

Exhibit J

PROJECT REVISION STATEMENT

Quantum Limit Partners LLC. Quantum Limit Vineyards II, Vineyard Conversion Agricultural Erosion Control Plan #P19-00453-ECPA

I hereby revise the Quantum Limit Partners LLC., Agricultural Erosion Control Plan #P19-00453-ECPA to convert to vineyard up to 4.8 acres (approximately 4.1 net vine acres) of existing oak woodland (Interior Live Oak and Blue Oak) and ruderal areas within an approximate 69.9-acre Parcel (Assessor's Parcel No. 033-140-052: 25 Quail Ridge Drive) in Napa County California CA, to include the four (4) measures specified below:

Mitigation Measure BR-1: The owner/permittee shall revise Erosion Control Plan #P19-00453-ECPA prior to approval to include the following measures to reduce potentially significant direct, indirect and cumulative impacts to oak woodlands and oak species of limited distribution (i.e. Valley Oaks):

- a. Revise Erosion Control Plan #P19-00453-ECPA prior to approval to: remove Vineyard Block V (0.3 gross acre), and revise the proposed wildlife exclusion fencing layout to limit any new wildlife exclusion fencing to the periphery of proposed Vineyard Block X as modified by this mitigation measure.
- b. Revise Erosion Control Plan #P19-00453-ECPA prior to approval to avoid the two (2) valley oak trees located in proposed Vineyard Block X and provide them with a root protection zone (RPZ) buffer that is a minimum of one-third larger than their driplines. The RPZ buffer shall not contain vineyard avenues or tractor turn-around areas, and a permanent barrier or other adequate demarcation of the RPZ, as acceptable to the County, shall be indicated on the ECPA plans.
- c. Prior to the initiation of any vegetating removal or earthmoving activities temporary fencing shall be placed at the edge of the RPZ buffer: 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. Prior to vineyard planting the RPZ buffer temporary fencing shall be replaced with the permanent barrier identified in **Mitigation Measure BR-1(b)**.
- d. Revise Erosion Control Plan #P19-00453-ECPA prior to approval to identify a Preservation Area, totaling a minimum of 7.6-acres of oak woodland. The area shall be designated for preservation in a deed restriction, open space easement with an organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection acceptable to Napa County. The 7.6 acre Preservation Area shall include a minimum of 2.1 acres of vegetation cover canopy as prescribed in NCC Section 18.108.020(D): oak woodland and vegetation cover canopy preservation may overlap. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the oak woodland (e.g., 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 preservation areas shall be determined by a qualified botanist or biologist, and the determination shall be submitted to Napa County for review and approval. The owner/permittee shall record the deed restriction or conservation easement within 90 days of the County's approval of #P19-00453-ECPA. In no case shall the erosion control plan be initiated until said mitigatory or conservation easement is recorded.

- e. 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.
- f. The owner/Permittee shall refrain from severely trimming (typically considered more than 1/3rd of the canopy) trees and vegetation to be retained adjacent to the vineyard conversion areas.
- g. 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 #P19-00496-ECPA shall be replaced on-site with fifteen-gallon native 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. Replacement trees shall be monitored and maintained as necessary for a minimum of 3 years to ensure they achieve at least 80% survival. If tree plantings are not achieving this success criteria during any monitoring year, the owner/Permittee shall be responsible for replacement tree plantings and monitoring them for an additional 3 years to ensure they achieve at least 80% survival.

Mitigation Measure BR-2: The owner/permittee shall revise Erosion Control Plan #P19-00453-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 three 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 the qualified biologist), and an avoidance and removal plan shall be developed by the 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 and October 15, or between March 1 and 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 will be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices and deep bark fissures will be avoided, and only branches or limbs without those features will be removed. On the second day, the entire tree will 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-2(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-3: The owner/permittee shall revise Erosion Control Plan #P19-00453-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 survey 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/Permittee shall implement the following measures to minimize potential impacts to the on-site aquatic resource (ephemeral drainage) 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. 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 #P19-00453-ECPA shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director.

Quantum Limit Partners 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.

Quantum Limit Partners 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.

GC.R
Signature

Dec 2, 2021
Date

Glean C. Rice owner
Printed Name Title