

# Exhibit F

## PROJECT REVISION STATEMENT

### **Shafer Vineyards, Shafer Family LLC., and Bradford Shafer Tr. Shafer Blodgett Vineyard Conversion Agricultural Erosion Control Plan #P20-00117-ECPA**

I hereby revise the Shafer Vineyards, Shafer Family LLC., and Bradford Shafer Tr. (i.e. Shafer Blodgett Vineyards) Agricultural Erosion Control Plan #P20-00117-ECPA to convert to vineyard up to 28.3 acres (approximately 19.7 net vine acres) of existing blue oak and coast live oak woodland, chamise chaparral and annual grassland within an approximate 215.4 acre holding (Assessor's Parcel No. 039-051-019, -021, -023 and -033: 5096 Silverado Trail) in Napa County California CA, to include the four (4) measure specified below:

**Mitigation Measure BR-1:** The owner/permittee shall implement to following measures to minimize and avoid potential impacts to special-status plant species and their habitat (i.e., green monardella, Greene's narrow-leaved daisy, nodding harmonia, and Chamise chaparral), and to oak woodlands. Under this mitigation measure preserved oak woodland, vegetation cover canopy and special-status plant habitat may overlap:

- a. Revise Erosion Control Plan #P20-00117-ECPA prior to approval consistent with the modified block configuration as shown in the Napa County Mitigated Project Figure (**Figure 4**) to i) avoid the subpopulation of green monardella in Block 4 and provide it with a minimum 25-foot setback and avoids no less than 0.9-acres of associated Chamise chaparral habitat (avoided habitat can be discontinuous); ii) avoid no less than 0.9-acers of occupied nodding harmonia habitat located at the western end of Block 2A, and ii) modify proposed wildlife exclusion fencing layout to limit any new wildlife exclusion fencing to the periphery of Blocks 2A and 4 as modified by this mitigation measure.
- b. Revise Erosion Control Plan #P20-00117-ECPA prior to approval to i) identify a special-status plant Habitat Preservation Area consisting of combination of no less than 4.26 acres of occupied and suitable habitat that includes the nodding harmonia and Greene's narrow-leaved daisy avoided in Block 2A, and the green monardella avoided in Block 4 pursuant to **Mitigation Measure BR-1(a)**, the nodding harmonia outside the previously proposed Block 1 boundary, and the green monardella east of Block 5, and ii) identify a 41.16 acre Oak Woodland Preservation Area on the project site.
- c. The special-status plants and associated habitat in the special-status plant Habitat Preservation Area, as specified and shown on #P20-00117-ECPA, that are located adjacent to vineyard development areas, shall be flagged in the field by a qualified biologist or the project engineer, and protective construction fencing shall be installed along the boundary. Construction fencing shall be inspected and approved by the County prior to the commencement of vegetation removal and earth-disturbing activities. No equipment or work shall be allowed within the plant habitat avoidance area. The protective construction fencing shall be maintained and remain in place until all grading and erosion control measure installation are complete.
- d. The protective constructive fencing shall be replaced with a permanent means of demarcation and protection for vineyard development areas adjacent to habitat areas (such as wildlife exclusion fencing or other barrier) so that the plant avoidance area is not encroached upon or disturbed as part of ongoing vineyard operations.
- e. The owner/permittee shall implement the following measure to permanently preserve special-status plant species and associated habitat within the project holding, and to comply with Policy CON-24(c), 2:1 preservation ratio. The special-status plant Habitat Preservation Area and the 41.16-acre Oak Woodland Preservation Area 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 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 mitigation easement within 90 days of approval of #P20-00117-ECPA by the County; however, in no case shall the ECPA be initiated until said mitigation easement is recorded.

- f. In accordance with Napa County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) any green monardella, Greene's narrow-leaved daisy, or nodding harmonia plants/populations inadvertently removed as a result of vineyard development authorized under # P20-00117-ECPA shall be replaced on-site at a ratio of 2:1 at locations within similar habitat. For such removal a replacement plan shall be prepared by a qualified botanist or ecologist for review and approval by the Director prior to vineyard planting. At a minimum, the replacement plan shall include i) a site plan showing the locations where replacement plants will be planted, ii) a plant pallet composed the special-status plants specie(s) being removed including sizes and/or application rates: seed mixes shall not contain species known to be noxious weeds and any non-native grasses should be sterile varieties iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management specifications, v) an implementation schedule, vi) performance standards with a minimum success rate of 80%, and vii) and monitoring schedule for a period of at least three years to ensure success criteria are met.

**Mitigation Measure BR-2:** The owner/permittee shall revise Erosion Control Plan #P20-00117-ECPA prior to approval to include the following measures to minimize impacts associated with the potential to foothill yellow-legged frog:

- 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 to identify determine if the streams in the project site are wetted. The survey shall be conducted at least 14 days in advance of project initiation. A copy of the survey findings shall be provided to the Napa County Conservation Division and CDFW prior to commencement of work.
- b. If the streams are wetted during the pre-construction survey, the qualified biologist shall conduct two surveys along the intermittent and ephemeral streams at least 14 days prior to project initiation. The surveys must have remarkably different light angles (e.g., early morning and early afternoon), but can be conducted on the same day. Survey areas (streams) will be systematically walked upstream, zig-zagging between the bank and the thalweg in wide areas, and bank-to-bank in narrow areas. All areas along the streams that could support frogs will be searched, including rocks, ledges, woody debris, overhanging vegetation, etc. as well as accessible natural cover within 50 feet of the wetted perimeter where frogs could be present. The qualified biologist will use binoculars to reduce disturbing frogs and flashlights for searching darkened crevices and shaded areas. Slow-moving and/or still waters will be closely inspected for the presence of tadpoles. If no foothill yellow-legged frogs are present during the pre-construction survey, no additional measures are warranted.
- c. If foothill yellow-legged frogs are present, one daytime survey shall be completed within 48 hours of project initiation. If foothill yellow-legged frogs are or will likely be present at the time of ground-breaking, protective measures such as installation of exclusion fencing, presence of an on-site biologist during ground disturbance activities, and implementation of a worker education program, shall be implemented. Exclusion fencing will be installed along the inhabited stream(s)

immediately adjacent to the vineyard blocks, extending 100 feet beyond the terminus of the proposed vineyard blocks in each direction. The on-site biologist will be present to perform a survey of the vineyard blocks in the morning prior to that day's ground-breaking activities. If a foothill yellow-legged frog is present within the vineyard block, individual frogs shall be allowed to leave the disturbance area of their own accord, as confirmed by the biologist. Alternatively, other measures shall be derived and approved in coordination with CDFW. The worker education program will consist of a qualified biologist providing construction personnel with information regarding the identification and ecology of foothill yellow-legged frog, the potential for occurrence of the species within work areas, the legal status of the species and ramifications for take, the specific measures being implemented to avoid impacts to foothill yellow-legged frogs, and the role of the on-site biologist.

**Mitigation Measure BR-3:** The owner/permittee shall revise Erosion Control Plan #P20-00117-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 seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) 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 seven (7) 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-4:** The Owner/Applicant, prior to approval, shall revise #P20-00117-ECPA to include the following provisions to reduce potential impacts to oak woodland and associated vegetation cover canopy, and to achieve consistency with the Napa County Conservation Regulations 18.108:

- a. A Preservation Area encompassing no less than 44.1 acres of cover canopy located outside of the boundaries of the existing and proposed developed area shall be designated as such in a deed restriction or conservation easement or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (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 applicant shall record the deed restriction or conservation easement prior to construction or within 90 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the oak woodland being impacted as a result of the proposed project, as follows: areas to be preserved shall take into account the type of vegetation being removed, and species diversity and species that are limited within the project property and Napa County; the acreage included in the preservation area should be selected in a manner that minimizes fragmentation of forest within the project property, protects special-status species such as the redwood lily populations; and the preservation area should not include portions of the property already subject to development restrictions (i.e., within creek setbacks or on slopes over 50%). The area to be preserved shall be determined by a qualified biologist with knowledge of the habitat and species and shall obtain final approval from Napa County.
- b. Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the project site (typically within approximately 50-feet of the project site). The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of erosion control plan and vineyard installation.
- c. The Owner/Permittee shall refrain from severely trimming the trees (typically no more than 1/3<sup>rd</sup> of the canopy) and vegetation to be retained adjacent to the vineyard conversion area.
- d. 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 #P20-00117-ECPA shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval that includes at a minimum, the locations where replacement trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before vineyard planting activities. Any replaced trees shall be monitored for at least three years to ensure an 80 percent survival rate. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan.

**Shafer Vineyards, Shafer Family LLC., and Bradford Shafer Tr.** 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.

