

OCT 04 2017

Agenda Item # 8B

October 4, 2017

TO: JASON HADE, PLANNER, County of Napa

FROM: KATHY FELCH, Napa County resident near proposed project

RE: HOBBS WINERY APPLICATION

1. This project should be referred back to staff for (a) an environmental impact study, (b) analysis of reclaimed water use; (c) impact on local wells, including our own; (d) removal of Phase II from the permit; (e) contribution to cumulative impacts of traffic increase on other projects, including the impact of the Syar expansion on our water table.

2. The application states there is no reclaimed water available in the area of the project. This is not the case. There are six reclaimed water hookups along the southern and eastern boundaries of the Hobbs vineyard. These hookups were in place before the application was submitted. Photos showing the location of these hookups and their proximity to the Hobbs property are attached. At last week's neighborhood meeting, Paul Hobbs stated that he did not take Napa Sanitation District's reclaimed water because it was essentially not clean enough for his grapevines and that the Sanitation District could not guarantee the level of cleanliness that he desired. I asked him to explain that to the Commission at hearing today since the application stated it would not be taken because it was not available in the area. Mr. Hobbs committed to doing so.

3. Mitigation measures and conditions of approval must be drafted such that they are capable of monitoring to ensure compliance. Environmental violations by the applicant in Sonoma County were prosecuted and judgment entered against him in 2015. A copy of the judgment is attached. I am concerned the applicant's misconduct in Sonoma County will be repeated here. My concern is based not only on the false statement in the application about the unavailability of reclaimed water but an incident involving cutting an oak tree in the county's right of way without a permit and on my personal experience with the vineyard operation. A quick summary. When I saw Hobbs' workers cutting down an oak tree in the county's right of way on Fourth Avenue, I spoke with the vineyard manager who invited me to come on to the property to continue our discussion. After doing so, he reported me to the Napa County Sheriff's Department for trespassing. I asked Paul Hobbs, his CFO, his COO and Steve Martin at the neighborhood meeting to tell me who authorized the false trespassing report to the Napa County Sheriff's Department. Each denied knowing anything about it. I asked that it be looked into and let me know who authorized the complaint. Paul Hobbs committed to finding out who did it and would get back to me. I have not heard anything from him or anyone else in his organization. Thankfully, the oak stands today and is recovering from the cuts made two years ago. And I was not prosecuted.

4. Phase II of the project is inchoate and indeterminate. Paul Hobbs stated at last week's neighborhood meeting that he had no idea when he would build Phase II. The environmental conditions may be very different from today's when Phase II starts. It is inappropriate to grant a permit for Phase II without a clear understanding of its impact on our environment.

In light of the above, I must ask the Commission to return this application to staff to break out Phase I, remove Phase II and build ironclad enforceable conditions of approval that can be monitored by the neighborhood as well as the county. This is essential because the county's compliance enforcement is not able to address all the violations in the county. Our environment cannot be placed at risk of permit violations.

 Respectfully submitted,

Kathy Felch
Attorney

Checklist of Voluntary Greenhouse Gas Emission Reduction Measures



A Tradition of Stewardship
A Commitment to Service

An addendum to the Entitlement Application and a supplement for Initial Studies as required by CEQA

PROJECT NAME	Paul Hobbs - Nathan Coombs Winery
PROJECT ADDRESS	2181 Imola Ave. Napa, CA
APPLICANT	Steve Martin, PE
CONTACT INFO	707-824-9730
email	phone

- | | yes | no | I don't know |
|---|--------------------------|-------------------------------------|--------------------------|
| 1 Have you designed to U.S.G.B.C.™ LEED™ or Build It Green™ standards?
If yes, please include a copy of their required spreadsheets. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2 Do you have an integrated design team?
if yes, please list: _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

3 SITE DESIGN

- | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 3.1 Does your design encourage community gathering and is it pedestrian friendly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3.2 Are you building on existing disturbed areas? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3.3 Landscape Design | | | |
| 3.31 native plants? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.32 drought tolerant plants? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.33 Pierce Disease resistant planting? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.34 Fire resistant planting? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.35 Are you restoring open space and/or habitat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3.36 Are you harvesting rain water on site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3.37 planting large trees to act as carbon sinks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3.38 using permeable paving materials for drive access and walking surfaces? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.4 Does your parking lot include bicycle parking? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.5 Do you have on-site waste water disposal? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.6 Do have post-construction stormwater on site detention/filtration methods designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.7 Have you designed in harmony with existing natural features, such as preserving existing trees or rock outcroppings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.8 Does the project minimize the amount of site disturbance, such as minimizing grading and/or using the existing topography in the overall site design (such as cave design)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.9 Is the structure designed to take advantage of natural cooling and passive solar aspects? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4 ENERGY PRODUCTION & EFFICIENCY

- | | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|
| 4.1 Does your facility use energy produced on site?
If yes, please explain the size, location, and percentage of off-set: _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4.2 Does the design include thermal mass within the walls and/or floors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.3 Do you intend to commission the performance of the building after it is built to ensure it performs as designed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4.4 Will your plans for construction include: | | | |
| 4.41 High density insulation above Title 24 standards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.42 Zones for heating and cooling to provide for maximum efficiency? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.43 Energy Star™ or ultra energy efficient appliances? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.44 A "cool" (lightly colored or reflective) or a permeable/living roof? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4.45 Timers/time-outs installed on lights (such as the bathrooms)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, please explain: _____ | | | |

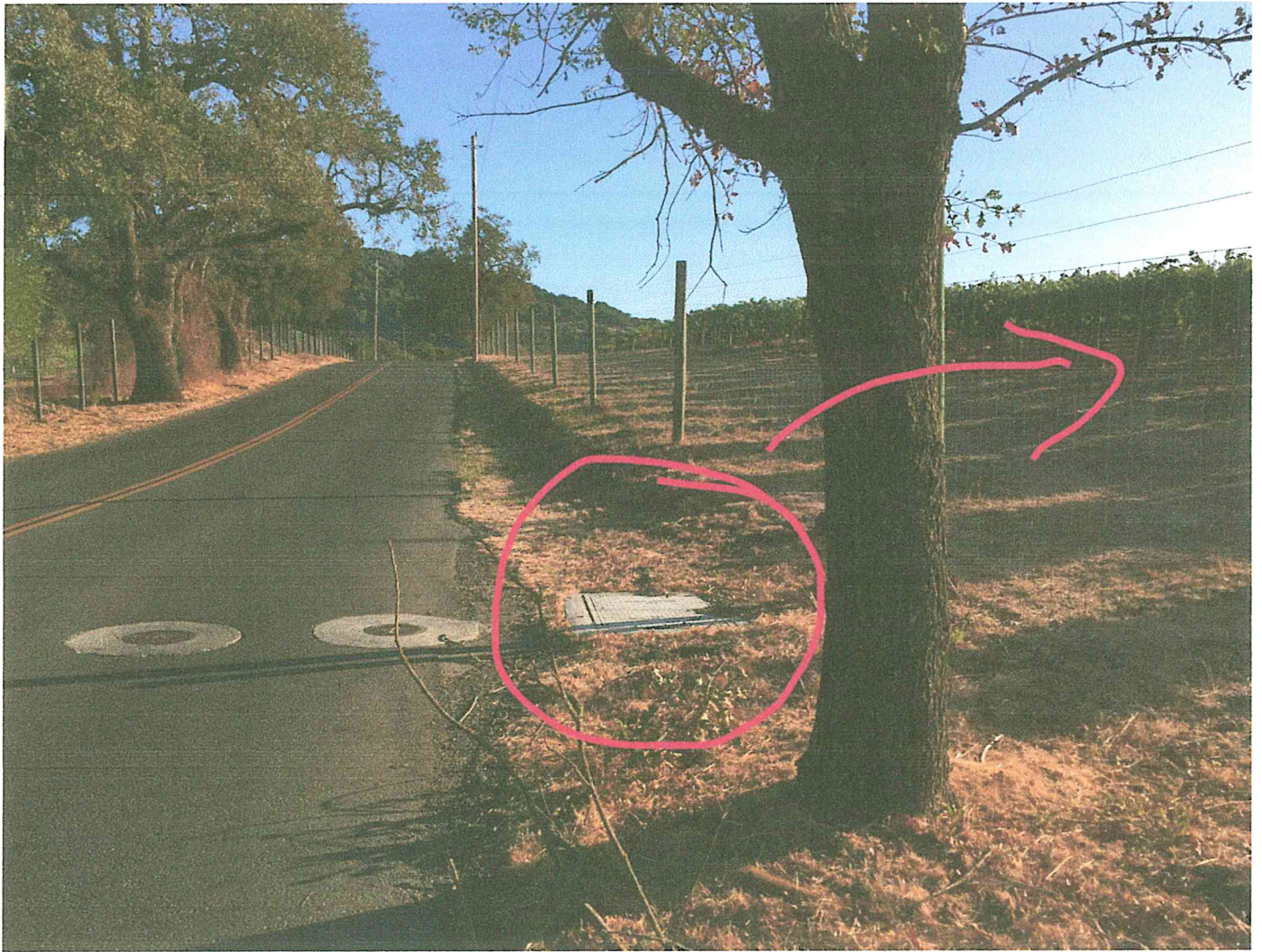
5 WATER CONSERVATION

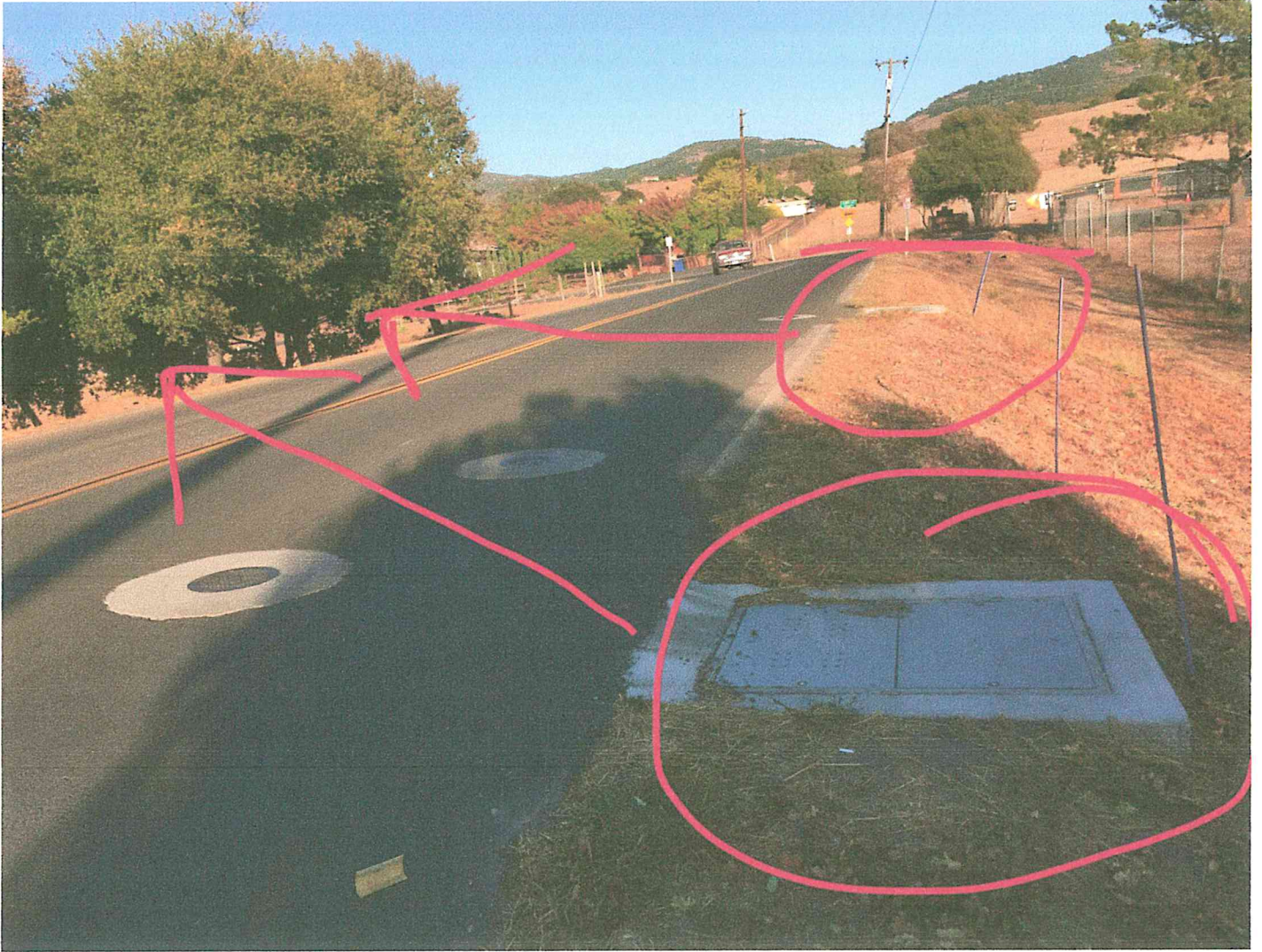
- | | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|
| 5.1 Does your landscape include high-efficiency irrigation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.2 Does your landscape use zero potable water irrigation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.3 Is your project in the vicinity to connect to the Napa Sanitation reclaimed water? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5.4 Will your facility use recycled water? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.41 If no, will you prepare for it by pre-installing dual pipes and/or purple lines? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5.5 Will your plans for construction include: | | | |
| 5.51 a meter to track your water usage? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.52 ultra water efficient fixtures and appliances? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.53 a continuous hot water distribution method, such as an on-demand pump? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.54 a timer to insure that the systems are run only at night/early morning? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |











ENDORSED
FILED

JAN 30 2015 *du*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

1 JILL R. RAVITCH
2 District Attorney, County of Sonoma
3 Ann Gallagher White SBN 167419
4 Deputy District Attorney
5 2300 County Center Drive, Suite B-170
6 Santa Rosa, Ca. 95403
7 (707) 565-3161
8 (707) 565-3499 Facsimile

6 Attorneys for Plaintiff

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

10 PEOPLE OF THE STATE OF
11 CALIFORNIA,

Case No.: SCV-255513

12 Plaintiff,

~~PROPOSED~~
FINAL JUDGMENT
AND PERMANENT INJUNCTION
PURSUANT TO STIPULATION

13 PAUL HOBBS WINERY L.P. and PAUL J.
14 HOBBS and DOES 1 through 10, inclusive,

15 Defendants.
16

17 Plaintiff, the People of the State of California, appears through its attorney, Jill R. Ravitch,
18 District Attorney of Sonoma County, by Ann Gallagher White, Deputy District Attorney (referred
19 to as "Plaintiff" or "the People").

20
21 Defendants PAUL HOBBS WINERY L.P. and PAUL J. HOBBS appear through counsel
22 for Defendants, Chris Andrian, Esq. of Andrian & Gallenson and John Holdredge, Esq. of Geary,
23 Shea, O'Donnell, Grattan & Mitchell, P.C.

24 It appears to the Court that the parties hereto have stipulated and consented to the entry of
25 this proposed Final Judgment And Permanent Injunction Pursuant To Stipulation ("Stipulated
26 Judgment") without the taking of proof, and without this Stipulated Judgment constituting
27 evidence or an admission by Defendants regarding any issue of fact or law alleged in the
28

1 complaint, and the Court having considered the matter and the pleadings, and good cause
2 appearing therefore,

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**
4

5
6 **JURISDICTION**

7 1. This Court has jurisdiction over the allegations contained in the Complaint and
8 personal jurisdiction over Defendants as to the acts alleged in the Complaint, venue is proper in
9 Sonoma County, and this Court has jurisdiction to enter this Stipulated Judgment as a full and
10 final resolution of all claims raised in the Complaint based on the facts alleged therein.
11

12 **APPLICABILITY**

13 2. The provisions of the Stipulated Judgment are applicable to Defendants Paul J. Hobbs
14 and Paul Hobbs Winery, L.P., which includes acts by their agents, servants, employees,
15 representatives, and to all persons, employees, and other entities acting in concert or participating
16 with them, with actual or constructive notice of this judgment (collectively referred to as
17 "Defendants"). All obligations imposed upon Defendants Paul J. Hobbs and Paul Hobbs Winery,
18 L.P. and the persons and entities set forth above by the terms of this Stipulated Judgment are
19 ordered pursuant to Business and Professions Code sections 17203 and 17204.
20
21

22 **INJUNCTION**

23 3. Pursuant to Business and Professions Code sections 17203 and 17204, Paul J. Hobbs
24 and Paul Hobbs Winery, L.P. and all persons and entities as set forth in Paragraph 2 above, are
25 hereby permanently enjoined, restrained, and prohibited from vineyard development in Sonoma
26 County in violation of the Sonoma County Code and/or any other laws and regulations governing
27 environmental protection.
28

1 Defendant Paul Hobbs agrees further that for the three years from the date of execution of
2 this agreement that he will comply with the Timber Harvest Plan referenced in the complaint (1-
3 08-149-SON Hillick Ranch THP) located at 11835 Highway 116, Sebastopol, California,
4 provided however, if Defendant Paul Hobbs does not obtain a Use Permit for that vineyard,
5 neither that, nor any matters emanating therefrom, shall be deemed a violation of this Injunction.
6

7 Defendants Paul Hobbs and Paul Hobbs Winery, L.P. agree further that for the three
8 years from the date of the execution of this agreement, that they will comply with:

- 9 a. The Fish and Game Code 1603 agreement with the Department of Fish and
10 Wildlife regarding the property located at 622 Watertrough Road, Sebastopol,
11 California,
12
13 b. The directives of the Sonoma County Agricultural Commissioner's Office to
14 restore the riparian habitat at the unnamed tributary of Atascadero Creek, as
15 referenced in the complaint located at 622 Watertrough Road, Sebastopol,
16 California, and
17
18 c. The plans obtained from the Sonoma County Permit and Resource Management
19 Department for development of 622 Watertrough Road, Sebastopol, California, as
20 referenced in the complaint.
21

22 **MONETARY RELIEF**

23 4. Pursuant to Business and Professions Code section 17206 and Fish and Game
24 Code section 1615, Defendants shall pay ONE HUNDRED THOUSAND DOLLARS
25 (\$100,000) as follows:
26

- 27 a. Pursuant to Fish and Game Code sections 1602(a) and 1615(a), Defendants shall
28 pay a civil penalty of THIRTY THOUSAND DOLLARS (\$30,000). Pursuant to

1 Fish and Game Code section 1615(f), FIFTEEN THOUSAND DOLLARS

2 (\$15,000) shall be made payable to Sonoma County Fish and Wildlife

3 Propagation Fund and FIFTEEN THOUSAND DOLLARS (\$15,000) shall be

4 made payable to Fish and Game Preservation Fund;

5 b. Pursuant to Business and Professions Code section 17206, Defendants shall pay a

6 civil penalty of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) made

7 payable to the Sonoma County District Attorney's Office for deposit in a

8 consumer protection account for the enforcement of consumer protection laws in

9 Sonoma County;

10 c. Defendants shall pay *cy pres* relief in the amount of TWENTY THOUSAND

11 DOLLARS (\$20,000) as follows: TEN THOUSAND DOLLARS (\$10,000) shall

12 be made payable to the Sonoma County Agricultural Commissioner's Office for

13 the purpose of purchasing equipment, providing training or/and supplies to assist

14 with the investigation of environmental cases; TEN THOUSAND DOLLARS

15 (\$10,000) shall be made payable to the Twin Hills Union School District for the

16 purposes of environmental education and for enhancement of the students'

17 participation in environmental restoration with collaboration through the STRAW

18 program, Point Blue, Petaluma.

19 d. Defendants shall pay investigative costs in the amount of FIFTEEN THOUSAND

20 DOLLARS (\$15,000) as follows: FOUR THOUSAND, FIVE HUNDRED and

21 EIGHTY SIX DOLLARS AND NINE CENTS (\$4,586.09) payable to the

22 Regional Water Quality Control Board; TEN THOUSAND, ONE HUNDRED

23 and FORTY DOLLARS (\$10,140) made payable to the Sonoma County

1 Agricultural Commissioner's Office; and TWO HUNDRED SEVENTY THREE
2 DOLLARS AND NINETY ONE CENTS (\$273.91) made payable to the Sonoma
3 County District Attorney's Office.
4

5 **PAYMENT METHOD**
6

7 5. All payments shall be by check, made payable as indicated above, and delivered
8 to the Sonoma County District Attorney's Office, Environmental and Consumer Law Division,
9 to the attention of Deputy District Attorney Ann Gallagher White, 2300 County Center Drive,
10 Suite B-170, Santa Rosa, CA 95403. Payment shall be made no later than February 20, 2015.
11

12 **RETENTION OF JURISDICTION**

13 6. Jurisdiction is retained for the purpose of enabling any party to the Stipulated
14 Judgment to apply to the Court for such further orders and directions as may be necessary and
15 appropriate for the construction and carrying out of the Stipulated Judgment, for the modification
16 or dissolution of any injunctive provisions hereof, for enforcement of compliance herewith, or for
17 the punishment of violations hereof.
18

19 7. The parties waive the right to appeal this Judgment both as to form and
20 content and the serving and filing of a notice of Entry of Judgment.

21 8. The Clerk is directed to enter this Stipulated Judgment forthwith.

22 9. The Doe Defendants referenced in the People's Complaint are hereby dismissed.
23

24 Dated: JAN 30 2015

NANCY C. SHAFFER

JUDGE OF THE SUPERIOR COURT

JILL R. RAVITCH
District Attorney of Sonoma County
By: Ann Gallagher White, Deputy District Attorney
State Bar No. 167419
2300 County Center Dr., Suite B-170
Santa Rosa, CA 95403
Telephone: (707) 565-3161
Facsimile: (707) 565-3499

ENDORSED
FILED

JAN 28 2015

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

Attorneys for Plaintiff, People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SONOMA

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

PAUL HOBBS WINERY L.P. and PAUL J.
HOBBS WINERY, and DOES 1 through
10, inclusive,

Defendants.

Case No. SCV-255513

STIPULATION FOR ENTRY OF FINAL
JUDGMENT

IT IS HEREBY STIPULATED and agreed as follows:

1. That the proposed Final Judgment and Injunction Pursuant to Stipulation ("Stipulated Judgment") a copy of which is attached hereto as Exhibit A and by this reference made a part hereof, may be entered in the above-entitled matter and that said entry of judgment may be ordered by a Judge of the Superior Court.

2. This Court has jurisdiction over the allegations contained in the Complaint and personal jurisdiction over Defendants as to the acts alleged in the Complaint, venue is proper in Sonoma County, and this Court has jurisdiction to enter this Stipulated Judgment as a full and final resolution of all claims raised in the Complaint based on the facts alleged therein.

3. That Defendants hereby waive the right to appeal, to attempt to set aside or vacate

1 or otherwise to attack, directly or collaterally, the attached proposed Stipulated Judgment, or any
2 provision therein, between the People and the Defendants entered pursuant to this Stipulation.

3 4. That the Defendants agree to be bound as of the date of their signature on this
4 Stipulation by the provisions of the proposed Stipulated Judgment as though ordered by the
5 Court; and that to the extent permitted by law, Defendants will be liable for violations of this
6 stipulation. Defendants waive any further notice or service of the Stipulated Judgment.
7

8 5. That the Stipulated Judgment is intended by all parties to be a full and final
9 resolution of all claims raised in the complaint, based on the facts alleged therein.

10 6. Defendants agree that this is a full and final settlement as to each cause of action
11 contained in the Complaint. All obligations imposed upon Defendants by the terms of this
12 Stipulated Judgment are ordered and are to be performed pursuant to the requirements of
13 Business and Professions Code sections 17203 and 17206.
14

15 7. This Stipulation may be executed in counterparts and by means of facsimile,
16 which taken together shall be deemed to constitute one document.
17

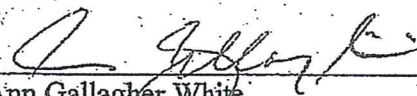
18 8. Defendants agree to pay any necessary filing or appearance fee to the Sonoma
19 County Superior Court. This Stipulation shall be filed with the clerk of the court within seven
20 (7) days of the execution thereof.

21 9. The parties agree and stipulate that violation of this agreement may be pursued as
22 a violation of Penal Code section 166(a)(4) and may be pursued as a violation of Business and
23 Professions Code section 17207, and does not limit the People's ability to pursue a separate
24 action civilly, criminally or otherwise.
25
26
27
28

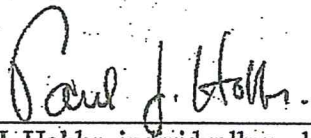
1 10. Plaintiff and Defendants stipulate that the Final Judgment may be signed by any
2 Judge of the Superior Court of the State of California, County of Sonoma, and entered by the
3 Clerk without notice to Defendants.
4

5 DATE: 1/26/15
6

JILL RAVITCH, DISTRICT ATTORNEY
SONOMA COUNTY

7
8 By: 
Ann Gallagher White
Deputy District Attorney
9

10
11 DATE: 1/26/15
12

13 By: 
Paul J. Hobbs, individually and as Owner of Paul
Hobbs Winery, L.P., Defendants
14

15 Approved as to Form and Content:

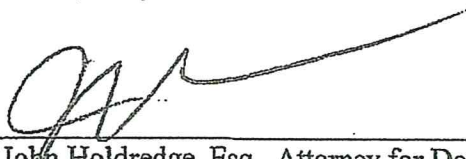
16 DATE:

ANDRIAN & GALLENSON

17
18
19
20 By: _____
Chris Andrian, Esq., Attorney for Defendants

21
22 DATE: 1/26/15
23

GEARY, SHEA, O'DONNELL, GRATTAN &
MITCHELL, P.C.

24
25 By: 
John Holdredge, Esq., Attorney for Defendants
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

JILL R. RAVITCH
District Attorney, County of Sonoma
Ann Gallagher White SBN 167419
Deputy District Attorney
2300 County Center Drive, Suite B-170
Santa Rosa, Ca. 95403
(707) 565-3161
(707) 565-3499 Facsimile

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

PAUL HOBBS WINERY L.P. and PAUL J. HOBBS and DOES 1 through 10, inclusive,

Defendants.

Case No.: SCV-255513

**PROPOSED
FINAL JUDGMENT
AND PERMANENT INJUNCTION
PURSUANT TO STIPULATION**

Plaintiff, the People of the State of California, appears through its attorney, Jill R. Ravitch, District Attorney of Sonoma County, by Ann Gallagher White, Deputy District Attorney (referred to as "Plaintiff" or "the People").

Defendants PAUL HOBBS WINERY L.P. and PAUL J. HOBBS appear through counsel for Defendants, Chris Andrian, Esq. of Andrian & Gallenson and John Holdredge, Esq. of Geary, Shea, O'Donnell, Grattan & Mitchell, P.C.

It appears to the Court that the parties hereto have stipulated and consented to the entry of this proposed Final Judgment And Permanent Injunction Pursuant To Stipulation ("Stipulated Judgment") without the taking of proof, and without this Stipulated Judgment constituting

1 evidence or an admission by Defendants regarding any issue of fact or law alleged in the
2 complaint, and the Court having considered the matter and the pleadings, and good cause
3 appearing therefore,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

5
6
7 **JURISDICTION**

8 1. This Court has jurisdiction over the allegations contained in the Complaint and
9 personal jurisdiction over Defendants as to the acts alleged in the Complaint, venue is proper in
10 Sonoma County, and this Court has jurisdiction to enter this Stipulated Judgment as a full and
11 final resolution of all claims raised in the Complaint based on the facts alleged therein.
12

13 **APPLICABILITY**

14 2. The provisions of the Stipulated Judgment are applicable to Defendants Paul J. Hobbs
15 and Paul Hobbs Winery, L.P., which includes acts by their agents, servants, employees,
16 representatives, and to all persons, employees, and other entities acting in concert or participating
17 with them, with actual or constructive notice of this judgment (collectively referred to as
18 "Defendants"). All obligations imposed upon Defendants Paul J. Hobbs and Paul Hobbs Winery,
19 L.P. and the persons and entities set forth above by the terms of this Stipulated Judgment are
20 ordered pursuant to Business and Professions Code sections 17203 and 17204.
21
22

23 **INJUNCTION**

24 3. Pursuant to Business and Professions Code sections 17203 and 17204, Paul J. Hobbs
25 and Paul Hobbs Winery, L.P. and all persons and entities as set forth in Paragraph 2 above, are
26 hereby permanently enjoined, restrained, and prohibited from vineyard development in Sonoma
27
28

1 County in violation of the Sonoma County Code and/or any other laws and regulations governing
2 environmental protection.

3 Defendant Paul Hobbs agrees further that for the three years from the date of execution of
4 this agreement that he will comply with the Timber Harvest Plan referenced in the complaint (1-
5 08-149-SON Hillick Ranch THP) located at 11835 Highway 116, Sebastopol, California,
6 provided however, if Defendant Paul Hobbs does not obtain a Use Permit for that vineyard,
7 neither that, nor any matters emanating therefrom, shall be deemed a violation of this Injunction.
8

9 Defendants Paul Hobbs and Paul Hobbs Winery, L.P. agree further that for the three
10 years from the date of the execution of this agreement, that they will comply with:

- 11
- 12 a. The Fish and Game Code 1603 agreement with the Department of Fish and
13 Wildlife regarding the property located at 622 Watertrough Road, Sebastopol,
14 California,
 - 15 b. The directives of the Sonoma County Agricultural Commissioner's Office to
16 restore the riparian habitat at the unnamed tributary of Atascadero Creek, as
17 referenced in the complaint located at 622 Watertrough Road, Sebastopol,
18 California, and
 - 19 c. The plans obtained from the Sonoma County Permit and Resource Management
20 Department for development of 622 Watertrough Road, Sebastopol, California, as
21 referenced in the complaint.
22
23
24

25 **MONETARY RELIEF**

26 4. Pursuant to Business and Professions Code section 17206 and Fish and Game
27 Code section 1615, Defendants shall pay ONE HUNDRED THOUSAND DOLLARS
28 (\$100,000) as follows:

1 a. Pursuant to Fish and Game Code sections 1602(a) and 1615(a), Defendants shall
2 pay a civil penalty of THIRTY THOUSAND DOLLARS (\$30,000). Pursuant to
3 Fish and Game Code section 1615(f), FIFTEEN THOUSAND DOLLARS
4 (\$15,000) shall be made payable to Sonoma County Fish and Wildlife
5 Propagation Fund and FIFTEEN THOUSAND DOLLARS (\$15,000) shall be
6 made payable to Fish and Game Preservation Fund;
7

8 b. Pursuant to Business and Professions Code section 17206, Defendants shall pay a
9 civil penalty of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) made
10 payable to the Sonoma County District Attorney's Office for deposit in a
11 consumer protection account for the enforcement of consumer protection laws in
12 Sonoma County;
13

14 c. Defendants shall pay *cy pres* relief in the amount of TWENTY THOUSAND
15 DOLLARS (\$20,000) as follows: TEN THOUSAND DOLLARS (\$10,000) shall
16 be made payable to the Sonoma County Agricultural Commissioner's Office for
17 the purpose of purchasing equipment, providing training or/and supplies to assist
18 with the investigation of environmental cases; TEN THOUSAND DOLLARS
19 (\$10,000) shall be made payable to the Twin Hills Union School District for the
20 purposes of environmental education and for enhancement of the students'
21 participation in environmental restoration with collaboration through the STRAW
22 program, Point Blue, Petaluma.
23

24
25 d. Defendants shall pay investigative costs in the amount of FIFTEEN THOUSAND
26 DOLLARS (\$15,000) as follows: FOUR THOUSAND, FIVE HUNDRED and
27 EIGHTY SIX DOLLARS AND NINE CENTS (\$4,586.09) payable to the
28

1 Regional Water Quality Control Board; TEN THOUSAND, ONE HUNDRED
2 and FORTY DOLLARS (\$10,140) made payable to the Sonoma County
3 Agricultural Commissioner's Office; and TWO HUNDRED SEVENTY THREE
4 DOLLARS AND NINETY ONE CENTS (\$273.91) made payable to the Sonoma
5 County District Attorney's Office.
6

7
8 **PAYMENT METHOD**

9 5. All payments shall be by check, made payable as indicated above, and delivered
10 to the Sonoma County District Attorney's Office, Environmental and Consumer Law Division,
11 to the attention of Deputy District Attorney Ann Gallagher White, 2300 County Center Drive,
12 Suite B-170, Santa Rosa, CA 95403. Payment shall be made no later than February 20, 2015.
13

14 **RETENTION OF JURISDICTION**

15 6. Jurisdiction is retained for the purpose of enabling any party to the Stipulated
16 Judgment to apply to the Court for such further orders and directions as may be necessary and
17 appropriate for the construction and carrying out of the Stipulated Judgment, for the modification
18 or dissolution of any injunctive provisions hereof, for enforcement of compliance herewith, or for
19 the punishment of violations hereof.
20

21 7. The parties waive the right to appeal this Judgment both as to form and
22 content and the serving and filing of a notice of Entry of Judgment.
23

24 8. The Clerk is directed to enter this Stipulated Judgment forthwith.

25 9. The Doe Defendants referenced in the People's Complaint are hereby dismissed.
26

27 Dated: _____

28 _____
JUDGE OF THE SUPERIOR COURT