

# Exhibit F

## PROJECT REVISION STATEMENT

### DK 2014 LLC Darioush Estate Curry Lane Vineyard Conversion Agricultural Erosion Control Plan #P18-00442-ECPA

I hereby revise the DK 2014 LLC., Darioush Estate Curry Lane Vineyard Erosion Control Plan #P18-00442-ECPA to convert to vineyard up to approximately 8.3 acres (approximately 5.8 net vine acres) of existing Non-Native Grassland and Oak Woodland, and ruderal/developed land within an approximate 23.62 acre parcel (Assessor's Parcel No. 045-380-010: 2100 Curry Lane, Napa) in Napa County California CA, to include the five (5) measure specified below:

**Mitigation Measure BR-1:** The owner/permittee shall revise Erosion Control Plan #P18-00442-ECPA prior to approval to include the following measures to minimize impacts associated with the potential loss and disturbance of 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 pre-construction survey and habitat assessment in order to identify if bats are present and if there are suitable bat habitat trees within the project area. The survey and assessment shall be conducted no more than 3 months and no less than 14 days in advance of the planned tree removal. A copy of the survey shall be provided to the County Planning Division prior to commencement of work. If special-status bat species or bat maternity roosts are detected/present, roost trees shall be avoided with a minimum 10-foot buffer until the end of maternity roosting season or hibernation season (as determined by a Qualified Biologist), and an avoidance and removal plan shall be developed by a qualified biologist in conjunction with the County Planning Division and CDFW. The avoidance and removal plan shall be reviewed and authorized by the County Planning Division and implemented prior to commencement of the ECPA.
- b. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to removal or trimming of potential bat habitat trees:
  - i. Bat habitat tree removal and trimming between August 31 through October 15, and March 1 to April 15: Under the supervision of a qualified biologist, bat habitat trees shall be removed or trimmed in a two-phased 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. All felled trees shall remain on the ground for at least 24 hours prior to disposal to allow any present bats within the trees to escape.
  - ii. Bat habitat tree removal or trimming 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 to determine absence or presence of special-status bat species. 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 as prescribed in Measure BR-1(b)(i). If bats are found to be present a plan for removal or exclusion will be developed by a qualified biologist in conjunction with the County Planning Division and CDFW. The removal or exclusion plan shall be reviewed and authorized by the County Planning Division and implemented prior to commencement of the ECPA.

**Mitigation Measure BR-2:** The owner/permittee shall revise Erosion Control Plan #P18-00442-ECPA prior to approval to include the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code 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 preconstruction 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 #P18-00442-ECPA prior to approval to include the following measures to avoid and minimize impacts associated with the potential disturbance of western pond turtle:

- a. The intermittent streams and ponds in the project site shall be avoided by at least 50 feet by project activities.
- b. A targeted preconstruction survey for western pond turtle shall be completed between 7 days and 24 hours of the start of construction. Surveys shall take place between 9 a.m. and 3 p.m. and be conducted in areas that western pond turtle are likely to inhabit and focus on detection of basking and foraging turtles. Surveyors shall station in place for periods of 30 minutes in each area that is suitable for western pond turtle and use binoculars to visually detect and identify western pond turtle.
- c. If a western pond turtle is detected, the following measures shall be implemented:

- i. A worker environmental awareness program that describes western pond turtle, its habitat affinities and its protections shall be given to project personnel prior to commencement of ground disturbing activities.
- ii. If any western pond turtle are observed in the work area, the western pond turtle shall be avoided and work shall stop within 50 feet of the western pond turtle and shall not resume until the western pond turtle moves from the work area.
- iii. If ground disturbing activities are to occur during the western pond turtle nesting season, between May 15 and July 15, an exclusion fence shall be installed around the work area to prevent western pond turtle from entering the work area. The design and installation of the fence shall be verified by a qualified biologist.
- iv. If work stoppage occurs for more than 5 consecutive days, work shall cease and the owner/permittee shall contact a qualified biologist to determine further steps.

**Mitigation Measure BR-4:** The owner/Permittee shall implement the following measures to minimize potential impacts to on-site aquatic resources (ponds and streams) and to prevent the inadvertent encroachment into specified creek setbacks and associated riparian habitat during construction and subsequent vineyard operations:

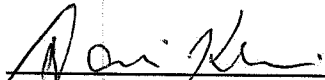
- a. The location of creek setbacks adjacent to vineyard development areas shall be clearly demarcated in the field, as necessary, with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the project plans. Prior to any earthmoving activities, temporary fencing shall be installed: the precise locations of said fences shall be inspected and approved by the Planning Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion control plan installation and vineyard installation. The protection fencing shall remain in place for the duration of project implementation. All construction and related traffic will remain outside of the creek setback protective fencing to ensure that the creek, buffer zones, and associated riparian habitat and/or woodland remains undisturbed.
- b. The location and extent of existing access roads located within required creek setbacks utilized to access the vineyard development areas shall be accurately shown and specified on the plans prior to approval of the ECPA. Prior to commencement of any earthmoving activities existing access roads shall be clearly demarcated in the field with temporary construction fencing, which shall be placed as shown on the ECPA. The precise locations of said fences shall be inspected and approved by the Planning Division prior to any earthmoving and/or development activities. The protection fencing, or other permanent barrier as determined adequate by the planning director, shall remain in place for the duration of project implementation and operation. All construction and operational traffic will remain inside of the protective access fencing/barrier, and no disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur outside the designated access areas for the duration of vineyard installation and operation to ensure previously undisturbed areas of the creek setback/buffer zones, and associated riparian habitat remains undisturbed.
- c. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P16-00337-ECPA shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director.

**Mitigation Measure CUL-1:** The owner/permittee shall implement the following measures to avoid and minimize indirect impacts to cultural resources:

- a. Prior to the commencement of grading and/or earthmoving activities associated with the development of #P18-00442-ECPA, the identified structural debris/depression shall be flagged in the field by a qualified archeologist.
- b. A buffer around the perimeter of the resource area shall be established and protective fencing shall be installed around the buffer. The protective fencing shall be maintained and remain in place.
- c. No vineyard development and operations, including vineyard avenues and tractor turnaround areas, shall occur with the buffer area.

**DK 2014 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.

**DK 2014 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.

  
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Signature

4/6/20  
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Date

Darioush Khaledi  
\_\_\_\_\_  
Printed Name

manager  
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Title