

# Exhibit H

## PROJECT REVISION STATEMENT

### The Johnson Family Trust, U.A.D. September 10, 2012 Johnson Vineyard, Vineyard Conversion Agricultural Erosion Control Plan #P19-00220-ECPA

I hereby revise the Johnson Vineyard Agricultural Erosion Control Plan (ECPA) #P19-00220-ECPA to convert to vineyard up to approximately 9.8-acres (approximately 7.09 net vine acres) of existing Douglas fir forest, mixed oak woodland, blue oak woodland, and ruderal land, including the maintenance of erosion control measures associated with approximately 1-acre of existing vineyard developed outside of the property's approved ECPA (#95091-ECPA, September 13, 1995), within an 40-acre parcel (Assessor's Parcel No. 017-160-036: 3363 State Highway 128, Calistoga, CA 94515) in Napa County California CA, to include the two (2) measures specified below:

**Mitigation Measure BR-1:** The owner/permittee shall revise Erosion Control Plan #P19-00220-ECPA prior to approval to include the following measures to avoid and minimize impacts associated with the potential loss and disturbance of western pond turtle (WPT):

- a. A preconstruction survey for WPT shall be completed between 7 days and 24 hours before 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. The preconstruction survey shall also identify the location of WPT exclusion fencing.
- b. Exclusion fence shall be installed around the north and east sides of the pond/reservoir, and any other areas determined necessary by the project biologist, in such a manner as to preclude WPT from entering ground disturbance areas from the pond. The fencing shall have a minimum height above ground of 38 inches, the bottom of the fence buried to a minimum depth of 4 inches. The locations and installation of WPT exclusion fencing shall be inspected by the project biologist to ensure that it is placed correctly and effective, and remain installed until on-site mechanized ground disturbance is completed. WPT exclusion fencing shall also be inspected and approved prior to the commencement of vegetation removal and earth-disturbing activities.
- c. Following the pre-construction survey and prior to the initiation of work, a biological education program shall be provided by the qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. The worker education program shall include information regarding the identification and identification and natural history of WPT (including photographs), the potential for occurrence of these species within work areas, the legal status of each and the ramifications for take, the purpose of the exclusion fencing and importance of maintaining it, and specific measures being implemented to avoid impacts to WPT (which shall include halting all ground disturbance and immediately alerting the qualified biologist if WPT are observed in the course of the work.
- d. If WPT are detected, all ground disturbance shall halt immediately and the project biologist shall be alerted so that additional avoidance measure can be developed and implemented in coordination with the Planning Department.

**Mitigation Measure BR-2:** The owner/Permittee shall revise #P19-00220-ECPA prior to County approval to implement the following measures to reduce potential cumulative and indirect impacts to oak woodland and valley oak trees as a result of the project:

- a. Revise the proposed boundaries of Vineyard Blocks C, E and F of #P19-00299-ECPA, or add project specifications/notes prior to County approval to eliminate and ensure vineyard avenues, equipment turn around areas, and grapevines will not occur within the driplines of valley oak trees.
- b. For vineyard avenues and turnaround areas located adjacent to valley oak trees, land preparation shall be limited to planted areas of the vineyard. No grading or land ripping shall occur within avenues and turnaround areas located adjacent to valley oak trees to facilitate avenue construction: vineyard avenues may be disked to establish the specified vineyard cover crop. Prior to the commencement of any vegetation

removal and earthmoving activities, the limits of land ripping shall be demarcated in the field, the precise locations of said demarcations shall be inspected and approved by the Planning Division: no grading shall occur within driplines to facilitate avenue construction.

- c. To protect trees and woodland during construction, temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located within 50-feet of the project area prior to any vegetating removal or earthmoving activities. The precise locations of protective fencing shall be inspected and approved by the Planning Division prior to the commencement of any vegetation removal or earthmoving activities. No disturbance, including grading, planting, 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 and maintenance.
- d. The Permittee shall refrain from severely trimming the trees and vegetation to be retained adjacent to the vineyard conversion areas.
- e. 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 #P19-00220-ECPA shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan.
- f. A Preservation Area containing the remaining oak woodland on the parcel that are located outside the boundaries of both #P20-00220-ECPA and #95091-ECPA shall be designated for preservation in a mitigatory or conservation 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 woodland (including, but not limited 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 mitigatory or conservation easement within 60 days of approval of #P19-00220-ECPA by the County: in no case shall the ECPA be initiated until said mitigatory or conservation easement is recorded.

**The Johnson Family Trust** further commits itself 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.

**The Johnson Family Trust** 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.

*R. Edward Johnson*  
R. Edward Johnson

6-3-2020  
Date

*Polly P Johnson*  
Polly P. Johnson

6-3-2020  
Date