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Arborist Report

Prepared for:
Paul Donovan
2819 Congress Rd.
Pebble Beach, CA 93953
APN# 007-103-012

Prepared by:
Topes Environmental inc.
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ISA Certified Arborist WE-7621A
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P.O. Box 223436
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Data Collected by:
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ISA Certified Arborist WE-12892A
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P.O. Box 223436
Carmel, CA 93922

May 9, 2024

Paul Donovan
2819 Congress Rd.
Pebble Beach, CA 93953

Mr. Donovan,

On April 1st, 2024, you contacted me in regards to an arborist report that was needed for a proposed lot development. On April 8th, we met so I could become familiar with the site and discuss what was needed for the report. You asked me to inventory the trees, evaluate the site plan and site to determine the effects of the proposed site plan on the remaining trees. On May 7, 2024 We performed a visual site inspection, the following are our observations and findings.

Sincerely,

Andrew Tope

Limitations and Disclosure

The following are our observations and findings from the site visit on May 7, 2024 . All observations were made using a digital camera, tape measure, diameter tape, and/or sounding hammer.

I relied upon information provided to me regarding the site and the subject trees. For purposes of this report, I assumed all of the information I was provided to be true. If any of the information provided to me is found to be inaccurate, the conclusions in this report may be invalidated.

My observations are based on a strictly visual inspection of the property, and some hidden or buried symptoms and signs may not have been observed. I did not conduct excavation, coring, or aerial inspection to make observations. Specialty arborists would be needed to conduct root crown inspections and extent-of-decay analysis on the tree, if these additional inspections are desired.

Although the condition of the trees will change throughout the year, my analysis is only based on the observations I gathered at the time of inspection. I do not guarantee the safety, health, or condition of the trees. There is no warranty or guarantee, expressed or implied, that problems or deficiencies in the trees may not arise in the future.

Arborists are tree specialists who use their knowledge, education, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to structural failure of a tree. Trees are living organisms that fail in ways not fully understood. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, locations of surveyed landmarks, and disputes between neighbors. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risks associated with trees is to eliminate all trees.

Summary of Report

1. Tree Protection System must be put into place and implemented before construction begins
2. 33 Trees are located inside the proposed development zone, therefore proposed for removal.
3. 4 Trees located outside of the proposed development are recommended for removal due to being dead or hazardous, and in close proximity to the proposed house location.
4. 22 of the 37 trees proposed to be removed are 12” diameter or lower
5. Continued monitoring should take place during the building process to ensure the health of the trees.
6. Canopy cleaning is suggested for trees in close proximity to construction site.

Observations

Site Conditions

2819 Congress Rd, is an undeveloped site in the Del Monte Forest area. The Monterey County soils report has the soil as a Narlon loamy fine sand, 2 to 9 percent slopes. The site is predominantly covered with mature Monterey Pines, and California Live Oaks. Ground cover consists of Natural Forest Duff and wood chips.

Preserving/Tree Protection

Preserving and Protecting trees during land/lot development is not the responsibility of just the arborist. It's a joint effort from the planning stages of a project till well after the project has been completed. Owners, engineers, architect, landscape architect, grading, demolition, construction, tree and landscape contractors must be committed to tree preservation. With that goal in mind the trees that add value and beauty to a property will continue to thrive.

Tree root systems are the most common tree part to be damaged during construction. Tree roots can grow much wider than the canopy of the tree. Roots can be easily damaged by driving equipment over the root zone, storing material, digging or excavating, excessive watering, or even excessively walking over the same area. Negative effects from root or construction damage may be delayed for many years. Due to these factors a Tree Protection Zone (TPZ) should be put into place. In this area no grading, trenching or equipment should be operated in this area. All work must be performed by hand and under the supervision of an arborist. Six foot tall orange fencing would be adequate to enclose the tree protection zone. This fencing should be installed before demolition, grubbing, and grading, takes place and shall remain till all construction is completed. Ideally this area will be 1 1/2 times the size of the drip-line of the tree, however that is not always feasible. On this particular site, it is recommended that the fencing enclose groups of trees instead of just one, since many of the oaks are clustered close together.

Even with the TPZ in place trees can still be damaged and stressed from the work being performed. With the extra stress that construction can put onto trees they become more susceptible to diseases and pests. Preventative measures can be taken to protect trees from these health issues. Fungicides and insecticides can be injected into the trunk of the trees around the construction site. These injections can be used to control a variety of common health issues on California Live Oaks. These include root protection from root rot fungus and oak worm prevention. Residual effects from one injection may last as long as two years depending on the formulation used. With the long lasting effects treating one time before construction begins may protect the trees the entire project.

2819 Congress Ave. Pebble Beach, CA 93953

Tree #	Species	DBH	Condition	Recommendation	In Proposed Development?
1	Monterey Pine	26	Moderate	Monitor	No
2	Coast Live Oak	10	Good	Monitor	No
3	Monterey Pine	20	Moderate	Prune	No
4	Coast Live Oak	18, 20	Moderate	Prune	No
5	Coast Live Oak	20	Good	Remove	Yes
6	Coast Live Oak	10	Good	Prune	No
7	Coast Live Oak	10	Good	Prune	No
8	Coast Live Oak	10	Good	Reassess post construction	No
9	Coast Live Oak	14	Good	Reassess post construction	No
10	Coast Live Oak	12	Moderate	Monitor	No
11	Coast Live Oak	8	Moderate	Monitor	No
12	Coast Live Oak	8	Moderate	Monitor	No
13	Coast Live Oak	10	Moderate	Monitor	No
14	Coast Live Oak	10	Poor	Monitor	No
15	Coast Live Oak	16	Poor, decay at base	Monitor	No
16	Coast Live Oak	16	Poor	Prune	No
17	Coast Live Oak	20	Poor	Monitor	No
18	Coast Live Oak	20	Moderate	Monitor	No
19	Coast Live Oak	18	Moderate	Prune	No
20	Coast Live Oak	5	Moderate	Monitor	No
21	Monterey Pine	18	Poor, trunk decay	Remove	No

2819 Congress Ave. Pebble Beach, CA 93953

Tree #	Species	DBH	Condition	Recommendation	In Proposed Development?
22	Monterey Pine	24	Poor, trunk decay	Remove	No
23	Coast Live Oak	8	Moderate	Monitor	No
24	Monterey Pine	24	Poor	Remove	Yes
25	Coast Live Oak	18	Moderate	Reassess post construction	No
26	Coast Live Oak	12	Good	Remove	Yes
27	Coast Live Oak	18	Good	Remove	Yes
28	Coast Live Oak	8	Moderate	Remove	Yes
29	Coast Live Oak	10	Moderate	Remove	Yes
30	Coast Live Oak	10	Moderate	Remove	Yes
31	Coast Live Oak	8	Moderate	Remove	Yes
32	Coast Live Oak	12	Poor	Remove	Yes
33	Monterey Pine	24	Moderate	Remove	Yes
34	Monterey Pine	26	Moderate	Remove	Yes
35	Coast Live Oak	8	Poor	Remove	Yes
36	Coast Live Oak	8	Moderate	Prune	No
37	Coast Live Oak	14	Moderate	Prune	Yes
38	Coast Live Oak	12	Moderate	Prune	Yes
39	Coast Live Oak	12	Moderate	Prune	Yes
40	Coast Live Oak	8	Moderate	Remove	Yes
41	Coast Live Oak	10	Good	Remove	Yes
42	Monterey Pine	36	Moderate	Prune	No

2819 Congress Ave. Pebble Beach, CA 93953

Tree #	Species	DBH	Condition	Recommendation	In Proposed Development?
43	Coast Live Oak	12	Moderate	Remove	Yes
44	Coast Live Oak	10, 8	Poor	Remove	Yes
45	Coast Live Oak	10	Good	Remove	Yes
46	Coast Live Oak	10	Moderate	Remove	Yes
47	Monterey Pine	34	Moderate	Remove	Yes
48	Coast Live Oak	8	Moderate	Remove	Yes
49	Coast Live Oak	10	Moderate	Remove	Yes
50	Coast Live Oak	12	Poor	Remove	Yes
51	Coast Live Oak	8	Poor	Remove	Yes
52	Monterey Pine	40	Dead	Remove	No
53	Coast Live Oak	8, 14	Moderate	Monitor	No
54	Coast Live Oak	12	Moderate	Monitor	No
55	Coast Live Oak	16	Moderate	Prune	No
56	Coast Live Oak	14	Moderate	Prune	Yes
57	Coast Live Oak	10, 8	Poor, damaged	Remove	Yes
58	Coast Live Oak	20, 20	Moderate	Remove	Yes
59	Coast Live Oak	8	Moderate	Remove	Yes
60	Coast Live Oak	10	Moderate	Remove	Yes
61	Coast Live Oak	14	Poor, trunk decay	Remove	Yes
62	Coast Live Oak	16	Good	Remove	Yes
63	Coast Live Oak	10	Moderate	Remove	Yes

2819 Congress Ave. Pebble Beach, CA 93953

Tree #	Species	DBH	Condition	Recommendation	In Proposed Development?
64	Coast Live Oak	10	Good	Prune	Yes
65	Coast Live Oak	16	Poor	Prune	No
66	Coast Live Oak	16	Moderate	Prune	No
67	Coast Live Oak	8	Moderate	Reassess post construction	No
68	Monterey Pine	24	Moderate	Reassess post construction	No
69	Monterey Pine	26	Moderate	Reassess post construction	No
70	Coast Live Oak	20, 22	Moderate	Prune & Reassess post construction	No
71	Coast Live Oak	12	Poor	Monitor	No
72	Coast Live Oak	14	Moderate	Monitor	No
73	Coast Live Oak	8	Poor	Monitor	No
74	Coast Live Oak	12	Moderate	Monitor	No
75	Monterey Pine	34	Poor, severely exposed roots	Remove	Yes
76	Monterey Pine	34	Poor, decay at base	Remove	Yes
77	Coast Live Oak	16	Poor, decline	Remove	Yes
78	Coast Live Oak	8	Good	Monitor	No
79	Coast Live Oak	16	Poor, severe lean, severe decay	Remove	No
80	Coast Live Oak	16	Moderate	Prune, Monitor	No
81	Coast Live Oak	20	Moderate	Prune, Monitor	No

Tree Removals

In Total 31 trees are located in the proposed building zone. There are 4 Trees that I deemed should be removed due to their high risk of failure and proximity to the proposed home location. Few of the trees to be removed would be considered specimen trees. The trees should be removed by a licensed contractor with special attention taken to not damage the remaining trees or their TPZ fencing.

Tree Pruning

A crown cleaning could be performed on the trees in close proximity to the building site. Crown cleaning consists of removing dead, diseased, and/or broken limbs. Other advisements for pruning include:

- On mature trees no more than 25% of live foliage is recommended to be removed in one particular pruning.

- All pruning should be performed in accordance to standards set forth by the International Society of Arboriculture.

Tree Replanting

The County of Monterey requires replanting as a condition of a tree permit/tree removal. Usually a one for two replacement ratio is required for trees 24 inches and larger, and one for one replacement ratio is required for trees smaller than 24 inches. This usual requirement will not work in this case because there simply will not be enough space to plant that many trees once the proposed home is built. So for this case we recommend planting 12 trees in total wherever there is canopy space available. Mostly Oaks are being removed therefore we recommend a majority of the replants be Live oaks as well. At Least 10 of the 12 recommended replants should be Coast Live Oaks. All replanted trees should be 15 gallon size or bigger. The replanting locations may need to be assessed after construction.

Continued Monitoring Intervals

Tree Protection Zones.

During the development of the site it is recommended that a certified arborist periodically checks in at the site to ensure the TPZ requirements are being followed properly.

Replanted Trees

To ensure the continued health and survival of the replanted and relocated trees a certified arborist should monitor the newly planted trees for 3 years. It should consist of:

- Inspection of trees at the 6 month, 1 year, and 3 year interval.
- Inspecting for vigor, and proper growth rates.

- Inspecting for possible diseases or pest presence.
- Identify dead or dying trees.
- Replace dead or dying trees.
- Writing a letter to Monterey County at the end of year one to determine if the replanting and relocating was successful.

Image 1: Pictured is a satellite view of the site, circled in red is the approximate location of the site



Image 2: Attached is the site plan with the Trees on the property numbered in accordance with the provided inventory table.



MONTEREY BAY
TREWORKS

1/25/25

RE: Tree Assessment

Site Address: 2819 Congress Rd Pebble Beach, CA 93955

Mailing Address: 93 Claremont Ave. Santa Clara, CA 95051

Mr. Paul Donovan

SUMMARY

Monterey Bay Treeworks was requested to complete an assessment of three *Pinus radiata* and one *Quercus agrifolia*, making recommendations to mitigate with the best solution for overall residual risk. Site factors influencing the likelihood of failures such as tree age and condition, soil conditions, topography, prevailing wind directions are considered.

- Per your request, a Level II assessment was completed.
- Three subject trees were determined to require findings.
- Three subject trees were rated as high risk and removal is recommended.
- No aerial inspections were performed during my visit.
- Root collar excavation was not performed.
- Sounding with a wood mallet was performed.
- Resistance testing was not performed.
- All assessments were made from the ground of the trunk, lateral limbs and canopy.
- Bird nesting is not visible on site within 300 feet.

Bird nesting period is from February 22 - August 1

- No biological or environmental testing was performed
 1. The site is proposed for development as indicated by story poles. The trees are assessed as if a structure was present.

In accordance with Monterey County Resource Management Agency, the following shall be complied with.

An arborist report and application is required for tree removal based on:

MONTEREY COUNTY TITLE 21 ORDINANCE

21.64.260 PRESERVATION OF OAK AND OTHER PROTECTED TREES

Monterey County Resource Management Agency requires a 1:1 replant for non-heritage tree removal $\leq 24'$ DBH

2:1 replacement for heritage trees $\geq 24'$ DBH

Five trees are required for replacement

onsite.4 - *Pinus radiata*

1 - *Quercus agrifolia*

Introduction and Overview

Monterey Bay Treeworks was engaged to prepare an Arborist Report concerning the subject tree(s) for submission to Paul Donovan. The objective of this report is to provide an integrated assessment of the level of risk posed by the subject tree(s) and to offer appropriate recommendations.

This report includes:

1. An assessment of the risk level posed by the subject tree(s).
2. Recommendations for mitigation measures regarding retention or removal, as needed.

The report is intended solely for the purpose of making informed decisions about risk mitigation concerning the subject tree(s). The information provided reflects the conditions observed at the time of inspection. As tree conditions evolve over time, reassessments are recommended annually and after major storm events if tree retention is advised.

Scope of the Assessment

The assessment was conducted as a Level 2 evaluation in accordance with the International Society of Arboriculture's (ISA's) Best Management Practices (BMP) for Tree Risk Assessment and the ANSI A300 Part 9 Standard for Tree Risk Assessment.

This report:

- Documents the level of risk posed by the tree(s) based on visual evaluation and proposed development.
- Makes recommendations to reduce risk where applicable.
- Provides a written record of findings and recommendations observed and discussed at the time of inspection.

Levels of Assessment

- **Level 1:** A limited visual assessment of an individual tree or population of trees, such as a "drive-by" evaluation or preliminary inspection for estimating purposes.
- **Level 2:** A 360-degree visual evaluation of a tree, including examination of the crown, trunk, trunk flare, above-ground roots, and site conditions in relation to surrounding targets. This is often performed using the ISA Basic Tree Risk Assessment form under TRAQ methodology.
- **Level 3:** An advanced assessment that exceeds Level 2, such as aerial inspections, decay detection through tools like drilling or tomography, and root crown examinations.

Assessment Methods

Subject tree(s) were assessed on 1/23/25. The data collection consisted of the following steps:

1. Identify the subject tree(s) as requested.
2. Tagging of subject tree(s) with an identifying number and recording findings of diameter, height, canopy spread and condition of subject tree(s).
3. Evaluating the health and structural condition using a scale of 0 – 5.
 - 5** A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.
 - 4** Tree with slight decline in vigor; small amount of twig dieback, minor structural defects that could be corrected.
 - 3** Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
 - 2** Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
 - 1** Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.
 - 0** Dead with no living foliage.

Description of Subject Tree(s)

Subject tree *Pinus radiata*, #889, is ~70. Ft in height with a diameter of 26". The canopy has an ~30 ft. spread. Vigor is noted as low, growing slowly, and/or under stress for its species and site conditions. Foliage size and color indicate poor tree health. Pests noted are *Dendroctonus valens* (Red turpentine beetle) on the lower trunk and root system. The tree develops with a significant lean and a noticeable bend in the trunk. Decay, inclusions /defects to the lower trunk entering into the root-crown are present.

Subject tree *Quercus agrifolia* #891, is ~25. Ft in height with a diameter of 16". The canopy has an ~20 ft. spread. Vigor is noted as low, growing slowly, and/or under stress for its species and site conditions. Foliage size and color indicate poor tree health. Decay, inclusions /defects to the lower trunk entering into the root-crown are present. Cavities with decay noted at the base.

Subject tree *Pinus radiata*, #892, is ~80. Ft in height with a diameter of 40". The canopy has an ~25 ft. spread. The subject tree is dead with no living foliage.

1. **Tree Failures and Structural Impacts:**

- Whole tree failures have occurred, on and within the neighboring properties
- These failures are consistent with a prevailing wind direction to the northeast.

2. **Site Conditions:**

- The site features are flat within a natural mixed stand of *Pinus radiata* and *Quercus agrifolia*.
- Development is proposed for the site as indicated by story poles installed onsite.

4. **Identified Challenges:**

- Biotic issues (e.g., pests or pathogens) have been noted. Beetle activity and decay is present within the lower trunks and root systems.
- Abiotic stressors, such as canopy load and trunk abnormalities, have compromised the structural stability of all four subject trees

Evaluating the health and structural condition using a scale of 0 – 5.

5 A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.

4 Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.

3 Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.

2 Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.

1 Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.

0 Dead with no living foliage.

Assessing suitability for preservation

Tree Assessment Monterey Bay Treeworks

Tree No.	SPECIES	SIZE Diameter (Inches)	CONDITION 0 = DEAD 1-2 = POOR 3-4 = Fair 5 = Good	SUITABLE FOR PRESERVATION	Health and safety Assessment Rating	Mitigation Options
889	Pinus radiata	26	1 - Poor	No, Compromised	2	Remove
891	Quercus agrifolia	16	2 - Poor	No, Compromised	2	Remove
892	Pinus radiata	40	0 - Dead	No, Dead	0	Remove

Summary and Conclusion

All three trees display advanced stages of structural defects that compromise the health and stability of the tree. Considering that the trees will have detrimental impacts to the current stand of trees or people and structures if development were to take place, It is recommended that these trees be removed for canopy preservation or prior to any development that might take place onsite for safety reasons.

Tree trunks are subject to two kinds of loading, self-weight and wind load, either of which can result in mechanical damage or failure. Self-weight results from gravitational forces acting on the mass of tree, whereas wind load is the result of wind-induced drag forces acting on the crown and trunk. Cracks in tree trunks can be one of the major indicators of an unstable tree. Most cracks are caused by improper closure of wounds. They can be found in branches, stems or roots, and vary in type and severity. Ribbed cracks are created as the tree attempts to seal over a wound. Margins of the crack meet and mesh but are reopened due to tree movement or extremely cold temperatures. Thicker annual rings are created in order to stabilize the developing crack at the location of the wound. This forms the ribbed appearance over a period of many years. These cracks put a tree at higher risk of failure, and are especially dangerous when combined with other defects or with advanced decay.

The likelihood of failure is rated as probable meaning that failure may be expected under normal weather conditions within the specified time frame of one year. The consequences are categorized as significant. Substantial personal injury, moderate- to high-value property damage, or considerable disruption of activities. Tree removal is the recommendation to mitigate overall residual risk.

Certifying Statement

I, Albert Weisfuss, certify that:

- I have personally overseen the inspection of this tree and property referred to in this report, and have stated my findings accurately.
- I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
- The opinions and conclusions stated herein are my own.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.



Albert Weisfuss

January 25, 2025

Date



Albert Weisfuss

February 6, 2025

Amended 2/6/25



Subject tree 889 - Advanced decay is present throughout the lower portion of this tree with a severe lean.



Subject tree 891 -
Is in decline with advanced decay and cavities. The canopy develops beyond the critical root zone increasing the likelihood of failure.



Subject tree 892 is dead with no living foliage





Albert Weisfuss
 Certified Arborist

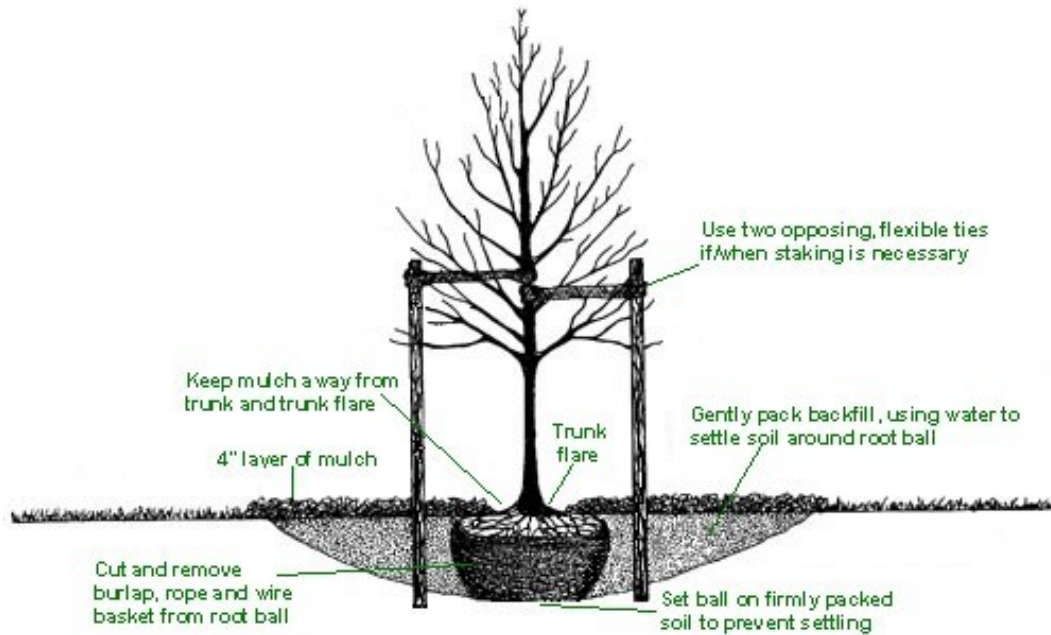
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 montereybaytreeworks.com

Arborists Disclosure:

1. Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of the trees and attempt to reduce the risk of living near trees. Arborists cannot detect every condition that could possibly lead to the structural failure to a tree. Since trees are living organisms, conditions are often hidden within the tree and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time. Likewise, remedial treatments cannot be guaranteed. Trees can be managed but they cannot be controlled. To live near trees is to accept some degree of risk and the only way to eliminate all risk associated with trees is to eliminate all of the trees.
2. Where the treatment, pruning and/or removal of trees are involved, it is the Client's responsibility to advise Consultant of any issues regarding property boundaries, property ownership, site lines, disputes between neighbors and other related issues.
3. Consultant shall invoice Client periodically for the services rendered. Client shall pay such invoices upon receipt. If invoices are not paid within 30 days, a late payment shall be charged of 1 ½ percent per month.
4. Consultant shall perform its services in a manner consistent with the standard of care and skill ordinarily exercised by members of the profession practicing under similar conditions in the geographic vicinity and at the time the services are performed. No warranty, representation or guarantee, express or implied, is intended by this agreement.
5. Services provided under this agreement, including all reports, information or recommendations prepared or issued by Consultant, are for the exclusive use of the Client for the project specified herein. No other use is authorized under this agreement. Client will not distribute or convey Consultant's reports or recommendations to any other person or organization other than those identified in the project description without Consultant's written authorization. Client releases Consultant from liability and agrees to defend, indemnify and hold harmless Consultant from any and all claims, liabilities, damages or expenses arising, in whole or in part, from such distribution.
6. Consultant is not responsible for the completion or quality of work that is dependent upon or performed by the Client or third parties not under the direct control of the Consultant, nor responsible for their acts or omissions or for any damages resulting there from.
7. Client and Consultant agree to mediate any claims or disputes arising out of this agreement, before initiating any litigation. The mediation shall be conducted by a mediation service acceptable to the parties. The parties shall make a demand for mediation within a reasonable time after a claim or dispute arises and the parties agree to mediate in good faith. In no event shall any demand for mediation be made after such claim or dispute would be barred by applicable law. Mediation fees would be shared equally. In the event that mediation does not resolve the issue, the parties agree to proceed through binding arbitration. The prevailing party in such proceeding shall be entitled to a reasonable sum for attorney's fees and expert witness fees.
8. Client agrees to indemnify, defend and hold harmless Consultant from and against any and all claims, liabilities, suits, demands, losses, costs and expenses, including, but not limited to, reasonable attorneys' fees and all legal expenses and fees incurred through appeal, and all interest thereon, accruing or resulting to any and all persons, firms or any other legal entities on account of any damages or losses to property or persons, including injuries or death, or economic losses, arising out of the project and/or this agreement, except to the extent that said damages or losses are caused by Consultant's sold negligence or willful misconduct.
9. If, during the course of performance of this agreement, conditions or circumstances are discovered which were not contemplated by Consultant at the commencement of this agreement, Consultant shall notify Client in writing of the newly discovered conditions or circumstances, and Client and Consultant shall renegotiate, in good faith, the terms and conditions of this agreement. If amended terms and conditions cannot be agreed upon within 30 days after notice, Consultant may terminate this agreement and be compensated under paragraph 4 in this agreement.
10. This agreement may be terminated by either party upon 10 days' notice sent first class mail. In the event of a termination, Client shall pay for all reasonable charges for work performed by Consultant through the 10th day after mailing the notice of termination. The limitation of liability and indemnity obligations of this agreement shall be binding notwithstanding any termination of this agreement.
11. This agreement is the entire and integrated agreement between Client and Consultant and supersedes all prior negotiations, statements or agreements, either written or oral. Writing signed by both parties may only amend this agreement.
12. In the event that any term or provision in this agreement is found to be unenforceable or invalid for any reason, the remainder of this agreement shall continue in full force and effect, and the parties agree that any unenforceable or invalid term or provision shall be amended to the minimum extent required to make such term or provision enforceable and valid.
13. Neither Client nor Consultant shall assign this agreement without the written consent of the other.
14. Nothing in this agreement shall create a contractual relationship for the benefit of any third party.

Planting Detail If trees must be staked, place stakes as low as possible but no higher than 2/3 the height of the tree. Materials used to tie the tree to the stake should be flexible and allow for movement all the way down to the ground so that trunk taper develops correctly. Remove all staking material after roots have established. This can be as early as a few months, but should be no longer than one growing season. Materials used for permanent tree protection should never be attached to the tree.



Tree Age	Frequency	Quantity	Drip* & Sprinkler*** Run Time
Three days after planted	Fill the watering basin 3 times, using a total of 15-20 gallons	15-20 gallons	Hand watering best at this stage
First three weeks after planting	Fill the watering basin once a week	5-10 gallons	Drip & Bubblers run time: Depends on flow rate
Two - Six months following planting	Fill the watering basin every week or every other week	10-15 gallons	Drip & Bubblers run time: Depends on flow rate
Remainder of first year	Water every other week in absence of soaking rain	10-15 gallons	Drip & Bubblers run time: Depends on flow rate
Year Two	Every two to four weeks when rain is scarce	15-20 gallons	Drip & Bubblers run time: Depends on flow rate
Year Three-Five	Once a month	20-30 gallons	Drip & Bubblers run time: Depends on flow rate

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