

# EXHIBIT 10

The Engineering Geologist  
Since 1969  
RG 3142 CEG 923  
7945 St. Helena Road Santa Rosa, CA 95404  
Phone 707-539-2577  
Fax 707-539-5773  
November 4, 2009

NOWWE  
7168 St. Helena Road  
Santa Rosa, CA 95404

Subject: **Proposed Road Paving  
Cornell Wine Factory,  
245 Wappo Road, Sonoma County.**

Wherever there is a change in land use and/or proposed grading and road and building construction, prevention of increased erosion is essential in project design. This is accomplished by controlling the way water flows across the ground surface on the site. It is my understanding that a proposed mitigation for increased erosion on the wine factory site and for sediment deposition in adjacent water courses is paving of road surfaces. Control of erosion by adequate drainage design is not, in my experience, considered a "mitigation". On the contrary, it is a minimum standard to be met on any project.

The proposed project is located in a very rural, mountainous area where driveways and private roads are generally constructed by cut and fill grading. The road surfaces created by this grading are typically sloped slightly towards the upslope side of the road (inward) where a rock-lined ditch is constructed along the road to collect water that drains off the road. Water that collects in these ditches is typically discharged through culverts that pass under the roads and is discharged onto the adjacent descending slopes. The culverts are constructed at relatively frequent intervals to prevent individual culverts from discharging large quantities of water that would cause excessive erosion. The road surfaces are covered with a layer of gravel that is typically about six inches thick. Where these unpaved roads and drainage devices are properly constructed and maintained, they provide good vehicle access and minimal erosion. Where these unpaved roads are poorly maintained and/or do not have adequate drainage structures the opposite is true.

When pavement is placed on a road, an impermeable surface is created. This prevents erosion of the road surface. Rainwater that falls on the road cannot infiltrate into the ground and it all runs off. If this increased (due to reduction of infiltration) runoff is properly controlled, pavement can be beneficial in reducing erosion and sediment deposition in adjacent watercourses. Where the drainage of water off paved roads is not properly controlled, the greater quantity of runoff water can actually

NOWWE, November 4, 2009

page 2

increase overall erosion and deposition of sediment into adjacent watercourses.

When considering the potential for increased erosion and deposition of sediment into adjacent water courses resulting from the proposed project, it is important to keep the actual impact of the proposed minor road construction in proper perspective. The inherent geologic instability of the site, indicated on published regional reference maps, and recent defoliation of large areas of the site are much greater threats to water quality than any difference in the actual surface materials on the very short sections of road to be used on this site. For example, the active landslide below the residence at 245 Wappo Road greatly impacted water quality in the subjacent water course and in Mark West Creek itself. Thus, from the perspective of increased erosion potential and water quality in nearby creeks, a discussion of alternative road surfaces appears to be much more of a "red herring" than a mitigation.

Actual mitigation of erosion hazards and threats to water quality would require a thorough geotechnical investigation of the overall site (including descending natural slopes), avoidance of any grading and building construction in unstable areas or mitigation of the geologic instabilities, re-vegetation of defoliated areas, proper investigation of the landslide below the residence at 245 Wappo and construction of a proper landslide repair, hydrologic and geotechnical evaluation of the culvert and fill mass placed in the drainage course below the residence at 245 Wappo Road, avoidance of effluent disposal in unstable areas and avoidance of any future defoliation and/or improper grading.

I trust that the forgoing information fulfills your present requirements. The opportunity to be of professional service is sincerely appreciated. If you have any questions, please do not hesitate to call.

Very truly yours,



Raymond Waldbaum  
Professional Geologist 3142  
Certified Engineering Geologist 923

