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ENDORSED

APR 13 2009

Clerk of the Napa Superior Court
By: F. WALKER
Deputy

6 SUPERIOR COURT OF CALIFORNIA
7 IN AND FOR THE COUNTY OF NAPA

8 PEOPLE OF THE STATE OF CALIFORNIA,
9

10 Plaintiff,

11 vs.

12 ANTHONY PEJU, et al.

13 Defendants

Case No. NSC 26-39559

FINAL JUDGMENT

14 Plaintiff appears through its attorneys, Gary A. Lieberstein, District Attorney of Napa
15 County, by Richard A. Zimmerman, Deputy District Attorney, and defendants appear through
16 their attorneys, the Law Offices of James R. Rose by James R. Rose.

17 The Court finds that the parties hereto have stipulated and consented to the entry of this
18 Final Judgment without the taking of proof, without this Final Judgment constituting evidence or
19 an admission by defendants regarding any issue of fact alleged in the complaint, and without
20 defendants admitting any liability herein. The Court having considered the matter and the
21 pleadings, and good cause appearing therefore,

22 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

- 23 1. The Court has jurisdiction of the subject matter hereof and of the parties hereto.
24 2. Unless designated otherwise herein, the injunctive portions of this Judgment are
25 applicable to defendants Anthony Peju, individually, as trustee of the Peju Family Revocable
26 Trust Dated October 9, 1993, and as president and a director of Peju Province Corporation;
27 Herta Peju, individually and as trustee of the Peju Family Revocable Trust Dated October 9,
28 1993; Persephone Ranch LP, a California limited partnership; Peju Province Corporation, a
California corporation and general partner of Persephone Ranch LP (hereinafter
"DEFENDANTS"), and also to each of their agents, servants, employees, representatives, partners,

1 successors and assigns, and to all persons, employees, and other entities who are acting in concert
2 or participating with DEFENDANTS, with actual or constructive notice of this Judgment.

3 3. Defendants Anthony Peju, individually, as trustee of the Peju Family Revocable Trust
4 Dated October 9, 1993, and as president and a director of Peju Province Corporation; Herta Peju,
5 individually and as trustee of the Peju Family Revocable Trust Dated October 9, 1993;
6 Persephone Ranch LP, a California limited partnership; and Peju Province Corporation, a
7 California corporation and general partner of Persephone Ranch LP, are hereinafter referred to
8 collectively as the "POPE VALLEY DEFENDANTS." Certain mandatory injunctive portions of
9 this Judgment designated below are applicable specifically to the POPE VALLEY
10 DEFENDANTS, and apply to the real estate parcels identified as Napa County Assessor's Parcel
11 Numbers 018-090-078-000 and 018-090-049-000, hereinafter referred to as the "POPE
12 VALLEY PROPERTIES."

13 4. Defendants Anthony Peju and Herta Peju, individually and as trustees of the Peju
14 Family Revocable Trust Dated October 6, 1993 are hereinafter referred to collectively as the
15 "DUTCH HENRY DEFENDANTS." Certain mandatory injunctive portions of this Judgment
16 designated below are applicable specifically to the DUTCH HENRY DEFENDANTS and apply
17 to the real estate parcel identified as Napa County Assessor's Parcel Number 018-060-068-000,
18 hereinafter referred to as the "DUTCH HENRY PROPERTY."

19 **I. PROHIBITORY INJUNCTION APPLICABLE TO ALL DEFENDANTS:**

20 5. Pursuant to Fish and Game Code sections 1615 and 5650.1, Business and Professions
21 Code section 17203, Civil Code section 731, Civil Code section 3494 and Government Code
22 section 2652, DEFENDANTS are hereby permanently prohibited, enjoined and restrained from
23 doing, directly or indirectly, any or all of the following:

24 A.) Engaging in any activity that would divert or obstruct the natural flow of, or substantially
25 change the bed, channel or bank of any river, stream or lake designated by the
26 Department of Fish and Game unless defendant first notifies the Department, obtains an
27 agreement pursuant to Fish and Game Code section 1602 et seq. from the Department of
28 Fish and Game, and does not exceed the scope of, or fail to abide by and follow each and

1 every provision and condition of said agreement;

2 B.) Depositing in, permitting to pass into, or placing where it can pass into any waters of the
3 State of California, any sediment, soil, grading spoils, or any other substance or material
4 arising from grading, earth moving or construction activities that is deleterious to fish,
5 plant life or bird life in violation of Fish and Game Code section 5650;

6 C.) Engaging in any activity within Napa County for which a soil erosion control plan
7 pursuant to Napa County Code chapter 18.108, Conservation Regulations, would be
8 required, including but not limited to engaging in vegetation removal, earthmoving
9 activity or grading within an erosion hazard area, without first obtaining an approved soil
10 erosion control plan from the Napa County Department of Conservation, Development
11 and Planning pursuant to the requirements of Napa County Code chapter 18.108,
12 Conservation Regulations;

13 D.) Engaging in any activity within Napa County for which a grading permit would be
14 required without having first applied for and receiving an approved grading permit from
15 the Napa County Department of Public Works pursuant to the requirements of Napa
16 County Code chapter 15.08, Building and Excavations, Article II, Excavations Not
17 Requiring a Building Permit;

18 E.) Engaging in any activity within Napa County that would contravene the floodplain
19 restrictions placed on the real estate parcel identified as Assessor's Parcel Number 018-
20 090-078-000 by the covenant in Napa County Recorder's Parcel Map No.7 PM 54/55, or
21 would alter the hydraulic characteristics of the special flood hazard area associated with
22 the parcel without first having obtained a floodplain permit pursuant to Napa County
23 Code section 16.04.520; and

24 F.) Engaging in any new construction, earthmoving activity, grading or removal of
25 vegetation or agricultural uses within a stream setback pursuant to Napa County Code
26 section 18.108.025, General provisions—Intermittent/perennial streams, unless an
27 exception has been granted through a use permit pursuant to Napa County Code section
28 18.108.040.

1 **II. MANDATORY INJUNCTIVE CONDITIONS APPLICABLE TO**
2 **THE POPE VALLEY DEFENDANTS**

3 6. Pursuant to Fish and Game Code sections 1615 and 5650.1, Business and Professions
4 Code section 17203, Civil Code section 731, Civil Code section 3494 and Government Code
5 section 2652, the POPE VALLEY DEFENDANTS are hereby ordered and mandated to do all of
6 the following:

7 A.) Comply with the terms of State Water Resources Board License for Diversion and Use of
8 Water No. 11940 and any new or revised water rights license that POPE VALLEY
9 DEFENDANTS may acquire for the POPE VALLEY PROPERTIES. The POPE
10 VALLEY DEFENDANTS shall not exceed the maximum total water storage capacity of
11 49 acre feet or use more than 49 acre feet of water per annum from the reservoir
12 identified in Exhibit (1) hereto as the "Lower Reservoir" allowed pursuant to State Water
13 Resources Board Water Appropriation License no. 11940 as modified on March 5, 2002,
14 on the real estate parcel identified as Assessor's Parcel Number 018-090-078-000. Any
15 inflow of water exceeding a total storage capacity of 49 acre feet shall be expeditiously
16 discharged into the unnamed tributary connecting to Burton Creek either across the
17 spillway or through bypass pumping in a manner that does not lead to increased
18 sedimentation, bank instability, or other down stream impacts. POPE VALLEY
19 DEFENDANTS shall make and retain records of the excess quantities of water detained
20 and subsequently discharged and shall disclose these quantities on the annual report to
21 the watermaster required by the terms of State Water Resources Control Board License
22 No. 11940 for Diversion and Use of Water pursuant to Condition 12 of the March 10,
23 1995 Settlement Agreement in the Sacramento Superior Court Case identified as Judicial
24 Council Coordination Proceeding No. 2565. If the POPE VALLEY DEFENDANTS
25 subsequently obtain from the State Water Resources Control Board a new or modified
26 water diversion license for a greater storage capacity for, or increased annual water use
27 from the Lower Reservoir, the requirements of this section shall be modified to comport
28 with the new or modified license specifications for storage capacity and use.

1 B.) The POPE VALLEY DEFENDANTS shall within 6 months of entry of this Judgment
2 purchase an easement for development and use rights to three (3) acres of wetlands
3 within the Burton Creek watershed to mitigate the loss of wetlands on the eastern inflow
4 tributary to the Lower Reservoir. A recorded easement assigned to the Napa Land Trust
5 or other mutually acceptable trustee shall permanently restrict the development and use
6 rights for such wetlands. A copy of the easement filed with the Napa County Recorder's
7 Office shall be provided to the Napa County District Attorney's Office within 7 days of
8 filing.

9 C.) Within 90 days of entry of this judgment, the POPE VALLEY DEFENDANTS shall
10 submit a plan prepared by a professional engineer and any other necessary professional
11 environmental consultants to remove the existing culvert bridge across Burton Creek on
12 the real estate parcel identified as Assessor's Parcel Number 018-090-078-000, replace
13 the bridge with a single span bridge designed with abutments outside of the bed, bank and
14 channel of Burton Creek, and restore the bed, bank, channel and riparian vegetation of
15 the area of Burton Creek affected by the bridge replacement project. This plan shall be
16 submitted to the Department of Fish and Game and to the Napa County Department of
17 Public Works, the latter in the capacity of engineer for the Napa County Flood Control
18 District, for review and approval. The bridge replacement shall be completed by October
19 15, 2009.

20 G.) Within 90 days of entry of judgment, the POPE VALLEY DEFENDANTS shall submit a
21 plan to the Napa County Department of Conservation, Development and Planning to
22 remove or realign the existing access roads, agricultural roads, vineyard avenues,
23 irrigation equipment, and vineyard plantings and trellises and any associated
24 improvements shown on Exhibit2 hereto as encroachments within the stream setback
25 requirements of Napa County Code section 18.108.025 along Burton Creek and the
26 unnamed tributaries to Burton Creek on the real estate parcels identified as Assessors
27 Parcel Numbers 018-090-078-000 and 018-090-049-000, the POPE VALLEY
28 PROPERTIES. Any encroaching road or vineyard avenue and any associated

1 improvements shall be removed or realigned outside of the setback area and the areas
2 within the stream setbacks re-vegetated. The plan and its review shall comport with the
3 requirements of Paragraphs 8 and 9 below.

4 H.) Within 90 days of the entry of this Judgment, the POPE VALLEY DEFENDANTS may
5 apply for a use permit exception pursuant to Napa County Code section 18.108.040 for
6 any existing stream set-back encroachment in violation of Napa County Code
7 18.108.025 on the these parcels. Any application for a use permit must be complete and
8 competent; if the application is found to be incomplete, any corrections or revisions
9 and/or additional information shall be made or provided in accordance with the timing
10 and procedures in Paragraph 9 below. The burden of proof that a use permit exception is
11 appropriate rests on the POPE VALLEY DEFENDANTS. All encroachments within the
12 applicable stream setback requirements of Napa County Code section 18.108.025 not
13 subject to an approved use permit exception or a pending application filed pursuant to
14 Napa County Code section 18.108.040 within 60 days of the entry of this Judgment shall
15 be removed and the set-back restored and re-vegetated by October 15, 2009. The plan and
16 its review shall comport with the requirements of Paragraphs 8 and 9 below

17 I.) Prior to any application for or undertaking of any new earthmoving, grading,
18 construction, water storage or extraction, or vineyard development on the parcel
19 identified as Napa County Assessor's Parcel Number 018-090-078-000, the POPE
20 VALLEY DEFENDANTS shall contract with a licensed civil engineer or professional
21 environmental consultant to conduct an assessment to identify the existence and location
22 of all watercourses (whether ephemeral, intermittent or perennial) and wetlands (whether
23 seasonal or perennial and including vernal pools) subject to the jurisdiction or notification
24 requirements of the Department of Fish and Game, the Regional or State Water
25 Resources Control Boards, or the stream setback requirements of Napa County Code
26 section 18.108.025 to locate and define on such property all jurisdictional watercourses
27 (whether ephemeral, intermittent or perennial) and wetlands (whether seasonal or
28 perennial.) The intent of this assessment is to identify the location of existing

1 watercourses and wetlands in a report with accompanying maps and aerial photographs.
2 Existing maps and photographs may be used as part of the report whenever deemed
3 appropriate by the retained consultant. Any report required pursuant to this subparagraph
4 shall be prepared through the use of appropriate narrative, topographical maps and/or
5 aerial photographs indicating the location of each and every such watercourse and
6 wetland and such report shall be submitted to the cognizant lead agency and shall be
7 included in any CEQA review required for any discretionary permit for earthmoving,
8 grading, construction, water rights or storage, or vineyard development on the parcel.

9 **III. MANDATORY INJUNCTIVE CONDITIONS APPLICABLE TO THE DUTCH**
10 **HENRY DEFENDANTS**

11 7. Pursuant to Fish and Game Code sections 1615 and 5650.1, Business and Professions
12 Code section 17203, Civil Code section 731, Civil Code section 3494 and Government Code
13 section 2652, the DUTCH HENRY DEFENDANTS are hereby ordered and mandated to do all
14 of the following:

15 A.) Within 90 days of the entry of this judgment, submit for approval to the Conservation
16 Division of the Napa County Department of Conservation, Development and Planning
17 the following remediation plan for the southern vineyard area:

- 18 i.) A plan to prevent erosion and sedimentation of the bed bank and channel of Unnamed
19 Tributary No. 1 to Dutch Henry Creek, shown on Exhibit 3 hereto, that the DUTCH
20 HENRY DEFENDANTS altered during installation of the southern vineyard on the
21 DUTCH HENRY CANYON PROPERTY. At least five feet of a permanently
22 vegetated set-back, located wholly on the subject property, shall be maintained
23 between the bank of Unnamed Tributary No. 1 and any road, vineyard avenue or
24 turnaround.
- 25 ii.) A plan to reroute the course of the watercourse designated as Unnamed Tributary No.
26 2, shown on Exhibit 3 hereto, on the DUTCH HENRY PROPERTY starting at the
27 upstream opening of the existing 24" culvert. The flow-diffusion basin shall be
28 removed and the existing culvert through which this tributary is directed shall be

1 permanently sealed. The watercourse shall be re-routed to cross the lower vineyard
2 area such that it takes a south-westerly direction from the existing flow-diffusion
3 basin and around the perimeter of the existing vineyard. Such watercourse shall be
4 designed and installed to have sufficient capacity to handle maximum downstream
5 flows calculated for the watershed of Unnamed Tributary No. 2 and shall connect
6 with and be continuous with Unnamed Tributary No. 1 along the southern edge of the
7 DUTCH HENRY PROPERTY. There shall be a minimum ten (10) foot setback of
8 the watercourse from the vineyard or any vineyard avenue or turnaround, located
9 wholly on the subject property. There shall be no in-channel road crossing of the re-
10 routed watercourse. Any access road to the west / north-west portion of the DUTCH
11 HENRY PROPERTY shall be over a culvert crossing. This setback shall be seeded
12 with a permanent ground cover suitable for erosion control and shall be permanently
13 maintained. The watercourse shall be designed and installed to minimize any
14 sedimentation arising from water flow into and through it, e.g. planted or seeded with
15 appropriate plant species. Temporary erosion control measures shall be implemented
16 within the channel of Unnamed Tributary No. 2 to minimize sedimentation from
17 downstream flows.

18 iii.) A plan to remove or realign the existing access vineyard avenues and vineyard
19 plantings and trellises and associated improvements shown on Exhibit 2 hereto as
20 encroachments within the stream setbacks adjacent to Dutch Henry Creek pursuant to
21 the provisions of Napa County Code section 18.108.025. The plan and its review shall
22 comport with the requirements of Paragraph 8 below.

23 iv.) A plan for the permanent implement erosion control measures on the planted
24 southern vineyard area and for any other disturbed areas on the DUTCH HENRY
25 PROPERTY in accordance with the requirements of Napa County Code section
26 18.108.080 (A) and (B) and 18.108.025 on the existing vineyard and disturbed areas
27 on the DUTCH HENRY PROPERTY.

28 B.) All required remediation and permanent erosion control measures required by

1 subparagraph 7(A) above shall be implemented and completely installed by October 15,
2 2009 and permanently maintained pursuant to the requirements of Napa County Code
3 section 18.108.135, Oversight and Operation. All encroachments within the applicable
4 stream set-back requirements of Napa County Code section 18.108.025 shall be removed
5 and the set-back restored and re-vegetated by October 15, 2009. The plan to restore the
6 creek setback encroachments and its review shall comport with the requirements of
7 Paragraphs 8 and 9.

8 C.) Within 60 days of the entry of this Judgment, the DUTCH HENRY DEFENDANTS
9 may apply for a use permit exception for any existing stream set-back encroachment on
10 the DUTCH HENRY PROPERTY pursuant to Napa County Code section 18.108.040. If
11 application is not timely made, the provisions of subparagraph 7(B) apply. Any
12 application for a use permit must be complete and competent; if the application is found
13 to be incomplete, any corrections or revisions or additional information shall be made or
14 provided in accordance with the timing and procedures in Paragraphs 8 and 9 below. The
15 burden of proof that a use permit exception is appropriate rests on the DUTCH HENRY
16 DEFENDANTS. All encroachments within the applicable stream set-back requirements
17 of Napa County Code section 18.108.025 not subject to an approved use permit exception
18 or a pending application filed pursuant to Napa County Code section 18.108.040 within
19 60 days of the entry of this judgment shall be removed and the set-back restored and re-
20 vegetated by October 15, 2009.

21 D.) Unnamed Watercourses No. 1 and No. 2 shall be considered under the jurisdiction of the
22 Department of Fish and Game and any further modification after the remediation
23 measures required by subparagraph 7(A), above, shall require a streambed alteration
24 agreement from the Department of Fish and Game.

25 E.) Prior to any new earthmoving, vineyard development or new land-clearing activity on the
26 DUTCH HENRY PROPERTY, including any planting in any previously cleared and
27 disturbed areas, but not planted area, the DUTCH HENRY DEFENDANTS shall apply
28 for and obtain from the Napa County Department of Conservation, Development and

1 Planning an approved agricultural erosion control plan pursuant to the Napa County Code
2 chapter 18.108, Conservation Regulations. The approval of any such plan requires an
3 environmental review pursuant to the California Environmental Quality Act (CEQA.)

4 **IV. PLAN PREPARATION, SUBMISSION AND APPROVAL**

5 8. The following requirements apply to the preparation of plans required by this
6 Judgment:

7 A) Any watercourse and/or creek set-back restoration and re-vegetation plan required by
8 this Judgment shall include the following provisions:

9 (i) The Restoration Plan shall be prepared by a qualified professional with restoration
10 experience and shall include a native species planting program that matches the
11 existing native flora of upstream area helps stabilize the banks to prevent
12 undercuts, slides, erosion, and sedimentation and provides a riparian corridor
13 which can be utilized by terrestrial species;

14 (ii) The Restoration Plan shall provide for repairing slide areas and the undercuts and
15 erosion of stream banks by implementing a combination of vegetation and erosion
16 control matting, and by repairs using native rock armoring, sloping back of the
17 stream banks and/or stream barbs to train and divert energy away from stream
18 banks

19 (ii) The Restoration Plan shall also include an implementation schedule, planting
20 density/quantity, seeding rate, plant sizes, planting details, success criteria, and
21 monitoring and maintenance narrative/details

22 (B) Any erosion control plan required by this judgment shall include the following
23 provisions:

24 (i) The plan shall be prepared by a licensed civil engineer and submitted to the
25 Conservation Division of the Napa County Department of Conservation,
26 Development and Planning. The plan shall provide for erosion control measures
27 in accordance with the requirements of Napa County Code sections 18.108.080

28 (A) and (B), and 18.108.025. The plan shall detail a program to minimize erosion

1 and off-site sedimentation arising from the DEFENDANTS' prior disturbance and
2 modification of land and the planting of vineyard through mechanical or physical
3 methods and the installation of vegetative cover. The Implementation Plan shall
4 ensure that any encroaching vineyard, vineyard avenue, road, irrigation
5 equipment, or structure is removed or realigned outside of the stream setback area
6 required by Napa County Code section 18.108.025 and the required stream set-
7 back properly re-vegetated.

8 9. The following procedure shall be implemented for submission of any plan for review
9 by any cognizant agency:

10 A.) Each plan prepared by DEFENDANTS' consultant(s) shall be submitted to the
11 cognizant agency at the address listed in Paragraph 9(G), below.

12 B.) In the event DEFENDANTS are notified in writing by a cognizant agency that a
13 submitted plan is incomplete, DEFENDANTS shall submit a revised plan to the
14 Agency that addresses and cures all noted deficiencies within thirty (30) days of
15 receipt of the deficiency notice. This process shall be repeated until DEFENDANTS
16 receive a plan approved by the agency but in no event shall more than one hundred
17 and twenty (120) days be allowed for submission of a complete and competent
18 application.

19 C.) Upon receipt of written approval of a plan, DEFENDANTS shall cause all terms,
20 provisions and conditions of the approved plan to be implemented, pursuant to and
21 without significant deviation from the terms, provisions and conditions of the
22 approved plan.

23 D.) DEFENDANTS shall not commence or cause to commence any activity included in a
24 plan without written approval from the cognizant agency. No work within the bed,
25 bank and channel of any watercourse shall occur between October 15 of any year and
26 April 1 of the subsequent year; likewise no earthmoving activity shall occur in any
27 erosion hazard area as defined by Napa County Code section 18.108.030 between
28 October 15 of any year and April 1 of the subsequent year.

1 E.) All activity required for the preparation and implementation of a plan shall be
2 performed by licensed civil engineers, qualified environmental consultants, and
3 contractors hired and retained by DEFENDANTS.

4 F.) DEFENDANTS shall pay the then hourly plan review rate established
5 administratively by each agency for staff time associated with review of remediation
6 plans submitted after entry of this Judgment. Invoices for such review costs shall be
7 paid timely and within no later than 60 days of an invoice.

8 G.) Plans for review shall be submitted as follows:

9 To the Conservation Division of the Napa County Department of Conservation,
10 Development and Planning:

11 Napa County Department of Conservation, Development and Planning
12 Attention; Supervising Planner - Conservation
1195 Third St., Suite 210
Napa CA 94559

13 To the Napa County Department of Public Works:

14 Napa County Department of Public Works
15 Attn: Supervising Civil Engineer
1195 Third St., Suite 201
Napa CA 94559.

16 To the Department of Fish and Game:

17 Department of Fish and Game
18 Lake and Streambed Alteration program
19 Bay-Delta Region
P.O. Box 47
Yountville CA 94599-0047

20 **V. CIVIL PENALTIES AND COSTS; PAYMENTS**

21 10. DEFENDANTS shall pay pursuant to Fish and Game Code section 1615, a civil
22 penalty of ten thousand dollars (\$10,000.) Such penalty shall be paid to the Napa County District
23 Attorney's Office pursuant to the schedule in paragraph 15 and shall be apportioned as set forth
24 in Fish and Game Code section 1615(f).

25 11. DEFENDANTS are liable for civil penalties of sixty thousand dollars (\$60,000)
26 pursuant to Business and Professions Code section 17206. In lieu of such penalties,
27 DEFENDANTS shall pay, pursuant to Business and Professions Code section 17203, *cy pres*
28 restitution of \$60,000 to the following specific environmental projects:

1	Milliken Creek Flow Study (Napa County Resources Conservation District)	\$25,000
2	Napa County Wildlife Conservation Commission	\$30,000
3	Hazardous Waste Trust Fund, Napa District Attorney's	\$5,000

4 Such restitution shall be paid pursuant to the schedule in paragraph 15 to the Napa County
5 District Attorney's Office for distribution.

6 12. DEFENDANTS shall pay, pursuant to Business & Professions Code section 17203, costs
7 in the amount of three thousand one hundred ninety two dollars and forty eight cents (\$3,192.48)
8 to the Department of Fish & Game. Such costs shall be paid pursuant to the schedule in
9 paragraph 15 to the Napa County District Attorney's Office for distribution.

10 13. DEFENDANTS shall pay pursuant to Business and Professions Code section 17203,
11 costs in the amount of nine thousand three hundred fifty two dollars and fifty cents (\$9,352.50)
12 to the Conservation Division of the Napa County Department of Conservation, Development and
13 Planning. Such costs shall be paid pursuant to the schedule in paragraph 15 to the Napa County
14 District Attorney's Office for distribution.

15 14. DEFENDANTS shall pay, at the time of the filing and entry of this Judgment, pursuant
16 to Business & Professions Code section 17203, costs in the amount of three thousand four
17 hundred fifty eight dollars and twenty five cents \$3,458.25 to the Napa County Department of
18 Public Works. Such costs shall be paid pursuant to the schedule in paragraph 15 to the Napa
19 County District Attorney's Office for distribution.

20 15. Civil penalties, *cy pres* restitution and costs for a total of eighty six thousand three dollars
21 and twenty three cents (\$86,003.23) are payable in this matter. A payment of seventeen thousand
22 two hundred dollars and sixty five cents (\$17,200.65) is payable upon entry of this judgment.
23 The remaining sixty eight thousand eight hundred two dollars and fifty eight cents (\$68,802.58)
24 shall accrue interest at the legal rate of ten percent (10%) per annum until paid and shall be paid
25 in four quarterly installments of eighteen thousand two hundred eighty eight dollars and ninety
26 six cents (\$18,288.96) pursuant to the following schedule:

27	July 1, 2009	\$18,288.96
28	October 1, 2009	\$18,288.96

1 January 1, 2010 \$18,288.96

2 March 1, 2010 \$18,288.96

3 All interest accrued shall be allocated as *cy pres* restitution to the Napa County Wildlife
4 Conservation Commission.

5 If any installment payment payable has not been paid within seven (7) calendar days after
6 the payment due date by presentation of payment at the Napa County District Attorney's Office;
7 all unpaid installments shall become immediately due and payable. This provision is self-
8 executing and plaintiff may enter all unpaid installments as an abstract of judgment against
9 DEFENDANTS and may record a judgment lien for such unpaid installments against
10 DEFENDANTS.

11 **VI. JURISDICTION, EFFECT AND NOTICE**

12 16. NOTICE: Any notice or report required to be submitted by DEFENDANTS to the Napa
13 County District Attorney's Office shall be submitted by first class mail, courier delivery, or
14 personal delivery to:

15 Consumer / Environmental Protection Division
16 Napa County District Attorney's Office
17 Re: People v. Peju et al, NSC 26-39559
18 931 Parkway Mall
19 Napa CA 94559-2647

20 17. The remediation actions undertaken by or required of the DEFENDANTS pursuant to
21 the Judgment are not subject to the California Environmental Quality Act ("CEQA") and to be
22 categorically exempt from the requirements of the CEQA (Public Resources Code, section 2100
23 et seq.) pursuant to the California Code of Regulations, title 14, division 6, chapter 3 ("CEQA
24 Guidelines"), sections 15300 et. seq., including, but not limited to, section 15321 (Enforcement
25 Actions) and section 15333 (Small Habitat Restoration Project).

26 18. Jurisdiction is retained for the purposes of enabling any party to this Final Judgment to
27 apply to the Court at any time for such order or directions as may be necessary or appropriate for
28 the construction of or carrying out of this Final Judgment, for the modification or termination of

1 any of the injunctive provisions hereof, for the enforcement of compliance herewith, or for the
2 punishment of violations hereunder.

3 19. This Final Judgment shall take effect immediately upon entry thereof.

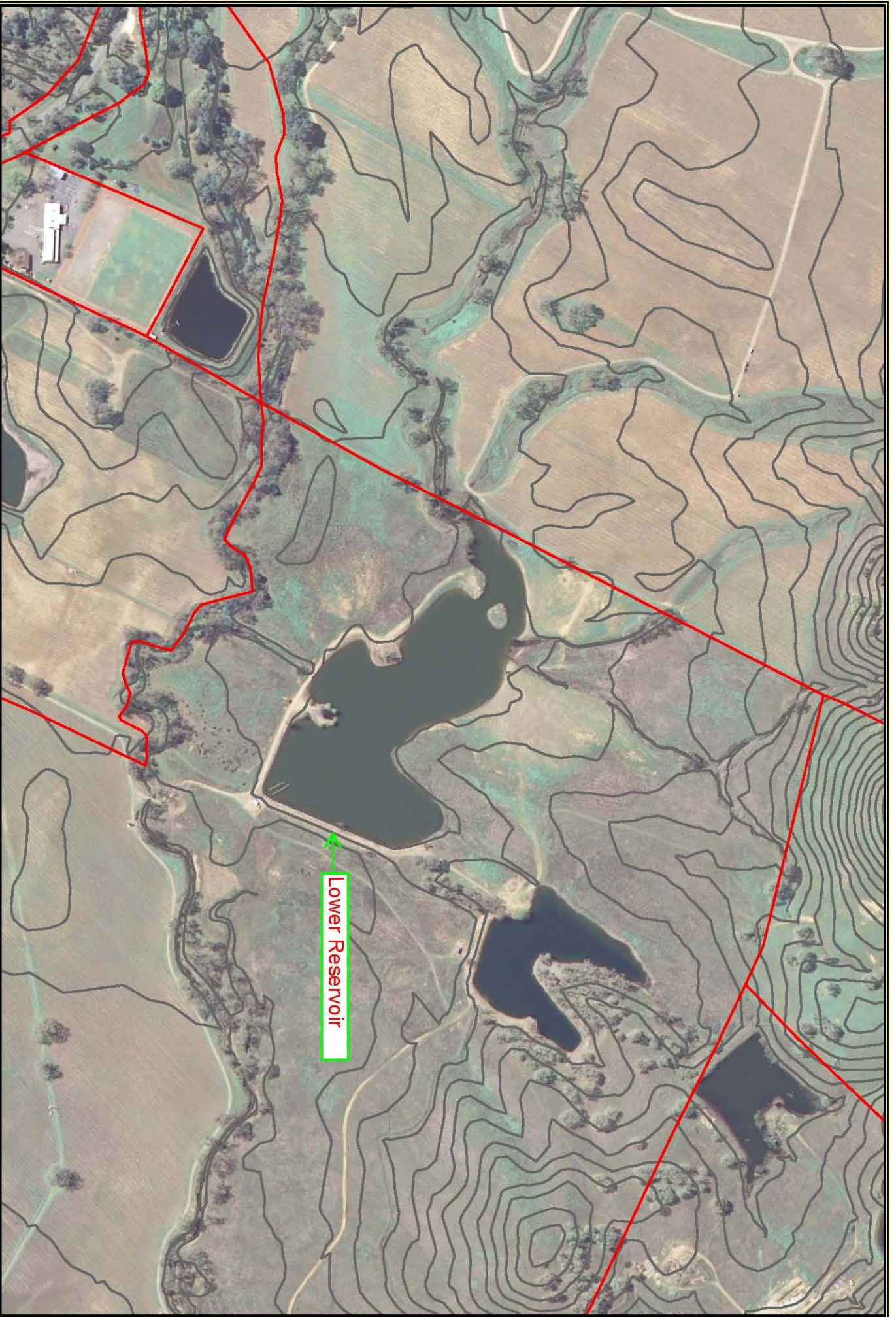
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5 Dated: 4/10/09

FRANCISCA P. TISHER
Judge of the Superior Court

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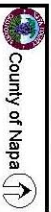
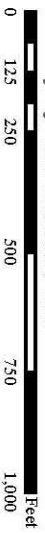
EXHIBIT 1
**LOWER RESERVOIR
POPE VALLEY PROPERTIES**



Horizontal Datum: NAD 83
 CA State Plane Coordinates,
 Zone II, feet
 Disclaimer: This map was prepared for
 informational purpose only. No liability
 is assumed for the accuracy of the
 data delineated hereon.

March 2007 Air Photo

 Parcels
 Non-Watershed - 10 ft



Conservation, Development
 & Planning

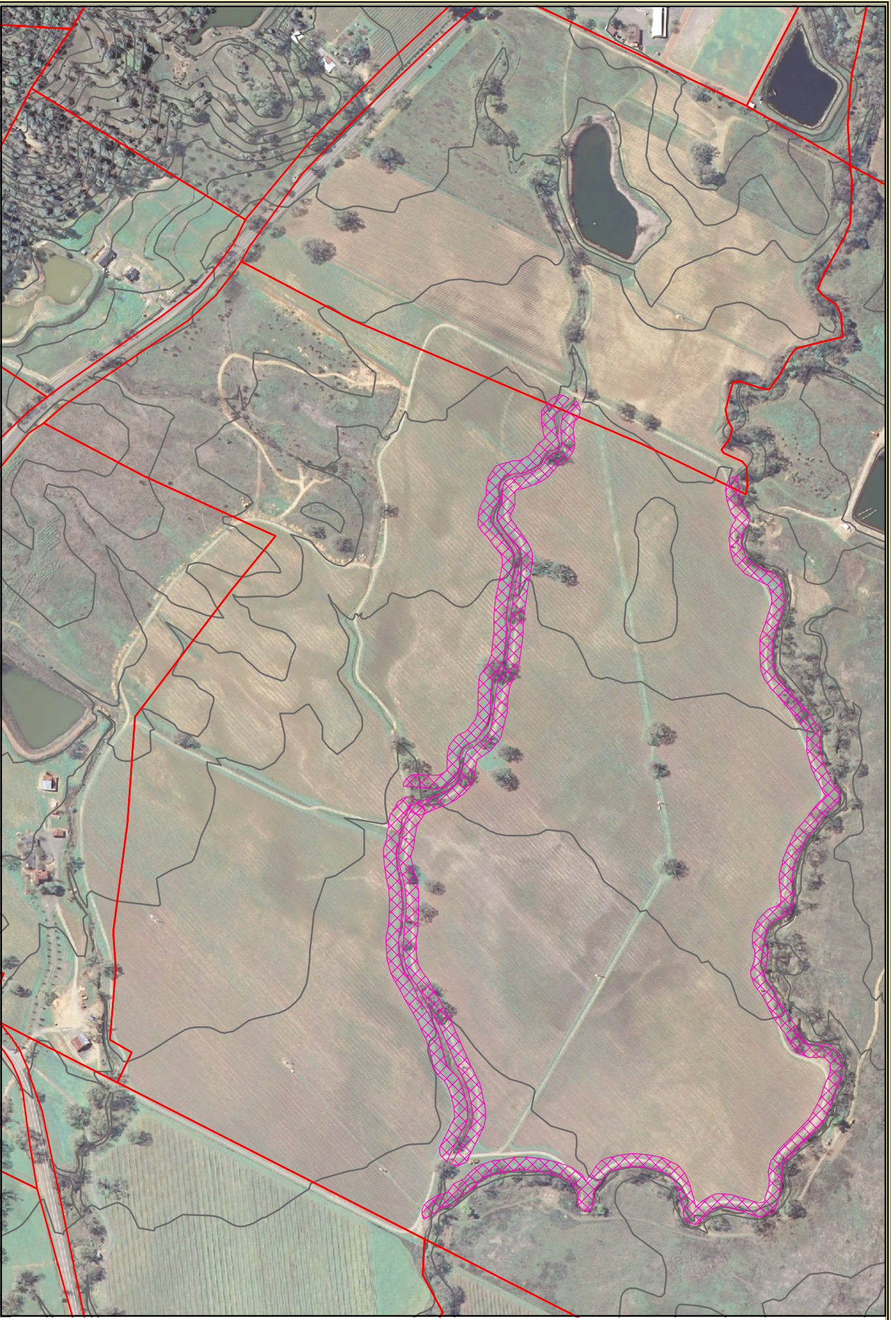
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3/23/2008




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EXHIBIT 2

**CREEK SETBACK ENCROACHMENTS
POPE VALLEY PROPERTIES**

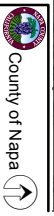


2007 Air Photo

-  45' Creek Setback Violation
-  Parcels
-  Non-Watershed -10 ft



Horizontal Datum: NAD 83
 CA State Plane Coordinates
 Zone II, feet
 Disclaimer: This map was prepared for informational purpose only. No liability is assumed for the accuracy of the data delineated herein.



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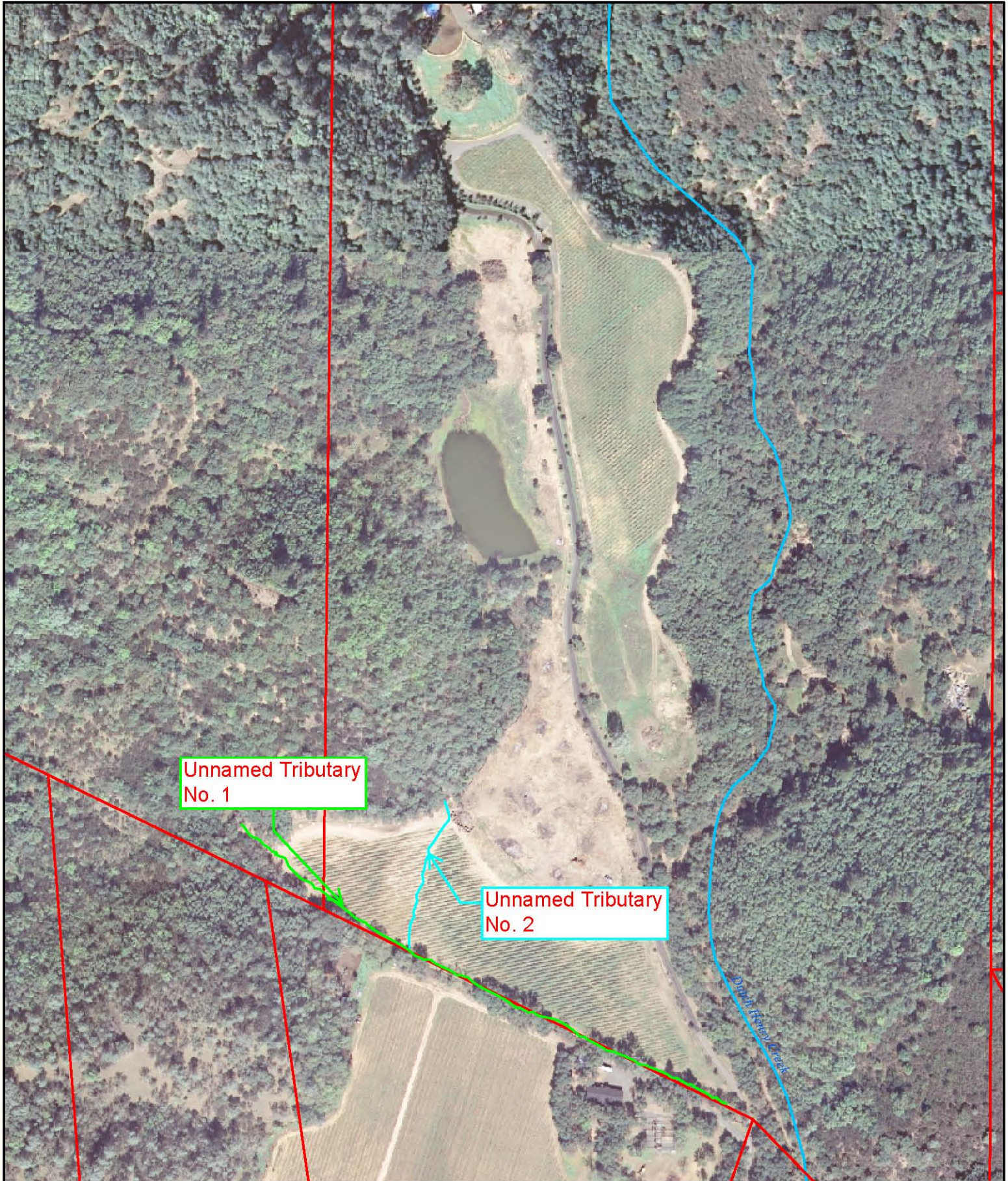
018-090-049 & 078

DATE: 03/26/2010

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EXHIBIT 3

UNANAMED TRIBUTARIES ON
DUTCH HENRY CANYON PROPERTY



Unnamed Tributary No. 1

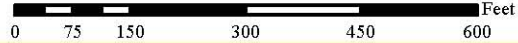
Unnamed Tributary No. 2


Dutch Henry Creek

Peju - Dutch Henry March 2007 Air Photo

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

Parcels
USGS Blueline Streams




 County of Napa 
 Conservation, Development & Planning
 018-060-068-000