

# EXHIBIT G

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## PROJECT REVISION STATEMENT

**Metamorphosis Wines LLC  
Ovid Vineyards, Vineyard Conversion  
Agricultural Erosion Control Plan #P18-00275-ECPA**

Napa County Planning, Building  
& Environmental Services

I hereby revise the Metamorphosis Wines LLC., Ovid Vineyards Agricultural Erosion Control Plan #P18-00275-ECPA to convert to vineyard approximately 38.9 acres of existing Annual Grassland, Chaparral, bay and oak woodland, and orchard within an approximate 73.6 acre holding (Assessor's Parcel Numbers 032-030-065 and -066: 255 Long Ranch Road) in Napa County California CA, to include the four (4) measures specified below that would reduce the project approximately 13 acres to approximately 26 acres.

**Mitigation Measure BR-1:** The owner/permittee shall implement to following measures to minimize potential direct and indirect impacts to special-status plant species (i.e., Napa lomatium, narrow-anthered brodiaea, Sharsmith's western flax, green monardella, and holly-leaved ceanothus) and their habitat:

- a. Revise Erosion Control Plan #P18-00275-ECPA prior to approval to: i) remove Vineyard Block 1, and ii) modify/adjust the boundaries of the Vineyard Block 2 complex (i.e., Blocks 2A, 2B, and 2C) and Vineyard Block 5 consistent with the modified block configurations as detailed and delineated in the WRA Biological Resources Response to Napa County Comments on Biological Resources (December 2018 - **Exhibit B-2**) and the Napa County Mitigated Project Exhibit (**Exhibit B-3**) that also provides a minimum 50 foot buffer from all avoided Napa lomatium, narrow-anthered brodiaea, and Sharsmith's western flax plants and/or populations. This configuration would avoid the entirety of the leather oak chaparral habitat on the project parcels, and allow the conversion of the entirety of the Scotch Broom Patch (an invasive and noxious plant species) to vineyard.
- b. Revise Erosion Control Plan #P18-00275-ECPA prior to approval to identify all areas removed from development pursuant to **Mitigation Measure BR-1(a)** and all areas containing special-status plant species (i.e. Napa lomatium, narrow-anthered brodiaea, Sharsmith's western flax, green monardella, and holly-leaved ceanothus) located outside of the mitigated vineyard blocks as shown in **Exhibit B-3**, as Preservation Areas. The Preservation Areas shall include a minimum of 13 acres.
- c. The owner/Permittee shall implement the following measure to permanently preserve special-status plant species and associated habitat within the project parcels. The Preservation Areas, totaling a minimum of 13 acres, as identified in approved #P18-00275-ECPA, shall be designated for preservation in a mitigation easement with an organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection acceptable to the County. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (including, but not limed to conversion to other land uses such as agriculture or urban development, and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The owner/Permittee shall record the mitigation easement within 60 days of approval of #P18-00275-ECPA by the County; however in no case shall the ECPA be initiated until said mitigation easement is recorded.
- d. Revise the proposed wildlife exclusion fencing layout prior to approval, to limit any new wildlife exclusion fencing to the periphery of proposed Vineyard Block 2 as modified by this mitigation measure.
- e. In accordance with Napa County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) any Napa lomatium, narrow-anthered brodiaea, Sharsmith's western flax, green monardella, and holly-leaved ceanothus plants/populations inadvertently removed as part of development authorized under # P18-00275-ECPA shall be replaced on-site at a ratio of 2:1 at locations with similar habitat, as approved by the planning director. A mitigation plan shall be prepared. At a minimum, the mitigation plan shall include locations where the plants will be planted in suitable habitat within the project parcels, success criteria, and monitoring

activities for the populations. The mitigation plan shall be finalized prior to planting and commencement of construction activities. Any replaced special-status plants shall be monitored for a period of at least three years to ensure an 80% survival rate.

**Mitigation Measure BR-2:** The owner/permittee shall revise Erosion Control Plan # P18-00275-ECPA prior to approval to include the following measures to minimize impacts associated with the potential loss and disturbance of nesting birds consistent with and pursuant to CFGC Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than 14 days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 14 days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.
- b. After commencement of work if there is a period of no work activity of five days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County Conservation Division and the USFWS and/or CDFW.
- d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
- e. Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

**Mitigation Measure BR-3:** The owner/permittee shall revise Erosion Control Plan # P18-00275-ECPA prior to approval to include the following measures to reduce impacts to special-status bat species:

- a. A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees within the project area(s), no more than 14 days and no less than seven days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:
  - i. Tree trimming and/or tree removal should only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid hibernating bats and prior to formation of maternity colonies), under supervision of a qualified biologist. Note that these windows may shift with atypical temperatures or rainfall. Trees should be trimmed and/or removed in a two-

phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches would be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices and deep bark fissures would be avoided, and only branches or limbs without those features would be removed. On the second day, the entire tree would be removed.

- ii. For removal of bat habit trees outside the seasonal activities identified above (between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct pre-construction survey within 14 days of project initiation and/or removal to determine absence/presence of special-status bat species. Survey methods, timing, duration, and species shall be provided for review and approval by Napa County prior to conducting pre-construction surveys. A copy of the survey shall be provided to the County Planning Division and CDFW prior to commencement of work. If special-status bat species are not present, removal can proceed. If bats are found to be present, a plan for removal or exclusion shall be developed by a qualified biologist in conjunction with the County Planning Division and CDFW. The removal or exclusion plan shall be implemented upon approval of the plan by the County Planning Division.

**Mitigation Measure CUL-1:**

The owner/permittee shall implement the following measures to avoid and minimize impacts to cultural resources:

- a. Prior to the commencement of grading and/or earthmoving activities associated with the development of #P18-00275-ECPA, all identified cultural resources shall be flagged in the field by a qualified archeologist and a permanent 10-foot buffer around the perimeter of the resource areas shall be established. Protective construction fencing shall be installed along cultural resource buffers, for County inspection and approval prior to the commencement of grading and/or earthmoving activities. The protective construction fencing shall be maintained and remain in place until all grading, erosion control measure installation, and vineyard installation are completed.
- b. No vineyard development and operations, including vineyard avenues and tractor turnaround areas, shall occur with the buffer areas.
- c. Should vineyard block boundaries need to be revised to provide cultural resources with a 10 foot buffer, the owner/permittee shall provide the County with an as-built plan as necessary showing the revised block boundaries.

**Metamorphosis Wines LLC.**, further commits themselves and successors-in-interest to (a) inform any future purchasers of the property of the above commitments; (b) include in all property leases a provision that informs the lessee of these restrictions and binds them to adhere to them, and (c) inform in writing all persons doing work on this property of these limitations.

**Metamorphosis Wines LLC.**, understands and explicitly agrees that with regards to all California Environmental Quality Act and Permit Streamlining Act (Government Code Sections 63920-63962) deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date on which an executed copy of this project revision statement is received by the Napa County Department of Planning, Building and Environmental Services.

Signature

Title

Date

Printed Name

David R. Duncan

7-19-19