.

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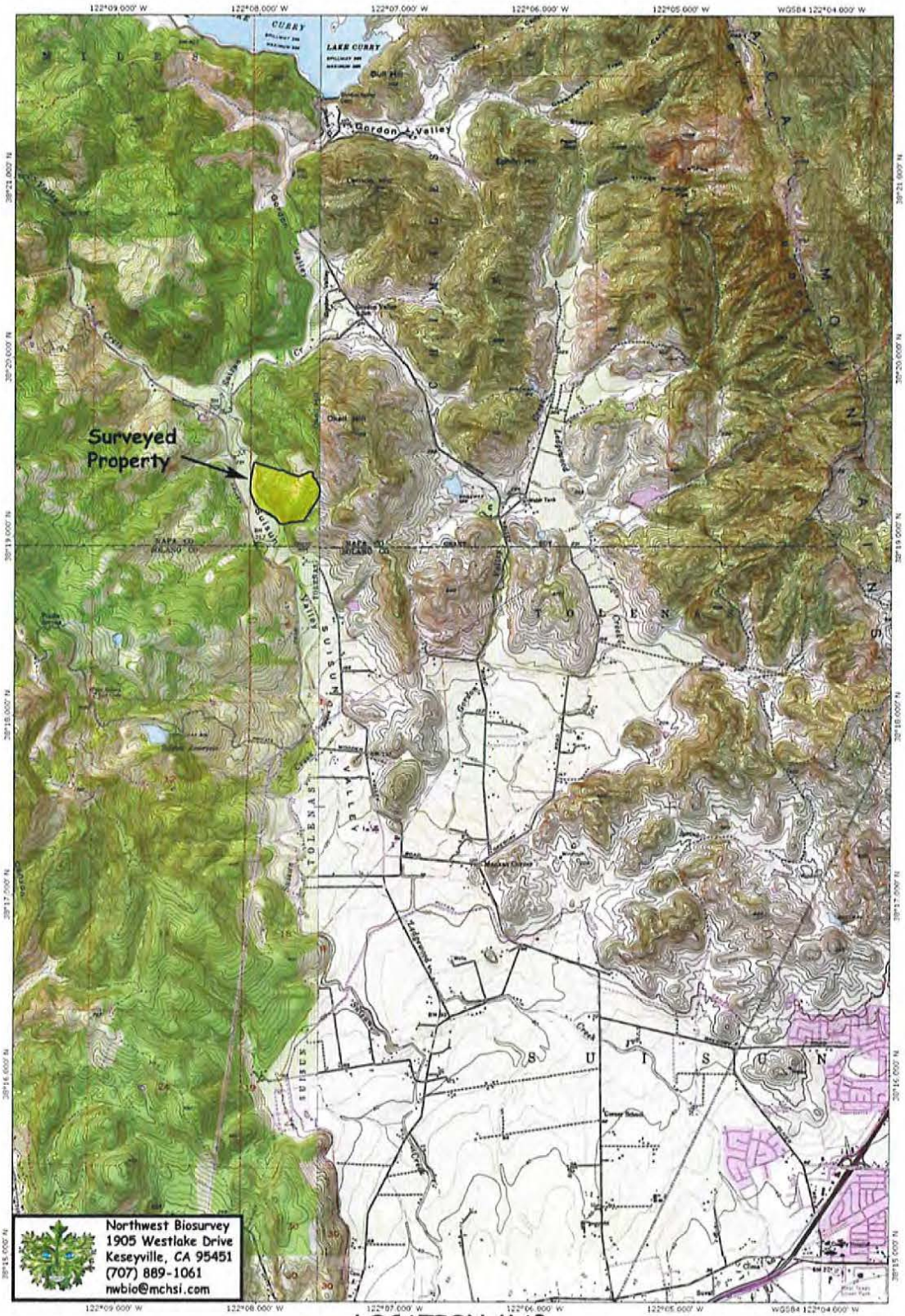
[1] Many sensitive plants and wildlife are subspecies or varieties which are taxonomic subcategories of species. The term "taxa" refers to species and their sub-specific categories.

Two sections required to meet Napa County environmental review policy have been added: a "Napa County Woodland Assessment" (Section 7.0), and "Conformance with the Napa County Baseline Data Report" (Section 8.0).

This report has been updated on April 17, 2019 to implement current Corps of Engineers Wetland Mapping Protocol.

1.2 Location: The property is located on Quail Ridge Drive, Napa, California (APN 033-140-049, T06N R02W, Mt. George, Calif. 7½' Topographic Map). A location map is provided in **Figure 1**.



LOCATION MAP

Figure 1

2.0 ASSESSMENT METHODOLOGY

The basis of the biological resource assessment is a comparison of existing habitat conditions within the project boundaries to the geographic range and habitat requirements of sensitive plants and wildlife. It includes all sensitive species that occupy habitats similar to those found in the project area and whose known geographic ranges encompass it. The approach is conservative in that it tends to over-estimate the actual number of sensitive species potentially present. The analysis includes the following site characteristics:

- Location of the project area with regard to the geographic range of sensitive plant and wildlife species
- Location(s) of known populations of sensitive plant and wildlife species as mapped in the California Natural Diversity Database (CNDDB)
- Soils of the project area
- Elevation
- Presence or absence of special habitat features such as vernal pools and serpentine soils
- Plant communities existing within the project area

In addition to knowledge of the local plants and wildlife, the following computer databases were used to analyze the suitability of the site for sensitive species:

- California Department of Fish and Wildlife (CDFW), *California Natural Diversity Database (CNDDB)*; RareFind 5, 2017/18
- California Native Plant Society's (CNPS) *Electronic Inventory of Rare and Endangered Vascular Plants of California* (2017/18 edition)
- California Department of Fish and Wildlife, *California Wildlife Habitat Relationships System (WHR)*, Version 9.0

The **CNDDB** and **RareFind 5** databases consist of maps and records of all known populations of sensitive plants and wildlife in California. This data is continually updated by the CDFW with new sensitive species population data.

The **CNPS** database produces a list of sensitive plants potentially occurring at a site based on the various site characteristics listed above. While use of the CNPS inventory does not in itself eliminate the need for an in-season botanical survey, it can, when used in conjunction with other information, provide a very good indication of the suitability of a site as habitat for sensitive plant species.

The **CWHR database** operates on the same basis as the CNPS inventory. Input includes geographic area, plant community (including development stage), soil structure, and special features such as presence of water, snags, cover, and food (fruit, seeds, insects, etc.).

The **Baseline Data Report** was produced for Napa County as part of the technical background documentation for the county's general plan update. It defines biotic communities considered sensitive in Napa County, identifies wildlife movement corridors, and reproduces data contained in the CNDDB.

2.1 Botanical Survey Methods: A full, in-season floristic-level botanical survey was conducted for the project in 2017 as part of a preliminary biological resource report (BRA). A full report was not done in 2017 because the property owner was reconfiguring proposed vineyard blocks following the Atlas Fire in October of 2017.

CNDDB information and maps for the Mt. George quadrangle were referenced prior to the survey. Vegetation communities were identified based on the nomenclature of *A Manual of California Vegetation* (Sawyer et al. 2009) as modified by the California Native Plant Society (CNPS), and mapped on a 1"=200' aerial photo. Vegetation community names are based on an assessment of dominant cover species.

Plants occurring on the site were identified using *The Jepson Manual of Higher Plants of California*. Where necessary, species names were updated based on the 6th edition, *CNPS Inventory of Rare and Endangered Plants of California*. A map of the vegetation types is provided in **Figure 2.**

2.2 Bat Habitat Survey Methods: Mature trees remaining after the fire within the vineyard blocks were assessed for their potential as habitat for sensitive bat species. These included searching for hollow trees, trees with open cavities, and trees with exfoliating bark.

2.3 Delineation Methods: The delineation was conducted as prescribed in the *Corps of Engineers Wetlands Delineation Manual,* January 1987, and the *Arid West 2008 Supplement.* Plant taxonomy and nomenclature is from the *Jepson Manual, Higher Plants of California*, 2012. Other texts, such as Munz's *A California Flora and Supplement*, 1973, and Mason's *Flora of the Marshes of California,* 1957, were used as supplemental texts.

2.4 Woodland Assessment Methods: The vineyard blocks contain two distinct woodland types which are discussed in Section 3.3, Vegetation Types: Mixed Oak Woodland and Blue Oak Woodland. One study plot was selected within each of these

woodland types based on natural community structure and identifiable geographic references (woodland boundaries, etc.); both study plots are within proposed vineyard blocks. Trees within the study plots were mapped with a GPS waypoint and a record was made of its species, diameter at breast height (DBH), and any unique characteristics (dead, hollow, acorn storage tree, etc.). The methodology is discussed in detail in **Section 7.0** of this report.

2.5 Survey Dates: Site visits for botanical surveys, habitat assessments, the delineation, and mapping were made by Northwest Biosurvey staff on May 23[2] and July 31, 2017, and July 27, 2018. All potentially present sensitive plant species in this area would have been identifiable within these dates.

2.6 Biological Assessment Staff: Field surveys, plant taxonomy, and the delineation were conducted by Steve Zalusky, Northwest Biosurvey principal biologist. Mr. Zalusky has a Master of Science Degree in Biology from the California State University at Northridge and a Bachelor of Science Degree in Zoology from the University of California at Santa Barbara. Mr. Zalusky has over 35 years of experience as a biologist in the government and private sectors.

Field surveys, database review, and report preparation were conducted with the assistance of Danielle Zalusky, Northwest Biosurvey principal planner. Ms. Zalusky has 15 years of experience as a planner in local government and the private sector and 16 years as a field biologist. She has a Bachelor of Arts Degree all course work toward an M.A. Degree in Rural and Town Planning from Chico State University. Prior to joining Northwest Biosurvey in 2002, Ms. Zalusky was a senior planner for the Lake County Community Development Department.

Mr. Zalusky was assisted with mapping and the woodland analysis by Leigh Zalusky. Leigh Zalusky has a Bachelor of Science Degree in Computer Engineering from the University of California, Davis. He has also developed extensive skills in plant taxonomy and ecology while managing and assisting in the development of the Seigler Valley Wetland Mitigation Bank and while assisting Northwest Biosurvey staff in field surveys and vegetation mapping over the past three years.

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[2] A late and heavy rainy season in 2017 delayed the blooming season of most species and required initiation of early surveys later in the spring.

3.0 SITE CHARACTERISTICS

3.1 Topography and Drainage: The property is located on the western slope of Okell Hill, a 1,129-foot (msl-mean sea level) peak. This is one of a series of low foothills forming the southern toe of the Interior Coast Range as it continues northward from the San Francisco Bay region.

The property drains west through steep ravines via ephemeral stream channels to Suisun Creek on the eastern edge of Wooden Valley at an elevation of 231 feet msl. This creek drains south for 14 river miles through Wooden Valley and along the western edge of the broad farmland of the Suisun Valley to its confluence with the Suisun Slough and Grizzly Bay.

3.2 Soils: The property contains two soil types, described as follows:

- **Bressa-Dibble complex, 30-50% slopes (114):**

  Nearly all of the parcel contains this soil unit. This complex consists of steep soils on uplands at an elevation of 1,000 to 2,000 feet. These soils formed in material weathered from sandstone and shale. The Bressa series consists of well-drained soils on uplands. These soils formed in material weathered from sandstone and shale. The plant cover is mostly annual grasses and scattered oaks. Permeability is moderately slow. The Dibble series consists of well-drained soils on uplands. Slope is 5 to 75 percent. These soils formed in material weathered from sandstone and shale. The vegetation is mostly annual grasses and scattered oaks. Permeability is slow. Runoff for this complex is rapid. The hazard of erosion is moderate to severe.

- **Bale clay loam, 0-2% slopes (soil unit 104):**

  This nearly level soil is on alluvial fans and flood plains. The surface layer is clay loam. These soils formed in alluvium derived from rhyolite and basic igneous rock. The plant cover is typically oak, blackberry, annual grasses, poison-oak, and willows. Runoff is slow, and the hazard of erosion is slight. Permeability is moderate. Temporary ponding is common during periods of high rainfall. A small area along the northwest edge of the parcel (along the creek) contains this soil type.

TABLE 1. PLANT COMMUNITIES AND OTHER COVER TYPES PRESENT

COVER TYPE	Total Acres of Cover Type on Property	Percent of Property Supporting Cover Type	Acres of Cover Type in Potential Vineyard Blocks							Total Acres of Cover Types in Vineyard Blocks	Percent of Cover Types in Vineyard Blocks
			VB5	VB6	VB7	VB8	VB9	VB10	VB11		
Mixed Oak Woodland	33.35	46.71	0.78	0.90	0.18	0.05	0.01	0.37	0.10	2.40	7.18
Blue Oak Woodland	7.16	10.03	1.44	0.75	0.27	0.00	0.31	0.00	0.00	2.76	38.57
Wild Oat Grassland	16.36	22.91	1.32	0.57	1.08	0.45	0.32	0.01	0.15	3.89	23.79
Vineyard	9.36	13.11	0.00	0.00	0.00	0.00	0.00	0.02	0.00	0.02	0.22
Ruderal	5.18	7.25	1.57	0.00	0.42	0.13	0.00	0.00	0.00	2.12	41.02
Total Acres of Cover Type	**71.4**	**100.00%**	5.11	2.21	1.95	0.63	0.64	0.40	0.25	11.19	15.68

* (Bottom Right Cell): Percent of Property occupied by proposed vineyard blocks

3.3 Vegetation Types: The project contains three plant communities or vegetation types based on or derived from the "Standardized Classification" scheme described in the California Native Plant Society (CNPS) *A Manual of California Vegetation.* These vegetation types and other cover types are listed in **Table 1.** They are described below and shown in the vegetation map provided in **Figure 2.**

During the Altas Fire in October 2017, a fast-moving ground fire moved through the woodlands on the property, covering most of the undeveloped areas. While scattered small portions of the tree canopy were affected and removed, the majority of the damaged trees that remain are likely to survive. The fire removed the ground cover, but much of this has recovered.

- **Mixed Oak Woodland:**

  Interior live oak provides a heterogeneous canopy cover varying from 100 percent to open and scattered savanna. The community is heavily dominated by interior live oak trees (*Quercus wislezeni*) throughout most of the property but both coast live oak (*Quercus agrifolia*) and Oregon white oak (*Quercus garryanna*) reach sub-dominance on the more shaded slopes. California bay (*Umbellularia californica*) is also present in areas of more solid canopy cover while blue oak (*Quercus douglasii*) occurs in the more exposed community edges.

  Openings in the canopy support a dense mix of coyotebrush (*Baccharis pilularis*), poison oak (*Toxicodendron diversilobum*), toyon (*Heteromeles arbutifolia*), and common manzanita (*Arctostaphylos manzanita ssp. manzanita*); on more exposed slopes the community includes a sub-dominant mix of California buckeye (*Aesculus californica*).

  The ground cover includes bowl-tubed iris (*Iris macrosiphon*), blue-eyed grass (*Sisyrinchium bellum*), gold-back fern (*Pentagramma triangularis ssp. triangularis*), wavyleaf soap plant (*Chlorogalum pomeridianum*), white-stem hedge nettle (*Stachys albens*), bush monkeyflower (*Mimulus aurantiacus ssp. aurantiacus*), smooth cats'-ear (*Hypochaeris glabra*), and fork-toothed ookow (*Dichelostemma congestum*) among a heavy layer of leaf litter. Harvest brodiaea (*Brodiaea elegans*) is common in more shaded areas along with blue witch (*Solanum umbelliferum*) and Pacific blacksnakeroot (*Sanicula crassicaulis*).

- **Blue Oak Woodland:**

  Blue oaks (*Quercus douglasii*) occur as woodland savanna along the mid-slope between the high ground to the east and Suisun Creek along the western property boundary. The community lacks a shrub layer giving it an open structure. The ground cover consists of a continuation of the surrounding wild oat grassland.

- **Wild Oat Grassland:**

  The community is dominated by grasses such as slender wild oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), perennial ryegrass (*Festuca perennis*), soft chess (*Bromus hordeaceus*), and Mediterranean barley (*Hordeum marinum ssp. gussoneanum*). Forbs include a dense mix of red-stem storksbill (*Erodium cicutarium*), with scattered sky lupine (*Lupinus nanus*) and ookow. Smooth cats' ear (*Hypochaeris glabra*), black mustard (*Brassica nigra*), poison sanicle (*Sanicula bipinnata*), western buttercup (*Ranunculus occidentalis*), harvest brodiaea, common yarrow (*Achillea millefolium*), and bur chervil (*Anthriscus caucalis*) are also common in this community.

- **Vineyard:**

  Established vineyard occurs in several locations near the pond.

- **Ruderal:**

  These are areas where development has already occurred and consist of roadways, structures, and landscaping. Added to this category are areas cleared of burned vegetation following the Atlas Fire. These are outlined in red in **Figure 2**.


VEGETATION TYPES
Mixed Oak Woodland
Blue Oak Woodland
Wild Oat Grassland
Vineyard
Ruderal
Tree Survey Plots
VB 1C
VB 6
2.213 AC
VB 9
0.638 AC
VB 8
0.632 AC
VB 7
1.948 AC
cleared
VB 5
5.113 AC
VB 11
0.250 AC
cleared
Quail Ridge Dr
OKELL HILL VINEYARD
VEGETATION TYPES
N
1" = 200'
Northwest Biosurvey
1905 Westlake Drive
Kelseyville, CA 96451
(707) 889-1061
nwbio@mchsi.com
Image Source: Google Earth
Image Date: 10-17-17
Figure 2

4.0 PRE-SURVEY RESEARCH RESULTS

4.1 CNPS Electronic Inventory Analysis: A California Native Plant Society (CNPS) analysis was conducted for all plants with federal and state regulatory status, and all non-status plants on the CNPS Rare Plant Ranks 1B through 4. The query included all plants within this area of Napa County occurring within the plant communities identified on the project site. The inventory lists species potentially occurring at the site; these are listed in **Table 2**. These species were included in the list of potentially sensitive species specifically searched for during field surveys.

Note: *The CNPS list is used to broaden the list of sensitive species considered during the subsequent field surveys; however, it must be used with discretion because the database search does not allow fine-tuning for specific soil types or for many specific habitats required by sensitive plant taxa (e.g. vernal pools or serpentine soils). Consequently, the CNPS list generated for a site may include several taxa for which the required habitat is not present.*

4.2 California Natural Diversity Database: The California Natural Diversity Database (CNDDB) and CDFW RareFind 5 data and maps for the Mt. George 7½' quadrangle map were reviewed for this project. **Table 3** presents a list of sensitive plant and wildlife species known to occur in the quadrangle. In addition to listing the species present within the quadrangle, the table provides a brief descriptor of the habitat requirements and blooming season, along with an assessment of whether the project area contains the necessary habitat requirements for each species. **Appendix A** at the end of this report lists the species within the nine quadrangles in the vicinity of this property.

TABLE 2. CALIFORNIA NATIVE PLANT SOCIETY'S INVENTORY OF RARE AND ENDANGERED PLANTS

Selected CNPS Plants by Scientific Name:

Okell Hill Vineyard Property

Scientific Name	Common Name	Family	Lifeform	CRPR	CESA	FESA	Blooming Period	Habitat
Agrostis hendersonii	Henderson's bent grass	Poaceae	annual herb	3.2	None	None	Apr-Jun	Valley and foothill grassland (mesic), Vernal pools
Arabis modesta	modest rockcress	Brassicaceae	perennial herb	4.3	None	None	Mar-Jul	Chaparral, Lower montane coniferous forest
Balsamorhiza macrolepis	big-scale balsamroot	Asteraceae	perennial herb	1B.2	None	None	Mar-Jun	Chaparral, Cismontane woodland, Valley and foothill grassland
Brodiaea leptandra	narrow-anthered brodiaea	Themidaceae	perennial bulbiferous herb	1B.2	None	None	May-Jul	Broadleafed upland forest, Chaparral, Cismontane woodland, Lower montane coniferous forest, Valley and foothill grassland
Calandrinia breweri	Brewer's calandrinia	Montiaceae	annual herb	4.2	None	None	(Jan)Mar-Jun	Chaparral, Coastal scrub
Ceanothus purpureus	holly-leaved ceanothus	Rhamnaceae	perennial evergreen shrub	1B.2	None	None	Feb-Jun	Chaparral, Cismontane woodland
Downingia pusilla	dwarf downingia	Campanulaceae	annual herb	2B.2	None	None	Mar-May	Valley and foothill grassland (mesic), Vernal pools
Erigeron greenei	Greene's narrow-leaved daisy	Asteraceae	perennial herb	1B.2	None	None	May-Sep	Chaparral (serpentinite or volcanic)
Harmonia nutans	nodding harmonia	Asteraceae	annual herb	4.3	None	None	Mar-May	Chaparral, Cismontane woodland
Hesperolinon breweri	Brewer's western flax	Linaceae	annual herb	1B.2	None	None	May-Jul	Chaparral, Cismontane woodland, Valley and foothill grassland
Lasthenia conjugens	Contra Costa goldfields	Asteraceae	annual herb	1B.1	None	FE	Mar-Jun	Cismontane woodland, Playas (alkaline), Valley and foothill grassland, Vernal pools

Scientific Name	Common Name	Family	Lifeform	CRPR	CESA	FESA	Blooming Period	Habitat
Lilium rubescens	redwood lily	Liliaceae	perennial bulbiferous herb	4.2	None	None	Apr-Aug(Sep)	Broadleafed upland forest, Chaparral, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest
Lomatium repostum	Napa lomatium	Apiaceae	perennial herb	4.3	None	None	Mar-Jun	Chaparral, Cismontane woodland
Monardella viridis	green monardella	Lamiaceae	perennial rhizomatous herb	4.3	None	None	Jun-Sep	Broadleafed upland forest, Chaparral, Cismontane woodland
Ranunculus lobbii	Lobb's aquatic buttercup	Ranunculaceae	annual herb (aquatic)	4.2	None	None	Feb-May	Cismontane woodland, North Coast coniferous forest, Valley and foothill grassland, Vernal pools
Rhynchospora californica	California beaked-rush	Cyperaceae	perennial rhizomatous herb	1B.1	None	None	May-Jul	Bogs and fens, Lower montane coniferous forest, Meadows and seeps (seeps), Marshes and swamps (freshwater)
Sidalcea hickmanii ssp. napensis	Napa checkerbloom	Malvaceae	perennial herb	1B.1	None	None	Apr-Jun	Chaparral
Sidalcea hickmanii ssp. viridis	Marin checkerbloom	Malvaceae	perennial herb	1B.1	None	None	May-Jun	Chaparral (serpentinite)
Trichostema ruygtii	Napa bluecurls	Lamiaceae	annual herb	1B.2	None	None	Jun-Oct	Chaparral, Cismontane woodland, Lower montane coniferous forest, Valley and foothill grassland, Vernal pools
Triteleia lugens	dark-mouthed triteleia	Themidaceae	perennial bulbiferous herb	4.3	None	None	Apr-Jun	Broadleafed upland forest, Chaparral, Coastal scrub, Lower montane coniferous forest
Viburnum ellipticum	oval-leaved viburnum	Adoxaceae	perennial deciduous shrub	2B.3	None	None	May-Jun	Chaparral, Cismontane woodland, Lower montane coniferous forest

KEY FOR TABLE 2:

CNPS Rare Plant-Threat Rank Definitions:

CRPR= California Rare Plant Rank

1B.1 = Rare, threatened, or endangered in California and elsewhere; seriously threatened in California
1B.2 = Rare, threatened, or endangered in California and elsewhere; fairly threatened in California
1B.3 = Rare, threatened, or endangered in California and elsewhere; not very threatened in California
2A = Presumed extinct in California, but extant elsewhere
2B.1 = Rare, threatened, or endangered in Calif., but more common elsewhere; seriously threatened in Calif.
2B.2 = Rare, threatened, or endangered in Calif., but more common elsewhere; fairly threatened in Calif.
2B.3 = Rare, threatened, or endangered in Calif., but more common elsewhere; not very threatened in Calif.
3 = Plants about which we need more information (Review List)
3.1 = Plants about which we need more information (Review List); seriously threatened in California
3.2 = Plants about which we need more information (Review List); fairly threatened in California
3.3 = Plants about which we need more information (Review List); not very threatened in California
4.1 = Plants of limited distribution (watch list); seriously threatened in California
4.2 = Plants of limited distribution (watch list); fairly threatened in California
4.3 = Plants of limited distribution (watch list); not very threatened in California

State and Federal Status:

CESA = California Endangered Species Act
FESA = Federal Endangered Species Act
FE = Federal Endangered

TABLE 3. CNDDB SENSITIVE PLANT AND WILDLIFE SPECIES WITHIN THE MT. GEORGE, CALIF. 7½' QUAD.

Plant Species	Common Name	Habitat Requirements; Fed./State/CNPS* Status	Blooming Season	Habitat Present
Agrostis hendersonii	Henderson's bent grass	Valley and foothill grassland (mesic), vernal pools; --/--/3.2	April-June ann. herb	Habitat not present
Arabis modesta	modest rockcress	Chaparral, lower montane conif. forest; --/--/4.3	March-July per. herb	Habitat not present
Brodiaea leptandra	narrow-anthered brodiaea	Broadleaved upland forest, chaparral, lower montane conif. forest; --/--/1B.2	May-July per. herb (bulb)	Habitat not present
Calandrinia breweri	Brewer's calandrinia	Chaparral, coastal scrub/sandy or loamy, disturbed sites and burns; --/--/4.2	(Jan)March-June ann. herb	Habitat not present
Ceanothus purpureus	holly-leaved ceanothus	Chaparral, cismontane woodland; volcanic, rocky; --/--/1B.2	Feb.-June shrub(everg.)	Habitat not present
Centromadia parryi ssp. rudis	Parry's rough tarplant	Valley and foothill grassland, vernal pools/ alkaline, vernally mesic, seeps, sometimes roadsides; --/--/4.2	May-Oct. ann. herb	Habitat not present
Downingia pusilla	dwarf downingia	Valley & foothill grassland, vernal pools/mesic; --/--/ 2B.2	March-May ann. herb	Habitat not present
Erigeron biolettii	streamside daisy	Broadleaved upland forest, cismontane woodland, North Coast coniferous forest /rocky, mesic; --/--/3	June-Oct. per. herb	Habitat not present
Erigeron greenei	Greene's narrow-leaved daisy	Serpentine chaparral; --/--/1B.2	May-Sept. per. herb	Habitat not present
Harmonia nutans	nodding harmonia	Chaparral, cismontane woodland/rocky or gravelly, volcanic; --/--/4.3	March-May ann. herb	Habitat not present
Hesperolinon breweri	Brewers western flax	Chaparral, cismontane woodland, valley & foothill grassland/unusually serpentinite; --/--/1B.2	May-July ann. herb	Habitat not present
Lilium rubescens	redwood lily	Broadleaved upland forest, chaparral, lower montane coniferous forest, North Coast coniferous forest, upper montane coniferous forest/sometimes serpentinite, sometimes roadsides; --/--/4.2	April-Aug(Sept) bulb. herb	Habitat not present
Lomatium repostum	Napa lomatium	Chaparral, cismontane woodland/serpentinite; --/--/4.3	March-July per. herb	Habitat not present
Monardella viridis	green monardella	Broadleaved upland forest, chaparral, cismontane woodland; --/--/4.3	June-Sept. rhizom. herb	Habitat present

Plant Species	Common Name	Habitat Requirements; Fed./State/CNPS* Status	Blooming Season	Habitat Present
Ranunculus lobbii	Lobb's aquatic buttercup	Cismontane woodland, North Coast coniferous forest, valley and foothill grassland, vernal pools/mesic--/--/4.2	Feb.-May ann. herb (aquatic)	Habitat not present
Rhynchospora californica	California beaked rush	Bogs and fens, lower montane conif. forest, meadows & seeps (seeps), marshes & swamps (freshwater)--/--/1B.1	May-July rhizom. herb	Habitat not present
Sidalcea hickmanii ssp. napensis	Napa checkerbloom	Chaparral/rhyolitic substrates; --/--/1B.1	April-June per. herb	Habitat not present
Trichostema ruygtii	Napa bluecurls	Chaparral, cismontane woodland, lower montane conif. forest, valley & foothill grassland, vernal pools; --/--/1B.2	June-Oct. ann. herb	Habitat not present
Triteleia lugens	dark-mouthed triteleia	Broadleaved upland forest, chaparral, coastal scrub, lower montane coniferous forest; --/--/4.3	April-June bulb. herb	Habitat not present
Viburnum ellipticum	oval-leaved viburnum	Chaparral, cismontane woodland, lower montane coniferous forest; --/--/2B.3	May-June decid. shrub	Habitat present

*See CNPS list for key

Wildlife Species	Common Name	Habitat Requirements/Status	Season Present	Habitat Present
Desmocerus californicus dimorphus	valley elderberry longhorn beetle	Riparian woodland and shrub habitat of the Central Valley: Typical riparian habitat, woodland etc., is adjacent to streams and rivers; FT/G3/S2	year-round	Habitat not present
Dicamptodon ensatus	California giant salamander	Cool, moist forest habitats associated with rocky streams; SSC/G3/SNR	year-round	Habitat not present
Rana boylii	foothill yellow-legged frog	Riparian/aquatic: partly-shaded, shallow streams & riffles with a rocky substrate in variety of habitats; SSC/SCT/G3/S2S3	year-round	Habitat present
Emys marmorata	western pond turtle	Ponds, lakes, rivers, creeks, marshes & irrigation ditches with abundant vegetation and rocky or muddy bottoms; in woodland, forest, & grassland; SSC/G3G4/S3	year-round	Habitat present
Ardea herodias	great blue heron	Shallow ponds and estuaries, & salt and fresh emergent wetlands; G5/S4	sometimes migratory	Habitat not present
Haliaeetus leucocephalus	bald eagle	Large bodies of water with adjacent snags; FD/SE/SFP/G5/S2	wintering & nesting	Habitat not present
Falco mexicanus	prairie falcon	Dry open terrain, with cliff nesting sites; WL/G5/S4	year-round	Habitat not present

KEY FOR TABLE 3:

SE/ST/SD = State Endangered/Threatened/Delisted
SSC = CDFW Species of Special Concern
WL = CDFW Watch List
FE/FT/FD=Federal Endangered/Threatened/Delisted
SC/SCD/SCT = State Candidate for Listing/Delisting/Threatened
SFP = State Fully Protected
FC = Federal Candidate
FPE/FPT/FPD/FP = Federal Proposed Endangered/Threatened/Delisting

NatureServe Conservation Status:
G1/S1 = Global/State Critically Imperiled
G2/S2 = Global/State Imperiled
G3/S3 = Global/State Vulnerable
G4/S4 = Global/State Apparently Secure
G5/S5 = Global/State Secure
SNR = Not yet assessed

4.3 Wildlife Habitat Analysis Results: The Wildlife Habitat Relationships analysis lists a large number of species with sensitive and non-sensitive status as potentially occurring on the site based on the geographic location and wildlife habitats present. This list is included as **Appendix B.**

4.4 Wildlife Assessment: Based on the pre-survey research conducted for this study, a total of twelve sensitive wildlife species need to be accounted for within the project area. These consist of the seven species identified as present within or adjacent to the Mt. George quadrangle by the CNDDB and listed in Table 3. White-tailed kite and pallid bat have been added based on the presence of potential habitat on the property; Lewis' woodpecker, loggerhead shrike, and Lawrence's goldfinch were added based on the presence of potential habitat and because they are listed in table 4-7 of the Napa County BDR.

Accepted protocol requires that all CNDDB species in the surrounding U.S.G.S. quadrangle be discussed even through suitable habitat may not occur on the site.

- **Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*):**
  These beetles exclusively use elderberry shrubs as habitat and are largely confined to the central valley of California. Larvae develop within the woody tissue of the shrub and emerge from bore holes as adults. Typical habitat occurs along riparian corridors. These beetles are listed as threatened under the federal Endangered Species Act. They are listed in the CNDDB as occurring in elderberry shrubs along Wooden Valley Creek near the Suisun Creek confluence. There are no riparian elderberry plants within the survey area and it is unlikely that the species would occur within the project site.

- **California giant salamander (*Dicamptodon ensatus*):**
  The salamanders are found in damp forests in cool, rocky streams, and occasionally in ponds and lakes. They prefer humid coastal forests, including Douglas fir, redwood, montane and valley-foothill riparian habitats. Cold flowing water is necessary for egg-laying and maturing. The property lacks the moist conifer forests and cold, perennial headwater streams preferred by this species and it is unlikely to be present.

- **Foothill yellow-legged frog (*Rana boylii*):**
  These frogs require either perennial or long-duration stream flows as successful breeding sites due to the lengthy period required for metamorphosis of larvae. *Rana boylii* has been found in numerous streams in the region. They are likely to be present within Suisun Creek along the west side of the property. Regardless, if the creek and riparian area are excluded from development, the species would not be impacted by this project.

- **Western pond turtle (*Actinemys marmorata*):**

  These turtles prefer slow or ponded water but will range widely through less suitable habitat in search of these sites. The CNDDB lists occurrences of this species in ponds in the Mt. George quadrangle in Wooden Valley. The species is likely to be present in Suisun Creek along the western edge of the property. This creek would also serve as a significant movement corridor for these turtles. However, if the creek channel and associated riparian corridor are excluded from development, any pond turtles present would not be impacted.

- **Great blue heron (Ardea *herodias*):**

  These large wading birds are a federal Species of Concern while nesting. They hunt in shallow water along the shorelines of lakes and rivers. They prefer to nest in colonies in the tops of the very tallest trees in isolated locations. While these birds may occasionally forage along Suisun Creek, they are unlikely to be present in their sensitive nesting state. Rookeries of this species are readily observed when present. A rookery was not observed within or near the project area.

- **Bald eagle (*Haliaeetus leucocephalus*):**

  The bald eagle requires large bodies of water with abundant fish, and adjacent snags or perches. Their large nests are near water and consist of a stick platform on a large live tree, often the largest tree in a stand, usually with fairly open canopy. No suitable nesting trees or habitat for this large bird occurs within or adjacent to the survey areas.

- **Prairie falcon (*Falco mexicanus*):**

  This raptor prefers dry, open terrain and nests in cliffs or rock outcrops. The falcon hunts in open country and ranges widely while foraging. It is associated mostly with perennial grasslands, savannahs, rangeland, and some types of agricultural lands. They breed in rocky outcrops and are found in the rugged terrain of eastern Napa County. There is no appropriate habitat on the property for prairie falcons.

- **White-tailed kite (*Elanus leucurus*):**

  Usually found near agricultural areas, the kite prefers open terrain near woodlands and water. These raptors hunt over open country and prefer large, deciduous trees surrounded by expanses of grassland, meadows, farmland and/or wetlands for nesting and roosting sites. The open areas on the property provide the open hunting habitat preferred by the white-tailed kite, and the adjacent large oak trees may provide suitable sites for nests once they have recovered from the fire.

- **Lewis' woodpecker (*Melanerpes lewis*):**

  These woodpeckers excavate nest cavities in dead trees and dead limbs of live trees in open woodlands. They hunt insects and eat fruits and berries throughout the spring and summer and shift their diet to cached acorns and emerging insects in the fall and winter. Breeding occurs between early May and July. The more open areas of the oak woodlands provide suitable potential habitat for this species, and may provide better habitat in future years due to the damage to trees from the Atlas Fire.

- **Loggerhead shrike (*Lanius ludovicianus*):**

  This bird is considered a sensitive species by the County of Napa. These passerines prefer open-canopied woodlands with grass groundcover, and grazed open pastures. Preferred habitats include valley-foothill woodlands and riparian. They build well-concealed nests in the dense foliage of oaks and shrubs. They eat large insects but are fairly unique for passerines in that they also eat small amphibians, reptiles, birds, and mammals which they may impale on thorns or barbed wire fences. Shrikes use fence posts or shrubs as observation posts. Nesting occurs between March and early July when the young are fully fledged. As with Lewis' woodpecker, the property may provide better habitat in future years due to the damage to trees from the Altas Fire.

- **Lawrence's gold finch (*Carduelis lawrencei*):**

  This bird is considered a sensitive species by the County of Napa. These passerine (perching birds) prefer to nest in the dense foliage of oaks in dry open woodland near brushy and grassy areas or chaparral. Proximity to water is important. They frequently nest near other pairs during a breeding season that extends from late March through July, with birds migrating south in August. The property may have suitable habitat for this species once the property has recovered from the Atlas Fire.

- **Pallid bat (*Antrozous pallidus*):**

  Optimal habitat for these bats consists of open forest and woodlands with sources of water over which to feed. These bats prefer the cool summer temperatures of caves, crevices, and mines as roosting sites where they are known to wedge themselves into small spaces, but they will also roost in buildings, bridges, and hollow trees. Foraging occurs over open country. Pallid bats take a variety of prey, including insects, reptiles, and rodents. Maternity colonies tend to be in the more protected, isolated locations and may consist of more than 100 individuals. These bats have a home range of 1 to 3 miles and are known to roost with other bat species. This species is extremely sensitive to human disturbance of roosting sites. Suitable habitat is present for this species within numerous burned and/or decadent trees within the vineyard blocks.

5.0 FIELD SURVEY RESULTS

5.1 Bat Habitat Survey Results: A survey for bat habitat was conducted for this project. Mature trees within the proposed vineyard blocks were assessed for potential as roosting sites for sensitive bat species. These potential bat habitat sites included hollow trees, trees with open cavities, and trees with exfoliating bark.

Results of bat habitat survey: A number of trees within the blocks may contain suitable habitat for bats because of open cavities and hollows, including trees damaged by the 2017 fire. Pre-construction surveys are recommended for mature trees within the vineyard blocks.

5.2 Botanical Field Survey Results: Table 4 presents the results of the floristic-level botanical survey of the property. Each of the sensitive plant taxa potentially occurring at the property and listed in Tables 2 and 3 was specifically searched for during the surveys.

A total of 91 native and introduced plant taxa were identified. One sensitive plant taxon, **Northern California black walnut (*Juglans hindsii*)**, is widespread throughout the corridor of Suisun Creek along the western boundary of the parcel. Due to the widespread loss of these natural populations throughout Northern California, Northern California black walnut is listed as a CNPS Rank 1B species. This listing requires natural populations of these trees to be included in CEQA review and mitigation under Section 15380(d) of the CEQA Guidelines.

Note: *Even when a site meets the generalized habitat description for a sensitive plant taxon, this is not a guarantee that it is present. The precise habitat requirements for any species cannot be known in most cases. Plants with sensitive regulatory status are rare because they have a narrow band of habitat criteria that must be met. These may include a wide range factors including microclimate, seasonal soil moisture, soil chemistry and texture, and presence or absence of specific pests or competitors.*

At present the specifics of these factors are not known for the vast majority of plant taxa. This issue is understood by regulatory biologists and is dealt with through the requirement that a floristic-level botanical survey be conducted which lists all plants occurring at a site throughout the full range of blooming seasons. Ultimately, the botanical survey determines whether a taxon is present or not present.

TABLE 4. FLORA OF THE OKELL HILL VINEYARD PROPERTY

Habit	Species	Common Name	Family	Origin
fern	*Equisetum hyemale ssp. affine*	common scouring rush	Equisetaceae	N
fern	*Pentagramma triangularis ssp. triangularis*	gold-back fern	Pteridaceae	N
forb	*Anthriscus caucalis*	bur chervil	Apiaceae	A
forb	*Conium maculatum*	poison hemlock	Apiaceae	A
forb	*Daucus carota*	Queen Anne's lace	Apiaceae	A
forb	*Sanicula bipinnata*	poison sanicle	Apiaceae	N
forb	*Sanicula crassicaulis*	Pacific sanicle, Pacific blacksnakeroot	Apiaceae	N
forb	*Torilis arvensis*	field hedge parsley	Apiaceae	A
forb	*Asclepias californica*	California milkweed	Apocynaceae	N
forb	*Achillea millefolium*	common yarrow	Asteraceae	N
forb	*Agoseris heterophylla var. heterophylla*	annual agoseris, annual mountain dandelion	Asteraceae	N
forb	*Anthemis cotula*	dog-fennel	Asteraceae	A
forb	*Artemesia douglasiana*	mugwort	Asteraceae	N
forb	*Centaurea calcitrapa*	purple star-thistle	Asteraceae	A
forb	*Centaurea solstitialis*	yellow star thistle	Asteraceae	A
forb	*Centromadia fitchii*	Fitch's spikeweed	Asteraceae	N
forb	*Chamomilla suaveolens*	pineapple weed	Asteraceae	A
forb	*Cirsium brevistylum*	clustered thistle, Indian thistle	Asteraceae	N
forb	*Cirsium vulgare*	bull thistle	Asteraceae	A
forb	*Hypochaeris glabra*	smooth cat's ear	Asteraceae	A
forb	*Lactuca seriola*	prickly lettuce	Asteraceae	A
forb	*Logfia gallica*	daggerleaf cottonrose	Asteraceae	A
forb	*Senecio vulgaris*	common butterweed	Asteraceae	A
forb	*Sonchus asper ssp. asper*	prickly sow thistle	Asteraceae	A
forb	*Xanthium strumarium*	cocklebur	Asteraceae	N

Habit	Species	Common Name	Family	Origin
forb	*Brassica nigra*	black mustard	Brassicaceae	A
forb	*Cardamine breweri*	Brewer's bittercress	Brassicaceae	N
forb	*Carex nudata*	naked sedge, torrent sedge	Cyperaceae	N
forb	*Croton setigerus*	turkey mullein	Euphorbiaceae	N
forb	*Lupinus nanus*	sky lupine	Fabaceae	N
forb	*Trifolium hirtum*	rose clover	Fabaceae	A
forb	*Vicia villosa*	winter vetch	Fabaceae	A
forb	*Erodium cicutarium*	red-stem storksbill	Geraniaceae	A
forb	*Hypericum perforatum*	Klamathweed	Hypericaceae	A
forb	*Iris macrosiphon*	bowl-tubed iris	Iridaceae	N
forb	*Sisyrinchium bellum*	blue-eyed grass	Iridaceae	N
forb	*Salvia columbariae*	chia sage	Lamiaceae	N
forb	*Stachys albens*	white-stem hedge nettle	Lamiaceae	N
forb	*Calochortus luteus*	yellow Mariposa lily	Liliaceae	N
forb	*Chlorogalum pomeridianum*	wavyleaf soap plant	Liliaceae	N
forb	*Dichelostemma congestum*	ookow	Liliaceae	N
forb	*Dichelostemma multiflorum*	wild hyacinth	Liliaceae	A
forb	*Triteleia laxa*	Ithuriel's spear	Liliaceae	N
forb	*Claytonia perfoliata ssp. perfoliata*	miner's lettuce	Montiaceae	N
forb	*Clarkia purpurea ssp. quadrivulnera*	winecup clarkia, four-spot	Onagraceae	N
forb	*Castilleja exserta ssp. exserta*	purple owl clover	Orobanchaceae	N
forb	*Plantago lanceolata*	English plantain	Plantaginaceae	A
forb	*Leptosiphon bicolor*	true baby stars	Polemoniaceae	N
forb	*Rumex acetosella*	sheep sorrel	Polygonaceae	A
forb	*Anagalis arvensis*	scarlet pimpernel	Primulaceae	A
forb	*Ranunculus occidentalis*	western buttercup	Ranunculaceae	N
forb	*Galium aparine*	goose grass, common bedstraw	Rubiaceae	N
forb	*Galium porrigens var. porrigens*	climbing bedstraw, graceful bedstraw	Rubiaceae	N

Habit	Species	Common Name	Family	Origin
forb	*Verbascum blattaria*	moth mullein	Scrophulariaceae	N
forb	*Brodiaea elegans ssp. elegans*	harvest brodiaea	Themidaceae	N
forb	*Tribulus terrestris*	puncture vine, goathead	Zygophyllaceae	A
grass	*Aegilops triuncialis*	barbed goatgrass	Poaceae	A
grass	*Aira caryophyllea*	silver European hairgrass	Poaceae	A
grass	*Avena barbata*	slender wild oat	Poaceae	A
grass	*Briza maxima*	big quaking grass	Poaceae	A
grass	*Briza minor*	small quaking grass	Poaceae	A
grass	*Bromus diandrus*	ripgut brome, ripgut grass	Poaceae	A
grass	*Bromus hordeaceus*	soft chess	Poaceae	A
grass	*Bromus madritensis ssp. rubens*	red brome	Poaceae	A
grass	*Cynosurus echinatus*	hedgehog dogtail, annual dogtail	Poaceae	A
grass	*Dactylus glomerata*	orchard grass	Poaceae	A
grass	*Festuca perennis*	Italian rye grass, perennial ryegrass	Poaceae	A
grass	*Hordeum marinum ssp. gussoneanum*	Mediterranean barley	Poaceae	A
grass	*Phalaris aquatica*	Harding grass	Poaceae	A
shrub	*Toxicodendron diversilobum*	poison oak	Anacardiaceae	N
shrub	*Baccharis pilularis*	coyote brush, chaparral broom	Asteraceae	N
shrub	*Sambucus nigra ssp. caerulea*	blue elderberry *(non-riparian)*	Caprifoliaceae	N
shrub	*Symphoricarpos albus var. laevigatus*	common snowberry	Caryophyllaceae	N
shrub	*Arctostaphylos manzanita ssp. manzanita*	common manzanita	Ericaceae	N
shrub	*Frangula californica ssp. californica*	California coffeeberry	Rhamnaceae	N
shrub	*Heteromeles arbutifolia*	toyon	Rosaceae	N
shrub	*Rosa californica*	California wild rose	Rosaceae	N
shrub	*Rubus armeniacus*	Himalayan blackberry	Rosaceae	A
sub-shrub	*Solanum umbelliferum*	blue witch	Solanaceae	N
tree	*Alnus rhombifolia*	white alder	Betulaceae	N

Habit	Species	Common Name	Family	Origin
tree	*Cercis occidentalis*	western redbud	Fabaceae	N
tree	*Quercus agrifolia*	coast live oak	Fagaceae	N
tree	*Quercus douglasii*	blue oak	Fagaceae	N
tree	*Quercus garryanna var. garryanna*	Oregon white oak	Fagaceae	N
tree	*Quercus kelloggii*	California black oak	Fagaceae	N
tree	*Quercus wislizeni var. wislizeni*	interior live oak	Fagaceae	N
tree	*Aesculus californica*	California buckeye	Hippocastanaceae	N
tree	*Juglans hindsii*	Northern California black walnut; CNPS Rank 1B.1	Juglandaceae	N
tree	*Umbellularia californica*	California bay	Lauraceae	N
tree	*Populus fremontii var. fremontii*	Fremont cottonwood	Salicaceae	N
vine	*Vitis californica*	California wild grape	Vitaceae	N

Origin: N = Native, A = Alien

6.0 DELINEATION OF WATERS OF THE U.S.

6.1 Purpose of Delineation: This delineation has been conducted at the request of the local permitting agency in order to determine the extent of possible waters of the U.S. on the property.

6.2 Delineation Procedure: This delineation has been conducted as prescribed in the *Corps of Engineers Wetlands Delineation Manual*, January 1987, and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, 2008.* Plant taxonomy and nomenclature is from the *Jepson Manual, Higher Plants of California*, 2012. Other texts, such as Munz's *A California Flora and Supplement* 1973, and Mason's *Flora of the Marshes of California,* 1957, were used as supplemental texts; however, all nomenclature and wetland indicator status have been checked with the U.S. Army Corps of Engineers. 2016. *National Wetland Plant Lists: Arid West* and *California*.

The survey included use of Google satellite images, 7.5' USGS quadrangle maps, and LIDAR mapped overlays along with an extensive foot survey.

6.3 Delineation Date: Delineation fieldwork was conducted on July 31, 2017 and July 27, 2018.

6.4 Delineation Staff: The delineation was conducted by Steve Zalusky, Northwest Biosurvey principal biologist. Mr. Zalusky has a Master of Science Degree in Biology from the California State University at Northridge and a Bachelor of Science Degree in Zoology from the University of California at Santa Barbara. Mr. Zalusky 35 years of experience as a biologist in the government and private sectors. He completed his wetland delineation training under Terry Huffman of Huffman & Associates, Inc.

6.5 Site Description: Location, Drainage, and Soil Type are discussed in detail in Section 1.2 (Location), Section 3.1 (Topography and Drainage), and Section 3.2 in the biological resource assessment report in which this delineation is included. All Waters of the U.S. occurring within the survey area consist of "other waters" pursuant of Corps of Engineers Definitions.

6.6 Aquatic Resources Results: The results of the delineation are shown on the aerial photo base map provided in **Figure 3**. The total area of delineated waters is 2.58 acres. The delineation results are shown below in **Table 5**.

TABLE 5. POSSIBLE WATERS OF THE U.S.

Project Name: Okell Hill Vineyard

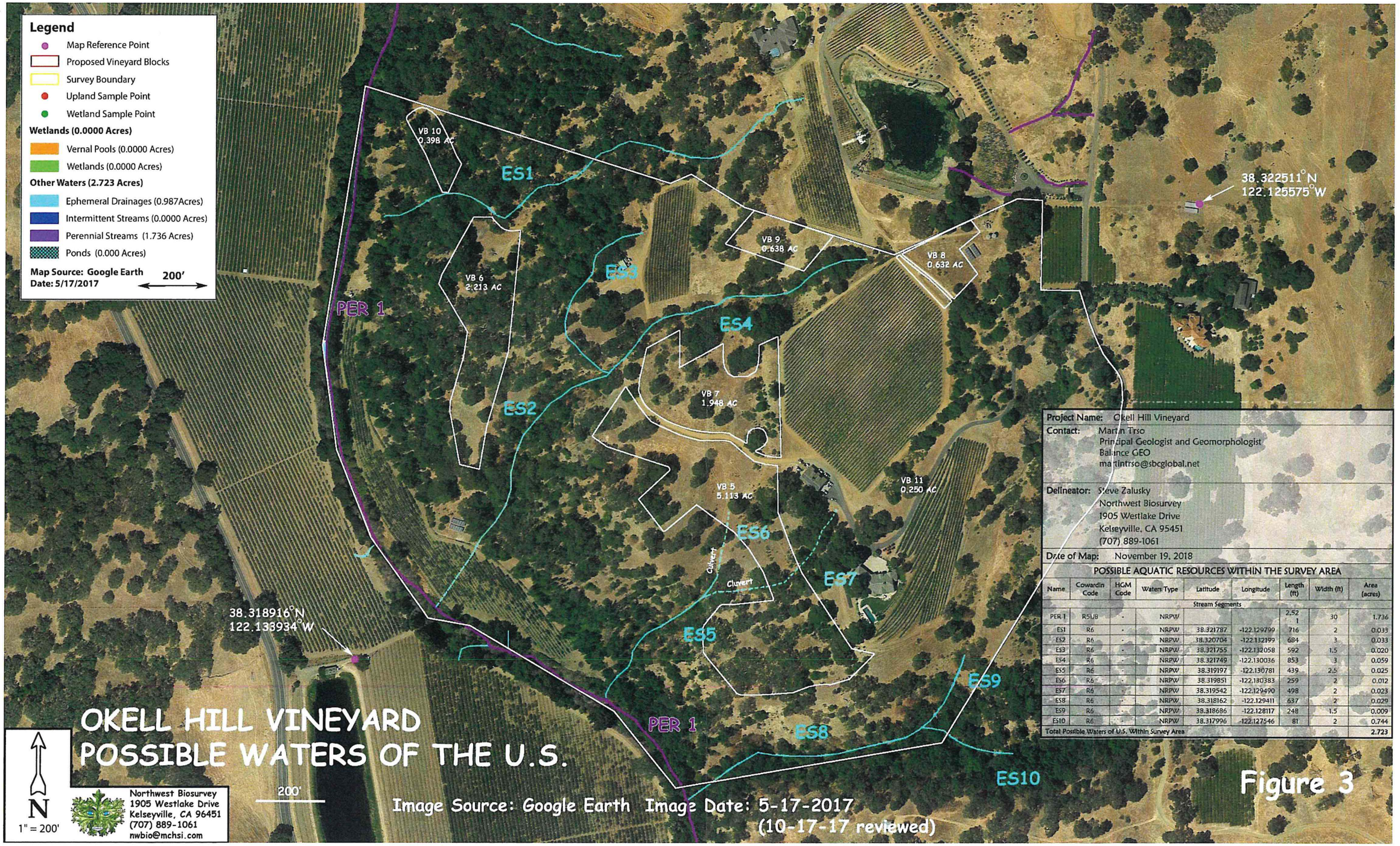
Contact: Martin Trso
Principal Geologist and Geomorphologist
Balance GEO
martintrso@sbcglobal.net

Delineator: Steve Zalusky
Northwest Biosurvey
1905 Westlake Drive
Kelseyville, CA 95451
(707) 889-1061

Date of Map: November 19, 2018, updated April 17, 2019

POSSIBLE AQUATIC RESOURCES WITHIN THE SURVEY AREA

Name	Cowardin Code	HGM Code	Waters Type	Latitude	Longitude	Length (ft)	Width (ft)	Area (acres)
Stream Segments								
PER 1	R5UB	-	NRPW			2,521	30	1.736
ES1	R6	-	NRPW	38.321787	-122.129799	716	2	0.033
ES2	R6	-	NRPW	38.320704	-122.132199	684	3	0.033
ES3	R6	-	NRPW	38.321755	-122.132058	592	1.5	0.020
ES4	R6	-	NRPW	38.321749	-122.130036	853	3	0.059
ES5	R6	-	NRPW	38.319197	-122.130781	439	2.5	0.025
ES6	R6	-	NRPW	38.319851	-122.130383	259	2	0.012
ES7	R6	-	NRPW	38.319542	-122.129490	498	2	0.023
ES8	R6	-	NRPW	38.318162	-122.129411	637	2	0.029
ES9	R6	-	NRPW	38.318686	-122.128117	248	1.5	0.009
ES10	R6	-	NRPW	38.317996	-122.127546	81	2	0.744
Total Possible Waters of U.S. Within Survey Area								2.723



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ES10	R6	-	NRPW	38.317996	-122.127546	81	2	0.744
Total Possible Waters of U.S. Within Survey Area								2.723

Figure 3

7.0 NAPA COUNTY WOODLAND ASSESSMENT

This woodland analysis follows a protocol reviewed and approved by Napa County planning staff in January 2008.

7.1 Procedure: The Okell Hill Vineyard property contains two distinct native woodland communities: Mixed Oak Woodland and Blue Oak Woodland. These two communities are described in detail in Section 3.3 along with the other vegetation types on the property and are analyzed in this section due the potential for project-related impacts to woodlands. The acreage of each woodland community (and of all other vegetation and cover types) is provided in **Table 1**.

Survey plots for each community were selected to best represent the structure and density of the woodland that occurs within the proposed project area; both survey plots are located within proposed vineyard blocks. The size was based on the need to include enough trees to provide a meaningful statistical sample. These plots are mapped in **Figure 2**.

Within each study plot, all trees were mapped with a GPS waypoint and a record was made of its species, diameter at breast height (DBH), and any unique characteristics (dead, hollow, acorn storage tree, etc.). The field data for each plot is provided in **Appendix C**.

The data collected for the study plots for each of the communities were then statistically analyzed to provide the following information:

- Woodland species composition
- Average diameter at base height (DBH) for each species
- Average canopy size within woodland
- Average distance between trunks
- Percent of canopy closure

This data is provided in **Tables 6 and 7**.

TABLE 6. TREE SURVEY DATA SUMMARY – MIXED OAK WOODLAND

SPECIES	NUMBER IN SURVEY AREA	AVERAGE DBH (INCHES)	AVERAGE # OF TRUNKS PER ACRE[4]
VO	14	21.43	18.26
BAY	1	11.00	1.30
CLO	13	17.31	16.96
TOTAL	28	16.58	36.52
Total area of sample plot		33,389ft^2	
Average canopy size[1]		1,169ft^2	
Average distance between trunks[2]		35ft	
Canopy closure[3]		98%	

TABLE 7. TREE SURVEY DATA SUMMARY – BLUE OAK WOODLAND

SPECIES	NUMBER IN SURVEY AREA	AVERAGE DBH (INCHES)	AVERAGE # OF TRUNKS PER ACRE[4]
BLU	29	14.9	28.52
CLO	5	20.9	4.87
TOTAL	34	17.9	33.39
Total area of sample plot		44,713ft^2	
Average canopy size[1]		1,131ft^2	
Average distance between trunks[2]		36ft	
Canopy closure[3]		86%	

Key:

CLO=Coast Live Oak ***VO=Valley Oak***
BLU=Blue Oak
BAY=California Bay

GPS waypoint for each tree is indicated on the vegetation map provided in Figure 2.

1. Average canopy size per tree/trunk = (area of test plot X percent canopy closure)/combined # of trees in test plots
2. Average distance between trunks = square root of (sample area/total number of trunks)
3. Total area of canopy in community/total area of community
4. Total number of trunks per acre = ((ft^2/acre)/area of test plot)) X number of trunks in test plot

Table 8 provides an estimate of the species and number of trees that will be impacted by vineyard development in each of the proposed vineyard blocks based on the analysis provided above.

TABLE 8. ESTIMATED NUMBERS & SPECIES OF TREES IMPACTED WITHIN PROPOSED VINEYARD AREAS

Block #	Number and Species of Trees				Total # of Trees per Block
	VO	BAY	CLO	BLU	
VB5	14	1	20	41	76
VB6	16	1	19	21	57
VB7	3	0	4	8	15
VB8	1	0	1	0	2
VB9	0	0	2	9	11
VB10	7	0	6	0	13
VB11	2	0	2	0	4
Total # Each Species	43	2	54	79	Total estimated trees in all blocks = 178

7.2 Regional Setting and Continuity with Surrounding Woodlands and Other Habitat: This is shown in the regional aerial photo provided in **Figure 4** and in the topographic location map provided in **Figure 1**. The vineyard property is located on the western slope of Okell Hill, one of a series of low foothills forming the southern toe of the Interior Coast Range as it continues northward from the San Francisco Bay region. These low hills trend longitudinally from south to north with narrow, intervening river valleys draining south to the San Francisco Bay.

Okell Hill rises from the eastern edge of Wooden Valley and is cut by steep ravines draining its western slope to Suisun Creek. This creek drains south for 14 river miles through Wooden Valley and along the western edge of the broad farmland of the Suisun Valley to its confluence with the Suisun Slough and Grizzly Bay.

The steep, dry, south, and west-facing slopes in this region support a dominant cover of blue oak woodland. Interior live oak woodland and mixed oak woodland occur on the more shaded north- and east-facing slopes but is also found within shaded ravines on the more exposed southern and western slopes. Vineyard and agricultural development

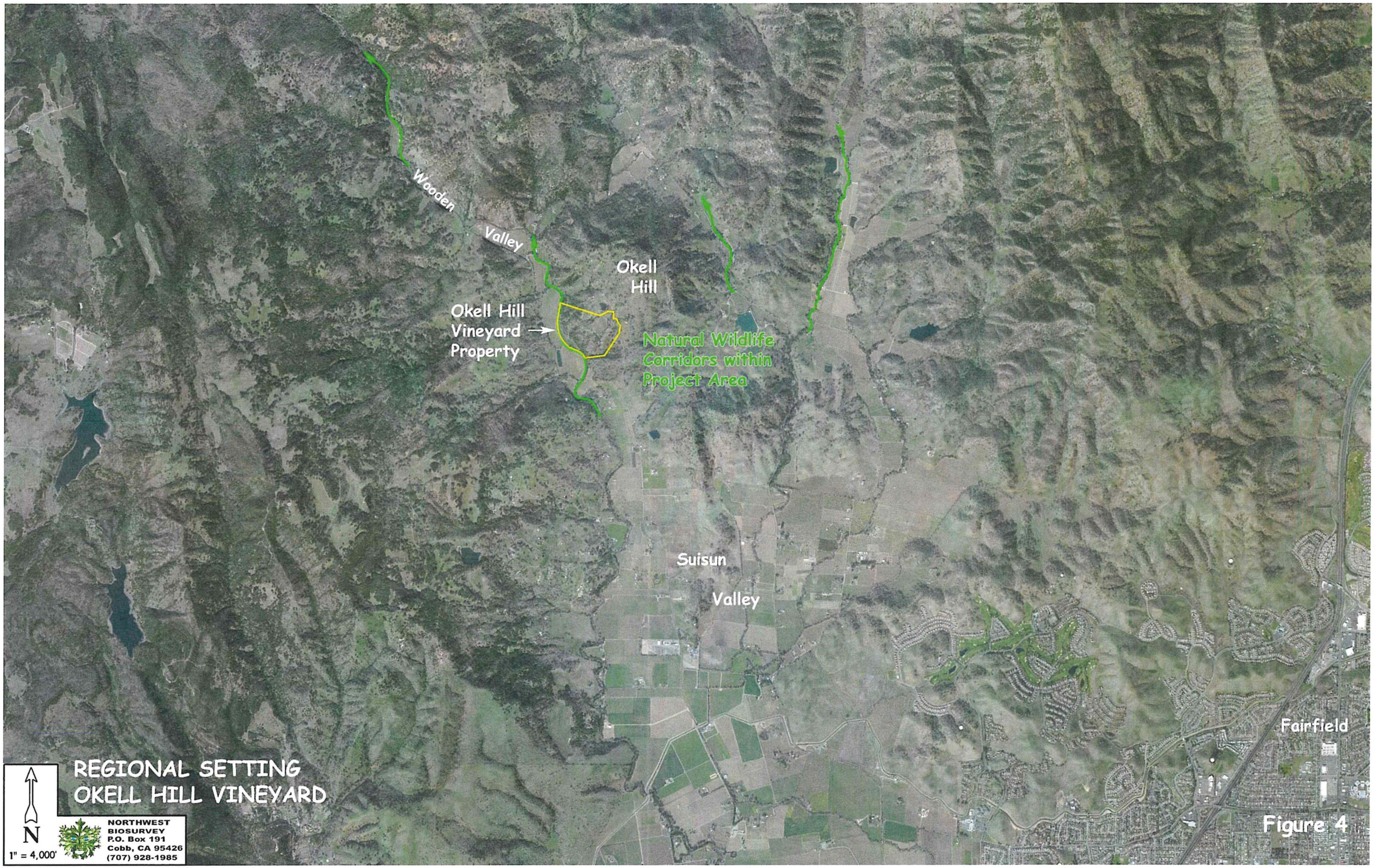
within this mountainous terrain is generally limited to the narrow, intervening valley bottoms. The steepness of the surrounding hills limits agricultural development on them to small, separated blocks scattered over the gentler slopes. Consequently, there is extensive continuity between the woodland habitats of the mountains throughout this region. Continuity within the heavily developed valley bottoms is generally limited to the remaining riparian corridors.

7.3 Wildlife Value of Forest and Woodlands in the Survey Area:

- **Core Habitat Value:** Core habitat is habitat provided by a plant community in its pure form without the direct influence of surrounding plant communities and intermediate, overlapping edge habitat (edge effect). While many wildlife species can use a wide range of habitats and may even need a mix of habitats to meet their needs, some species are limited to core habitat within a plant community or at least require the presence of core habitat within their home range. This typically requires that the patch size (overall aerial extent) of the habitat be large enough to exclude the edge effect from the surrounding habitats.

  Wildlife dependent on core woodland and forest habitat consists primarily of species using trees as shelter or whose food sources are associated with trees. This includes amphibians and reptiles using downed woody debris for cover and whose food consists of insects associated with woody debris. Woodpeckers are obviously associated with woodlands but many other passerines (perching birds) also depend on woodland insects and plant material or are dependent on dense woodland for nesting sites and cover. Larger mammals such as deer and their predators typically require sites providing dense cover not provided by more open woodlands and grasslands.

  Table 9 provides a list of wildlife species that use the blue oak and interior live oak and mixed oak woodlands of the surrounding region as core habitat. This list is not intended to be comprehensive. This list focuses on some of the species most likely to depend on these sites as core habitat.



REGIONAL SETTING
OKELL HILL VINEYARD

Figure 4

TABLE 9. EXAMPLES OF LOCAL WOODLAND SPECIES POTENTIALLY USING BLUE OAK and INTERIOR LIVE OAK AND MIXED OAK WOODLAND HABITATS

MIXED OAK WOODLAND	
Common Name	Species Name (specific epithet)
COMMON ENSATINA	*Ensatina eschscholtzii ssp. oregonensis*
CALIFORNIA SLENDER SALAMANDER	*Batrachoseps attenuatus*
SPECKLED BLACK SALAMANDER	*Aneides flavipunctatus*
WESTERN FENCE LIZARD	*Sceloporus occidentalis*
WESTERN SKINK	*Eumeces skiltonianus*
SOUTHERN ALLIGATOR LIZARD	*Elgaria multicarinata*
COMMON KINGSNAKE	*Lampropeltis getula*
CALIFORNIA MOUNTAIN KINGSNAKE	*Lampropeltis zonata*
WESTERN RATTLESNAKE	*Crotalis viridis*
BAND-TAILED PIGEON	*Columba fasciata*
NORTHERN PYGMY OWL	*Glaucidium gnoma*
NORTHERN SAW-WHET OWL	*Aegolius acadicus*
ACORN WOODPECKER	*Melanerpes formicivorus*
RED-BREASTED SAPSUCKER	*Sphyrapicus ruber*
NUTTALL'S WOODPECKER	*Picoides nuttallii*
NORTHERN FLICKER	*Colaptes auratus*
WESTERN WOOD-PEWEE	*Contopus sordidulus*
PACIFIC-SLOPE FLYCATCHER	*Empidonax difficilis*
VIOLET-GREEN SWALLOW	*Tachycineta thalassina*
STELLER'S JAY	*Cyanocitta stelleri*
CHESTNUT-BACKED CHICKADEE	*Parus rufescens*
OAK TITMOUSE	*Parus inornatus*
BUSHTIT	*Psaltriparus minimus*
WHITE-BREASTED NUTHATCH	*Sitta carolinensis*
HERMIT THRUSH	*Catharus guttatus*
HUTTON'S VIREO	*Vireo huttoni*
WARBLING VIREO	*Vireo gilvus*
TOWNSEND'S WARBLER	*Dendroica townsendi*
HERMIT WARBLER	*Dendroica occidentalis*
BLACK-HEADED GROSBEAK	*Pheucticus melanocephalus*
DARK-EYED JUNCO	*Junco hyemalis*

MIXED OAK WOODLAND	
Common Name	Species Name (specific epithet)
BULLOCK'S ORIOLE	*Icterus galbula*
PALLID BAT	*Antrozous pallidus*
FRINGED MYOTIS	*Myotis thysanodes*
LONG-LEGGED MYOTIS	*Myotis volans*
WESTERN RED BAT	*Lasiurus borealis*
BRAZILIAN FREE-TAILED BAT	*Tadarida brasiliensis*
DUSKY-FOOTED WOODRAT	*Neotoma fuscipes*
WESTERN GRAY SQUIRREL	*Sciurus griseus*
MOUNTAIN LION	*Felis concolor*
BLACK BEAR	*Ursus americanus*
GRAY FOX	*Urocyon cinereoargenteus*

BLUE OAK WOODLAND	
Common Name	Species Name (specific epithet)
RED-SHOULDERED HAWK	*Buteo lineatus*
WHITE-TAILED KITE	*Elanus leucurus*
LAWRENCE'S GOLDFINCH	*Carduelis lawrencei*
WESTERN SCREECH-OWL	*Otus kennicottii*
ACORN WOODPECKER	*Melanerpes formicivorus*
LEWIS' WOODPECKER	*Melanerpes lewis*
RED-BREASTED SAPSUCKER	*Sphyrapicus ruber*
PALLID BAT	*Antrozous pallidus*
SAN FRANCISCO ALLIGATOR LIZARD	*Elgaria coerulea coerulea*
CALIFORNIA ALLIGATOR LIZARD	*Elgaria multicarinatus multicarinatus*
SKILTON'S SKINK	*Eumeces skiltonianus skiltonianus*
ARBOREAL SALAMANDER	*Aneides lugubris*
CALIFORNIA SLENDER SALAMADER	*Batrachoseps attenuates*
YELLOW-EYED ENSATINA	*Ensatina eschscholtzii xanthoptica*

- **Value as a Wildlife Corridor:** The project area does not occur within any of the wildlife corridors identified as a *CalWild Linkage* shown in Map 4-2 of the Napa County BDR. Riparian corridors typically serve as natural wildlife movement corridors. This is particularly true within mountainous terrain. Natural wildlife movement corridors within this region would likely follow the narrow, north-south trending valleys through which the areas small creeks and streams flow. Likely wildlife movement corridors following these valleys have been mapped in **Figure 4**. Movement onto the surrounding hills would emphasize use of the densely wooded ravines extending from the valley bottom up the adjacent slopes. These provide suitable cover and access to browse and hunting areas for larger mammals. Additional discussion of this issue is provided in Section 9.2.1.

  While vineyard development and associated fencing would restrict movement of larger mammals through the Okell Hill Vineyard property, the steep ravines and surrounding slopes would still allow access to unfenced areas. With this in mind, fencing should be limited to vineyard blocks and efforts should be made to avoid extending fencing across drainages and their adjacent slopes.

- **Cover and Edge Habitat for Surrounding Communities:** In its current natural condition, the property contains a mix of woodland and grassland communities providing extensive cover and edge habitat for local wildlife. This particular mix provides ideal habitat for birds of prey which nest and roost along woodland edges and hunt over adjacent grasslands. The proposed vineyard development will emphasize use of open grassland and savanna habitat in the center of the property; however, similar edge occurs throughout the remainder of the property.

- **Presence of Critical Plant Community or Wildlife Resources:**

  Critical Plant Communities: The property does not contain vegetation types qualifying as "Sensitive Biotic Communities" listed in the Napa County Baseline Data Report.

  Critical Wildlife Resources: Potential bat habitat occurs in burned and decadent trees within proposed vineyard blocks 5, 6, and 7. Pre-clearing bat surveys should be conducted for these trees prior to clearing if clearing is proposed within periods of potential roosting (see mitigation measures).

- **Woodland Age Class and Size:** Woodlands on the Okell Hill property were burned during the Atlas Peak fire in 2017. While some trees were removed following the fire (see cleared areas **Figure 2**), the majority of these fire adapted oaks will survive and most leafed out in healthy foliage in the spring of this year.

The mixed and blue oak woodland shows a healthy age distribution, indicating good regeneration.

- **Trees with Unique Wildlife Value:** While the woodlands provide significant wildlife value as discussed above, individual trees with unique wildlife value within proposed vineyard blocks are limited to the trees that provide potential bat habitat and California acorn woodpecker storage trees (see mitigation section).

8.0 CONFORMANCE WITH NAPA COUNTY BASELINE DATA REPORT (BDR)

Each of the pertinent sections of the Napa Count Baseline Data Report was reviewed to determine whether the issues and biological resources with special status in Napa County have been addressed in this biological assessment.

8.1 Sensitive Biotic Communities: As discussed in Section 7.3, the property does not contain plant communities qualifying as sensitive biotic communities as listed in the Napa County Baseline Data Report.

8.2 Special Status Plants and Wildlife: As noted in **Section 2** (Assessment Methodology), the pre-survey research conducted for this project included systematic reviews of the California Natural Diversity Database (CNDDB), California Native Plant Society Electronic Inventory, and California Department of Fish and Wildlife's California Wildlife Habitat Relations Program. The list of special status plants and wildlife used in the BDR is derived from the CNDDB. Additionally, Tables 4-6 and 4-7 of the Special Status Plants and Wildlife sections of the BDR were reviewed to assure consistency between the lists. All Rank B species listed in the CNDDB are subject to CEQA review pursuant to Section 15380 (d) of the CEQA Guidelines.

A total of 91 plant taxa were identified within the proposed vineyard blocks. Northern California black walnut (*Juglans hindsii*) occurs along Suisun Creek as part of the mature riparian canopy. This species qualifies as a CNPS Rank 1B.1 sensitive species when occurring within its natural riparian habitat.

As noted in Section 7.2 proposed vineyard blocks 5, 6, and 7 contain a number of burned and/or decadent trees providing suitable bat habitat. A preconstruction survey for bats should be conducted if trees within these blocks will be removed during a period when bats may be roosting int them (see mitigation measures).

8.3 Potential Wildlife Movement Corridors: The CalWild Linkage Map presented in Map 4-2 of the BDR was reviewed with respect to this project. The project area is not within a movement area as defined by the CalWild database. Local wildlife movement is discussed in detail in the Woodland Assessment, Section 7.3.

8.4. Fisheries Resources: Suisun Creek supports several fish species[3]. These include the following:

- Sacramento pike minnow (*Ptychocheilus grandis*)
- California roach (*Hesperoleucus symmetricus*)
- Sacramento sucker (*Catostomus occidentalis*)
- threespine stickleback (*Gasterosteus aculeatus*)
- tule perch (*Hysterocarpus traski*)
- steelhead (*Oncorhynchus mykiss*)
- riffle sculpin (*Cottus gulosus*)
- bulegill (*Lepomis macrochirus*)
- Western mosquito fish (*Gambusia affinis*)

[3] Koehler Jonathan "*Suisun Creek Predatory Fish Species Inventory and Juvenile Steelhead Distribution Study*", Napa County Resource Conservation District, December 2008.

9.0 SUMMARY, IMPACT ANALYSIS, AND RECOMMENDATIONS

9.1 Summary: This biological resource assessment involved the following analyses and surveys for sensitive plants and wildlife potentially occurring in the vicinity of the project:

- Review of current California Natural Diversity Database (CNDDB) mapping of known sensitive plant and wildlife populations within the region.
- An analysis of the suitability of the site for sensitive plants and wildlife using the California Native Plant Society *Electronic Inventory of Rare and Endangered Vascular Plants of California,* and the California Department of Fish and Wildlife's *Wildlife Habitat Relations System.*
- A California Department of Fish and Wildlife protocol, floristic-level field survey of the plants occurring within and in the immediate vicinity of the project.
- Surveys for sensitive bat habitat.
- A delineation of waters of the U.S. conducted according to the *Corps of Engineers Wetlands Delineation Manual, January 1987* as updated by the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, 2008.*
- A woodland assessment conducted in conformance with Napa County policy.
- Review of the Napa County Baseline Data Report (BDR), 2005.

Sensitive Plants: A total of 91 native and introduced plant taxa were identified on the property during the in-season, floristic-level botanical survey. No sensitive plant species were identified. As used here, the term sensitive includes species having state or federal regulatory status, defined as Rare Plant Ranks 1B through 4 by the California Native Plant Society, or otherwise listed in the California Natural Diversity Database.

Sensitive Wildlife: A total of twelve sensitive wildlife species were assessed for potential occurrence at the site because of inclusion in the CNDDB database for the quadrangle, due to selection by the WHR database, or based on Northwest Biosurvey staff local knowledge. Potential habitat is present for the following species:

- foothill yellow-legged frog
- western pond turtle
- white-tailed kite
- Lewis' woodpecker
- loggerhead shrike

- Lawrence's goldfinch
- pallid bat

Surveys were conducted for bat habitat within the proposed vineyard blocks. Several burned and decadent trees with hollows and or peeling bark were observed. If trees are to be removed during a period when bats may be roosting in these trees (see mitigation measures for timing), tree removal should be preceded by a bat survey.

Woodland Resources: A Napa County Woodland Assessment was conducted for this project and is provided in Section 7.0. As shown in **Table 1**, the property contains 40.51 combined acres of blue oak and mixed oak woodland. A total of 5.16 acres (12.74-percent) of this occurs within proposed vineyard blocks. Based on the woodland assessment provided in Section 7.1, **Table 8**, the proposed vineyard development would result in the estimated loss of 178 trees.

Possible Waters of U.S.: As discussed in Section 6, and mapped in Figure 3, the property contains a total of **2.58 acres** of possible waters of the U.S. present as Other Waters of the U.S.

Fisheries Resources: Suisun Creek, which defines the southern boundary of the property, supports nine native fish species as listed in Section 8.4.

9.2 Potential Impacts to Biological Resources:

1. Potential Habitat Fragmentation

The Napa County Baseline Data Report emphasizes preservation of wildlife corridors and prevention of habitat fragmentation. The proposed and existing vineyard blocks on the Okell Hill Vineyard property occur on a moderately steep, west-facing slope supporting mixed oak and blue oak woodland-savanna. The upper slopes provide moderate value as a regional wildlife corridor.

The primary wildlife corridor within the survey area is Suisun Creek along the east side of Wooden Valley at the western base of the vineyard property. The lower western slopes of the property augment the Suisun Creek corridor by providing adjacent, continuous woodland cover. Proposed vineyard block 10 and an existing block to the south occur within this movement corridor. However, undisturbed woodland and grassland to the west and east of these blocks would still allow wildlife passage as long as deer fencing is restricted to the vineyard blocks. Diurnal (daily) wildlife movement from the Suisun Creek

corridor into woodland habitat on the upper slopes of the vineyard property can continue if deer fencing is restricted to vineyard blocks.

2. Woodland and Forest Resources

Clearing for the proposed vineyard blocks will result in the loss of 5.16 acres (12.74-percent) of the woodland resources on the property. Based on the sampling techniques used in the woodland assessment provided in Section 7.0, this will result in the loss of approximately 178 oaks. The species mix, average diameter at breast height (DBH), canopy closure etc. for woodlands on the property are provided in **Tables 6 and 7** of Section 7.

The significance of this impact must be determined by County staff in conformance with *Napa County General Plan policy CON-22*. Mitigation for this impact may include preservation of remaining woodlands on the property at a ratio to be determined by local and state permitting staff.

3. Potential Impacts to Sensitive Plants and Wildlife

A full floristic-level botanical survey was conducted within the proposed vineyard blocks. No plants with sensitive regulatory status were found.

Based on the wildlife habitat assessment provided in Section 4.4, the property provides potential habitat for 7 species with sensitive regulatory status:

Foothill yellow-legged frog, western pond turtle, and fisheries resources: Any direct impacts to Suisun Creek or indirect impact through project-related erosion and sedimentation has a potential to degrade habitat or result in an incidental take of sensitive wildlife species and of fisheries resources including habitat for steelhead.

Project components are not proposed within the riparian zone of Suisun Creek. The closest component (proposed block 10) is approximately 100 feet from the east bank of the creek. No tributary drainages within the property are within proposed blocks. If appropriate erosion control is implemented during construction and vegetative or other cover is established prior to winter rains, erosion and sedimentation may be kept in check.

White-tailed kite, Lewis' woodpecker, loggerhead shrike, Lawrence's goldfinch: Project-related vegetation removal during the breeding season, February 1 through August 31, has a potential to result in nest abandonment

and incidental take of these sensitive species and of other bird species protected under the Migratory Bird Act.

Pallid bat: Potential habitat for pallid and other bat species was determined to be present within the proposed vineyard blocks. Removal of trees during periods when bats may be roosting in these trees may result in an incidental take (see mitigation for roosting dates).

4. Potential Impacts to Waters of the U.S.

A total of 2.58 acre of waters of the U.S. occur on the Okell Hill Vineyard property. None of these occur within proposed vineyard blocks.

If construction requires grading or the placement of fill within Waters of the U.S. in these areas, a 404 permit will be required by the Corps of Engineers (possibly a non-reporting permit under the Nationwide Permit Program) along with a 401 Water Quality Certification from the Regional Water Quality Control Board, and 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife.

9.3 Recommended Mitigation: For all recommended measures accepted as mitigation for this project, declarative language should be used (all "shoulds" should be replaced by "shalls", etc.).

1. Woodland Habitat Fragmentation

Removal of woodland cover outside of the proposed vineyard blocks should be avoided. No project redesign should be allowed which results in the connection or significant enlargement of the vineyard blocks beyond those reviewed in this analysis. Fencing should be restricted to the proposed vineyard blocks and should not extend along roadways or any other linear feature of the project.

2. Woodland Habitat Loss

Project-related tree removal outside of the proposed vineyard blocks should be avoided. Mitigation for loss of woodland may consist of preservation of remaining woodland on the property at a preservation-to-loss ratio to be determined by local and state permitting staff. Preserved woodland should be excluded from further development in a manner consistent with Napa County planning regulations.

3. Potential Impacts to Sensitive Wildlife

Birds: Any work requiring construction or vegetation clearing within 100 feet of blue oak or mixed oak woodland between February 1 and August 31 of any year should be preceded by pre-construction surveys by a qualified biologist for the following bird species pursuant to CDFW policy:

- White-tailed kite
- Lewis' woodpecker
- loggerhead shrike
- Lawrence's gold finch

In the event that one or more of these species is determined to be nesting within 100 feet of the proposed construction activities, construction should be delayed within 100 feet of the nest until after August 31, or until fledging is completed as determined by a qualified biologist. The construction buffer may be reduced depending on presence of screening vegetation or topography based on the recommendation of a qualified biologist.

Fish, amphibians, and reptiles: Foothill yellow-legged frog, western pond turtle, and the fish species listed in Section 8.4 should be assumed to be present in Suisun Creek. No project components should extend into the riparian zone of the creek or include tributary drainages within the subject property. Strict erosion control measures should be implemented pursuant to Napa County regulations.

Bats: Pallid bats, which have sensitive regulatory status, have the potential to roost in the exfoliating bark and hollows of trees within the proposed vineyard blocks. Additionally, other bat species may also roost in trees or downed leaves within the survey corridor.

If work is proposed within 50 feet of woodland habitat during the maternity roosting season (April 1 through September 15), trees with features capable of supporting roosting bats shall be surveyed for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) within 14 days of the start of project activities or removal of vegetation. If active roosts are discovered, a buffer of 50 feet around the active roost should be established by a qualified bat biologist. Removal may occur once active roosting ceases as determined by the biologist.

Removal of trees should be performed to the extent possible from September 16 through March 31, outside of the maternity roosting season. Following the felling of any tree or snag, it should be allowed to remain on the ground for 24 hours prior to chipping or removal to allow any bats to escape.

4. Potential Impacts to Waters of the U.S.

Fill or grading within the ephemeral channels marked as waters of the U.S. in Figure 3 will require approval of a Nationwide Permit (or non-reporting permit) from the U.S. Army Corps of Engineers, a Water Quality Certification 401 permit from the Regional Water Quality Control Board, and a 1603 Stream Alteration Agreement from the California Department of Fish and Wildlife.

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APPENDIX A

CNDDB SENSITIVE PLANT AND WILDLIFE SPECIES WITHIN THE SURROUNDING CALIF. 7½' QUADS.

Surrounding 9-Quad List: Mt. George Quadrangle

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Capell Valley	*Rana boylii*	foothill yellow-legged frog	None	SCT	SSC	-
Capell Valley	*Rana draytonii*	California red-legged frog	Threat	None	SSC	-
Capell Valley	*Ardea herodias*	great blue heron	None	None	-	-
Capell Valley	*Antrozous pallidus*	pallid bat	None	None	SSC	-
Capell Valley	*Lasiurus blossevillii*	western red bat	None	None	SSC	-
Capell Valley	*Emys marmorata*	western pond turtle	None	None	SSC	-
Capell Valley	*Northern Vernal Pool*	Northern Vernal Pool	None	None	-	-
Capell Valley	*Harmonia nutans*	nodding harmonia	None	None	-	4.3
Capell Valley	*Lasthenia conjugens*	Contra Costa goldfields	End	None	-	1B.1
Capell Valley	*Cryptantha dissita*	serpentine cryptantha	None	None	-	1B.2
Capell Valley	*Downingia pusilla*	dwarf downingia	None	None	-	2B.2
Capell Valley	*Juglans hindsii*	Northern California black walnut	None	None	-	1B.1
Capell Valley	*Trichostema ruygtii*	Napa bluecurls	None	None	-	1B.2
Capell Valley	*Hesperolinon breweri*	Brewer's western flax	None	None	-	1B.2
Capell Valley	*Hesperolinon sharsmithiae*	Sharsmith's western flax	None	None	-	1B.2
Capell Valley	*Sidalcea keckii*	Keck's checkerbloom	End	None	-	1B.1
Capell Valley	*Clarkia gracilis ssp. tracyi*	Tracy's clarkia	None	None	-	4.2
Capell Valley	*Castilleja ambigua var. ambigua*	johnny-nip	None	None	-	4.2
Capell Valley	*Castilleja ambigua var. meadii*	Mead's owls-clover	None	None	-	1B.1
Capell Valley	*Antirrhinum virga*	twig-like snapdragon	None	None	-	4.3
Capell Valley	*Collomia diversifolia*	serpentine collomia	None	None	-	4.3
Capell Valley	*Leptosiphon jepsonii*	Jepson's leptosiphon	None	None	-	1B.2
Capell Valley	*Navarretia leucocephala ssp. pauciflora*	few-flowered navarretia	End	Threat	-	1B.1
Capell Valley	*Ceanothus purpureus*	holly-leaved ceanothus	None	None	-	1B.2
Capell Valley	*Brodiaea leptandra*	narrow-anthered brodiaea	None	None	-	1B.2
Cordelia	*Rana boylii*	foothill yellow-legged frog	None	SCT	SSC	-
Cordelia	*Rana draytonii*	California red-legged frog	Threat	None	SSC	-
Cordelia	*Taricha torosa*	Coast Range newt	None	None	SSC	-
Cordelia	*Aquila chrysaetos*	golden eagle	None	None	FP ; WL	-
Cordelia	*Elanus leucurus*	white-tailed kite	None	None	FP	-
Cordelia	*Haliaeetus leucocephalus*	bald eagle	Delisted	End	FP	-
Cordelia	*Ardea alba*	great egret	None	None	-	-
Cordelia	*Ardea herodias*	great blue heron	None	None	-	-
Cordelia	*Egretta thula*	snowy egret	None	None	-	-
Cordelia	*Nycticorax nycticorax*	black-crowned night heron	None	None	-	-
Cordelia	*Melospiza melodia maxillaris*	Suisun song sparrow	None	None	SSC	-
Cordelia	*Falco peregrinus anatum*	American peregrine falcon	Delisted	Delisted	FP	-
Cordelia	*Agelaius tricolor*	tricolored blackbird	None	Cand End	SSC	-

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Cordelia	*Athene cunicularia*	burrowing owl	None	None	SSC	-
Cordelia	*Bombus occidentalis*	western bumble bee	None	None	-	-
Cordelia	*Desmocerus californicus dimorphus*	valley elderberry longhorn beetle	Threat	None	-	-
Cordelia	*Speyeria callippe callippe*	callippe silverspot butterfly	End	None	-	-
Cordelia	*Reithrodontomys raviventris*	salt-marsh harvest mouse	End	End	FP	-
Cordelia	*Sorex ornatus sinuosus*	Suisun shrew	None	None	SSC	-
Cordelia	*Myotis yumanensis*	Yuma myotis	None	None	-	-
Cordelia	*Emys marmorata*	western pond turtle	None	None	SSC	-
Cordelia	*Serpentine Bunchgrass*	Serpentine Bunchgrass	None	None	-	-
Cordelia	*Eryngium jepsonii*	Jepson's coyote-thistle	None	None	-	1B.2
Cordelia	*Balsamorhiza macrolepis*	big-scale balsamroot	None	None	-	1B.2
Cordelia	*Centromadia parryi ssp. parryi*	pappose tarplant	None	None	-	1B.2
Cordelia	*Erigeron biolettii*	streamside daisy	None	None	-	3
Cordelia	*Isocoma arguta*	Carquinez goldenbush	None	None	-	1B.1
Cordelia	*Symphyotrichum lentum*	Suisun Marsh aster	None	None	-	1B.2
Cordelia	*Trifolium amoenum*	two-fork clover	End	None	-	1B.1
Cordelia	*Trifolium hydrophilum*	saline clover	None	None	-	1B.2
Cordelia	*Iris longipetala*	coast iris	None	None	-	4.2
Cordelia	*Castilleja affinis var. neglecta*	Tiburon paintbrush	End	Threat	-	1B.2
Cuttings Wharf	*Rana draytonii*	California red-legged frog	Threat	None	SSC	-
Cuttings Wharf	*Aquila chrysaetos*	golden eagle	None	None	FP ; WL	-
Cuttings Wharf	*Buteo regalis*	ferruginous hawk	None	None	WL	-
Cuttings Wharf	*Buteo swainsoni*	Swainson's hawk	None	Threat	-	-
Cuttings Wharf	*Circus cyaneus*	northern harrier	None	None	SSC	-
Cuttings Wharf	*Elanus leucurus*	white-tailed kite	None	None	FP	-
Cuttings Wharf	*Ardea alba*	great egret	None	None	-	-
Cuttings Wharf	*Ardea herodias*	great blue heron	None	None	-	-
Cuttings Wharf	*Egretta thula*	snowy egret	None	None	-	-
Cuttings Wharf	*Nycticorax nycticorax*	black-crowned night heron	None	None	-	-
Cuttings Wharf	*Charadrius alexandrinus nivosus*	western snowy plover	Threat	None	SSC	-
Cuttings Wharf	*Charadrius montanus*	mountain plover	None	None	SSC	-
Cuttings Wharf	*Melospiza melodia samuelis*	San Pablo song sparrow	None	None	SSC	-
Cuttings Wharf	*Passerculus sandwichensis beldingi*	Belding's savannah sparrow	None	End	-	-
Cuttings Wharf	*Riparia riparia*	bank swallow	None	Threat	-	-
Cuttings Wharf	*Agelaius tricolor*	tricolored blackbird	None	Cand End	SSC	-
Cuttings Wharf	*Hydroprogne caspia*	Caspian tern	None	None	-	-
Cuttings Wharf	*Sternula antillarum browni*	California least tern	End	End	FP	-
Cuttings Wharf	*Geothlypis trichas sinuosa*	saltmarsh common yellowthroat	None	None	SSC	-
Cuttings Wharf	*Phalacrocorax auritus*	double-crested cormorant	None	None	WL	-
Cuttings Wharf	*Laterallus jamaicensis coturniculus*	California black rail	None	Threat	FP	-

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Cuttings Wharf	*Rallus longirostris obsoletus*	California clapper rail	End	End	FP	-
Cuttings Wharf	*Athene cunicularia*	burrowing owl	None	None	SSC	-
Cuttings Wharf	*Syncaris pacifica*	California freshwater shrimp	End	End	-	-
Cuttings Wharf	*Branchinecta lynchi*	vernal pool fairy shrimp	Threat	None	-	-
Cuttings Wharf	*Acipenser transmontanus*	white sturgeon	None	None	SSC	-
Cuttings Wharf	*Pogonichthys macrolepidotus*	Sacramento splittail	None	None	SSC	-
Cuttings Wharf	*Hysterocarpus traski traski*	Sacramento-San Joaquin tule perch	None	None	-	-
Cuttings Wharf	*Hypomesus transpacificus*	Delta smelt	Threat	End	-	-
Cuttings Wharf	*Spirinchus thaleichthys*	longfin smelt	Cand	Threat	SSC	-
Cuttings Wharf	*Lampetra ayresii*	river lamprey	None	None	SSC	-
Cuttings Wharf	*Oncorhynchus mykiss irideus*	steelhead - central California coast DPS	Threat	None	-	-
Cuttings Wharf	*Oncorhynchus tshawytscha*	chinook salmon - Central Valley fall/late fall-run ESU	None	None	SSC	-
Cuttings Wharf	*Reithrodontomys raviventris*	salt-marsh harvest mouse	End	End	FP	-
Cuttings Wharf	*Taxidea taxus*	American badger	None	None	SSC	-
Cuttings Wharf	*Sorex ornatus sinuosus*	Suisun shrew	None	None	SSC	-
Cuttings Wharf	*Antrozous pallidus*	pallid bat	None	None	SSC	-
Cuttings Wharf	*Emys marmorata*	western pond turtle	None	None	SSC	-
Cuttings Wharf	*Coastal Brackish Marsh*	Coastal Brackish Marsh	None	None	-	-
Cuttings Wharf	*Northern Coastal Salt Marsh*	Northern Coastal Salt Marsh	None	None	-	-
Cuttings Wharf	*Northern Vernal Pool*	Northern Vernal Pool	None	None	-	-
Cuttings Wharf	*Lilaeopsis masonii*	Mason's lilaeopsis	None	Rare	-	1B.1
Cuttings Wharf	*Lasthenia conjugens*	Contra Costa goldfields	End	None	-	1B.1
Cuttings Wharf	*Symphyotrichum lentum*	Suisun Marsh aster	None	None	-	1B.2
Cuttings Wharf	*Downingia pusilla*	dwarf downingia	None	None	-	2B.2
Cuttings Wharf	*Legenere limosa*	legenere	None	None	-	1B.1
Cuttings Wharf	*Extriplex joaquinana*	San Joaquin spearscale	None	None	-	1B.2
Cuttings Wharf	*Carex lyngbyei*	Lyngbye's sedge	None	None	-	2B.2
Cuttings Wharf	*Eleocharis parvula*	small spikerush	None	None	-	4.3
Cuttings Wharf	*Astragalus tener var. tener*	alkali milk-vetch	None	None	-	1B.2
Cuttings Wharf	*Lathyrus jepsonii var. jepsonii*	Delta tule pea	None	None	-	1B.2
Cuttings Wharf	*Trifolium amoenum*	two-fork clover	End	None	-	1B.1
Cuttings Wharf	*Trifolium hydrophilum*	saline clover	None	None	-	1B.2
Cuttings Wharf	*Castilleja ambigua var. ambigua*	johnny-nip	None	None	-	4.2
Cuttings Wharf	*Chloropyron molle ssp. molle*	soft salty bird's-beak	End	Rare	-	1B.2
Cuttings Wharf	*Polygonum marinense*	Marin knotweed	None	None	-	3.1
Cuttings Wharf	*Ranunculus lobbii*	Lobb's aquatic buttercup	None	None	-	4.2
Fairfield North	*Dicamptodon ensatus*	California giant salamander	None	None	SSC	-
Fairfield North	*Rana boylii*	foothill yellow-legged frog	None	SCT	SSC	-
Fairfield North	*Aquila chrysaetos*	golden eagle	None	None	FP ; WL	-

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Fairfield North	*Buteo swainsoni*	Swainson's hawk	None	Threat	-	-
Fairfield North	*Haliaeetus leucocephalus*	bald eagle	Delisted	End	FP	-
Fairfield North	*Egretta thula*	snowy egret	None	None	-	-
Fairfield North	*Nycticorax nycticorax*	black-crowned night heron	None	None	-	-
Fairfield North	*Lanius ludovicianus*	loggerhead shrike	None	None	SSC	-
Fairfield North	*Athene cunicularia*	burrowing owl	None	None	SSC	-
Fairfield North	*Branchinecta lynchi*	vernal pool fairy shrimp	Threat	None	-	-
Fairfield North	*Linderiella occidentalis*	California linderiella	None	None	-	-
Fairfield North	*Bombus crotchii*	Crotch bumble bee	None	None	-	-
Fairfield North	*Bombus occidentalis*	western bumble bee	None	None	-	-
Fairfield North	*Desmocerus californicus dimorphus*	valley elderberry longhorn beetle	Threat	None	-	-
Fairfield North	*Danaus plexippus pop. 1*	monarch - California overwintering population	None	None	-	-
Fairfield North	*Saldula usingeri*	Wilbur Springs shorebug	None	None	-	-
Fairfield North	*Sorex ornatus sinuosus*	Suisun shrew	None	None	SSC	-
Fairfield North	*Corynorhinus townsendii*	Townsend's big-eared bat	None	None	SSC	-
Fairfield North	*Lasiurus blossevillii*	western red bat	None	None	SSC	-
Fairfield North	*Myotis yumanensis*	Yuma myotis	None	None	-	-
Fairfield North	*Emys marmorata*	western pond turtle	None	None	SSC	-
Fairfield North	*Northern Claypan Vernal Pool*	Northern Claypan Vernal Pool	None	None	-	-
Fairfield North	*Centromadia parryi ssp. parryi*	pappose tarplant	None	None	-	1B.2
Fairfield North	*Hesperevax caulescens*	hogwallow starfish	None	None	-	4.2
Fairfield North	*Lasthenia conjugens*	Contra Costa goldfields	End	None	-	1B.1
Fairfield North	*Symphyotrichum lentum*	Suisun Marsh aster	None	None	-	1B.2
Fairfield North	*Legenere limosa*	legenere	None	None	-	1B.1
Fairfield North	*Viburnum ellipticum*	oval-leaved viburnum	None	None	-	2B.3
Fairfield North	*Extriplex joaquinana*	San Joaquin spearscale	None	None	-	1B.2
Fairfield North	*Astragalus tener var. tener*	alkali milk-vetch	None	None	-	1B.2
Fairfield North	*Trifolium amoenum*	two-fork clover	End	None	-	1B.1
Fairfield North	*Trifolium hydrophilum*	saline clover	None	None	-	1B.2
Fairfield North	*Hesperolinon breweri*	Brewer's western flax	None	None	-	1B.2
Fairfield North	*Navarretia leucocephala ssp. bakeri*	Baker's navarretia	None	None	-	1B.1
Fairfield North	*Stuckenia filiformis ssp. alpina*	slender-leaved pondweed	None	None	-	2B.2
Fairfield South	*Ambystoma californiense*	California tiger salamander	Threat	Threat	WL	-
Fairfield South	*Rana draytonii*	California red-legged frog	Threat	None	SSC	-
Fairfield South	*Taricha torosa*	Coast Range newt	None	None	SSC	-
Fairfield South	*Aquila chrysaetos*	golden eagle	None	None	FP ; WL	-
Fairfield South	*Buteo swainsoni*	Swainson's hawk	None	Threat	-	-
Fairfield South	*Circus cyaneus*	northern harrier	None	None	SSC	-
Fairfield South	*Elanus leucurus*	white-tailed kite	None	None	FP	-
Fairfield South	*Haliaeetus leucocephalus*	bald eagle	Delisted	End	FP	-

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Fairfield South	*Ardea alba*	great egret	None	None	-	-
Fairfield South	*Ardea herodias*	great blue heron	None	None	-	-
Fairfield South	*Botaurus lentiginosus*	American bittern	None	None	-	-
Fairfield South	*Egretta thula*	snowy egret	None	None	-	-
Fairfield South	*Nycticorax nycticorax*	black-crowned night heron	None	None	-	-
Fairfield South	*Charadrius montanus*	mountain plover	None	None	SSC	-
Fairfield South	*Melospiza melodia maxillaris*	Suisun song sparrow	None	None	SSC	-
Fairfield South	*Melospiza melodia samuelis*	San Pablo song sparrow	None	None	SSC	-
Fairfield South	*Agelaius tricolor*	tricolored blackbird	None	Cand End	SSC	-
Fairfield South	*Lanius ludovicianus*	loggerhead shrike	None	None	SSC	-
Fairfield South	*Geothlypis trichas sinuosa*	saltmarsh common yellowthroat	None	None	SSC	-
Fairfield South	*Coturnicops noveboracensis*	yellow rail	None	None	SSC	-
Fairfield South	*Laterallus jamaicensis coturniculus*	California black rail	None	Threat	FP	-
Fairfield South	*Rallus longirostris obsoletus*	California clapper rail	End	End	FP	-
Fairfield South	*Numenius americanus*	long-billed curlew	None	None	WL	-
Fairfield South	*Asio flammeus*	short-eared owl	None	None	SSC	-
Fairfield South	*Athene cunicularia*	burrowing owl	None	None	SSC	-
Fairfield South	*Branchinecta conservatio*	Conservancy fairy shrimp	End	None	-	-
Fairfield South	*Linderiella occidentalis*	California linderiella	None	None	-	-
Fairfield South	*Lepidurus packardi*	vernal pool tadpole shrimp	End	None	-	-
Fairfield South	*Acipenser transmontanus*	white sturgeon	None	None	SSC	-
Fairfield South	*Pogonichthys macrolepidotus*	Sacramento splittail	None	None	SSC	-
Fairfield South	*Hysterocarpus traski traski*	Sacramento-San Joaquin tule perch	None	None	-	-
Fairfield South	*Hypomesus transpacificus*	Delta smelt	Threat	End	-	-
Fairfield South	*Spirinchus thaleichthys*	longfin smelt	Cand	Threat	SSC	-
Fairfield South	*Lampetra ayresii*	river lamprey	None	None	SSC	-
Fairfield South	*Oncorhynchus tshawytscha*	chinook salmon - Central Valley spring-run ESU	Threat	Threat	-	-
Fairfield South	*Oncorhynchus tshawytscha*	chinook salmon - Central Valley fall/ late fall-run ESU	None	None	SSC	-
Fairfield South	*Bombus occidentalis*	western bumble bee	None	None	-	-
Fairfield South	*Desmocerus californicus dimorphus*	valley elderberry longhorn beetle	Threat	None	-	-
Fairfield South	*Danaus plexippus pop. 1*	monarch - California overwintering population	None	None	-	-
Fairfield South	*Speyeria callippe callippe*	callippe silverspot butterfly	End	None	-	-
Fairfield South	*Reithrodontomys raviventris*	salt-marsh harvest mouse	End	End	FP	-
Fairfield South	*Sorex ornatus sinuosus*	Suisun shrew	None	None	SSC	-
Fairfield South	*Lasiurus cinereus*	hoary bat	None	None	-	-
Fairfield South	*Myotis yumanensis*	Yuma myotis	None	None	-	-
Fairfield South	*Emys marmorata*	western pond turtle	None	None	SSC	-
Fairfield South	*Coastal Brackish Marsh*	Coastal Brackish Marsh	None	None	-	-
Fairfield South	*Northern Claypan Vernal Pool*	Northern Claypan Vernal Pool	None	None	-	-

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Fairfield South	*Cicuta maculata var. bolanderi*	Bolander's water-hemlock	None	None	-	2B.1
Fairfield South	*Eryngium jepsonii*	Jepson's coyote-thistle	None	None	-	1B.2
Fairfield South	*Lilaeopsis masonii*	Mason's lilaeopsis	None	Rare	-	1B.1
Fairfield South	*Centromadia parryi ssp. parryi*	pappose tarplant	None	None	-	1B.2
Fairfield South	*Cirsium hydrophilum var. hydrophilum*	Suisun thistle	End	None	-	1B.1
Fairfield South	*Erigeron biolettii*	streamside daisy	None	None	-	3
Fairfield South	*Hesperevax caulescens*	hogwallow starfish	None	None	-	4.2
Fairfield South	*Lasthenia conjugens*	Contra Costa goldfields	End	None	-	1B.1
Fairfield South	*Lasthenia ferrisiae*	Ferris' goldfields	None	None	-	4.2
Fairfield South	*Symphyotrichum lentum*	Suisun Marsh aster	None	None	-	1B.2
Fairfield South	*Legenere limosa*	legenere	None	None	-	1B.1
Fairfield South	*Atriplex persistens*	vernal pool smallscale	None	None	-	1B.2
Fairfield South	*Extriplex joaquinana*	San Joaquin spearscale	None	None	-	1B.2
Fairfield South	*Astragalus tener var. tener*	alkali milk-vetch	None	None	-	1B.2
Fairfield South	*Lathyrus jepsonii var. jepsonii*	Delta tule pea	None	None	-	1B.2
Fairfield South	*Trifolium hydrophilum*	saline clover	None	None	-	1B.2
Fairfield South	*Iris longipetala*	coast iris	None	None	-	4.2
Fairfield South	*Chloropyron molle ssp. molle*	soft salty bird's-beak	End	Rare	-	1B.2
Fairfield South	*Puccinellia simplex*	California alkali grass	None	None	-	1B.2
Fairfield South	*Eriogonum truncatum*	Mt. Diablo buckwheat	None	None	-	1B.1
Mt. George	*Dicamptodon ensatus*	California giant salamander	None	None	SSC	-
Mt. George	*Rana boylii*	foothill yellow-legged frog	None	SCT	SSC	-
Mt. George	*Haliaeetus leucocephalus*	bald eagle	Delisted	End	FP	-
Mt. George	*Ardea herodias*	great blue heron	None	None	-	-
Mt. George	*Falco mexicanus*	prairie falcon	None	None	WL	-
Mt. George	*Desmocerus californicus dimorphus*	valley elderberry longhorn beetle	Threat	None	-	-
Mt. George	*Emys marmorata*	western pond turtle	None	None	SSC	-
Mt. George	*Lomatium repostum*	Napa lomatium	None	None	-	4.3
Mt. George	*Centromadia parryi ssp. rudis*	Parry's rough tarplant	None	None	-	4.2
Mt. George	*Erigeron biolettii*	streamside daisy	None	None	-	3
Mt. George	*Erigeron greenei*	Greene's narrow-leaved daisy	None	None	-	1B.2
Mt. George	*Harmonia nutans*	nodding harmonia	None	None	-	4.3
Mt. George	*Arabis modesta*	modest rockcress	None	None	-	4.3
Mt. George	*Downingia pusilla*	dwarf downingia	None	None	-	2B.2
Mt. George	*Viburnum ellipticum*	oval-leaved viburnum	None	None	-	2B.3
Mt. George	*Rhynchospora californica*	California beaked-rush	None	None	-	1B.1
Mt. George	*Monardella viridis*	green monardella	None	None	-	4.3
Mt. George	*Trichostema ruygtii*	Napa bluecurls	None	None	-	1B.2
Mt. George	*Lilium rubescens*	redwood lily	None	None	-	4.2
Mt. George	*Hesperolinon breweri*	Brewer's western flax	None	None	-	1B.2

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Mt. George	*Sidalcea hickmanii ssp. napensis*	Napa checkerbloom	None	None	-	1B.1
Mt. George	*Calandrinia breweri*	Brewer's calandrinia	None	None	-	4.2
Mt. George	*Agrostis hendersonii*	Henderson's bent grass	None	None	-	3.2
Mt. George	*Ranunculus lobbii*	Lobb's aquatic buttercup	None	None	-	4.2
Mt. George	*Ceanothus purpureus*	holly-leaved ceanothus	None	None	-	1B.2
Mt. George	*Brodiaea leptandra*	narrow-anthered brodiaea	None	None	-	1B.2
Mt. George	*Triteleia lugens*	dark-mouthed triteleia	None	None	-	4.3
Mt. Vaca	*Rana boylii*	foothill yellow-legged frog	None	SCT	SSC	-
Mt. Vaca	*Aquila chrysaetos*	golden eagle	None	None	FP ; WL	-
Mt. Vaca	*Buteo swainsoni*	Swainson's hawk	None	Threat	-	-
Mt. Vaca	*Falco mexicanus*	prairie falcon	None	None	WL	-
Mt. Vaca	*Icteria virens*	yellow-breasted chat	None	None	SSC	-
Mt. Vaca	*Desmocerus californicus dimorphus*	valley elderberry longhorn beetle	Threat	None	-	-
Mt. Vaca	*Emys marmorata*	western pond turtle	None	None	SSC	-
Mt. Vaca	*Hesperolinon breweri*	Brewer's western flax	None	None	-	1B.2
Mt. Vaca	*Ranunculus lobbii*	Lobb's aquatic buttercup	None	None	-	4.2
Napa	*Dicamptodon ensatus*	California giant salamander	None	None	SSC	-
Napa	*Rana boylii*	foothill yellow-legged frog	None	SCT	SSC	-
Napa	*Rana draytonii*	California red-legged frog	Threat	None	SSC	-
Napa	*Accipiter cooperii*	Cooper's hawk	None	None	WL	-
Napa	*Buteo swainsoni*	Swainson's hawk	None	Threat	-	-
Napa	*Elanus leucurus*	white-tailed kite	None	None	FP	-
Napa	*Pandion haliaetus*	osprey	None	None	WL	-
Napa	*Ardea alba*	great egret	None	None	-	-
Napa	*Ardea herodias*	great blue heron	None	None	-	-
Napa	*Egretta thula*	snowy egret	None	None	-	-
Napa	*Nycticorax nycticorax*	black-crowned night heron	None	None	-	-
Napa	*Melospiza melodia samuelis*	San Pablo song sparrow	None	None	SSC	-
Napa	*Riparia riparia*	bank swallow	None	Threat	-	-
Napa	*Geothlypis trichas sinuosa*	saltmarsh common yellowthroat	None	None	SSC	-
Napa	*Setophaga petechia*	yellow warbler	None	None	SSC	-
Napa	*Calasellus californicus*	An isopod	None	None	-	-
Napa	*Syncaris pacifica*	California freshwater shrimp	End	End	-	-
Napa	*Pogonichthys macrolepidotus*	Sacramento splittail	None	None	SSC	-
Napa	*Hypomesus transpacificus*	Delta smelt	Threat	End	-	-
Napa	*Spirinchus thaleichthys*	longfin smelt	Cand	Threat	SSC	-
Napa	*Oncorhynchus mykiss irideus*	steelhead - central California coast DPS	Threat	None	-	-
Napa	*Bombus occidentalis*	western bumble bee	None	None	-	-
Napa	*Taxidea taxus*	American badger	None	None	SSC	-
Napa	*Antrozous pallidus*	pallid bat	None	None	SSC	-

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Napa	*Emys marmorata*	western pond turtle	None	None	SSC	-
Napa	*Lilaeopsis masonii*	Mason's lilaeopsis	None	Rare	-	1B.1
Napa	*Erigeron greenei*	Greene's narrow-leaved daisy	None	None	-	1B.2
Napa	*Harmonia nutans*	nodding harmonia	None	None	-	4.3
Napa	*Lasthenia conjugens*	Contra Costa goldfields	End	None	-	1B.1
Napa	*Symphyotrichum lentum*	Suisun Marsh aster	None	None	-	1B.2
Napa	*Downingia pusilla*	dwarf downingia	None	None	-	2B.2
Napa	*Extriplex joaquinana*	San Joaquin spearscale	None	None	-	1B.2
Napa	*Eleocharis parvula*	small spikerush	None	None	-	4.3
Napa	*Astragalus tener var. tener*	alkali milk-vetch	None	None	-	1B.2
Napa	*Lathyrus jepsonii var. jepsonii*	Delta tule pea	None	None	-	1B.2
Napa	*Trifolium amoenum*	two-fork clover	End	None	-	1B.1
Napa	*Trifolium hydrophilum*	saline clover	None	None	-	1B.2
Napa	*Juglans hindsii*	Northern California black walnut	None	None	-	1B.1
Napa	*Trichostema ruygtii*	Napa bluecurls	None	None	-	1B.2
Napa	*Erythronium helenae*	St. Helena fawn lily	None	None	-	4.2
Napa	*Calandrinia breweri*	Brewer's calandrinia	None	None	-	4.2
Napa	*Clarkia gracilis ssp. tracyi*	Tracy's clarkia	None	None	-	4.2
Napa	*Leptosiphon jepsonii*	Jepson's leptosiphon	None	None	-	1B.2
Napa	*Ranunculus lobbii*	Lobb's aquatic buttercup	None	None	-	4.2
Napa	*Brodiaea leptandra*	narrow-anthered brodiaea	None	None	-	1B.2
Yountville	*Rana boylii*	foothill yellow-legged frog	None	SCT	SSC	-
Yountville	*Elanus leucurus*	white-tailed kite	None	None	FP	-
Yountville	*Haliaeetus leucocephalus*	bald eagle	Delisted	End	FP	-
Yountville	*Ardea alba*	great egret	None	None	-	-
Yountville	*Ardea herodias*	great blue heron	None	None	-	-
Yountville	*Falco peregrinus anatum*	American peregrine falcon	Delisted	Delisted	FP	-
Yountville	*Icteria virens*	yellow-breasted chat	None	None	SSC	-
Yountville	*Setophaga petechia*	yellow warbler	None	None	SSC	-
Yountville	*Phalacrocorax auritus*	double-crested cormorant	None	None	WL	-
Yountville	*Oncorhynchus mykiss irideus*	steelhead - central California coast DPS	Threat	None	-	-
Yountville	*Bombus caliginosus*	obscure bumble bee	None	None	-	-
Yountville	*Antrozous pallidus*	pallid bat	None	None	SSC	-
Yountville	*Emys marmorata*	western pond turtle	None	None	SSC	-
Yountville	*Sagittaria sanfordii*	Sanford's arrowhead	None	None	-	1B.2
Yountville	*Eryngium jepsonii*	Jepson's coyote-thistle	None	None	-	1B.2
Yountville	*Lomatium repostum*	Napa lomatium	None	None	-	4.3
Yountville	*Erigeron greenei*	Greene's narrow-leaved daisy	None	None	-	1B.2
Yountville	*Harmonia nutans*	nodding harmonia	None	None	-	4.3
Yountville	*Micropus amphibolus*	Mt. Diablo cottonweed	None	None	-	3.2

QUAD NAME	SCIENTIFIC NAME	COMMON NAME	FEDERAL	CALIF	CDFW	CNPS
Yountville	*Streptanthus hesperidis*	green jewelflower	None	None	-	1B.2
Yountville	*Downingia pusilla*	dwarf downingia	None	None	-	2B.2
Yountville	*Astragalus clevelandii*	Cleveland's milk-vetch	None	None	-	4.3
Yountville	*Monardella viridis*	green monardella	None	None	-	4.3
Yountville	*Trichostema ruygtii*	Napa bluecurls	None	None	-	1B.2
Yountville	*Limnanthes vinculans*	Sebastopol meadowfoam	End	End	-	1B.1
Yountville	*Hesperolinon sharsmithiae*	Sharsmith's western flax	None	None	-	1B.2
Yountville	*Clarkia gracilis ssp. tracyi*	Tracy's clarkia	None	None	-	4.2
Yountville	*Castilleja ambigua var. ambigua*	johnny-nip	None	None	-	4.2
Yountville	*Castilleja ambigua var. meadii*	Mead's owls-clover	None	None	-	1B.1
Yountville	*Penstemon newberryi var. sonomensis*	Sonoma beardtongue	None	None	-	1B.3
Yountville	*Leptosiphon jepsonii*	Jepson's leptosiphon	None	None	-	1B.2
Yountville	*Leptosiphon latisectus*	broad-lobed leptosiphon	None	None	-	4.3
Yountville	*Navarretia leucocephala ssp. pauciflora*	few-flowered navarretia	End	Threat	-	1B.1
Yountville	*Ranunculus lobbii*	Lobb's aquatic buttercup	None	None	-	4.2
Yountville	*Ceanothus purpureus*	holly-leaved ceanothus	None	None	-	1B.2
Yountville	*Brodiaea leptandra*	narrow-anthered brodiaea	None	None	-	1B.2

KEY FOR 9-QUAD LIST:

CNPS Rare Plant-Threat Rank Definitions:

- 1B.1 = Rare, threatened, or endangered in California and elsewhere; seriously threatened in California
- 1B.2 = Rare, threatened, or endangered in California and elsewhere; fairly threatened in California
- 1B.3 = Rare, threatened, or endangered in California and elsewhere; not very threatened in California
- 2A = Presumed extinct in California, but extant elsewhere
- 2B.1 = Rare, threatened, or endangered in Calif., but more common elsewhere; seriously threatened in Calif.
- 2B.2 = Rare, threatened, or endangered in Calif., but more common elsewhere; fairly threatened in Calif.
- 2B.3 = Rare, threatened, or endangered in Calif., but more common elsewhere; not very threatened in Calif.
- 3 = Plants about which we need more information (Review List)
- 3.1 = Plants about which we need more information (Review List); seriously threatened in California
- 3.2 = Plants about which we need more information (Review List); fairly threatened in California
- 3.3 = Plants about which we need more information (Review List); not very threatened in California
- 4.1 = Plants of limited distribution (watch list); seriously threatened in California
- 4.2 = Plants of limited distribution (watch list); fairly threatened in California
- 4.3 = Plants of limited distribution (watch list); not very threatened in California

KEY FOR 9-QUAD LIST (cont.):

CDFW / State and Federal Status:

SE/ST/SD = State Endangered/Threatened/Delisted
SC/SCD = State Candidate for Listing/Delisting
SSC = CDFW Species of Special Concern
SFP = State Fully Protected
WL = CDFW Watch List
FE/FT/FD = Federal Endangered/Threatened/Delisted
FPE/FPT/FPD/FP = Federal Proposed Endangered/Threatened/Delisting
FC = Federal Candidate

State and Federal Status:

Threat = Threatened
End = Endangered
Prop = Proposed
Cand = Candidate
Cand End/Threat = State Candidate for Endangered/Threatened

APPENDIX B

CALIFORNIA WILDLIFE HABITAT RELATIONSHIPS SYSTEM RESULTS

CALIFORNIA WILDLIFE HABITAT RELATIONSHIPS SYSTEM
supported by the
CALIFORNIA INTERAGENCY WILDLIFE TASK GROUP
and maintained by the
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
Database Version: 9.0

SPECIES SUMMARY REPORT

FE = Federal Endangered
FT = Federal Threatened
CE = California Endangered
CT = California Threatened
CF = California Fully Protected
CP = California Protected
SC = California Species of Special Concern
PE = Federally-Proposed Endangered
PT = Federally-Proposed Threatened
FC = Federal Candidate
BL = BLM Sensitive
FS = USFS Sensitive
CD = CDF Sensitive
HA = Harvest

Note: Any given status code for a species may apply to the full species or to only one or more subspecies or distinct population segments.

ID	Species Name	Status				Native/Introduced
B124	FERRUGINOUS HAWK					NATIVE
B125	ROUGH-LEGGED HAWK					NATIVE
B269	BURROWING OWL			SC	BL	NATIVE
B270	SPOTTED OWL	FT		SC	BL FS CD	NATIVE
B277	COMMON POORWILL					NATIVE
B294	LEWIS' S WOODPECKER					NATIVE
B337	HORNED LARK					NATIVE
B381	MOUNTAIN BLUEBIRD					NATIVE
B437	TOWNSEND'S WARBLER					NATIVE
B495	LARK SPARROW					NATIVE
B499	SAVANNAH SPARROW		CE	SC		NATIVE
B699	BARRED OWL					NATIVE
B799	HARRIS'S SPARROW					NATIVE
M006	ORNATE SHREW	FE		SC		NATIVE
M033	WESTERN RED BAT			SC	FS	NATIVE
M034	HOARY BAT					NATIVE
M037	TOWNSEND'S BIG-EARED BAT			SC	BL FS	NATIVE
M059	SONOMA CHIPMUNK					NATIVE
M105	CALIFORNIA KANGAROO RAT			SC		NATIVE
M116	CALIFORNIA MOUSE					NATIVE
M117	DEER MOUSE			SC		NATIVE
M134	CALIFORNIA VOLE	FE	CE	SC	BL	NATIVE
R071	DESERT NIGHTSNAKE					NATIVE

Total Number of Species: 23

Query Parameters

Included Locations
Napa Co

Included Location Seasons
Migrant, Summer, Winter, Yearlong

Included Habitats & (Stages)
Coastal Oak Woodland, Deciduous Orchard, Urban, Vineyard

Habitat Suitability Threshold
Reproduction - Low, Cover - Low, Feeding - Low

Included Habitat Seasons
Migrant, Summer, Winter, Yearlong

Excluded Elements
Algae, Amphibians, Aquatics - Emergent, Aquatics - Submerged, Bank, Barren, Berries, Brush Pile, Campground, Carrion, Cave,
Cliff, Cones, Duff, Dump, Fern, Fish, Grain, Grass/water, Invertebrates - Aquatic, Jetty, Kelp, Layer - Shrub, Lithic, Litter,
Log - Large (hollow), Log - Large (rotten), Log - Large (sound), Log - Medium (hollow), Log - Medium (rotten), Log - Medium (sound), Mammals - Large, Mine, Nest Box, Nest Island, Nest Platform, Pack Stations, Riparian Inclusion, Rock,
Salt Ponds, Sand Dune, Shrub/agriculture, Shrub/grass, Shrub/water, Shrubs, Slash - Large (hollow), Slash - Large (rotten),
Slash - Large (sound), Slash - Small, Snag - Large (rotten), Snag - Large (sound), Snag - Medium (rotten), Snag - Medium (sound), Snag - Small (rotten), Snag - Small (sound), Soil - Friable, Soil - Gravelly, Soil - Organic, Soil - Saline, Soil - Sandy, Steep Slope, Stump (rotten), Stump (sound), Talus, Tree/shrub, Trees - Fir, Trees - Pine, Water - Created Body, Water/agriculture, Wharf

Included Species All Species Included

Included Special Statuses
Native

APPENDIX C

TREE SURVEY DATA

TREE SURVEY DATA – MIXED OAK WOODLAND		
WAYPOINT	SPECIES	DIAMETER AT BREAST HEIGHT (DBH) (in.)
1	VO	18
2	VO	20
3	BAY	6,6,7 (multi-trunk)
4	VO	30
5	VO	19
6	VO	18
7	VO	39
8	CLO	16,16
9	CLO	22
10	VO	15
11	CLO	16
12	CLO	12
13	CLO	13
14	CLO	36
15	CLO	12
16	CLO	9
17	VO	31
18	VO	16
19	CLO	7
20	CLO	7,9
21	CLO	5,7,13
22	CLO	32
23	CLO	16
24	VO	17
25	VO	17
26	VO	18
27	VO	21
28	VO	21
SPECIES	NUMBER IN SURVEY AREA	AVERAGE DBH (INCHES)
VO	14	21.43
BAY	1	11.00
CLO	13	17.31
TOTAL	28	16.58

TREE SURVEY DATA – BLUE OAK WOODLAND		
WAYPOINT	SPECIES	DIAMETER AT BREAST HEIGHT (DBH) (in.)
29	BLU	17
30	BLU	7
31	BLU	17
32	BLU	16
33	BLU	10
34	BLU	10
35	BLU	7
36	BLU	14
37	BLU	15
38	BLU	6
39	BLU	10,11
40	CLO	21
41	BLU	13
42	BLU	12
43	CLO	22
44	CLO	30
45	BLU	11
46	BLU	5
47	BLU	6
48	CLO	21
49	BLU	16
50	CLO	12
51	BLU	20
52	BLU	19
53	BLU	12
54	BLU	18
55	BLU	21
56	BLU	30
57	BLU	31
58	BLU	16
59	BLU	17
60	CLO	9,11,13
61	BLU	18
62	BLU	17
SPECIES	NUMBER IN SURVEY AREA	AVERAGE DBH (INCHES)
BLU	29	14.9
CLO	5	20.9
TOTAL	34	17.9

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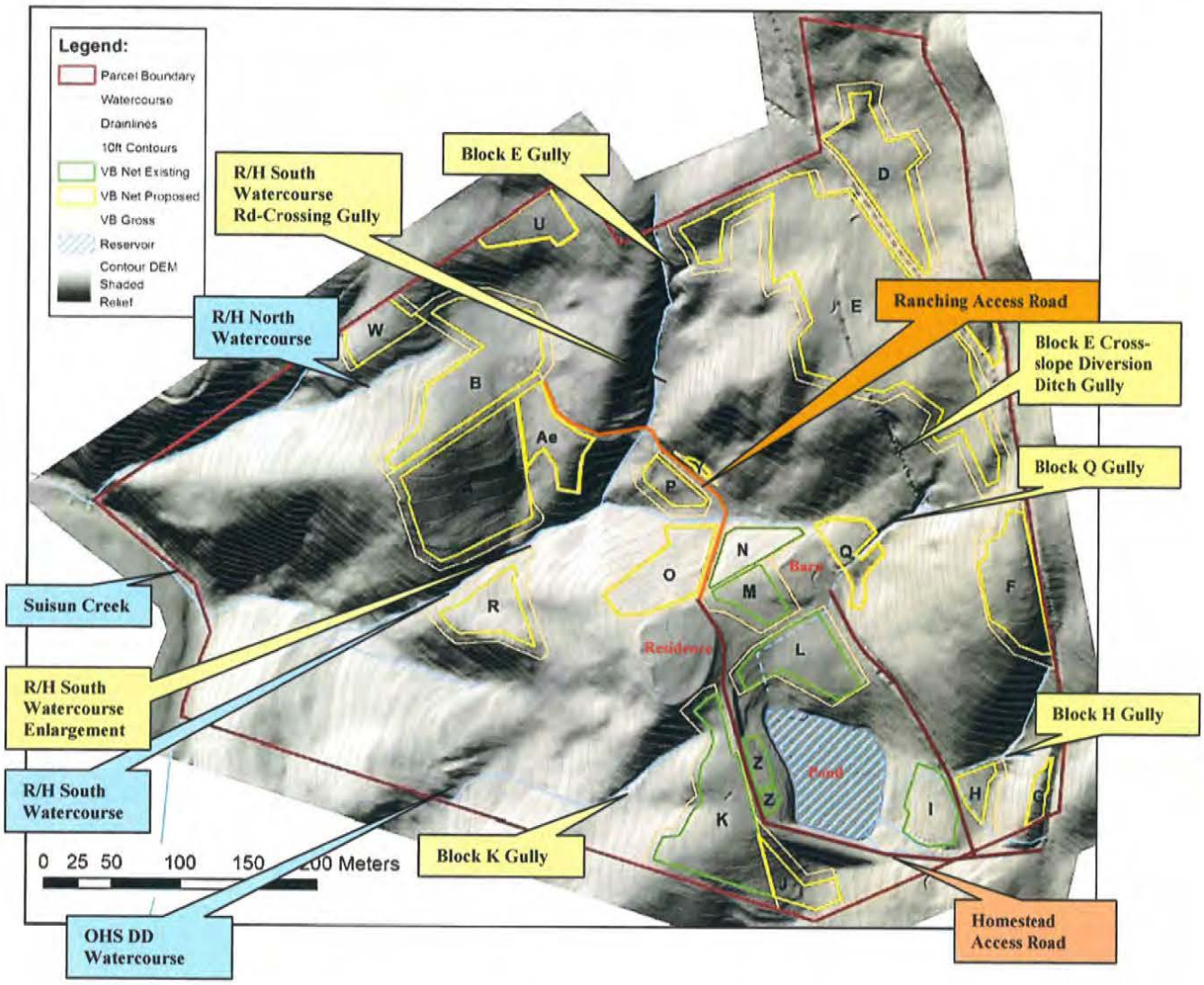

Figure 5. Rice/Hoy property's on-site and off-site channel network (from field reconnaissance), hillside gullies, roads, and proposed Project (existing and proposed vineyards). 2-foot DEM-derived 10-foot contours (AAM 2012).

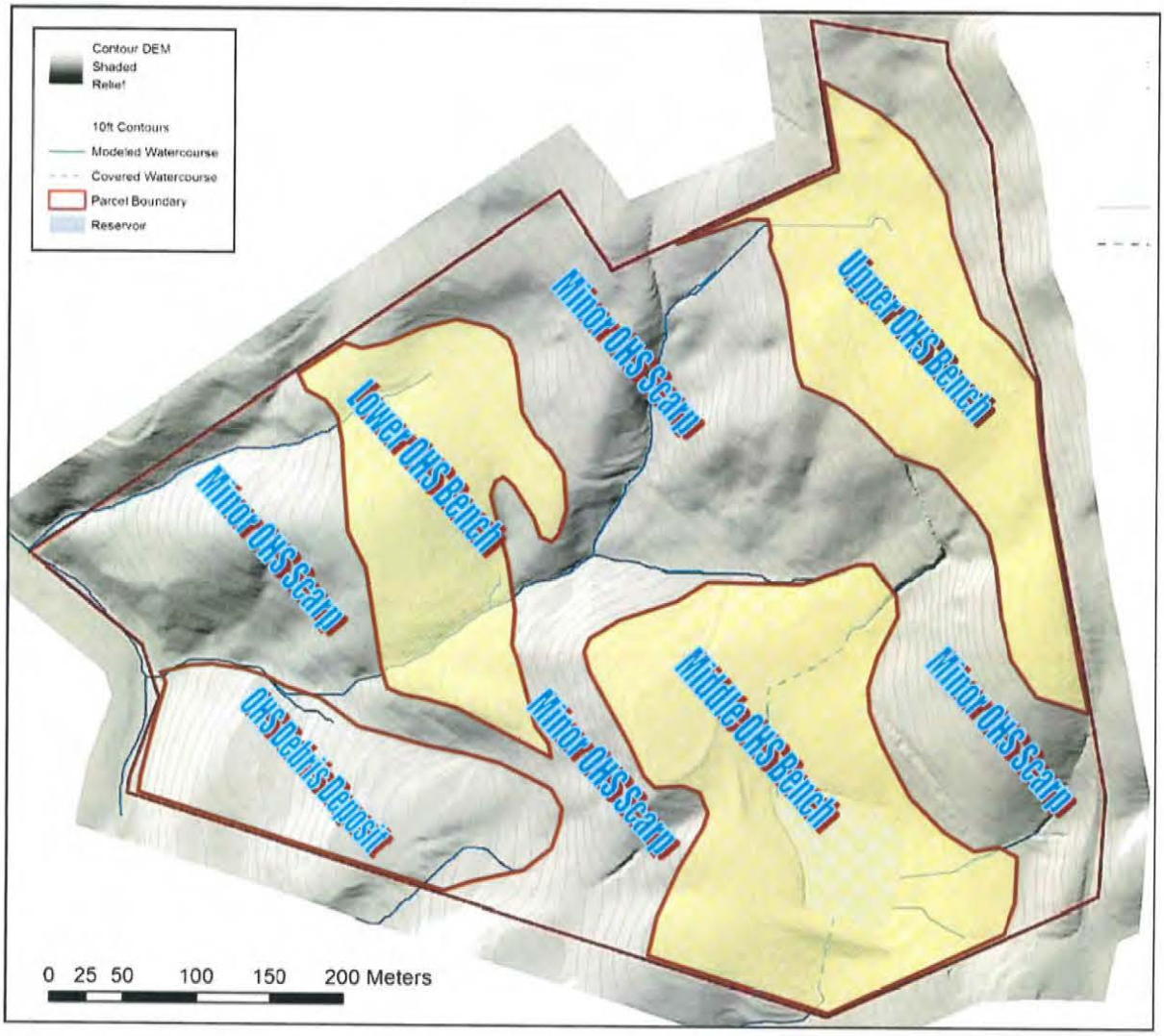

Figure B-4. Geomorphic interpretive map of Okell Hill Slide at Rice/Hoy property, showing morphologic features, such as OHS scarps, OHS benches, and OHS debris deposit. AAM 2-foot DEM (AAM 2012).

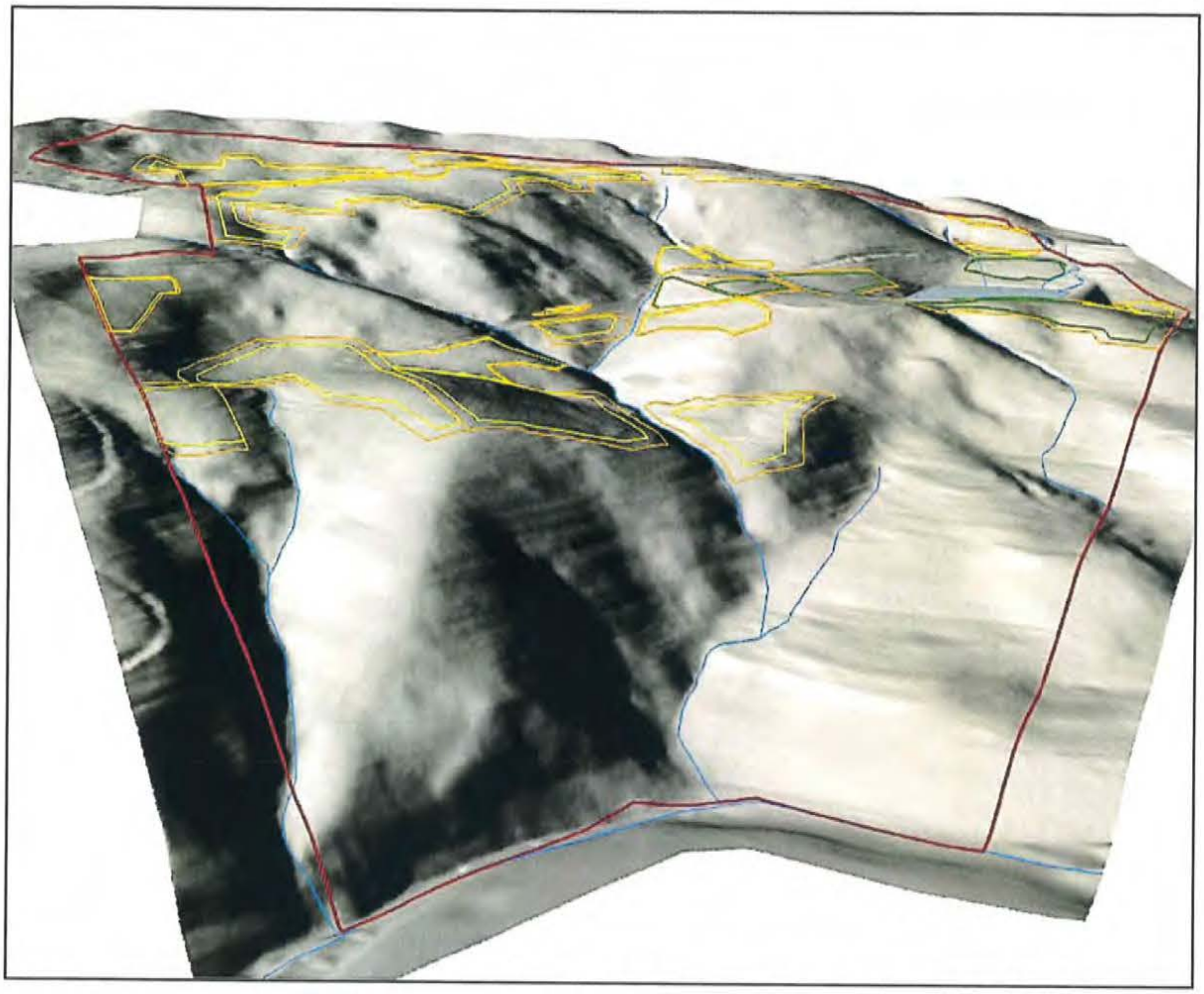

Figure B-6. Oblique view of Rice/Hoy property, modeled watercourses, and proposed Project generated by the computer using AAA's 2-foot DEM (2012), and depicting topographic shaded relief.

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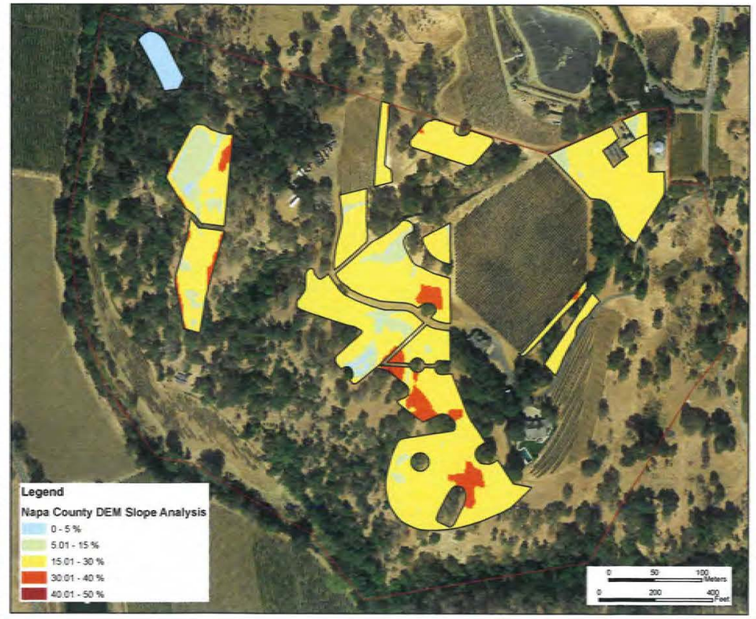


Legend

- Property Boundary
- Proposed Existing-Vineyard Expansion (gross) (June 2018)
- Proposed New Vineyard (June 2020)
- Existing Vineyard (gross)
- Possible Waters of the U.S. (WOTUS)
- Possible Waters of the U.S. (WOTUS) (Culvert)
- Suisun Creek Low-Flow Channel
- Modeled 10' Contour
- Modeled 2' Contour
- Existing Irrigation Water Main Line
- Existing Irrigation Water Submain Line
- Main Residence Septic Drainage Pipe
- Guest House Septic Drainage Pipe
- Grapevine Row Direction
- 2' Landscaping Retaining Wall
- Wildlife Exclusion Fence
- Gate
- 12" CPP Culvert
- 20" CPP Culvert
- Existing 112,000 gal Water Tank
- Existing 10,000 gal Water Tank
- Existing 5,000 gal Water Tank
- Existing Well
- Vineyard Irrigation Filter and Timer
- Existing Fire Hydrant
- Existing Oak Tree Mitigation Planting (August 2020)
- Proposed Oak Tree Mitigation and Reforestation Area (June 2020)
- Proposed Redwood Tree Mitigation Planting (June 2020)
- Proposed Sycamore Tree Mitigation Planting (June 2020)
- Main Residence Septic Tank
- Main Residence Septic Drain Field
- Guest House Septic Tank
- Guest House Septic Drain Field
- Homestead Access Road (paved)
- Homestead Access Road (crushed rock surfacing)
- Existing Vineyard Avenue - Proposed for Elimination
- Proposed Vineyard Avenue (grass cover)
- Existing Farming Access Road (unpaved)
- Existing Farming Access Road - Proposed for Elimination
- Main Residence
- Guest House
- Equipment Yard
- Equipment Barn
- Existing Earthfill Embankment Pond Berm
- Existing Earthfill Embankment Pond
- Existing Rock Level Spreader
- Rock Pipe Inlet Protection
- Rock Pipe Outlet Scour Protection
- Concrete Outlet Structure
- Okell Hill Enterprises Appropriative Water Right (Permit 20669, 8/1996) Seasonal Pump Station
- Existing Rock-filled Bench

Napa County Soil Series

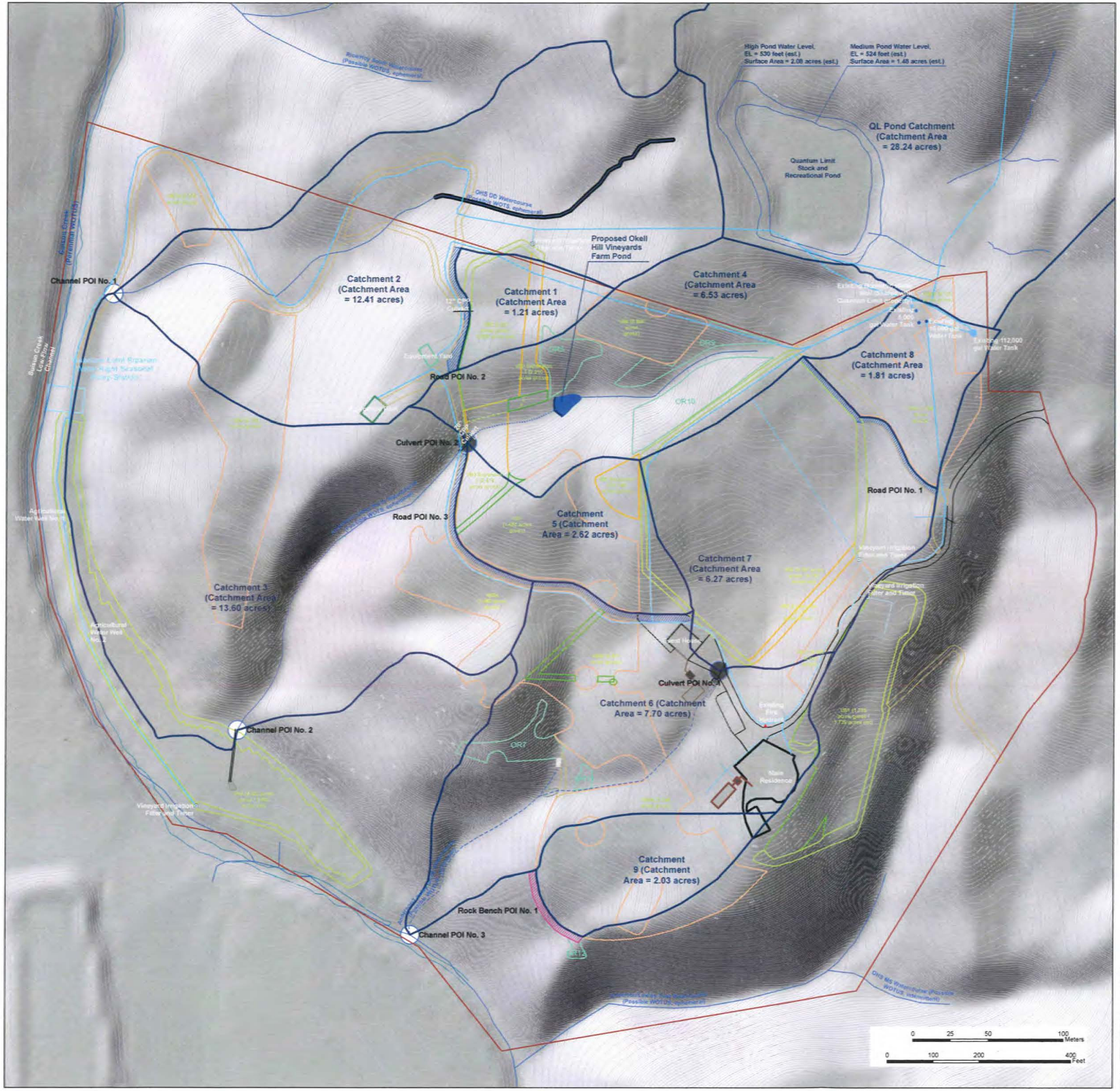
- 105 Bale Clay Loam, 2-5% Slopes
- 114 Bressa-Dibble Complex, 30-50% Slopes
- 181 Yolo Loam, 0-2% Slopes

Data Sources:
- Okell Hill Vineyards APN 023-140-048 Property Boundary: Napa County GIS, Balance Geo 2017 (ongoing correction)
- Elevation: Napa County 25' DEM, refined by Balance Geo 2017
- Modeled 10' Contour and Potential Watercourse: Balance Geo 2017 (ongoing field verification)
- Modeled 2' Contour and Potential Watercourse: Balance Geo 2017 (ongoing field verification)
- Existing Vineyard : Balance Geo 2017 (ongoing field verification)
- Existing Property Structures and Infrastructure: Balance Geo 2017, 2018, 2019, 2020 (ongoing field verification)
- Suisun Creek Low-Flow Channel and Centerline: Balance Geo 2017
- Okell Hill Vineyards Expansion, Proposed New Vineyard Layout: Balance Geo 2018, 2020
- Quantum Limit Vineyards Expansion, Proposed New Vineyard Layout: Balance Geo 2018
- Napa County Soil Series: USDA-NRCS, 1978.
- Napa County Soil Survey
- Aerial Photography: Google Earth, October 21, 2020

BALANCE GEO
PMB 442
1442A Walnut Street
Berkeley, CA 94709

Okell Hill Vineyards
Vineyard Expansion Planning
Vegetation Conversion and Restoration
Project Definition Version 11

Date: 10/15/2020 | Scale: Noted



Legend

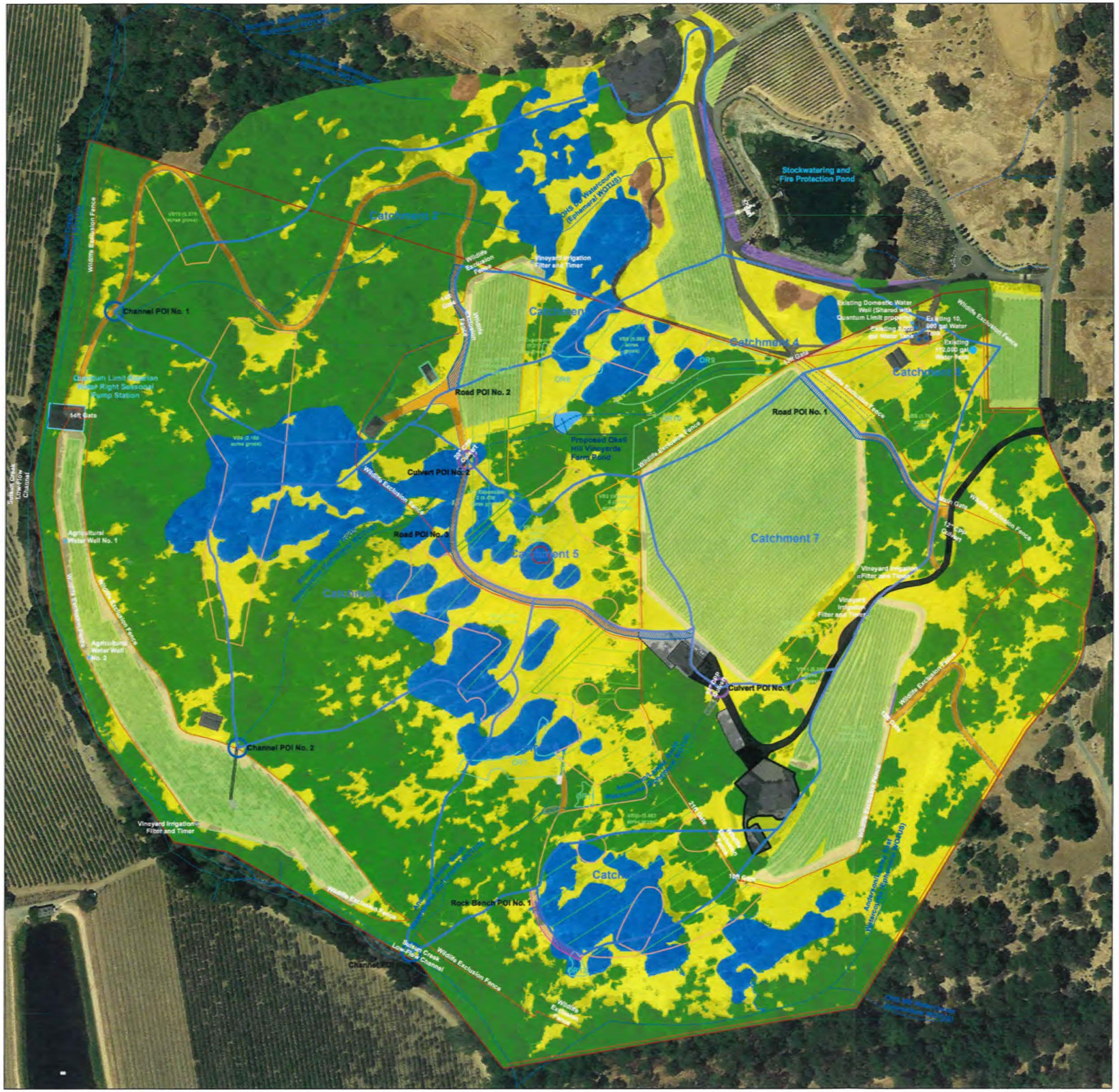
- Channel POI
- Culvert POI
- Road POI
- Rock Bench POI
- POI Catchment
- Existing Vineyard (plantable)
- Proposed Existing-Vineyard Expansion (gross) (June 2018)
- Proposed New Vineyard (June 2020)
- Proposed Oak Woodland Mitigation and Reforestation Area (October 2018)
- Possible Waters of the U.S. (WOTUS)
- Possible Waters of the U.S. (WOTUS) (Culvert)
- Proposed Placement of Possible Waters of the U.S. (Ephemeral Overland Flow) into Underground Stormwater 20" CPP Culvert
- Existing Irrigation Water Main Line
- Existing Irrigation Water Submain Line
- Main Residence Septic Drainage Pipe
- Guest House Septic Drainage Pipe
- 12" CPP Culvert
- 20" CPP Culvert
- Suisun Creek Low-Flow Channel
- Modeled 10' Contour
- Modeled 2' Contour
- Existing 112,000 gal Water Tank
- Existing 10,000 gal Water Tank
- Existing 5,000 gal Water Tank
- Existing Well
- Vineyard Irrigation Filter and Timer
- Existing Fire Hydrant
- Property Boundary
- Main Residence Septic Tank
- Main Residence Septic Drain Field
- Guest House Septic Tank
- Guest House Septic Drain Field
- Existing Underground Stormwater Culvert Pipe
- Homestead Access Road (paved)
- Homestead Access Road (crushed rock surfacing)
- Existing Vineyard Avenue (grass cover)
- Existing Vineyard Avenue - Proposed for Elimination
- Proposed Vineyard Avenue (grass cover)
- Existing Farming Access Road (unpaved)
- Existing Farming Access Road - Proposed for Elimination
- Main Residence
- Guest House
- Equipment Yard
- Equipment Barn
- Proposed Earthfill Embankment Pond Berm
- Proposed Earthfill Embankment Pond
- Rock Level Spreader
- Rock Pipe Inlet Protection
- Rock Pipe Outlet Scour Protection
- Concrete Outlet Structure
- Quantum Limit Riparian Water Right Pump St
- Quantum Limit Stock and Recreational Pond

BALANCE GEO
PMB 442
1442A Walnut Street
Berkeley, CA 94709

Okell Hill Vineyards
Vineyard Expansion Planning
Hydrologic Peak Discharge Analysis
POI Catchment Boundary

Date: 6/20/2020 | Scale: Noted

Data Sources
- Okell Hill Vineyards APN 033-140-049 Property Boundary Napa County GIS; Balance Geo 2017 (cogging corrections)
- Elevation - Napa County 25' DEM; refined by Balance Geo 2017
- Modeled 10' Contour and Modeled 2' Contour Balance Geo 2017
- Existing Vineyard, Structures, and Infrastructure (Okell Hill Vineyards Property); Balance Geo 2017, 2018 (ongoing field verification)
- Existing Vineyard, Structures, and Infrastructure (Quantum Limit Vineyards Property); Balance Geo 2014, 2018
- Proposed Okell Hill Vineyards Expansion, Proposed New Vineyard Layout: Balance Geo 2/2017 (pre Atlas Fire), 11/2017, 3/2018, 6/2018, 10/2018, 1/2019, 5/2019, 8/2019, 6/2020 (post Atlas Fire)
- Napa County Soil Series: USDA-NRCS, 1978; Napa County Soil Survey
- Possible Waters of the U.S. (Okell Hill Vineyards property); Northwest Biosurvey 2018 (4/30/2018)
- Possible Waters of the U.S. (Quantum Limit Vineyards property); Northwest Biosurvey 2014 (8/1/2014)
- Possible Waters of the State (Okell Hill Vineyards Property); Balance Geo 2020, after WOTUS delineation by Northwest Biosurvey 2019 and State Water Resources Control Board Resolution No. 2019-0015
- Orthophotography: Pictometry International Corp., 6/7/2018 (downloaded from Napa County GIS Image Server)



Legend

- Channel POI
- Culvert POI
- Road POI
- Rock Bench POI
- POI Catchment
- Property Boundary
- Existing Vineyard (plantable)
- Proposed Existing-Vineyard Expansion (gross) (June 2018)
- Proposed New Vineyard (August 2019)
- Possible Waters of the U.S. (WOTUS)
- Possible Waters of the U.S. (WOTUS) (Culvert)
- Proposed Placement of Possible Waters of the U.S. (Ephemeral Overland Flow) into Underground Stormwater 20" CPP Culvert Pipe
- Proposed Seasonal Inundation of Possible Waters of the U.S. (Ephemeral Channel Flow) by Farm Pond Water
- Suisun Creek Low-Flow Channel
- Grapevine Row Direction
- 2' Landscaping Retaining Wall
- Wildlife Exclusion Fence
- Gate
- 12" CPP Culvert
- 20" CPP Culvert
- Existing 112,000 gal Water Tank
- Existing 10,000 gal Water Tank
- Existing 5,000 gal Water Tank
- Existing Well
- Vineyard Irrigation Filter and Timer
- Proposed Oak Woodland Mitigation and Reforestation Area (October 2018)
- Quantum Limit Scenic Pond
- Proposed Earthfill Embankment Pond Berm
- Proposed Earthfill Embankment Pond
- Homestead Access Road
- Homestead Access Road (crushed rock
- Existing Vineyard Avenue (grass
- Existing Vineyard Avenue - Proposed for
- Proposed Vineyard Avenue (grass
- Existing Farming Access
- Existing Farming Access Road - Proposed for
- Main Residence
- Guest House
- Equipment Yard
- Equipment Barn
- Rock Level Spreader
- Rock Pipe Inlet Protection
- Rock Pipe Outlet Scour Protection
- Concrete Outlet Structure
- Quantum Limit Riparian Water Right Pump St.

Vegetation2

- Blue Oak Woodland
- Cleared/Erosion Control revegetation
- Coyote Brush Scrub
- Existing Vineyard
- Mixed Oak Woodland
- Wild Oat Grassland
- Ruderal
- Homestead Access Road
- Homestead Access Road (crushed rock
- Existing Farming Access
- Existing Vineyard Avenue (grass

0 100 200 400 Feet

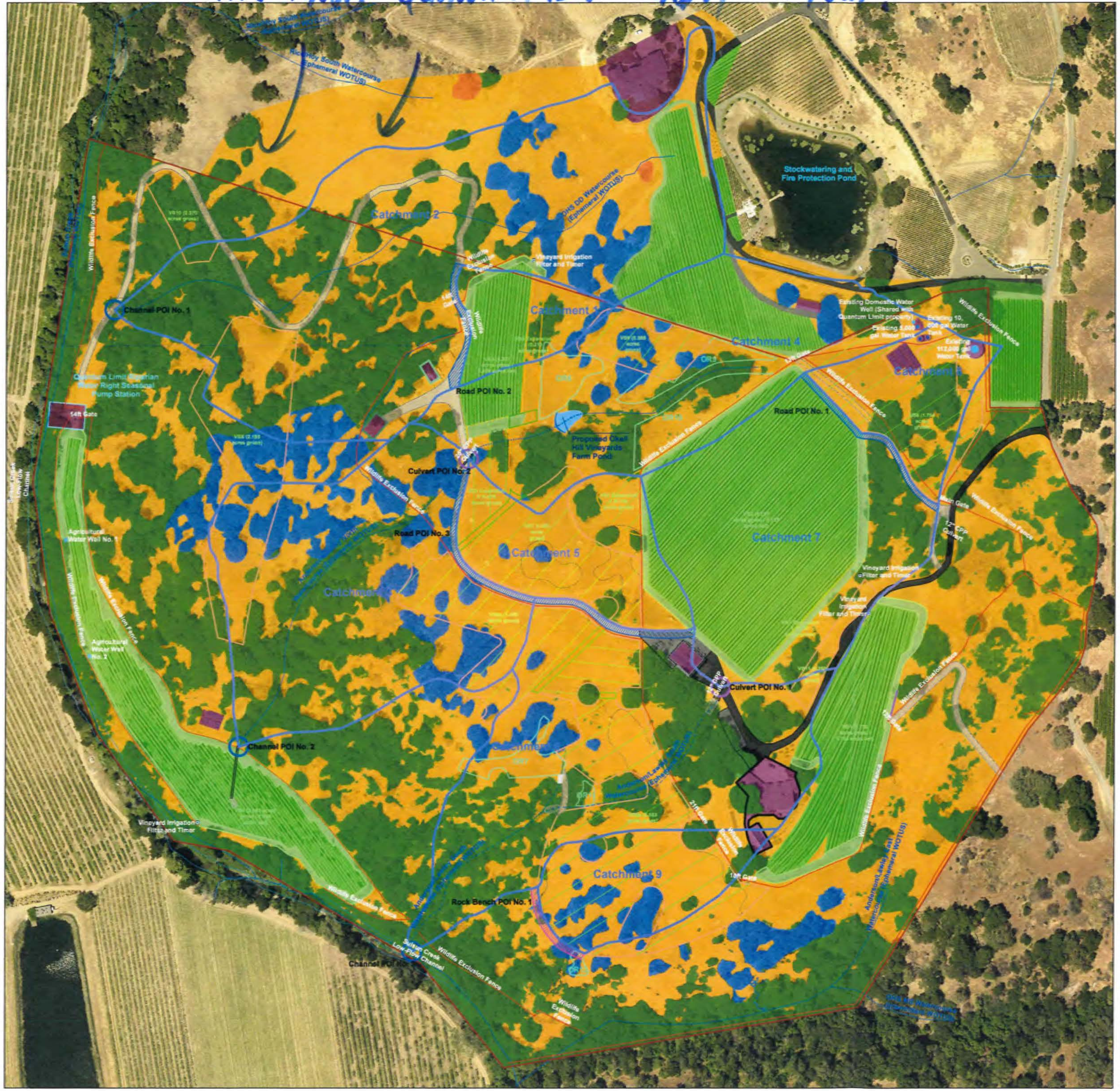
Data Sources:
- Okell Hill Vineyards APN 033-140-049 Property Boundary: Napa County GIS, Balance Geo 2017 (ongoing correction)
- Elevation: Napa County 25' DEM, refined by Balance Geo 2017
- Modeled 10' Contour and Modeled 2' Contour: Balance Geo 2017
- Existing Vineyard and Infrastructure: Balance Geo 2017 (ongoing field verification)
- Proposed Okell Hill Vineyards Expansion, Proposed New Vineyard Layout: Balance Geo 3/2017 (pre-Atlas Fire), 11/2017, 3/2018, 9/2018, 10/2018, 1/2019, 5/2019 (post Atlas Fire)
- Napa County Soil Series: USDA-NRCS, 1978, Napa County Soil Survey
- Vegetation Community (Okell Hill Vineyards Property): Balance Geo 2013 after Northwest Biosurvey 2013 (4/30/2018)
- and 2018 Aerial Photography
- Vegetation Community (Quantum Limit Vineyards Property): Balance Geo 2013 after Northwest Biosurvey 2014 (9/1/2014)
- Possible Waters of the U.S. (Okell Hill Vineyards property): Northwest Biosurvey 2013 (4/30/2018)
- Possible Waters of the U.S. (Quantum Limit Vineyards property): Northwest Biosurvey 2014 (9/1/2014)
- Orthophotography: Google Earth, August 13, 2016

BALANCE GEO
PMB 442
1442A Walnut Street
Berkeley, CA 94709

Okell Hill Vineyards
Vineyard Expansion Planning
Hydrologic Peak Discharge Analysis
Property Vegetation
Pre-Project Pre-Fire Conditions (2017)

Date: 12/10/2019 Scale: Noted

INCOMING QUANTUM ECT 2YIIT: LAYOUT 2



Legend

- Channel POI
- Culvert POI
- Road POI
- Rock Bench POI
- POI Catchment
- Property Boundary
- Existing Vineyard (plantable)
- Proposed Existing-Vineyard Expansion (gross) (June 2018)
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- Possible Waters of the U.S. (WOTUS) (Culvert)
- Proposed Placement of Possible Waters of the U.S. (Ephemeral Overland Flow) into Underground Stormwater 20" CPP Culvert Pipe
- Proposed Seasonal Inundation of Possible Waters of the U.S. (Ephemeral Channel Flow) by Farm Pond Water
- Suisun Creek Low-Flow Channel
- Grapevine Row Direction
- 2' Landscaping Retaining Wall
- Wildlife Exclusion Fence
- Gate
- 12" CPP Culvert
- 20" CPP Culvert
- Existing 112,000 gal Water Tank
- Existing 10,000 gal Water Tank
- Existing 5,000 gal Water Tank
- Existing Well
- Vineyard Irrigation Filter and Timer
- Proposed Oak Woodland Mitigation and Reforestation Area (October 2018)
- Quantum Limit Scenic Pond
- Proposed Earthfill Embankment Pond Berm
- Proposed Earthfill Embankment Pond
- Homestead Access Road (paved)
- Homestead Access Road (crushed rock surfacing)
- Existing Vineyard Avenue (grass cover)
- Existing Vineyard Avenue - Proposed for Elimination
- Proposed Vineyard Avenue (grass cover)
- Existing Farming Access Road
- Existing Farming Access Road - Proposed for Elimination
- Main Residence
- Guest House
- Equipment Yard
- Equipment Barn
- Rock Level Spreader
- Rock Pipe Inlet Protection
- Rock Pipe Outlet Scour Protection
- Concrete Outlet Structure
- Quantum Limit Riparian Water Right Pump St.

Vegetation Community

- Blue Oak Woodland
- Coyote Brush Scrub
- Existing Farming Access Road (unpaved)
- Existing Vineyard Avenue (grass cover)
- Existing Vineyard Grapevine Tree Row
- Existing Vineyard Middle Grassland
- Homestead Access Road (crushed rock surfacing)
- Homestead Access Road (paved)
- Mixed Oak Woodland
- Residence Rooftop and Paved Landscaping
- Wild Oat Grassland
- Wild Oak Grassland (Cleared Areas Post-Fire)

0 25 50 100 Meters

0 100 200 400 Feet

Data Sources:
- Okell Hill Vineyards APN 033-140-049 Property Boundary: Napa County GIS, Balance Geo 2017 (ongoing correction)
- Elevation: Napa County 25' DEM, refined by Balance Geo 2017
- Modeled 10' Contour and Modeled 2' Contour: Balance Geo 2017
- Existing Vineyard and Infrastructure: Balance Geo 2017 (ongoing field verification)
- Proposed Okell Hill Vineyards Expansion, Proposed New Vineyard Layout: Balance Geo 2/2017 (pre Atlas Fire), 11/2017, 3/2018, 6/2018, 10/2018, 1/2019, 5/2019 (post Atlas Fire)
- Napa County Soil Series: USDA-NRCS, 1978. Napa County Soil Survey
- Vegetation Community (Okell Hill Vineyards Property): Balance Geo 2019 after Northwest Biosurvey 2019 (4/30/2019) and 2018 Aerial Photography
- Vegetation Community (Quantum Limit Vineyards Property): Balance Geo 2019 after Northwest Biosurvey 2014 (8/1/2014)
- Possible Waters of the U.S. (Okell Hill Vineyards property): Northwest Biosurvey 2019 (4/30/2019)
- Possible Waters of the U.S. (Quantum Limit Vineyards property): Northwest Biosurvey 2014 (8/1/2014)
- Orthophotography: Pictometry International Corp., 6/7/2018 (downloaded from Napa County GIS Image Server)

BALANCE GEO PMB 442 1442A Walnut Street Berkeley, CA 94709	**Okell Hill Vineyards** **Vineyard Expansion Planning** **Hydrologic Peak Discharge Analysis** **Property Vegetation** **Pre-Project Post-Fire Conditions (2018)**
Date: 11/25/2019	Scale: Noted

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A CULTURAL RESOURCES EVALUATION OF THE OKELL HILL VINEYARDS EXPANSION PROJECT AT 35 QUAIL RIDGE DRIVE, NAPA, NAPA COUNTY, CALIFORNIA (APN 033-140-049)

SUBMITTED BY

Andrew Von Pinnon, M.A., ARCHAEOLOGICAL RESOURCE SERVICE

SUBMITTED FOR

Martin Trso, ECPA Project Manager, Balance Geo

July 30, 2018 **A.R.S. Project 18-035**

INTRODUCTION

As requested and authorized, Archaeological Resource Service has conducted an archaeological evaluation of the parcel described below. The following basic tasks were accomplished as part of this project:

1. A check of the information on file with our office and the Regional Office of the California Historical Resources Information System, to determine the presence or absence of previously recorded historic or prehistoric cultural resources,
2. A check of appropriate historic references to determine the potential for historic era archaeological deposits, and;
3. Contact with the Native American Heritage Commission to determine the presence or absence of listed Sacred Lands within the project area;
4. Contact with all appropriate Native American organizations or individuals designated by the Native American Heritage Commission as interested parties for the project area;
5. A surface reconnaissance of all accessible parts of the project area to locate any visible signs of potentially significant historic or prehistoric cultural deposits.
6. Preparation of a report describing the work accomplished, the results of the research, and making appropriate recommendations for further action, if warranted.

PROJECT DESCRIPTION

The proposed project has been described by Martin Trso as follows:

> Under current conditions, there is an 11.3-acre vineyard (vineyard block nos. 1-4); a 2-acre homestead which includes two homes surrounded within a moderately dense woodland area; 1.5 acres of existing homestead and farming access roads; and about 57-acre of woodland. The owner also maintains cattle grazing over an area of about 20 acres, within the 57-acre woodland. A significant portion of the woodland got scorched by the Atlas Fire in October 2017. Presently, portions of the block no. 4 are being repaired, and the vegetation within the riparian corridor of Suisun Creek along this block is undergoing restoration. The owner is pursuing a permit for another 11.5 acres of vineyards under 5-30% slope. These involve block nos. 5-11, and the expansion of the existing block nos. 2 and 3.

The remainder of this
Cultural Resources Report
has been redacted due to its
confidential nature

Attachmet 4

From:	jasona1@comcast.net
To:	Barrella, Donald; Ryan, Patrick C.; Giudice, David; Cahill, Kelli; Bordona, Brian
Cc:	"LL"; "Falace, Katharine H."; "Chan, Phillip"
Subject:	APN 033-140-052-000 Wells Out OF Water-No approved wells/water systems-Domestic Vineyards-ECPA justification P17-00146-P19-00453-B18-01077-P18-00371-HO
Date:	Tuesday, March 8, 2022 3:51:23 PM
Attachments:	02-03-2022, Rice-Decl of Glenn Rice.pdf 02-10-2022, RICE V OKELL, CERTIFIED COPY court transcript.pdf

[External Email - Use Caution]

Hi Don,

I have attached a couple of documents for you and the County to review. One is the certified copy of a court transcript and the other is a declaration by Glenn Rice. On page 6 item number 20 of Glenn Rice's declaration (highlighted area), he states "The vineyard wells also do not supply a reliable water supply, as evidenced by the fact that they all ran dry in June 2021". In the attached court transcript copy of Kevin Block (Mr. Rice's attorney) on pages 13 and 14 highlighted areas, in particular, the bottom of page 14 lines 18 through 24, Mr. Block states "there are many other reasons the vineyard wells do not meet the definition of an approved individual on-site water supply system other than lack of approval from the Planning Director. Among other things all of the vineyard wells are dry. That evidence is before the court and it's undisputed based on the declaration of Dr. Rice".

Mr. Rice and his attorney have claimed that all of the wells on the Rice property (APN 033-140-052-000) are completely dry and are not approved water systems. Given these representations, how can a new ECPA be considered and how can ECPA1 that is still open be allowed to continue? They also have a permit for home occupation winemaking (P18-00371-HO), which also uses water.

4.1

Additionally, you will see in the documents that Mr. Rice and Mr. Block state that the Quantum Limit property (APN 033-140-052-000) has no approved water systems. After meeting with environmental last week in the PBES office my understanding is that their wells are permitted and are approved water systems.

Finally, during the construction of the Rice new residence, the addition of roughly a ½ acre of domestic vineyards was planted on the retaining wall terraces and in the front of the residence. From my understanding per the County, you are not allowed to add domestic vineyards without a permit if you already have commercial vineyards. Was there a permit, another ECPA, or a change to ECPA1 (P17-00146) that added and included these domestic vineyards around his new house?

4.2

Thank You,

Jason Anderson
707-666-1607

Confidential Privileged Communication

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF NAPA

The HONORABLE CYNTHIA P. SMITH, Judge

--oOo--

GLENN C. RICE, et al.,

Plaintiffs,

vs.

OKELL HOLDINGS, LLC, et al.,

Defendants.

) No. 20CV001370

--oOo--

REPORTER'S TRANSCRIPT OF PROCEEDINGS

AT TIME OF MOTION

--oOo--

Napa, California
Thursday, February 10, 2022
8:30 o'clock a.m.

--oOo--

Reported by:
DIANE ERICKSON WHEELER, CSR No. 5237

--oOo--

A P P E A R A N C E S

--oOo--

For the Plaintiff:

BLOCK & BLOCK, LLP
1109 Jefferson Street
Napa, CA 94559

BY: KEVIN P. BLOCK
Attorney at Law

For the Defendant:

BUCHALTER
A Professional Corporation
1230 Pine Street
St. Helena, CA 94574

BY: KATHARINE FALACE
Attorney at Law

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I N D E X

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February 10, 2022 8:30 a.m.

--oOo--

The above-entitled matter came on regularly this day for hearing before the Honorable CYNTHIA P. SMITH, Judge.

BLOCK & BLOCK, LLP, Attorney at Law, 1109 Jefferson Street, Napa, California 94559, represented by KEVIN P. BLOCK, Attorney at Law, appeared as counsel on behalf of the Plaintiff.

BUCHALTER, A Professional Corporation, 1230 Pine Street, St. Helena, California 94574, represented by KATHARINE FALACE, Attorney at Law, appeared as counsel on behalf of the Defendants.

The Honorable CYNTHIA P. SMITH, Judge presiding.

DIANE ERICKSON WHEELER, CSR No. 5237, Official Shorthand Reporter, was duly present and acting.

The following proceedings were then and there had and taken, to wit:

P R O C E E D I N G S

THE COURT: Call the matter of Glen Rice, et al.

MR. BLOCK: Good morning, your Honor. Kevin Block for the plaintiffs and moving parties. Welcome to the civil division.

THE COURT: Thank you. Good morning, Mr. Block.

MS. FALACE: Good morning, your Honor. Katharine Falace on behalf of the defendants and cross-complainants in this matter.

THE COURT: Good morning, Ms. Falace.

All right. So the Court posted a tentative ruling. Ms. Falace, I understand that you asked for oral argument. So unless Mr. Block has anything he wants to add at this point, I'll hear from Ms. Falace first.

MS. FALACE: Thank you, your Honor. And thank you, your Honor, for the Court's tentative decision.

I know there was a lot of paperwork, both in the motion and in the opposition, and defendants appreciated the Court's careful review of all the different documents. We're mindful of the resources that have already been spent on this matter and we want to limit our argument today to just three brief matters.

THE COURT: Okay.

MS. FALACE: The first is turning to the ninth cause of action to the 1996 easement agreement. Initially plaintiffs had submitted that they did not have any water from the vineyard wells that was potable or that produced enough water. As this Court found in its tentative decision and as defendants showed through plaintiffs' own data, in fact there is potable water from

the vineyard wells and there is sufficient water from the vineyard wells.

That just leaves the third component of whether or not it's been approved by the Planning Director.

As the Court noted in its tentative decision, defendants did attach to their request for judicial notice as Exhibit Number 4 the ECPA that was submitted by plaintiffs.

And admittedly it's a dense document with a lot of pages, but importantly, if the Court looks at page 43 of the ECPA, and the ECPA is, of course, prepared by Mr. Bortola of the Planning Department, it says that in preparation for the plaintiff's new vineyard that it will be irrigated by four existing wells on the parcel, and that three of the four wells also provide water to the two residences.

If you also look at the Napa County parcel report, and it's also referenced in Mr. Young's declaration, at page 23, there is the permit number E16-00249, the well. And the well builder's report that coincided with that well permit indicates that the plan use is for domestic use.

Finally, the Court states in its tentative decision that plaintiffs have submitted evidence to

demonstrate there was no approval. The defendants respectfully submit that Dr. Rice admits that for a short time they did try to use water from the vineyard wells. He states that in paragraph 16 of his declaration.

They also state in their second amended complaint that they attempted to use the well water in 2020. They don't state that they couldn't because it wasn't approved, but that they were unsuccessful in reducing the level of contaminants.

Defendants' question then is if they really were using water from the vineyard well, which well were they hooked up to? And at a minimum defendants would submit that the ECPA coupled with the well builder's report, and plaintiffs' admission that they were trying to use the vineyard wells would warrant further discovery to try to determine the approval of the vineyard wells.

Defendants respectfully submit that the ECPA indicated by the Planning Department that three of the four wells do provide water to the residences, coupled with the well completion report that shows it's for domestic use, and plaintiffs' admission that they did try to use it for domestic use shows that it is an approved domestic use.

But defendants of course renew their

request for additional discovery if the Court feels it needs to explore this area a little bit more.

THE COURT: So Ms. Falace, what additional discovery might there be? I mean I understand that you are pointing the Court to evidence in the papers, in the declarations, and arguing that when the Court looks at that, that does amount to it being an approved water system, and therefore, if that is the case, then presumably defendants, there is the possibility of prevailing on the ninth cause of action, and therefore the lis pendens should not be expunged.

But is there more discovery that can be done or --

MS. FALACE: Yes, your Honor. I mean I think that defendants would submit that that is not a showing of probable validity. That that missing link of showing that there is approval is set forth in that ECPA by Mr. Bortola, and it is set forth in the well completion report, all of which are saying that water is going from these wells to the residence.

Defendants would just state that if that wasn't enough, because maybe the Court is saying well, I see these documents, but I want to understand, you know, more of what that approval might look like. I mean fair enough. We're really early on in the discovery process.

But defendants submit that that does show that it has been approved. What defendants can see from the tentative decision was that defendants could not have established probable validity because it wasn't shown that the well was approved for the domestic use. And defendants would submit that that -- that the Planning Department's own language stating that it is an approved use, coupled with that parcel report showing that it was a domestic use is enough.

But again if the -- if the Court wanted to explore those documents further, then that's where the defendants would request discovery to allow that exploration to happen.

THE COURT: Okay. Thank you.

MS. FALACE: Your Honor, turning to the second part of the argument, which is the 2005 easement agreement that limits the water use to the maintained adequate domestic use of the existing structures, defendants would respectfully submit that the language limited as necessary to maintain an existing structure doesn't allow for such a liberal interpretation.

But setting that aside, the Court looked at five different grounds for finding that the -- that there wasn't probable validity. And just turning to the last three, number three in the Court's tentative

decision was that Jim Congdon remodeled the barn and continued to comply with the 2005 easement agreement until the property was sold.

And defendants are assuming that where the Court was going with this was sort of analogous to a P.C. 318 instruction that showing conduct by the parties after an agreement was entered into can be evidence. But what the defendants want to point out is that there's really important developments that happened after Mr. Congdon had sold the property.

Number one, defendants objected to the testimony or declaration by Dr. Rice of Jim Congdon remodeling the barn. It's defendants' understanding that Mr. Congdon was fired from that project and didn't complete that remodeling, which is why -- why the objection was made, because it was intended to prove the truth of the matter stated.

But further, after the property was sold, that's when the house, the main residence, was entirely rebuilt. By plaintiffs' own admission, over 19 million dollars was spent on expanding this residence.

And even more importantly, the pond for the first time was drained and lined. And if you look at Mr. Young's declaration that was submitted with defendants' moving papers, he does a good analysis of how

the draining and lining of that pond directly impacted the gate well.

The Court goes on in number five to say that defendants continued to allow plaintiffs to use the water until mid 2020, and I think what's important is that the defendants never stopped allowing anyone to use the water from the gate well. The gate well stopped functioning because the pump was above the water level that existed in the well.

And as the McClain and Williams pump or well report showed, the pump had to be lowered by ten to 15 feet in order to be submerged in the water. And what the defendants are contending is that the reason the water level dropped is because the pond was drained and lined.

Plaintiffs don't point to anything in their moving papers or in their reply papers, and most importantly in their declarations by others that this isn't simply coincidental, but that it was a direct result. And in defendants' cross-complaint, that is part of that 2005 interface, not only the expansion of the barn and the residence, but also the lining of that pond.

In the context of the cross-complaint, it's talking about how the permitted well water -- the permitted water is not allowing to be seeped out because

of the drainage, and it's not draining from the pond because it's lined. And it's -- it's just an extremely important point that none of this was existing when Jim Congdon sold the property. And it's right after that pond was drained for the first time that we see that that gate well is impacted.

And so again, if the Court found that there is more discovery that needed to happen in order to tie that out better, Mr. Young's, our expert's contention showing that there is a direct result of the pond being drained, the lining going in, and then the gate well running dry for the first time, defendants would welcome the opportunity to explore that further.

But that is a really critical real property claim the defendants are making that because of this lined pond that the gate well was directly impacted. It's also of note that the defendants didn't have any access to that gate well water during that time too, until that repair was made.

THE COURT: So let me ask you about that.

MS. FALACE: The final argument --

THE COURT: Ms. Falace, sorry. Sorry. My microphone was off.

Let me ask you a quick question on that last point that you made. If I understand your argument

is that one of the claims is the interference with the easement claim based upon the lining of the pond and the impacting the gate well, the Court addressed that in its tentative ruling that, you know, I don't believe you cited any authority for the Court finding authority that necessarily stands for the proposition that if there is an interference with the easement that that means that the easement is terminated, as opposed to some sort of other relief.

And again, getting back to the standard the Court has to apply in this request to expunge a lis pendens, probable validity of the claim. So do you want to address that?

MS. FALACE: Yes, your Honor. And I think that that dovetails perfectly into the next point is that it's not only -- you're correct, the defendants are arguing that it would terminate. But even if it rises just to a level of violating the 2005 agreement, not even triggering a termination of the agreement, that would still state a real property claim.

As this Court knows, I think there's two different things that we're looking at. Number one is the overuse, as defendants are contending, because of the expansion of the residence and the barn. And I think as the Court even states, that even given -- even using the

Court's liberal interpretation of what existing structures mean, it doesn't mean plaintiffs get unfettered use.

So even looking to that, that would warrant a violation of the 2005 agreement, which would give a real property claim, which would allow the lis pendens to remain. So even if the Court finds that it doesn't trigger a termination, even if it does trigger a violation, that would of course state a real property claim.

The other important part of this is to the extent that the plaintiffs are overusing that water, and are trying to prescriptively expand their express use, as the Court knows from McBride versus Smith, an express easement can be prescriptively expanded. And it's up to defendants in this case to seek declaratory relief from the Court stating that the parameters of that 2005 agreement cannot be unfettered.

So that does go right into what that eleventh cause of action is of declaratory relief that defendants are seeking to declare the rights and duties of the parties under the agreement. And as the Court pointed out, if that use, which we contend has been violated in terms of not only the expanded use, but also the lining of the pond, that violation would state a real

property claim.

And defendants actually have an incumbent duty to go into court to stop any prescriptive expansion so that the dominant tenement does not prescriptively expand its rights.

In other words, if the -- the servitude can be expanded by the dominant tenement and expand the scope of that express easement prescriptively, unless the defendants go in and state that that is a violation of the agreement.

So those are the -- those are the really critical points the defendants, you know, really hope to highlight today. And admittedly, it's a really complicated, you know, intertwined sort of issues that are going on here.

But I think that the real punchline here is that defendants claim that plaintiffs are violating the 2005 agreement by lining the pond and causing that gate well to go dry, and further by expanding the use of that gate well because of the expanded scope of the residence and the barn, and that both of those violations would constitute a real property claim.

And then of course just to reiterate that the 1996 agreement, defendants contend that that finding by the Planning Department that three of the wells do

provide water to the residences, coupled with the well completion report that shows domestic use, all of those show that there is a probable validity that there is an independent water source system for the plaintiffs.

THE COURT: All right. And while I have you -- I expect Mr. Block is going to talk about it. What about a bond?

MS. FALACE: Your Honor, I think that the issue here for the defendants is that the lis pendens, as the Court notes, is a required document. It's an important document here, because it highlights to any third parties that there are real property claims.

I -- I -- the nominal bond of a $100 I think just doesn't quite encapsulate the severity of what these real property claims are. Defendants would respectfully request that the lis pendens remains in place.

THE COURT: Okay. Thank you. Mr. Block.

MS. FALACE: Thank you, your Honor.

MR. BLOCK: This motion comes down to two issues, both of which the Court addresses very squarely in its tentative ruling.

The first is that plaintiffs have forfeited their water rights because they have their own source of water now in the form of the vineyard wells.

And the Court correctly notes that there is -- that in order to meet the definition of an approved on-site individual water system, as required for termination of the '96 agreement, there has to be approval of that water system by the Planning Director.

There is no evidence whatsoever of approval here. The burden was on defendants to present that evidence, and they haven't done that.

The request for more discovery is completely inappropriate. This case began in December 2020. The defendants are on their third set of lawyers. They have propounded discovery, interrogatories, document demands. They've noticed the deposition of Jim Congdon. That deposition has not been taken for reasons I don't understand. And at this point, it would be completely unfair to the plaintiffs' to continue this motion for more discovery.

So the big -- there are many other reasons why the vineyard wells do not meet the definition of an approved individual on-site water supply system other than the lack of approval from the Planning Director. Among other things, all of the vineyard wells are dry. That evidence is before the Court and it's undisputed based on the declaration of Dr. Rice.

The second issue is the plaintiffs have

forfeited their water rights under the 2005 agreement because they demolished the old George Congdon house and built a new larger home, and they remodeled the barn. As the Court correctly notes, that is a pure issue of legal contract interpretation, and the Court I think cites all of the reasons why -- why the interpretation adopted by defendants is implausible.

First, the 2005 agreement, including that phrase that referenced the existing structures, should be interpreted in light of the '96 agreement. The '96 agreement doesn't refer to a house and barn. It refers to two residential dwelling units.

So the purpose was to restrict the owner of the Rice property to two units and not let them build multi-family housing or subdivide the property. They still have two residential dwelling units.

Second, as the Court notes the ambiguity in an easement should be interpreted in favor of the grantee, which the Court has done in its tentative ruling.

Third, the agreement should be interpreted as a whole, and defendants' interpretation isn't consistent with the provision just a couple of paragraphs later in the 2005 agreement that the easement runs with the land, and benefits and burdens the parties, heirs and

successors. In other words, the implication is it runs in perpetuity.

There is no termination clause in the 2005 agreement. Presumably the parties left it out intentionally, because there is a termination clause in the '96 agreement.

Next the Court should interpret the 2005 language consistent with parties' conduct, and part of that relates to Jim Congdon, who is a signatory to the 2005 agreement and actually assisted the Rices in expanding the barn and the bid on the house, although he didn't get the job.

And then there is the conduct of defendants Jason Anderson and Lisa Lawley themselves who bought the property in 2016 and served the Rices with water without interruption until the water was turned off in August 2020. They saw the house going up. They saw the barn being remodeled. They saw all of that and nobody said a peep about you realize this is going to jeopardize your water rights.

So finally, the law is very clear as far as forfeiture, and a contract should be interpreted in any reasonable manner to avoid a forfeiture. This interpretation of defendants would produce a forfeiture.

I don't know where the pond fits into

Ms. Falace's arguments. The pond was not raised in the opposition papers. It was limited to the creek wells, and the declaratory relief, the forfeiture of water rights. I can say a lot about the pond, but frankly, I don't think it bears directly on the Court's ruling in this motion.

As far as bond goes, you know, I think that the Court is authorized to require bond from Drs. Rice and Rice, or Hoy. But the purpose of the bond is to secure defendants in this case against damages not from the ultimate merits of the claims at trial, but damages that would be proximately caused by the expungement of the lis pendens. That's right in the bond statute.

And so the question is what damages will they suffer if the lis pendens is expunged and they ultimately prevail at trial. And they really skirt that issue in the opposition, because the answer is none. None whatsoever, because of the nature of this action, you know, this is not a specific performance action for the conveyance of real property.

This is -- because of the nature of these claims, if the property were sold, and there was litigation, the defendants could carry on with their claims uninterrupted without missing a beat under the

substitution statute. And so they wouldn't suffer any damage at all.

So I don't think a bond is necessarily appropriate, because they just wouldn't suffer any damages. There was no need for a lis pendens in this case.

And in conclusion, I would ask the Court to reconsider its decision not to award attorney's fees. You know, it is true that the defendants had a right to the lis pendens, but just because you can do something doesn't mean you should do something. I never understood what function, what purpose the lis pendens served for defendants in this case.

And I put that question squarely to counsel, Mr. Flynn, and I did not get an explanation. And I think I did not get an explanation because it would not serve any legitimate purpose at all.

And defendants sort of gave themselves away when in response to my offer to provide them with whatever guarantees or assurances they wanted if the property were to be sold. I was very frank with Mr. Flynn. Tell me what kind of assurance you want in that regard and we'll give it to you. What they came back and said is no, no, no, no. We'll withdraw the lis pendens if you waive your claim to the creek well.

So when they said that, the true purpose of the lis pendens was revealed. It was recorded not to protect defendants' legitimate interests, but to pressure Dr. Rice and Dr. Hoy into giving up their principal claim.

That, the courts have told us over and over again, is not the proper use of the lis pendens. In fact, in 1992, the legislature amended the attorney fee provision of the lis pendens statutes from the Court may order fees to the Court shall order fees, unless there was substantial justification. And it did that, it's very clear, the cases are clear, it did that because it wanted to prevent and deter the abuse of the lis pendens.

This is a case of abuse. This entire motion was unnecessary. It was an enormous waste of resources, the parties', the Court's, and I think if ever there were a case for an award of attorney's fees, this is it.

THE COURT: Thank you, Mr. Block. Ms. Falace.

MS. FALACE: Your Honor, just briefly, please.

Starting with Mr. Block's last argument, I found it interesting that Mr. Block said that just because you can doesn't mean you should. Mr. Block was referencing his discussion with prior counsel where they were trying to find a workable solution with the lis

pendens.

At the time the creek wells had not been connected, as is shown in all the declarations. It wasn't simply flipping a switch. The gate well was working at the time. The creek well was only used for emergency purposes.

Trying to think outside the box, Mr. Flynn had proposed why doesn't everyone just remain status quo. Why don't we not -- you're not waiving your rights to the creek well at trial, but instead of going to all the trouble and damage, our clients, and what had to be fixed because of this whole creek well connection, it wasn't a simple flipping a switch. Mr. Flynn said why don't we hold off in connecting to the creek wells and we'll in exchange remove the lis pendens, everyone will just go to their separate corners while the litigation goes forward.

Instead what happened was the Rices filed their own lis pendens against the Andersons. So I take exception with just because you can doesn't mean you should. Because the timing I think is troubling when the Rices filed their lis pendens following that conversation.

Your Honor, I don't think it can be understated how important this issue is of the lining of the pond, and I disagree with Mr. Block that that wasn't

raised in our opposition papers. I think it was discussed not only in the opposition, but extensively in Mr. Young's declaration.

And the real significance of this is that it is, and our contention that it is a violation of the 2005 agreement that the lining of the well is preventing the gate well from operating because it is depleting the water level in that area.

A violation of the 2005 agreement would be a real property claim, and therefore, defendants submit that there is a probability of stating a real property claim and the lis pendens should remain in place.

And just going back to your Honor's initial question, after giving it more thought and listening to Mr. Block's comments on the same issue of a bond, your Honor, defendants would respectfully state that a bond would be insufficient to compensate defendants for the depletion of that water.

What we're talking about here is a really significant issue in interference of the viability of my client's ability to use that gate well. My clients don't have any other wells on the property, other than those two creek wells and the gate well. And the gate well serves their domestic needs.

And the gate well's inability to function

in 2020 because of the drop in the water level, which we contend is a result of the lining of the pond, is a very significant real property claim. And if that gate well can't function and they aren't able to have a domestic water source, then our position is that a bond would not be sufficient to compensate them.

THE COURT: But again, the bond in lieu of the lis pendens is only to provide security for any damages suffered as a result of the removal of the lis pendens, not for the litigation. That's how I understand it.

MS. FALACE: I appreciate that, your Honor. I think that our position just is that the lis pendens would need to remain because the real property claim that we're stating against the plaintiffs couldn't be adequately compensated by a bond.

But I appreciate where your Honor is coming from. I think that the lis pendens is critical to remain, because defendants have illustrated that there is an approved water source on the plaintiffs' property. And that this 2005 violation, or I guess extend -- the overuse of the water has been a violation of that 2005 agreement.

THE COURT: Thank you, Ms. Falace. Anything else from you, Mr. Block?

MR. BLOCK: No, your Honor.

THE COURT: All right. The Court's going to take it under submission. I do want to go back and look at the areas that Ms. Falace particularly pointed the Court -- sorry, Ms. Falace. You probably didn't hear me.

MS. FALACE: I did, your Honor.

THE COURT: Okay. So I'm going to take it under submission. I intend to issue a written ruling very soon. I just want to go back and look at all of your arguments, yours with respect to attorney's fees, Ms. Falace's with respect to the approval issue. Okay?

MR. BLOCK: Thank you, your honor.

MS. FALACE: Thank you, your Honor.

THE COURT: Thank you all. Have a nice day. Thank you for being here.

MS. FALACE: Thank you for your time, your Honor.

(The proceedings were concluded.)

--oOo--

STATE OF CALIFORNIA)
) ss.
COUNTY OF NAPA)

CERTIFICATE OF SHORTHAND REPORTER

I, DIANE ERICKSON WHEELER, CSR No. 5237, a duly qualified and acting Official Shorthand Reporter of the Superior Court of the State of California, do hereby certify:

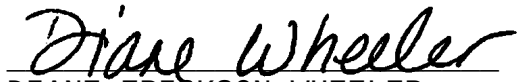
That I acted as the Certified Shorthand Reporter in the case of THE PEOPLE OF THE STATE OF CALIFORNIA versus OKELL HOLDINGS, LLC, et al., NSC No. 20CV001370.

That I took down in shorthand writing the testimony and proceedings had therein.

That thereafter I transcribed the same into typewriting.

That the foregoing pages 1 through 25, inclusive, comprise a full, true and correct transcript of proceedings had.

Dated this 22nd day of February, 2021.



DIANE ERICKSON WHEELER
CSR No. 5237
County of Napa
State of California

--oOo--

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF NAPA

GLENN C. RICE, *et al.,* Plaintiffs, v. OKELL HOLDINGS, LLC, a California limited liability company, et al., Defendants. AND RELATED CROSS-ACTION.	Case No.: 20CV001370 **DECLARATION OF GLENN C. RICE IN SUPPORT OF MOTION BY PLAINTIFFS TO EXPUNGE LIS PENDENS** Date: February 3, 2022 Time: 8:30 a.m. Place: Department A Complaint Filed: December 28, 2020 Trial Date: TBD

I, Glenn C. Rice, declare:

1. I am one of the plaintiffs in this action. The other plaintiffs are my wife, Cynthia ("Cindy") Anne Hoy, and Quantum Limit Partners, LLC, a limited liability company wholly-owned by my wife and me. I have personal knowledge of the facts set forth in this declaration.

2. In June 2012, Cindy and I bought a 70-acre property at 25 Quail Ridge Drive in Napa County ("Rice Property"), to which we hold title through Quantum Limit Partners, LLC. At the time, the property had a main house and an in-law unit (called the "barn") on it. We have recently completed reconstructing the house and remodeling the barn as living quarters for a property manager. We have planted 14 acres of vineyard on the property.

3. A 76-acre property located at 35 Quail Ridge Drive ("Anderson Property") is adjacent to the Quantum Property. It is owned by husband and wife Jason Anderson and Lisa Lawley through Okell Holdings, LLC. They have 11 acres of vineyard on the property. Attached as Exhibit A to this declaration is a Napa County GIS map of the Rice and Anderson Properties.

The Shared Water System

4. My property does not have a source of potable water; it is entirely dependent on the Anderson Property. My wife and I obtain drinking water from the Anderson Property pursuant water agreements dated 1996 and 2005, copies of which are attached to this declaration as Exhibit B and Exhibit C.

5. The 1996 Agreement is between George Congdon, who owned both the Rice Property and the Anderson Property at the time, and the County of Napa. The County required Congdon to enter into the agreement as a condition of granting him a permit to build a house on the Rice Property.

6. The 1996 Agreement requires Congdon to construct, maintain and operate a water system on the Anderson Property to provide water to the Rice Property. It also creates an easement for the Rice Property to take water from the Anderson Property should Congdon ever sell either parcel. The 1996 Agreement identifies two wells on the Anderson Property near

Suisun Creek (the "Creek Wells") as the source of drinking water for the Rice Property, and entitles the Rice Property to take a minimum of 26% of the water from the water system.

7. A third well (the "Gate Well") was drilled on the Anderson Property in 2000 and became the primary source of domestic water for the Rice Property, presumably because it was closer to the house and at a higher elevation, reducing the need for pumping. The Creek Wells continued to supply water to the Rice Property but for irrigation, not household use. The approximate locations of the Gate Well and the Creek Wells are shown on Exhibit D.

8. In 2005, George Congdon transferred the Anderson Property to his son, Jim Congdon. George and Jim entered into another water agreement, to which Napa County was not a party. The 2005 Agreement requires Jim Congdon to maintain and operate the water system (which it defines as consisting of "several wells," plural) to provide water to the Rice Property. It is silent on the specific provision entitling the Rice Property to 26% of the water, now limiting it to the amount of water necessary to maintain adequate household and landscape use for George Congdon's main house and accessory dwelling unit.

9. My wife and I reviewed the 1996 and 2005 Agreements and relied on them as ensuring a reliable source of drinking water when we bought our property in 2012. George Congdon, who sold the property to us, told us verbally and in writing that water was being supplied to our property from both the Gate Well and the Creek Wells, as set forth in the notes attached as Exhibit E which we received from George Congdon prior to our purchase. From 2012 to 2020, the water system worked fine. We had no problems with our water supply and no issues with our neighbor, Jason Anderson.

10. Under the water agreements, I am limited to using water from the water systems on the Anderson Property for the house and barn and have never used it for any other purpose. .

Anderson uses water from the same three wells for household and vineyard irrigation purposes and to spray water on his vineyard roads from a large water truck.

11. When Anderson applied for an Erosion Control Permit for his vineyards in 2017, he reported to the County that he uses approximately 2.2 million gallons of water each year for vineyard, household and other uses from the Creek Wells alone. My potable water use is a small fraction of that, although I am entitled to a minimum of 26% of the water from the water system yet am responsible for paying 50% of the water system's costs.

The Water Shut Off

12. In August 2020, my Head Grounds Manager, Saul Romero, reported to me that my house had no water because the 10,000 gallon storage tank on my property that supplies the house had run dry and was not being refilled. At my request, Saul verified that the floats and sensors on the Rice and Anderson tanks were working. He then tried to enter the equipment shed on the Anderson Property to check that the pump and well controls were set properly but the shed was locked, as shown in the photograph attached as Exhibit F.

13. Jason Anderson refused Saul's request to remove the lock. He told Saul and me that there was no more drinking water for the Rice Property because the Gate Well had run dry. In e-mails, attached to this declaration as Exhibit G, he advised me that it was time "to re-evaluate the easements" and that I would have to "search for an alternative source" of domestic water.

14. I requested that Jason supply my property from the Creek Wells until the problem with the Gate Well could be resolved. He adamantly refused, saying I had no right to water from the Creek Wells because they were not covered by the 2005 Agreement, even though that

agreement defines the Water System as consisting of "several wells" in the plural. That language must include the Creek Wells, because the only wells on the Anderson Property are the Gate Well and the two Creek Wells.

15. For many months, Jason refused to schedule repairs on the Gate Well. He cut off my property's sole source of drinking water from August 2020 to March 2021 and prevented me from repairing the well by locking me out of the shed. The shed remained locked until the Court ordered the lock removed in July 2021. Throughout the time my water was shut off, Jason continued to supply his own property with potable water from the Creek Wells.

16. During the seven months that our water was cut off, my wife and I could not shower, wash dishes, flush toilets or brush our teeth. We tried for a short time to use water from the vineyard wells but it has a horrible taste and smell, damages our faucets and sinks, and destroyed our water heaters, ice machines and other appliances. Having lived through this nightmare experience, I consider it essential to reestablish my connection to the Creek Wells, which provided my property with water until 2015. I have a right to take water from the Creek Wells under both the 1996 and 2005 Agreements.

The Vineyard Wells

17. The 1996 Agreement with Napa County notes that my property is unlikely to ever develop its own have its own source of drinking water but that, if it does, my right to take water from the Anderson Property will end. Defendants allege that my water rights have terminated because I have developed a source of potable water on my property. That allegation is false.

18. I have drilled four very deep wells on my property some distance from the Anderson Property in order to irrigate my vineyards. The vineyard wells do not produce potable

water. The water has a bad odor and taste, corrodes pipes, damages fixtures and appliances, and stains clothes, probably because the vineyard wells are very deep and produce water with high mineral content.

19. Water quality tests show that the vineyard well water contains a number of substances (including iron, boron, arsenic, manganese and sodium) that exceed state or federal recommended limits and are potentially harmful to human health. The levels of arsenic and sodium are particularly dangerous for those with cardiac conditions, including my wife, who suffers from atrial fibrillation.

20. The County has never approved the vineyard wells as an onsite water supply system. I do not think it ever will, because the vineyard wells do not supply potable water. To secure approval, Napa County must agree that a well produces pure, wholesome, safe and potable water, according to the County Code. The vineyard wells also do not provide a reliable water supply, as evidenced by the fact that they all ran dry in June 2021.

The Pond

21. Jason's claims about the pond on my property are some of the most farfetched allegations he is making in this case. When I bought my property, the seller, George Congdon, transferred a state water diversion permit to me which entitles me to draw water from Suisun Creek and store up to 19 acre-feet in a pond on my property. The pond was built by George Congdon. I store water diverted from the creek and water from my vineyard wells in the pond.

22. Without any data, Jason Anderson claims that I enlarged the pond and lined it with plastic in violation of my permit. I have never enlarged the pond. In 2020, I cleaned out sediment and lined the pond with plastic to conserve water. The Planning Department con-

firmed that I did not need any county permits to do that work and several water consultants confirmed that lining the pond to prevent seepage was good practice. I hired Stetson Engineers, Inc. to measure the capacity of the pond and they confirmed it is 19 acre-feet.

23. Without a shred of evidence, and counter to the laws of nature, Jason alleges that my lining of the pond interferes with the Gate Well by depriving it of pond seepage. I have not seen any hydrogeological science to support that allegation. The well is uphill and 450 away from the pond. I am unaware of any data on the amount of seepage before and after I installed the lining, or any information on the capacity of the soils to transfer seepage from the pond to the well, or any explanation of how pond seepage could have traveled uphill to the well.

24. Jason has accused me of preventing him from getting his fair share of the creek water diverted under my state permit by closing off a pipe that used to carry water from my pond to storage tanks on his property. I have never closed any pipe or prevented Jason from getting any water. To my knowledge, there never was any connection taking water from my property to Jason's property as that would be illegal in the eyes of the State Water Resource Board.

25. I hired water rights consultants Wagner & Bonsignore to clarify for me whether Jason is in fact entitled to take water from my pond and store it on his property. I understand that he would need his own State Water Board permit or license to do so, which he does not have. According to Wagner & Bonsignore, it would be a violation of my permit to share creek water with Jason unless and until he obtains one. I have no objection to Jason benefiting from Suisun Creek water provided that is done in the manner required by law.

The House

26. When we bought the property from George Congdon, it had a house on it that he built in the 1990's. Cindy and I replaced that house with a new one. Because the new house uses part of the old house's foundation , the project is technically a remodel. Although the new house is about 50% larger than the old one, Cindy and I are the only people who live there and plan to live there only 6 months per year for the foreseeable future. We also remodeled the barn, which was always a living unit. We did not change the footprint, just remodeled the interior.

27. Jason Anderson claims that I forfeited my right to potable water by replacing the house and remodeling the barn. He relies on a literal interpretation of the language in the 2005 Water Agreement that limits my use of potable water to what is necessary for "the existing structures (house and barn) . . ." Jason reads that contractual language literally to mean that my water rights were tied to the continued physical existence of the Congdon house. Since I replaced that house, he reasons, it no longer exists and my water rights are terminated.

28. I disagree. The reference to the existing house and barn in the 2005 Agreement is intended to limit the amount of potable water I can take from the Anderson property to what is necessary to supply those two structures. It carries forward the reference in the 1996 Agreement to "two residential dwelling units." That is a legalistic term because the agreement was written by the County; Jim and George Congdon expressed the same idea in more ordinary language – the "existing structures (house and barn)."

29. When Cindy and I decided to build the new house and remodel the barn, Jim Congdon, George Congdon's son, owned what is now the Anderson Property. We hired Jim, who was a contractor, to remodel the barn. Jim also bid on the construction of the house but we selected a different contractor. Jim Congdon is a signatory to the 2005 Water Agreement. He

never suggested to us that by remodeling the barn and replacing the house we would forfeit our right to potable water. On the contrary, Jim used the existing infrastructure to bring Creek Well water over to our property for both vineyard and household landscaping purposes before and after we bought the property. Notwithstanding his work on the barn, Jim continued to supply us with water without interruption until he sold his property to Jason in 2016..

30. Anderson's attorneys made the same argument about the "existing house and barn" when they demurred to our first amended complaint, and lost. Jason's termination of our water supply came long after the barn remodel was completed. Despite the work on the barn, he had no problem providing us with water until August 2020.

Water Use

31. Jason complains that I am using more water than allowed under the 2005 Agreement, i.e., more water than was necessary for the Congdon house and barn. To my knowledge, there are no records showing how much water George Congdon used and Jason has not provided records for water used in and around his house, so there is no baseline for comparison. Given that only two people now live on the property for six months a year, and that the new house features water-efficient fixtures and other water conservation measures, I may well be using *less* water than was used in the past.

32. Jason ignores the 1996 Agreement, which entitles me to use a minimum of 26% of the water from the Water System. Assuming that Jason uses 2.2 million gallons per year from the Creek Wells to irrigate his vineyards, as stated in his Erosion Control Plan submission to Napa County, I would be entitled to a *minimum* of 572,000 gallons per year, plus 26% of whatever is produced by the Gate Well. Cindy and I are definitely using less than that.

33. All of Jason's statements about my water use should be viewed with suspicion. My Head Grounds Manager, Saul Romero, reported to me last month that the meter on the Gate Well, which Jason uses to monitor my usage, shows water being pumped to the Rice Property when it is actually flowing into Jason's storage tanks.

Trespass and Encroachments

34. Jason alleges that my pole barn and some of my vines intrude into one of the easement areas designated for underground water pipes. Attached as Exhibit H to this declaration is a map of the pipeline easements described in the 2005 Agreement prepared by a licensed surveyor in 2020 at my request. Attached as Exhibit I is an enlargement of a portion of that map showing the encroaching pole barn and vineyard.

35. The pole barn only encroaches a small distance (about two feet) into the easement and does not cover the pipe, assuming the pipe is laid in the middle of the 40-foot wide easement area. A photo of the pole barn is attached as Exhibit J. The vineyard does cover the easement but I am willing to remove whatever vines are necessary to gain access if there is a problem with the underground pipe. I note that Jason has covered a 100-foot long stretch of the reciprocal pipeline easement on his property with an asphalt driveway

36. Jason asserts that a portion of my boundary fence is located on his side of the property line. His pleading does not state where the fence allegedly encroaches. The only encroachment of which I am aware is shown in Exhibit K to this declaration, a topographical map prepared for me in 2018 by a licensed surveyor.

37. That fence was put up by George Congdon before I bought the property. I discovered the encroachment in 2018 when I had the boundary lines surveyed. The fence was one or two feet on Jason's side of the boundary, extending for a distance of about 200 feet. We both

agreed at the time that the fence needed to be removed from his property. Before I was able to relocate the fence, Jason did it for me, without asking but with my approval. I do not know of any other encroachments but will work with Jason to resolve them if Jason points any out to me.

38. Jason alleges that my employees and I are accessing his property outside the easement areas described in the 1996 and 2005 Agreements. The 1996 Agreement does not describe any access easements, just the water easement. I assume that he is talking about us entering his property near the entrance gate and walking about 20 feet to get to the pipeline easement and the Gate Well area. That path is depicted with a red line on Exhibit L. Cindy and I, our employees and contractors have all been using this short path for access to the well area since we bought the property in 2012.

39. The 2005 Agreement grants me an easement over the Anderson Property for the installation, operation and maintenance of the Water System. That access easement is distinct from the easements described for water pipelines. Its location is not specifically defined. I understood that I was not confined to accessing the Anderson Property by walking within the pipeline easements, which is not practical or even possible, since the easements are not marked above ground. I understand that I have a right to go onto the Anderson Property to install, operate or maintain the Water System so long as I take the most direct route available and minimized any intrusion. I have always done so.

40. The twentieth cause of action in defendants' cross-complaint is called "private nuisance." It alleges that I am "clear-cutting trees, installing gates on [defendant's access] easement, causing flooding, and failing to keep the main gate operational . . ." I have no idea what these allegations are about. There has been no clear-cutting of trees. After the 2017 Atlas Peak

fire, we removed about ten burned out trees under the supervision of a licensed arborist. Jason cannot even see this area, or my property generally, from his property.

41. I have installed a fence with some gates in it along the surveyed property line. Jason complained that one of the gates was swinging into the pipeline easement. He also complained that a shared gate on our common entrance road, Quail Ridge Drive, has been malfunctioning lately. These are just routine maintenance issues, like dirty sensors or solar panels and dead batteries, which Cindy and I have addressed immediately, even though the gate is a shared responsibility. I have never locked any gates or obstructed Jason's use of the road in any way.

42. I have never caused any flooding. All of the Quail Ridge neighbors live on hillsides, some of them steep. Heavy rains can cause unexpected flows, including flows onto my property. I do not know of any serious flooding or damage to Jason's property nor any impending risk.

43. These are trivial issues which do not justify a lawsuit. None of them substantially interferes with Jason's ability to use and enjoy his 76-acre property. These are issues that good neighbors take care of among themselves. Cindy and I will continue to do so whenever an issue is brought to our attention.

Lis Pendens

44. Last August, defendants recorded a lis pendens against our property. Cindy and I have spent the last five years and millions of dollars improving the property, making it into our dream home. We have no intention of selling it and I am willing to give defendants a binding legal commitment that I will not sell it until this lawsuit is over.

45. We would like to refinance the property to lock in current interest rates. The Federal Reserve has signaled multiple rate increases from 2022 through 2024, as set forth in the

recent Wall Street Journal article attached as Exhibit M. Rates are expected to climb substantially. Each percentage point rise will increase our mortgage payments by $110,000 per year. We are unable to refinance until the lis pendens is removed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

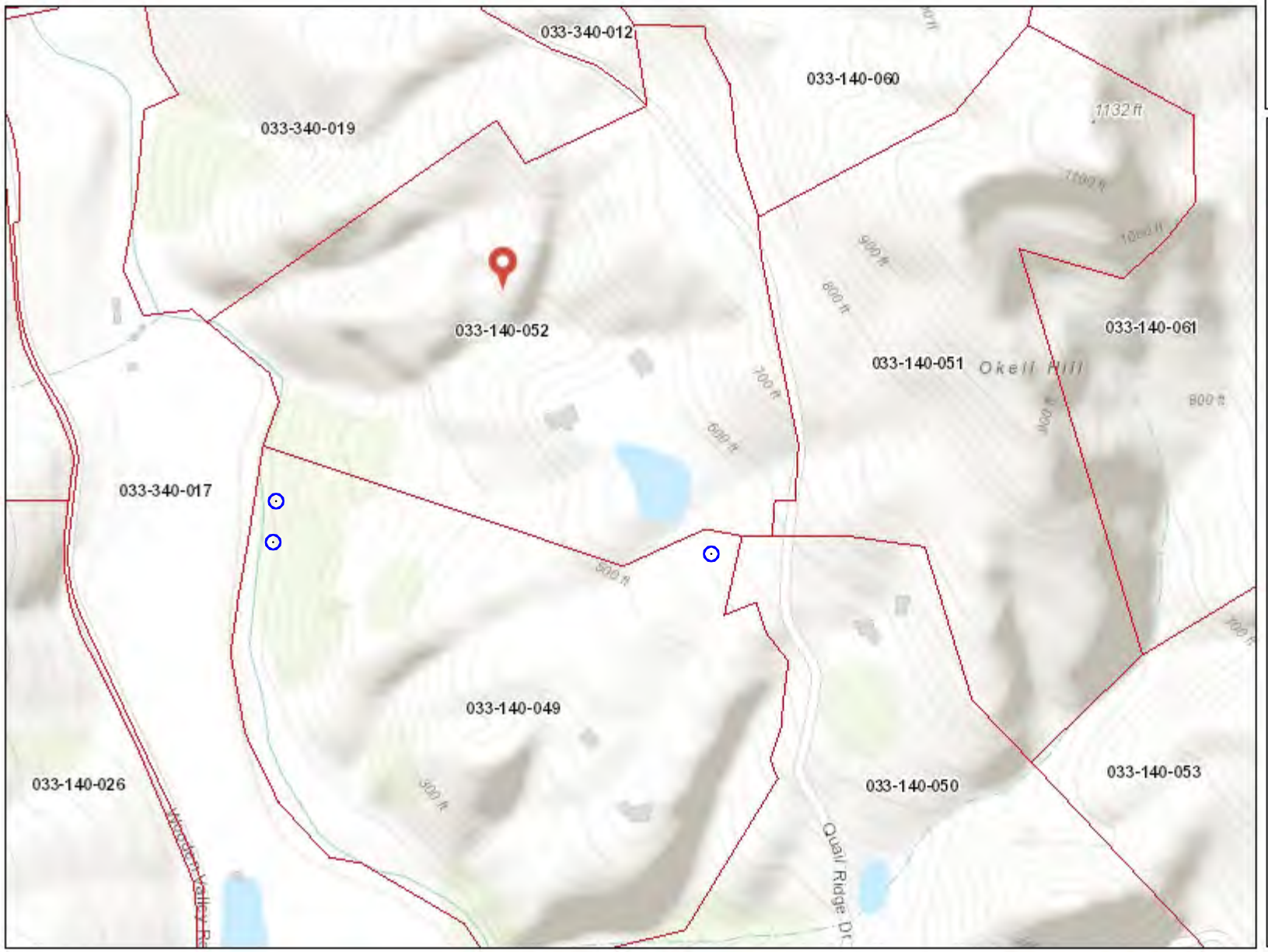
Executed on January 3, 2022 in Napa County, California.

DocuSigned by:
Glenn Rice
20EB85C840DF490...

Glenn C. Rice

EXHIBIT A

County of Napa GIS



Legend

- Parcels
- County Boundary

1,504.7 0 752.33 1,504.7 Feet

Disclaimer: This map was prepared for informational purposes only.
No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 12/7/2020

Notes

EXHIBIT B

RECORDING REQUESTED BY:

1996 030886
OFFICIAL RECORDS OF
NAPA COUNTY
H. KATHLEEN BONDS
AT REQUEST OF: GEORGE E. CONGDON III
12/24/1996 09:17 am
Fee: $ 34.00 Pgs: 5
TT : $ .00

AND WHEN RECORDED MAIL TO:

ENVIRONMENTAL MANAGEMENT DEPT.
1195 THIRD STREET, ROOM 101
NAPA, CA 94559

IDVEC

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AGREEMENT FOR GRANT OF EASEMENTS AND WATER RIGHTS

THIS AGREEMENT, made this 12 day of DEC 1996 by and between OKELL ENTERPRISES - GEORGE E. CONGDON - PART hereinafter referred to as "GRANTOR", whose address is 6177 GORDON VALLEY RD. SUISUN, CA. and the COUNTY OF NAPA, hereinafter referred to as "THE COUNTY".

W I T N E S S E T H

WHEREAS, GRANTOR is the owner of real property (hereinafter referred to as "System Parcel") in the County of Napa, State of California, which is described as Assessor's Parcel Number 33-140-41 (system location) on the Napa County Assessor's Maps in effect on 12/18/, 1996, and

WHEREAS, there is or will be located on System Parcel an individual water system and related water pipelines (hereinafter collectively referred to as "Water System") which complies, or will comply, with the definition of "approved water supply system" contained in Section 5291 of the Napa County Code of Ordinances; and

WHEREAS, Grantor is also the owner of that real property (hereinafter referred to as "Served Parcel"), which is described as Assessor's Parcel Number 33-140-44 on the Napa County Assessor's Maps in

effect on 12/18/, 19 96, but neither a public utility water system nor a mutual water system is presently available to the Served Parcel and an adequate individual water system is not presently located and cannot reasonably be located in the future entirely upon the Served Parcel; and

WHEREAS, Grantor has sought one or more approvals from County for development activities on the Served Parcel which could be served by the Water System located, or to be located, on the System Parcel, but the proposed activities cannot be approved by County without recorded assurance that the Served Parcel will have continued legal access to the Water System if and when the two parcels are no longer in common ownership; and

NOW, THEREFORE, BE IT AGREED as follows:

1. Operation of Water System during Joint Ownership. During all such times as the System Parcel and the Served Parcel have the same owner, whether that owner is Grantor or the heirs, successors, or assigns of Grantor, the owner shall, when required by County as a condition of approval of development activities on the Served Parcel, construct, operate, and maintain on the System Parcel for the non-exclusive benefit of the Served Parcel a Water System substantially in the location and having the component parts and capacities, including reserve capacities, which are described in Exhibit "A" attached hereto and incorporated by reference herein.

2. Conveyance of Easements upon Transfer of Parcels. Grantor hereby agrees that if and when title to the Served Parcel and/or the System Parcel are conveyed by GRANTOR or the heirs, successors and assigns of Grantor to Third parties in such a manner that the two parcels are no longer

in common ownership, the transferor shall grant to the transferee (if the parcel conveyed is the Served Parcel) or reserve (if the parcel conveyed is the System Parcel), the following easement:

> A non-exclusive appurtenant easement on and across the System Parcel to install, operate and maintain on the System Parcel an individual water supply system and one or more accompanying water pipe lines, complying with all laws and regulations then applicable, located and having substantially the component parts and capacities set forth in Exhibit "A", for the purpose of generating on the System Parcel and transporting to the Served Parcel that potable water required by law for the following activities on the Served Parcel:
>
> (residential, TWO dwelling units) (activities approved in accordance with Use Permit No. _____) (activities approved in accordance with Site Plan Review No. _____)
>
> The right to use a minimum of 26% percent of the water from the Water System for the foregoing activities on the Served Parcel.

3. Termination of Agreement and Easement. The above described easement and water rights, and the obligation to convey or reserve such easement and water rights shall terminate automatically at such time as a public utility water system, a mutual water system, or an approved individual on-site water supply system is available to serve the foregoing activities on the Served Parcel.

4. Recordation. The obligations created by this Agreement shall constitute covenants running with the land which shall bind the heirs, successors and assigns of Grantor's interest in the System Parcel and inure to the benefit of future transferees of the interest of Grantor's interest in the Served Parcel. To that end, this Agreement shall be recorded in the Office of the Napa County Recorder by Grantor forthwith following execution by all of the parties.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto as of the date first above written.

GRANTOR:

By [signature] TR Date 12/18/96

By [signature] Date 12/18/96
TR.

COUNTY OF NAPA:

By [signature] Date 12/20/96
Trent Cave, Director of
Environmental Management

STATE OF CALIFORNIA

County of Solano

Title or type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other than named below _____

On Dec. 18 1996 before me Doris M. DeRosier personally appeared Carolyn H Congdon Jr. & George E. Congdon III, Jr.

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Doris M. DeRosier (Seal)
Notary Public in and for said County and State

DORIS M. DE ROSIER
Comm. # 1049797
NOTARY PUBLIC CALIFORNIA
Solano County
My Comm Expires Jan. 16, 1999

STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.

On Dec. 20, 1996, 19___, before me, Lynda Snoddy, Notary Public personally appeared TRENT CAVE, ~~X~~ personally known to me - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

LYNDA NEAN SNODDY
COMM. # 1003995
Notary Public — California
NAPA COUNTY
My Comm. Expires SEP 6, 1997

[signature]
LYNDA N. SNODDY, Notary Public

~~OPTIONAL SECTION~~
CAPACITY CLAIMED BY SIGNER: _____
SIGNER IS REPRESENTING: COUNTY OF NAPA
TITLE OF DOCUMENT: _____
NUMBER OF PAGES: _____
DATE OF DOCUMENT: _____
OTHER SIGNERS OF DOCUMENTS: _____

Exhibit A

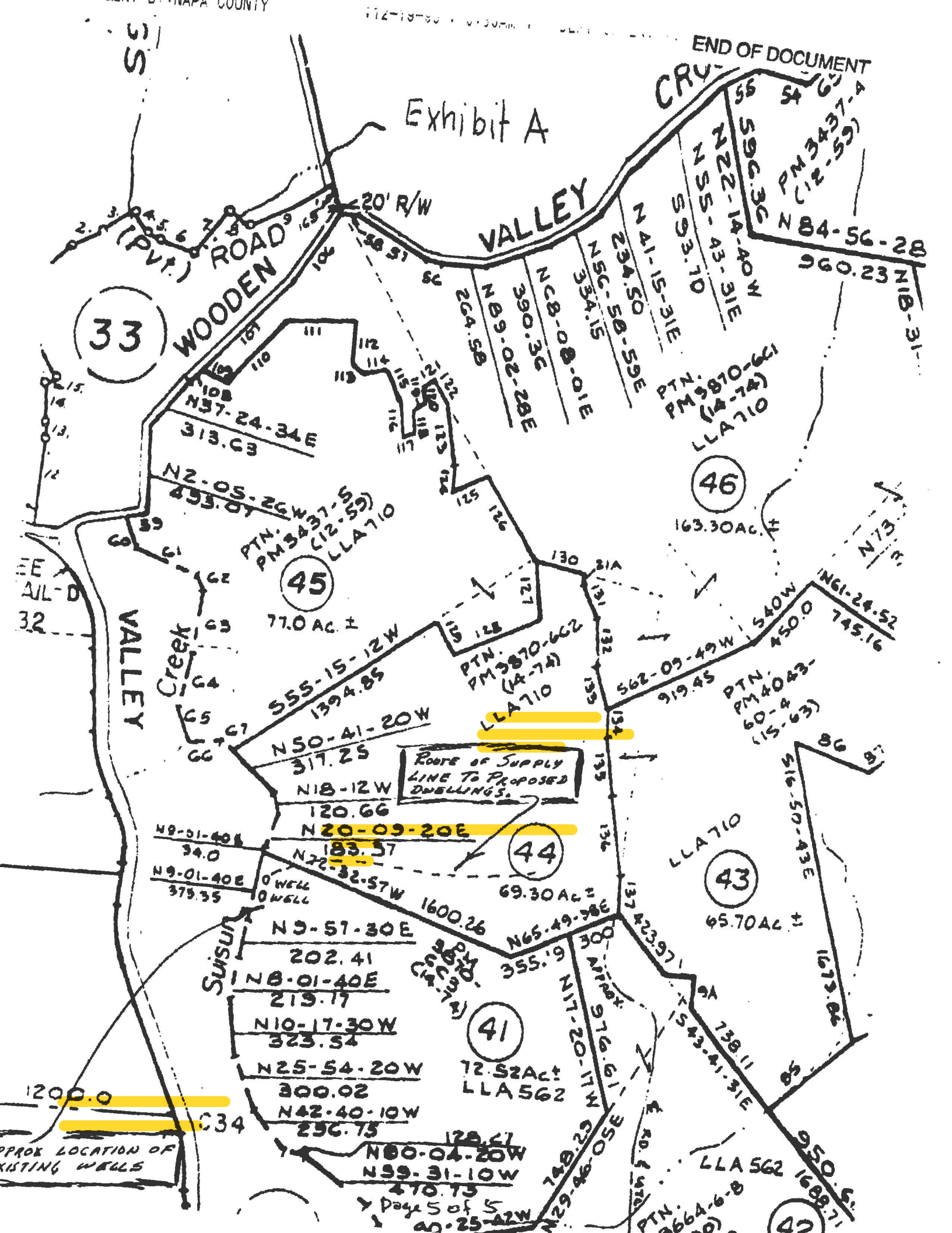

20' R/W
WOODEN VALLEY ROAD
VALLEY Creek
33
45
77.0 Ac. ±
46
163.30 Ac. ±
44
69.30 Ac. ±
43
65.70 Ac. ±
41
72.52 Ac. ±
LLA 562
LLA 710
PTN. PM 3870-662 (14-74) LLA 710
PTN. PM 3437-5 (12-55) LLA 710
PTN. PM 4043-60-4 (15-63)
PM 3437-4 (12-55)
Route of Supply Line To Proposed Dwellings.
Approx. Location of Existing Wells
Page 5 of 5

EXHIBIT C

2005-0018987

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James L. Congdon and George E. Congdon
c/o 35 Quail Ridge Drive
Napa, CA 94558

Recorded
Official Records
County Of
NAPA
JOHN TUTEUR
Recorder

10:37AM 16-May-2005

REC FEE 34.00
PAGE SI 30.00

EV
Page 1 of 10

AGREEMENT FOR WATER SYSTEM FACILITIES AND ACCESS EASEMENTS

This Agreement made this 1st day of May, 2005 by and between James Lee Congdon and Denise Congdon, husband and wife, hereinafter referred to as "Grantors", whose address is 35 Quail Ridge Dr., Napa, CA, 94558, and George E. Congdon III and Carolyn W. Congdon, Trustees of he George E. and Carolyn W. Congdon Revocable Trust dated June 7, 1985, whose address is 25 Quail Ridge Drive, Napa, CA 94558, hereinafter referred to as "Grantees".

Witnesseth

WHEREAS Grantors are the owners of real property (hereinafter referred to as "System Parcel") in the County of Napa, State of California, which is described as Assessor's Parcel Number 033-140-49 (Parcel 6 C 3 1996 OR., 028304) on the Napa County Assessor's Maps, and more particularly described in Exhibit "B" attached hereto and made a part hereof.

WHEREAS the Grantees are the owner of that real property (hereinafter referred to as the "Served Parcel") in the County of Napa, State of California, which is described as Assessor's Parcel No. 033-140-52 (Parcel 6 C 2 1996 OR., 028300) on the Napa County Assessor's Maps, and more particularly described in Exhibit "C" attached hereto and made a part hereof.

WHEREAS there is no adequate individual water system presently located on the Served Parcel; and

WHEREAS, there exist upon the System Parcel several water wells and systems and related pipelines (herein collectively referred to as "Water System"), in compliance with the definition of "approved water system" contained in Section 5291 of the Napa County Code of Ordinances; and

WHEREAS certain future activities cannot take place, or be approved by the County of Napa without recorded assurance that the Served Parcel shall have continued legal access to the Water System if and when the parcels are no longer in the present ownership.

NOW, THEREFORE, Grantors and Grantees hereby agree as follows:

1. The System Parcel shall hereafter be required to operate and maintain a Water System on the System Parcel for the non-exclusive benefit of the Served Parcel substantially in the locations and having the component parts and capacities, including reserve capacities (water storage tanks) as presently exist. Any and all expenses required to operate and maintain the Water System are to be shared equally by Grantors (owners of Parcel #033-140-49) and Grantees (owners of Parcel #033-140-52). Be it understood that the Grantors are the present owner of the existing Water System and Grantors, their heirs, successors, or assigns shall remain the owners of the Water System.

2. Grantors and Grantees hereby grant to each other mutually beneficial reciprocal easements over, under, upon and across both the System Parcel and the Served Parcel for installation, operation and maintenance of an individual water supply system complying with all laws and regulations applicable, together with an easement for ingress and egress and one or more accompanying water pipe lines over, under across the access easements set forth in Exhibit "A", a part of this Agreement, for the purposes of generating on the System Parcel and transporting to the Served Parcel potable water as required for use by the Served Parcel, or as may hereafter be required by the County of Napa, or successor governing body. Said easements shall run with the land, and benefit and burden the undersigned, and their respective heirs, successors, and assigns.

3. The right to use water from the Water System by the Served Parcel is limited as necessary to maintain adequate domestic use for the existing structures (house and barn) located on the Served Parcel. Water is to be used for the maintenance of the landscaping surrounding these two structures and is not to be used for any other purpose such as additional agriculture including, but not limited to orchards, golf course, vineyards, etc.

4. Whereas there is a permit and license issued by the State of California Water Resources Control Board to the present owner of the Served Parcel to divert water from Suisun Creek. The existing point of diversion is presently located on the System Parcel (03 3-140-49). The facilities to pump this water to the Served Parcel where the water is designed to be stored are on the System Parcel. It is agreed that the pumping system being used to divert the Suisun Creek water is owned by the Served Parcel and leased from the System Parcel by the Served Parcel for the sum of one dollar per year for as long as the license and permit are in effect. Both the System Parcel and the Served Parcel shall benefit from the Suisun Creek water. All the operation costs shall be borne on a pro-rata basis of both the System Parcel and the Served Parcel based on the amount of water utilized. The maintenance of the pumping facility to divert

the water from Suisun Creek shall be shared equally by the System Parcel and the Served Parcel.

5. The rights and obligations created by the Agreement shall constitute covenants running with the land which shall bind and inure to the benefit of the Grantors, their heirs, successors and assigns, and all parties claiming an interest in the System Parcel and the Grantees, their heirs, successors and assigns, and all parties claiming an interest in Served Parcel. To that end, this Agreement shall be recorded in the Office of the Napa County Recorder by Grantors forthwith following execution by all of the parties.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto as of the date first above written.

GRANTORS:

James Lee Congdon

Denise Congdon

GRANTEES:

George E. Congdon III, Trustee

Carolyn W. Congdon, Trustee TR.

STATE OF CALIFORNIA
COUNTY OF SOLANO

On 12 MAY 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared CAROLYN W. CONGDON

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Name

P. N.S. PENROD
Commission # 1499165
Notary Public - California
Solano County
My Comm. Expires Jul 6, 2008

Notary Acknowledgment attached to Agreement for Water System Facilities and Access Easements

STATE OF CALIFORNIA
COUNTY OF SOLANO

On 5/13/05, before me, the undersigned, a Notary Public in and for said State, personally appeared James Lee Congdon,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Name Sylvia M. Sandford

SYLVIA M. SANDFORD
COMM. # 1366736
NOTARY PUBLIC-CALIFORNIA
SOLANO COUNTY
COMM. EXP. JULY 27, 2006

STATE OF CALIFORNIA
COUNTY OF SOLANO

On 5-13-05, before me, the undersigned, a Notary Public in and for said State, personally appeared Denice Congdon,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Name Sylvia M Sandford

SYLVIA M. SANDFORD
COMM. # 1366736
NOTARY PUBLIC-CALIFORNIA
SOLANO COUNTY
COMM. EXP. JULY 27, 2006

State of California
County of Solano

On May 12, 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared George E. Congdon III, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) (is) are subscribed to the within instrument and acknowledged to me that (he) she/they executed the same in (his) her/their authorized capacity(ies), and that by (his) her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kimberly C. Mullen

Name Kimberly C. Mullen
(typed or printed)

(Seal)

KIMBERLY C. MULLEN
Commission # 1362105
Notary Public - California
Butte County
My Comm. Expires Jun 24, 2006

KM/km

EXHIBIT "A"

BEING A 40 FOOT WIDE EASEMENT OVER UNDER AND ACROSS PORTIONS OF PARCELS 6C2 AND 6C3 AS RECORDED IN BK. 1996 O.R. PG. 028300, AND BK. 1996 O.R. PG. 028304 RESPECTIVLY NAPA COUNTY RECORDS, STATE OF CALIFORNIA, FOR THE MAINTAINANCE OF A WATER SYSTEM AND ALL OF ITS APPURTENANCES. THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL 6C2 AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD IN BK. 14 P.M. PG. 74, NAPA COUNTY RECORDS; THENCE NORTHEASTERLY ALONG SAID SOUTH LINE N 65° 49' 38" E, 272.04'; THENCE LEAVING SAID SOUTHERLY LINE, SOUTH AT RIGHT ANGLES TO SAID SOUTH LINE, S 24° 10' 22" E, 38.17' TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM SAID TRUE POINT OF BEGINNING, S 84° 47' 37" W, 118.25'; THENCE N 74° 46' 56" W, 171.74'; THENCE N 42° 41' 20" W, 150.63'; THENCE N 88° 26' 19" W, 135.43'; THENCE N 73° 11' 57" W, 137.11'; THENCE S 84° 12' 19" W, 168.50'; THENCE N 71° 46' 00" W, 166.26'.

TOGETHER WITH A 40 FOOT WIDE ACCESS EASEMENT OVER AND ACROSS PORTIONS OF THE ABOVE MENTIONED PARCELS 6C2 AND 6C3 THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

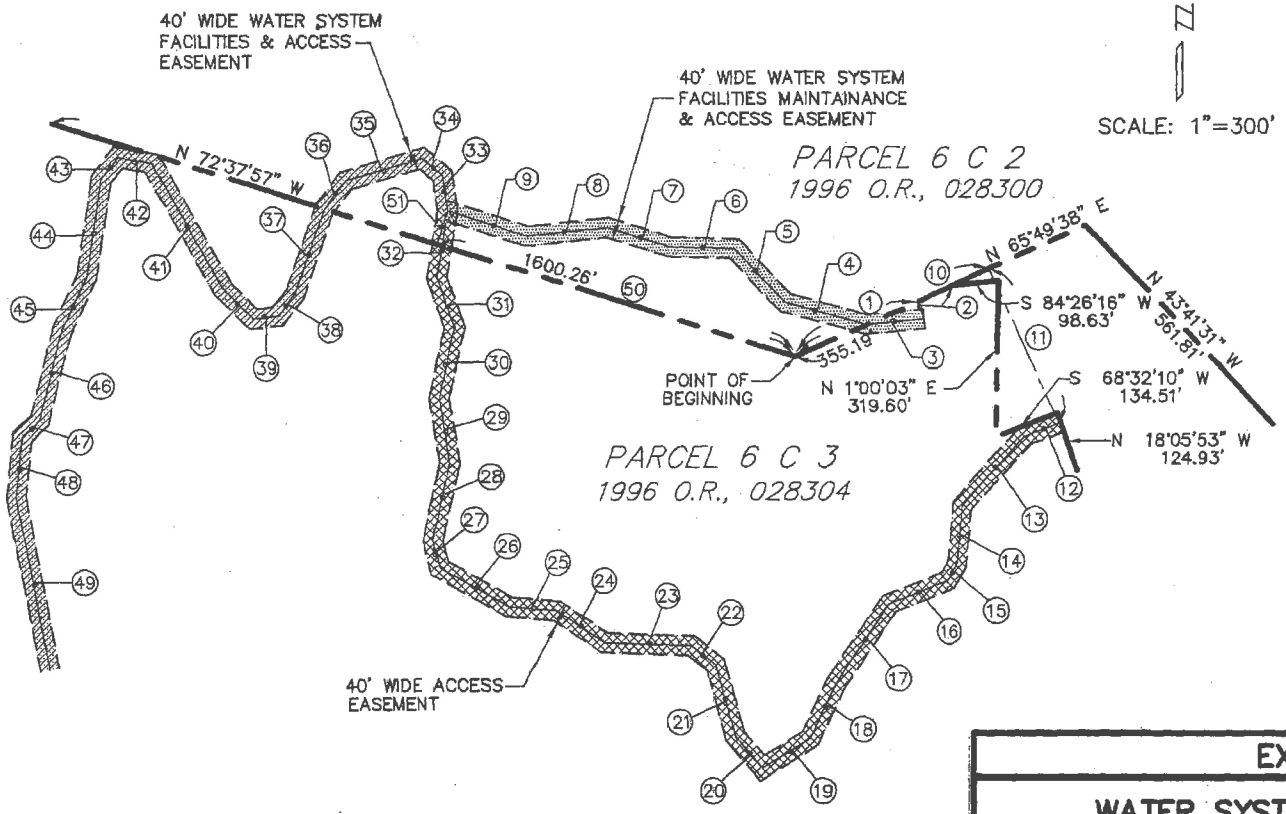
COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL 6C2 AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD IN BK. 14 P.M. PG. 74, NAPA COUNTY RECORDS; THENCE NORTHEASTERLY ALONG SAID SOUTH LINE N 65° 49' 38" E, 441.57'; THENCE LEAVING SAID SOUTHERLY LINE, SOUTH AT RIGHT ANGLES TO SAID SOUTH LINE, S 24° 10' 22" E, 348.45' TO A POINT OF THE EASTERLY LINE OF SAID PARCEL 6C3, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 68° 55' 14" W, 75.32'; THENCE S 42° 13' 30" W, 191.62'; THENCE S 5° 21' 39" W, 121.27'; THENCE S 32° 03' 19" W, 37.82'; THENCE S 68° 55' 46" W, 133.62'; THENCE S 33° 32' 55" W, 193.40'; THENCE S 25° 11' 08" W, 124.26'; THENCE S 57° 41' 09" W, 114.47'; THENCE N 40° 51' 34" W, 84.03'; THENCE N 15° 25' 32" W, 153.06'; THENCE N 52° 17' 25" W, 63.78'; THENCE N 87° 52' 49" W, 183.84'; THENCE N 56° 36' 40" W, 117.66'; THENCE N 84° 59' 56" W, 98.19'; THENCE N 60° 01' 39" W, 158.53'; THENCE N 14° 46' 47" W, 57.94'; THENCE N 12° 06' 37" E, 162.59'; THENCE N 8° 41' 43" W, 136.66'; THENCE N 11° 57' 49" E, 147.14'; THENCE N 19° 17' 58" W, 198.98'; THENCE N 9° 19' 03" E, 137.20' TO THE TERMINOUS OF THE ABOVE DESCRIBED WATER SYSTEM EASEMENT.

TOGETHER WITH A 40 FOOT WIDE WATER SYSTEM AND ACCESS EASEMENT OVER UNDER AND ACROSS PORTIONS OF THE ABOVE MENTIONED PARCELS 6C2 AND 6C3 THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL 6C2 AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD IN BK. 14 P.M. PG. 74, NAPA COUNTY RECORDS; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE N 72° 32' 57"W, 771.08'; THENCE LEAVING SAID SOUTHERLY LINE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE N 17° 27' 03" E, 72.05' TO THE TERMINOUS OF THE TWO ABOVE DESCRIBED EASEMENTS FOR WATER SYSTEM AND ACCESS, AND BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N 8° 07' 21" W, 73.57'; THENCE N 50° 38' 09" W, 56.16'; THENCE S 73° 46' 16" W, 163.81'; THENCE S 38° 25' 23" W, 74.45'; THENCE S 19° 16' 27" W, 183.95'; THENCE S 38° 06'31" W, 58.75'; THENCE S 82° 59'50" W, 51.18'; THENCE N 44° 42' 12" W, 86.02'; THENCE N 29° 23' 13" W, 296.94'; THENCE N 79° 55' 05" W, 66.89'; THENCE S 36° 33' 49" W, 54.99'; THENCE S 8[illegible] 19' 27" W, 204.45'; THENCE S 24° 34' 29" W, 120.40'; THENCE S 14° 27' 28" W, 187.89'; THENCE S 46° 31' 31" W, 50.48'; THENCE S 5° 19' 10" W, 127.82'; THENCE S 11° 36' 37" E, 356.27'.

END OF DESCRIPTION

LICENSED LAND SURVEYOR
STANLEY JOHN SHAM
No. 7409
12-31-05
STATE OF CALIFORNIA



COURSE TABLE					
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
(1)	N 65°49'38" E	272.04'	(27)	N 14°46'47" W	57.94'
(2)	S 24°10'22" E	38.17'	(28)	N 12°06'37" E	162.59'
(3)	S 84°47'37" W	118.25'	(29)	N 8°41'43" W	136.66'
(4)	N 74°46'56" W	171.74'	(30)	N 11°57'49" E	147.14'
(5)	N 42°41'20" W	150.63'	(31)	N 19°17'58" W	108.98'
(6)	N 88°26'19" W	135.43'	(32)	N 9°19'03" E	137.20'
(7)	N 73°11'57" W	137.11'	(33)	N 8°07'21" W	73.57'
(8)	S 84°12'19" W	168.50'	(34)	N 50°38'09" W	56.16'
(9)	N 71°46'00" W	166.26'	(35)	S 73°46'16" W	163.81'
(10)	N 65°49'38" E	441.57'	(36)	S 38°25'23" W	74.45'
(11)	S 24°10'22" E	348.45'	(37)	S 19°16'27" W	183.95'
(12)	S 68°55'14" W	75.32'	(38)	S 38°06'31" W	58.75'
(13)	S 42°13'30" W	191.62'	(39)	S 82°59'50" W	51.18'
(14)	S 5°21'39" W	121.27'	(40)	N 44°42'12" W	86.02'
(15)	S 32°03'19" W	37.82'	(41)	N 29°23'13" W	296.94'
(16)	S 68°55'46" W	133.62'	(42)	N 79°55'05" W	66.89'
(17)	S 33°32'55" W	193.40'	(43)	S 36°33'49" W	54.99'
(18)	S 25°11'08" W	124.26'	(44)	S 8°19'27" W	204.45'
(19)	S 57°41'09" W	114.47'	(45)	S 24°34'29" W	120.40'
(20)	N 40°51'34" W	84.03'	(46)	S 14°27'28" W	187.89'
(21)	N 15°25'32" W	153.06'	(47)	S 46°31'31" W	50.48'
(22)	N 52°17'25" W	63.78'	(48)	S 5°19'10" W	127.82'
(23)	N 87°52'49" W	183.84'	(49)	S 11°36'37" E	356.27'
(24)	N 56°36'40" W	117.66'	(50)	N 72°32'57" W	771.08'
(25)	N 84°59'56" W	98.19'	(51)	N 17°27'03" E	72.05'
(26)	N 60°01'39" W	158.53'			

EXHIBIT "A"

WATER SYSTEM FACILITIES AND ACCESS EASEMENTS

Stanley J. Schram & Assoc.
Professional Land Surveyors
VACAVILLE CALIFORNIA

LICENSED LAND SURVEYOR
STANLEY JOHN SCHRAM
No. 7402
Exp. 12-31-05
STATE OF CALIFORNIA

05-016

Exhibit "B"
Lands of the Grantors

PARCEL 1

A portion of that certain real property situate in the County of Napa, State of California, described as follows:

Being a portion of Parcel 6-B as shown on Book 13 of Parcel Maps, Page 90, and Parcel 6-C-3 as shown on Book 14 of Parcel Maps, Page 74, Napa County Records;

Commencing at a point shown as the common corner of said Parcels 6-D-4, and 6-C-3, as shown on Book 15 of Parcel Maps, Page 63, thence along the common line between 6-C-2 and 6-C-3 as shown on said parcel map, South 65° 49' 38" West, 40.38 feet; thence leaving said common line, South 11° 20' 04" West, 99.40 feet; thence North 89° 39' 27" West, 119.15 feet, to the true point of beginning; thence South 84° 26' 16" West, 98.63 feet, to a point on the common line between said Parcels 6-C-2 and 6-C-3; thence along said common line, South 65° 49' 38" West, 355.19 feet; thence North 72° 32' 57" West, 1600.26 feet; thence along the westerly line of said Parcel 6-C-3, the following courses; South 9° 01' 40" West, 373.35 feet; South 9° 57' 30" West, 202.41 feet; South 8° 01' 40" West, 219.17 feet; South 10° 17' 30" East, 323.54 feet; South 25° 54' 20" East, 300.02 feet; South 43° 40' 10" East, 296.75 feet; South 80° 04' 20" East, 128.27 feet; South 59° 31' 10" East, 470.73 feet; South 33° 56' 40" East, 246.11 feet, to the common corner of Parcels 6-B, as shown on Book 13 of Parcel Maps, Page 90 and said Parcel 6-C-3; thence along the common line between said Parcels 6-B and 6-C-3, North 80° 25' 42" East, 846.56 feet; thence North 29° 46' 05" East, 32.57 feet; thence leaving said common line North 31° 36' 27" East, 702.78 feet; thence North 29° 41' 57" West, 26.19 feet; thence North 17° 20' 16" West, 54.85 feet; thence North 18° 06' 14" East, 141.61 feet; thence North 3° 05' 23" East, 81.61 feet; thence North 7° 27' 14" East, 171.39 feet; thence North 37° 52' 43" West, 144.34 feet; thence North 18° 05' 53" West, 124.93 feet; thence South 68° 32' 10" West, 134.51 feet; thence North 1° 00' 03" East, 319.60 feet; thence South 89° 39' 27" East, 119.15 feet and the point of beginning.

Containing 74.71 Acres more or less

PARCEL 2

A non-exclusive Right of Way for road and utility purposes over the 150 and 60 foot Right of Way to Gordon valley Road, as shown on the Map Entitled, "Parcel Map a portion of the Land of Okell Hill Enterprises," filed September 7, 1983 in Book 13 of Parcel Maps, Page 90 in the Office of the Recorder of Napa County, California.

Exhibit "C"

Lands of the Grantees

PARCEL 1

A portion of that certain real property situate in the County of Napa, State of California, described as follows:

Being a portion Parcels 6-C-2 and 6-C-3 as they are shown on Book 14 of Parcel Maps, Page 74, Napa County Records;

Beginning at a point shown as the common corner of Parcels 6-C-2 and 6-C-3, as shown on said parcel maps and Parcel 6-D-4 as shown on Book 15 of Parcel Maps, Page 63, thence along the common line between 6-C-2 and 6-C-3, South 65° 49' 38" West, 40.38 feet; thence leaving said common line, South 11° 20' 04" West, 99.40 feet; thence North 89 39' 27" West, 119.15 feet; thence South 84° 26' 16" West, 98.63 feet, to a point on the common line between said Parcels 6-C-2 and 6-C-3; thence along said common line, South 65° 49' 38" West, 355.19 feet; thence North 72° 32' 57" West, 1600.26 feet; thence along the westerly line of said Parcel 6-C-2, the following courses; North 9° 01' 40" East, 34.00 feet; North 20° 09' 20" East, 183.37 feet; North 18° 12' West, 120.66 feet; North 50° 41' 20" West, 317.25 feet, to the common corner of said Parcel 6-C-2 and Parcel 5 as shown on Book 12 of Parcel Maps, Page 57; thence along the common line between said Parcels 6-C-2 and Parcel 5, North 55° 15' 12" East, 1394.85 feet; thence leaving said common line, South 33° 43' 24" East, 205.42 feet; thence North 64° 46' 23" East, 531.96 feet; thence North 9° 06' 16" West, 325.41 feet, to a common corner of said Parcels 6-C-2 and 5 and Parcel 6-C-1, as shown on Book 14 of Parcel Maps, Page 74; thence along the common line between said Parcels 6-C-1 and 6-C-2, South 81° 17' 19" East, 298.16 feet; thence leaving said common line, South 5° 22' 21" East, 46.70 feet; thence South 27° 42' 54" East, 202.78 feet; thence South 6° 16' 20" East, 272.51 feet; thence South 18° 31' 05" East, 256.25 feet; thence South 4° 22' 21" East, 152.81 feet; thence South 10° 48' 49" East, 317.74 feet; thence South 11° 20' 21" East, 442.98 feet, to a point on the common line between said Parcels 6-C-2 and Parcel 6-D-4; thence along the common said common line, South 3° 35' 00" West, 221.71 feet and the point of beginning.

Containing 69.53 Acres more or less

PARCEL 2

A non-exclusive Right of Way for road and utility purposes over the 150 and 60 foot Right of Way to Gordon valley Road, as shown on the Map Entitled, "Parcel Map a portion of the Land of Okell Hill Enterprises," filed September 7, 1983 in Book 13 of Parcel Maps, Page 90 in the Office

END OF DOCUMENT

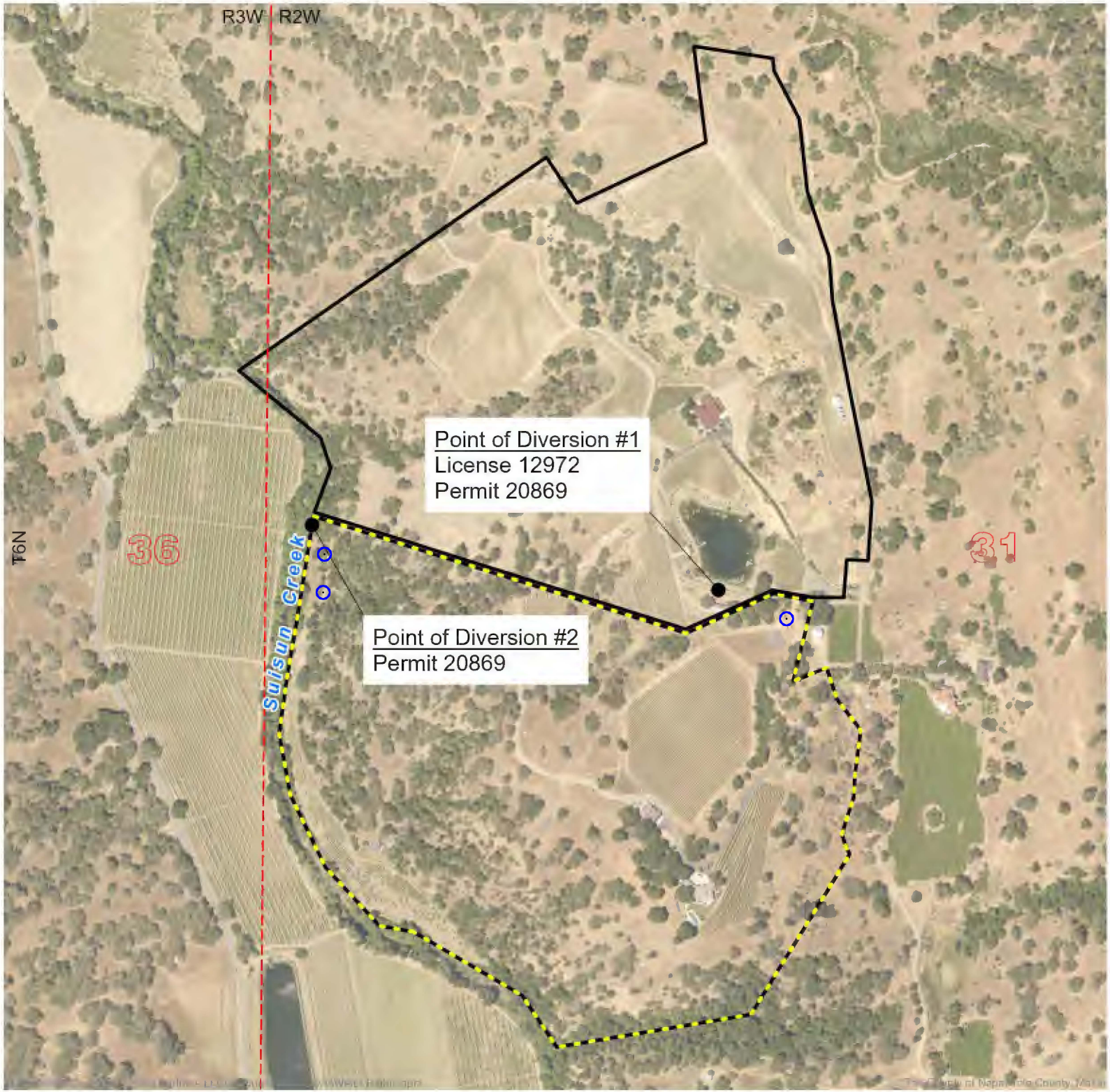
of the Recorder of Napa County, California.

PARCEL 3

A non-exclusive Right of Way for road and utility purposes over Parcel X as shown on the Map entitled, "Parcel Map of a portion of the Lands of Okell Hill Enterprises," filed January 14, 1986, in Book 14 of Parcel Maps, Page 73 and 74, in the office of the Recorder of Napa County, California.

The purpose of this conveyance and the conveyances recorded concurrently herewith is to create a Lot Line adjustment pursuant to the Government Code Section 66412(d) and the Napa County Ordinances.
The consolidation of underlying lots, parcels or portions thereof, as set forth in the above Metes and Bounds description, constitutes an expressed written statement of the grantor, merging said underlying lots, parcels or portions thereof pursuant to Section 1093 of the California Civil Code.

EXHIBIT D



N

0 250 500 1,000

Feet

- Point of Diversion
- Approximate Property Boundary (APN 033-140-052)
- APN 033-140-049

FIGURE 1

Quantum Limit Partners LLC

Water Rights and
Pertinent Project Features

Napa County, California

Wagner & Bonsignore
Consulting Civil Engineers, A Corporation

October 2021

EXHIBIT E

Water

There Are Three Soorces Of Water

#1- A Wecc Aboue The Pond That Produces The Drinking Water For Four Resideneses. #25 Quail Ridge- #27 Quail Ridge (Barn) - #35 Quail Ridge (This House & Jims Barn Apt.). This Welc Is 60 Feet Deep & Deliuers Water To The Conrete Tank Along The Road Aboue 25 Quail Ridge @ 15 Galcon Per Minote. It Also Fills The Concrete Tank @ The Well Site When Called For (A Solenoid Value) Which Is The Supply For Jims House & Barn Apt. This Well Is Metered By A Separate Meter At The Well Site. This Pumping System From The Well To The Tank Is Controlled By A Systen Of Floats In The Tank That Transmit A Signal To A Recieuer At The Pump House @ The Well Site. The Cost Of This System Should Be Shared By 25 Q.R.D. & 35 Q.R.D. On An Agreed On Spcit Determined By Use Of Water. 25 QRD Uses More Water Than 35 QRD. 25 Use Includes A House. A Barn Apt & Irrigation For The Yard @ The House. 35 Uses Water Only For Domestic Use @ Jims House And Barn; No Irrigation. See Description Of Well #2 For Further Expanation In Determining The Sharing The P G & E Bill For This Meter.

#2 - There Are Two Shallow Wells Adjacent To The Creek - Probably Fed By The Creek (Which Flows Year Around). This Is Good Drinking Water. This Filled Our Domestic Needs @ 25 O.R.D. For About Four Years - Until We Drilled The Present Aforementioned Well. This Well Water Is Being Pumped Up To The 2500 Gallon (Black) Tank @ The Pump House Location, By A 7½ H.P. Three Phase Submersable Pump. These Two Wells Pump Together And Put Out Approx 40+ Gallons Per Minute At The Tank Site. This Water Is Being Exclusively Used To Provide Irrigation To The Vineyard @ 25 O.R.D. The Power Being Used To Pump This Water From Black Tank To The Vineyard Is The Responsibility Of #25 O.R.D. Sharing Again To Be Worked Between #25 & #35 O.R.D.

#3. This Source Is Suisun Creek Water. There Are Thorough Agreements On The Use & Cost Regarding This Source. This Water Is Pumped Out Of The Creek By A 3 H.P. Self Priming Suction Pump Located At The Top Of The Creek Bank. It Is Pumped Into A 2500 Gallon Tank At The Same Location. From There The Water Is Pumped Up Hill To A 10,000 Gallon Concrete Tank And Distributed From There To A Series Of Locations For Irrigation & To Keep To Pond @ 25 O.R.D At A Constant Level. The Meter For

THIS SYSTEM IS A THE CREEK SITE AND IS THE METER THAT PROVIDES THE POWER FOR SOURCE #2. THE COSTS OF THIS POWER (PG&E) ARE TO BE SHARED BY #254 #55 ORD ON AN AGREED ON FORMULA.

EXHIBIT F

EXHIBIT G

From: jasona1@comcast.net <jasona1@comcast.net>
Sent: Tuesday, October 13, 2020 9:28 PM
To: 'Glenn Rice' <glenn.c.rice@gmail.com>
Cc: lisa@lisalawley.net; 'Cindy Google' <cindy.a.hoy@gmail.com>
Subject: Domestic water well

Glenn,

Just an FYI the domestic water well has pretty much run dry from what I have been able to conclude. I have been in contact with multiple well companies and the soonest I can get anyone out is in about 2 weeks. I was able to get McLean and Williams to come out to assess the issue in two weeks and explore any options if needed or can be done.

If the well is truly dry we will be having to re-locate a new domestic water well, which will mean you will also need to search for an alternative source for your domestic water. At such time we will then need to re-evaluate the easements.

Thank You,
Jason

* * * * * * *

From: Glenn Rice <glenn.c.rice@gmail.com>
Sent: Tuesday, October 13, 2020 1:09 PM
To: jasona1@comcast.net
Cc: lisa@lisalawley.net; 'Cindy Google' <cindy.a.hoy@gmail.com>
Subject: RE: Domestic water well

Thanks for the update. There are three sources of domestic water for 25/35 QRD. Two wells at the creek and one at mid-level, next to the concrete tank. I've lost track of the well that is currently supplying my domestic water although I presumed it was one at the creek. Which one has gone dry?

* * * * * * *

On Oct 13, 2020, at 9:28 PM, jasona1@comcast.net wrote:

Glenn,

There is only one shared well for both 25/35 QRD, which is the mid-level well. This is the one that is affected and is drying up. The mid-level well is located by Okell Hill Vineyards concrete tanks, just up from your barn, adjacent to your reservoir and is the shared well for domestic water between 25/35 QRD. This was a very stout well and I even had it flow tested a few years ago which confirmed that it was a very strong well. It appears and it's my belief that this well is in the aquifer that your reservoir used to feed, but since your pond has been changed (drained, enlarged and now lined), that aquifer is no longer getting water into it and from the looks of things no longer will. That being said this location will no longer be a viable location for a well if this truly is the case. We will know more once the well is assessed by the well contractor.

Our creek wells have nothing to do with 25 QRD and is evident by the plumbing as well. The only equally shared source that comes from the creek area per all the recorded documents on record is the creek pumping facility and associated water rights from Suisun Creek.

Jason

* * * * * * *

From: Glenn Rice <glenn.c.rice@gmail.com>
Sent: Tuesday, October 13, 2020 7:09 PM
To: jasona1@comcast.net
Cc: lisa@lisalawley.net; Cindy Google <cindy.a.hoy@gmail.com>
Subject: Re: Domestic water well

Jason we have detailed legal documentation that there are three shared wells and that these are all part of the shared water easement. Please don't cause a legal problem for something as trivial as drinking water. Let's see what the analysis is of the well.

The pond connection to the well is sheer speculation and there is no evidence of your theory. An irrigation well on the other side of the pond in the opposite direction and in close proximity has zero problems.

* * * * * * *

From: jasona1@comcast.net <jasona1@comcast.net>
Sent: Monday, November 23, 2020 5:34 PM
To: 'Glenn Rice' <glenn.c.rice@gmail.com>
Cc: lisa@lisalawley.net; 'Cindy Google' <cindy.a.hoy@gmail.com>
Subject: RE: Domestic water well

Glen,

I have attached the well company's recommendations below for your review. If acceptable and once I have your half of the payment, I will schedule the work. Once I know there are no other sources capable of being fed from your domestic tank the water will be turned on after the repairs have been completed.

As you mentioned before according to the documentation, we are to provide you with potable water, but since you brought it up it also specifically states what that water is to be used for. Any other use of that water would be a clear violation of the agreement. Your domestic tank is clearly tied to your other tanks that feed other sources. Unless you can prove that all the lines from all the tanks tied to your domestic tank only feed domestic water per the agreements specified uses, it would constitute clear misuse and a violation of the agreement. I would really hate for you to turn this into a legal matter over misuse of our shared water from my well.

I have asked the well company to let me know how far out scheduling is and waiting to hear back. Once they let me know I will let you know. I am sure that scheduling will be reflective on when we finally give the ok to schedule and could change.

Hi Jason as per our last conversation. We had our technician Shane check your shared well at 35 Quail Ridge Road. Please see findings below.

Shane's troubleshooting indicated that the well is producing around 15 gallons per minute (GPM) which is less than the pump and motor is designed for.

It was also noted that the current well control does not have any means of protecting the pump should the well run out of water.

Not having any sort of protection can cause well pump damage due to air cavitation and overheating of the motor.

Recommendations are as follow.

1 - Install a 10 -12 GPM dole valve at well head pump discharge to prevent air cavitating during over pumping and unlimited discharge output to the dole valve.

2- Install bypass line with manual shut of valve to allow the customer to open & increase pump flow discharge in times where the well may produce more water.

Estimated galvanized materials and valves materials and taxes: $387.00
Estimated labor 2 man crew and service truck port to port at $165.00/hour
Estimated 3 job hours: $495.00

Estimated total $882.00

3 -Install a new programable motor saver 77C (pump protection) 1ph 230 volts. Wire to magnetic contactor inside encloser miscellaneous electrical fittings.

Estimated materials & taxes: $548.44
Estimated labor 2 man crew and service truck port to port $165.00/hour
Estimate 1.5 job hours: $247.50

Estimated total $795.94

4 -Where are you at, approximately 10-15 feet of submersible wire and drop pipe to lower existing well pump as much as possible.

Estimated materials & taxes: $207.48
Estimated labor 2 man crew and service truck port to port $165.00/hour
Estimate 1.5 job hours $247.50

Estimated total $454.98

Please note this estimate is based on all work been done in a single trip. Should work be done during multiple trips labor will increase to reflect the travel time.

Sometimes it takes me a day or two to respond to emails. If you need immediate assistance or have an emergency plesase call my office at the # below. Please excuse any misspellings and typing errors.

EXHIBIT H

MAP WITH EASEMENTS & AERIAL IMAGERY

FOR THE

RICE PROPERTY

LOCATED AT

25 QUAIL RIDGE DRIVE NAPA, CA 94558

APN: 033-140-052

N

0 50 100 200

SCALE: 1"=100'

LINE LEGEND

EXISTING

- PROPERTY LINE
- EASEMENT
- SS — SANITARY SEWER PIPE
- STORM DRAIN PIPE
- W — W — WATER PIPE
- UE — BURIED ELECTRIC
- OHW — OVERHEAD ELECTRIC
- GAS — GAS LINE
- 45 — CONTOURS
- LIMITS OF GRADING
- HEDGE
- FENCE LINE

SYMBOL LEGEND

- EXISTING TREE

AB	AGGREGATE BASE	ESMT	EASEMENT	R	RADIUS
AC	ASPHALT CONCRETE	ETW	EDGE OF TRAVELED WAY	RCP	REINFORCED CONCRETE PIPE
AIC	AIR CONDITIONING	EVC	END VERTICAL CURVE	RD	RELATIVE DENSITY
AD	AREA DRAIN	FC	FACE OF CURB	REQ	REQUIRED
AP	ANGLE POINT	FF	FINISHED FLOOR	RIM	RIM ELEVATION
APR	APPROVED	FG	FINISHED GRADE	RT	RIGHT
ARV	AIR RELIEF VALVE	FH	FIRE HYDRANT	ROW	RIGHT OF WAY
BC	BEGIN CURVE	FI	FIELD INLET	S	SLOPE
BCR	BEGIN CURB RETURN	FL	FLOW LINE	SD	STORM DRAIN
BM	BENCHMARK	GB	GRADE BREAK	SDE	STORM DRAIN EASEMENT
BO	BLOW-OFF VALVE	GR	GRATE ELEVATION	SDMH	STORM DRAIN MANHOLE
BP	BEGINNING POINT	HP	HIGH POINT	SE	SIDEWALK EASEMENT
BVC	BEGIN VERTICAL CURVE	INV	INVERT ELEVATION	SF	SQUARE FEET
BW	BOTTOM OF WALL	IRR	IRRIGATION	SPEC	SPECIFICATIONS
BOW	BACK OF WALK	JP	UTILITY JUNCTION POLE	SS	SANITARY SEWER
CL	CENTER LINE	JT	JOINT TRENCH	SSE	SANITARY SEWER EASEMENT
CLR	CLEAR	LAT	LATERAL	SSLAT	SANITARY SEWER LATERAL
CB	CATCH BASIN	LF	LINEAL FEET	SSMH	SANITARY SEWER MANHOLE
CMP	CORRUGATED METAL PIPE	LOP	LIP OF GUTTER	STA	STATION
CO	CLEAN OUT	LP	LOW POINT	STD	STANDARD
CONC	CONCRETE	LT	LEFT	STLT	STREET LIGHT
CP	CONTROL POINT	MAX	MAXIMUM	T	TANGENT
CR	CURB RETURN	MH	MANHOLE	(T)	TOTAL
DI	DRAIN INLET	MIN	MINIMUM	TB	TREE BOX
DIP	DUCTILE IRON PIPE	ORN	ORNAMENTAL TREE	TC	TOP OF CURB
DWY	DRIVEWAY	OHW	OVER HEAD UTILITY WIRE	TEMP	TEMPORARY
(E)	EXISTING	(P)	PROPOSED	TG	TOP OF GRATE
EA	EACH	PI	POINT OF INTERSECTION	TW	TOP OF WALL
EC	END CURVE	PL	PROPERTY LINE	TYP	TYPICAL
ECR	END CURB RETURN	PSDE	PRIVATE STORM DRAIN ESMT	UE	UNDER GROUND ELECTRICAL
EGR	EDGE OF GRAVEL	PUE	PUBLIC UTILITY EASEMENT	VC	VERTICAL CURVE
EL	ELEVATION	PVC	POLYVINYL CHLORIDE	W	WATER
EP	EDGE OF PAVEMENT	PVI	VERTICAL CURVE INTERSECTION	WLAT	WATER SERVICE LATERAL
EQ	EQUAL	PAV	PAVEMENT	WM	WATER METER

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PROPERTY LINES:

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SURVEY STATEMENT:

THIS MAP IS BASED ON FIELD SURVEY INFORMATION PERFORMED BY *CMP CIVIL ENGINEERING & LAND SURVEYING* IN SEPTEMBER OF 2017 AROUND RESIDENCE & MARCH OF 2018 AROUND WW AREA. THIS MAP IS BASED ON THE THE DATA PROVIDED BY AMERICAN AERIAL SURVEY, FLOWN AUGUST 2018 & NAPA COUNTY GIS DATA. HORIZONTAL AND VERTICAL DATUM IS ASSUMED.

CMP CIVIL ENGINEERING & LAND SURVEYING

PREPARED BY:
CAMERON PRIDMORE PE, PLS
1607 CAPELL VALLEY ROAD
NAPA, CA 94558
(707) 815-0888
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CMPENGINEERING.COM

DATE: 11/19/2020

PROJECT #: 00121

REV. #	DESCRIPTION	DATE

PROJECT INFO:
RICE PROPERTY
25 QUAIL RIDGE DRIVE
NAPA, CA 94558
APN: 033-140-052

SHEET NAME:
EASEMENT & AERIAL MAP

SHEET:
1

OF 1

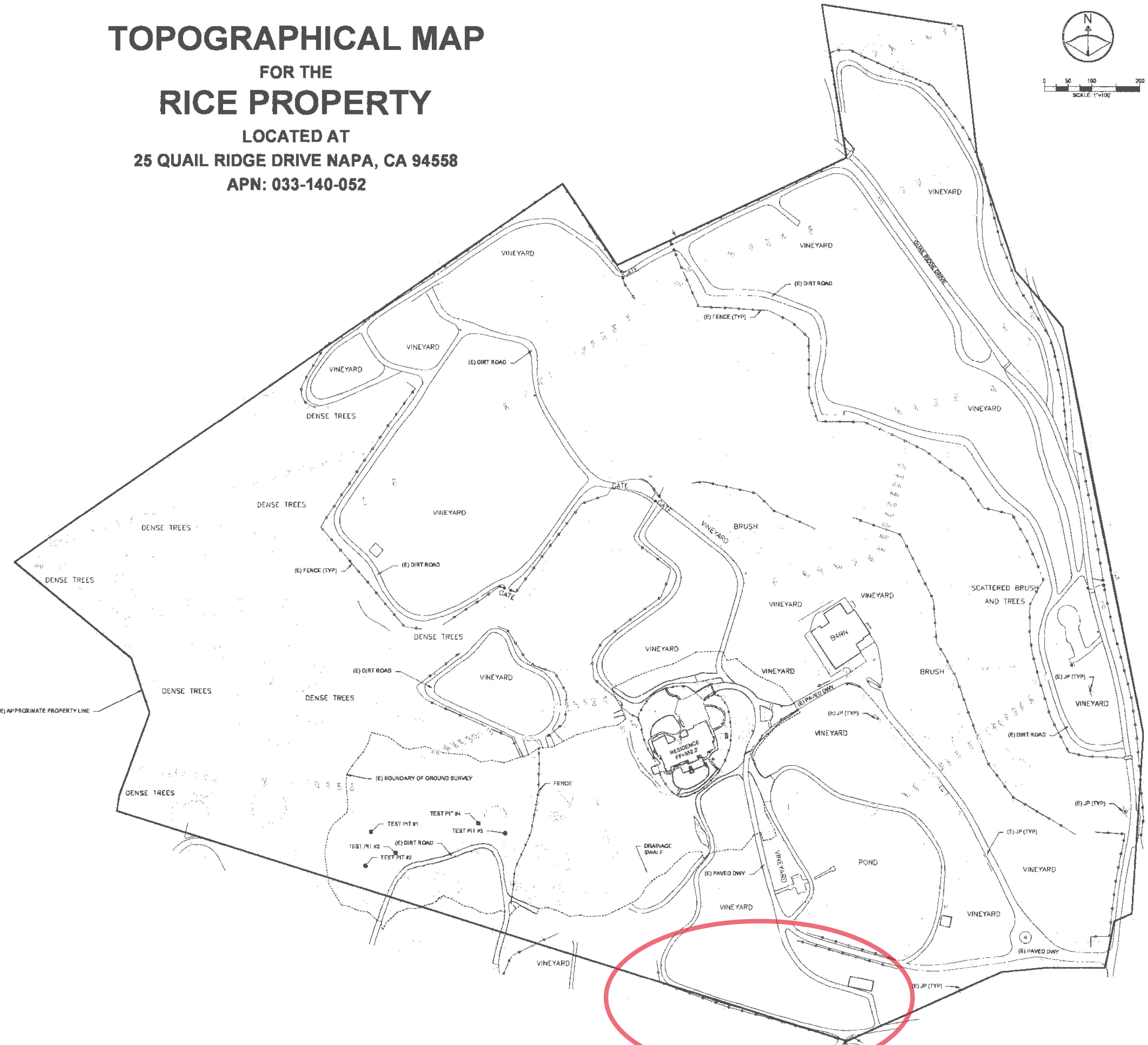
EXHIBIT I


EMENTS PER
UMENT 2005-0018987
CIAL RECORDS OF
A COUNTY

EXHIBIT J

EXHIBIT K

TOPOGRAPHICAL MAP
FOR THE
RICE PROPERTY
LOCATED AT
25 QUAIL RIDGE DRIVE NAPA, CA 94558
APN: 033-140-052



LINE LEGEND

EXISTING

	PROPERTY LINE
	EASEMENT
SS	SANITARY SEWER PIPE
	STORM DRAIN PIPE
W	WATER PIPE
	BURIED ELECTRIC
OHW	OVERHEAD ELECTRIC
GAS	GAS LINE
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	LIMITS OF GRADING
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REV. #	DESCRIPTION	DATE

PREPARED BY:
CAMERON PRIDMORE PE, PLS
1807 CAPELL VALLEY ROAD
NAPA, CA 94558
(707) 815-0988
CAMERON@CMPENGINEERING.COM
CMPENGINEERING.COM
CMP CIVIL ENGINEERING & LAND SURVEYING

PROJECT # 00121 DATE: 09/17/2018

PROJECT INFO: RICE PROPERTY, 25 QUAIL RIDGE DRIVE, NAPA, CA 94558, APN: 033-140-052

SHEET NAME: TOPOGRAPHICAL MAP

EXHIBIT L


Google Earth
N
100 ft

EXHIBIT M

ECONOMY | U.S. ECONOMY

Fed Officials Project Three Interest Rate Rises in 2022 and Accelerate Stimulus Wind-Down

Reducing bond-buying program more quickly opens door to earlier interest rate rise

By Nick Timiraos Follow

Updated Dec. 15, 2021 5:45 pm ET

The Federal Reserve set the stage for a series of interest rate increases beginning next spring, completing a major policy pivot that showed much greater concern about the potential for inflation to stay high.

Most central bank officials, in projections released Wednesday at the conclusion of their two-day meeting, penciled in at least three quarter-percentage-point rate increases next year. In September, around half of those officials thought rate increases wouldn't be warranted until 2023.

For months, Fed leaders had stuck to a view that higher price pressures this year were caused primarily by supply-chain bottlenecks and would ease on their own. But Fed Chairman Jerome Powell had in recent weeks signaled much less conviction about that forecast, and the projections Wednesday suggest most of his colleagues share his concern.

Stocks closed higher as investors welcomed the Fed's messages. The S&P 500 rose 1.63%, reversing earlier declines and ending the day near a record. The Dow Jones Industrial Average added 383.25 points, or 1.08%. The Nasdaq Composite Index surged 2.15%. Treasury yields rose as well.

One immediate sign of officials' increased urgency: They approved plans that will more quickly scale back their Covid-19 pandemic stimulus efforts, ending a program of asset purchases by March instead of June. That opens the door for them to start raising rates at their second scheduled meeting next year, in mid-March.

The Fed wants to end the asset purchases, a form of economic stimulus, before it lifts its short-term benchmark rate from zero to prevent inflation from staying too high.

"A decision to taper faster says something about your desire to raise rates," said

Michael Gapen, chief U.S. economist at Barclays, who expects the Fed will lift them in March. "There is no reason to taper faster unless you want to get to rate hikes sooner. That's the only reason you'd want to do it."

The shift is the latest sign of how an acceleration and broadening of inflationary pressures, together with signs of an ever-tighter labor market, have reshaped officials' economic outlook and policy planning.

"There's a real risk now, I believe, that inflation may be more persistent and...the risk of higher inflation becoming entrenched has increased," said Mr. Powell at a news conference Wednesday afternoon. "That's part of the reason behind our move today, is to put ourselves in a position to be able to deal with that risk."

Fed officials in early November agreed to reduce their then-$120 billion-a-month in bond purchases by $15 billion a month, to $90 billion this month. On Wednesday, officials said they would accelerate that wind-down beginning next month, reducing purchases by $30 billion a month. As a result, they will purchase $60 billion in Treasury and mortgage securities in January, putting the program on track to end by March.

"If they could wave a wand, I think they would want to stop it altogether, because it's not needed in the economy at this point. There's so much money flowing through every single asset class," said Kenneth Rosen, housing economist at the University of California, Berkeley.

Officials in their postmeeting statement described their goal of inflation moderately exceeding their 2% target as being met, one of two key criteria the central bank has laid out to justify raising rates. Officials said they hadn't yet met the other criterion, in which labor market conditions are consistent with maximum employment.

But Mr. Powell suggested that goal might be achieved soon. "We're making rapid progress toward maximum employment," he said.

For the first time since the Fed slashed rates to near zero when the pandemic hit the U.S. in March 2020, Mr. Powell said nothing to dispel expectations that officials could be contemplating rate rises in the next few months.

"We'll be in a position to raise interest rates as and when we think it's appropriate," he said. "And we will, to the extent that's appropriate."

Brisk demand for goods, disrupted supply chains, temporary shortages and a rebound in travel have pushed 12-month inflation to its highest readings in decades. Core consumer prices, which exclude volatile food and energy

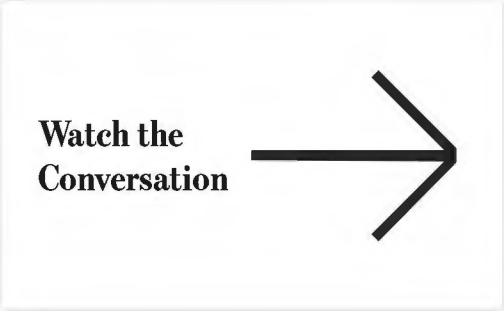
categories, were up 4.1% in October from a year earlier, according to the Fed's preferred gauge.

In economic projections released Wednesday, most Fed officials project core inflation to reach 4.4% at the end of this year before declining to 2.7% next year and 2.1% by the end of 2024. That is up from projections in September that inflation would slow from 3.7% to 2.3% at the end of next year.

Ask WSJ

The Economic Outlook

Mary Daly, president of the Federal Reserve Bank of San Francisco, answers questions about the U.S.'s economic outlook and the Fed's moves on inflation.



Fed officials' decision to take their foot off the gas more quickly reflects a shifting calculus about the potential for stronger demand to push up prices—such as wages and rents—even after supply-chain bottlenecks and shortages of items such as cars abate.

"It isn't so much inflation today that's the problem. What they want to make sure is that they haven't let the situation get out of hand, where once the supply-based inflation has come down, demand-based inflation tells them they should have gone sooner or faster," said Laurence Meyer, a former Fed governor who is now president of research-advisory firm Monetary Policy Analytics.

Retail sales rose modestly last month, as holiday shoppers grappled with rising prices and supply shortages, which had prompted some to snap up gifts earlier. Sales at U.S. retail stores, online sellers and restaurants rose by a seasonally adjusted 0.3% in November from the previous month, a slowdown from October's robust 1.8% increase, the Commerce Department said Wednesday.

Wednesday's rate projections show all 18 Fed officials expect rates will need to rise next year. After projecting three quarter-percentage-point rate rises next year, most officials penciled in at least three more rate increases in 2023 and two more in 2024.

Beginning in April, officials characterized elevated inflation as "transitory," largely because it reflected supply-chain bottlenecks that officials expect will abate. But they stopped using that term in their policy statement Wednesday, partly due to confusion over what the word means and to reflect greater uncertainty over how long it could take inflation to slow.

Federal Reserve Chairman Jerome Powell had signaled greater concern about inflation in recent weeks.

PHOTO: ANDREW HARNIK/ASSOCIATED PRESS

Mr. Powell said he had been surprised in recent months by a run of hotter economic data that hints at stronger demand in the U.S. economy and not simply idiosyncratic supply constraints that have also pushed up prices. A sharp run-up in home values, stocks and other assets has boosted wealth for many Americans, fueling stronger demand and potentially allowing some to retire earlier than they had anticipated, tightening the labor market.

Questions remain over the tightness in the job market, especially because it is hard to tell how many people might have left the workforce for good. Over the three months ending in November, the unemployment rate has fallen by 1 percentage point, to 4.2%.

While there are still 3.9 million fewer people working than in February 2020, some of that gap might reflect retirees or others who are choosing not to work for several reasons, including fear of Covid-19, increased household wealth or lack of child care.

"We're not going back to the same economy we had in February of 2020, and I think early on, the sense was that that's where we were headed," Mr. Powell said.

Fed officials are facing two opposite risks. One is that they tighten monetary policy that causes the economy to slow on top of a sharp drop in the rate of inflation next year. The other is that inflation stays higher and households and businesses come to expect prices to keep rising, leading to a wage-price spiral.

"That gets really hard to deal with," said William English, a former senior Fed economist who is now professor at the Yale School of Management. "They're just in a very tough situation where there are bad risks in both directions, and they're trying to balance those risks."

Officials are giving more weight to the prospect that the aggressive fiscal- and monetary-policy responses to the pandemic last year altered traditional recessionary dynamics, buoying hiring and wage growth that normally takes longer to recover after a downturn.

When the pandemic hit, it "looked at the beginning like it might cause a global depression, and so we threw a lot of support at it," Mr. Powell said. "What's coming out now is really strong growth, really strong demand, high incomes.... People will judge in 25 years whether we overdid it or not, but we are where we are."

Write to Nick Timiraos at nick.timiraos@wsj.com

Bracing for Inflation

Analysis from The Wall Street Journal, selected by the editors

FAQ

How Inflation Works: What to Know

CHARTS

The Items Seeing the Biggest Price Increases

CONSUMERS

The Cost of Rent Is Where Many Feel Inflation Most

WORKERS

Companies Plan Big Raises, Citing Inflation

STREETWISE

Why Did Powell Pivot on Inflation? The Answer Is Key

INTERVIEW

The Outlook for Inflation—Near Term and Far

JASON ZWEIG

Investing for Inflation

TAX STRATEGIES

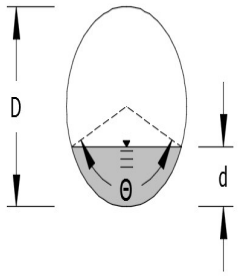
Tax Winners and Losers from High Inflation

Appeared in the December 16, 2021, print edition as 'Fed Maps Out 2022 Rate Increases.'

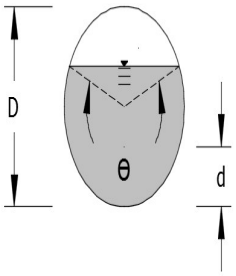
Figure 1

Supplemental Hydraulic Calculations

Project Site:	Quantum Limit Vineyards
Site Address:	25 Quail Ridge Drive
	Napa, CA.
APN:	033-140-052
Permit #:	P19-00453 ECPA
Prepared by:	Omar Reveles
Date:	5/5/2022



CIRCLE



CIRCLE

Hydrology Information (from TR55 report, 100 year storm)		
Watershed	**Flow Rate**	
Reservoir*	17.4	cfs
A1-A6	12.17	cfs
C2	1.04	cfs
C4	0.38	cfs
C6	0.39	cfs
Cumulative	31.38	cfs

Topography Information (from survey topo)		
C6 Inlet Elevation	291	feet
Outfall Elevation	264	feet
Pipe Length	155	feet
Average Slope	0.17	feet/feet

*Peak flow rate for reservoir spillway is based on Rational Method for 100 year storm.

Pipe Hydraulic Information and Calculations

Pipe Material	HDPE	Dual Wall
Average slope	0.17	feet/feet
Inside Diameter	24	inch
Mannings "n"	0.012	
Flow depth	0.76	feet
θ(rad)	2.6550	
θ(degrees)	152	
Area	1.09	sq. ft.
Wetted Perimeter	2.66	feet
Hydraulic Radius	0.41	feet
Velocity	28.69	fps
Flow rate	31.38	cfs
% Full*	38%	OK

*Iterative solution using Mannings Equation

Pipe Material	HDPE	Dual Wall
Min. slope at outfall*	0.02	feet/feet
Inside Diameter	24	inch
Mannings "n"	0.012	
Flow depth	2.00	feet
θ(rad)	6.2832	
θ(degrees)	360	
Area	3.14	sq. ft.
Wetted Perimeter	6.28	feet
Hydraulic Radius	0.50	feet
Velocity	9.99	fps
Flow rate	31.38	cfs
% Full	100%	OK

*Iterative solution using Mannings Equation

V = (1.49/n) x R^(2/3) x s^(1/2) and Q = A x V

New Drop Inlet Riser and Sump Sizing

Watershed	Riser Diam. (in)	Sump Diam. (in)	Riser "H" Reqd. (ft)	Sump "H" Reqd. (ft)	Circular Weir: H=(Q/(9.73xd))^(2/3)
C2	6	12	0.36	0.36	
C4	6	12	0.18	0.18	Semi-circular weir:
C6	6	12	0.19	0.19	H=(Q/(4.87xd))^(2/3)

Set riser invert 1.0' below sump invert.

Use earthen berm to create required head at sump.