

PROJECT REVISION STATEMENT
Butler Vineyard Conversion
Agricultural Erosion Control Plan #P20-00284-ECPA

I hereby revise the Butler Vineyard Agricultural Erosion Control Plan (ECPA) #P20-00284-ECPA to implement the clearing of oak woodland (consisting predominantly of coast live oak with scattered California bay, big leaf maple and buckeye) and non-native grassland, earthmoving, and the installation and maintenance of erosion control measures on slopes between 13-26% in connection with the development of 5.1 gross acres (3.3 net acres) of new vineyard with an additional temporary staging area of approximately 0.4-acre on an approximate 10.1-acre parcel (i.e., project site) (Assessor's Parcel Number 033-190-006: no situs record; Wild Horse Valley Road, Napa, California) to include the following four (4) measures specified below:

Mitigation Measure BR-1: The Permittee shall include in #P20-00284-ECPA the following measures to minimize impacts associated with the loss and disturbance of nesting birds and raptors consistent with and pursuant Fish and Game Code Sections 3503 and 3503.5 and the California Endangered Species Act found in Fish and Game Code Section 2050 et seq.:

- 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 potential to occur at the project site) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. The preconstruction survey shall be conducted no earlier than 7 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 7 days from the survey date, surveys shall be repeated. A copy of the survey results 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 5 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, a qualified biologist 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. Additionally, a qualified biologist shall monitor all active nests each day during construction for the first week, and weekly thereafter, to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval.
- 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) shall be prohibited.

Mitigation Measure BR-2: The owner/applicant shall provide a revised Wildlife Exclusion Fencing Plan for Erosion Control Plan #P20-00284-ECPA to be reviewed and approved by the Planning Department, that shall be incorporated into Erosion Control Plan #P20-00284-ECPA. The revised Wildlife Exclusion Fencing Plan shall be submitted within 30

days of approval of #P20-00284-ECPA. New wildlife exclusion fencing shall generally be limited to the periphery of the vineyard development area, and shall include the following components:

- Fencing plan shall exclude the temporary staging and stockpile area (0.4-acre) to allow east-west movement through the parcel.
- Existing fencing that encroaches into the setbacks and crosses the stream and ephemeral drainage shall be removed to allow access and localized movement for wildlife.
- New fencing shall use a design that has 6-inch square gaps at the base (instead of the existing/typical 3-inch by 6-inch rectangular openings) to allow small mammals to move through the fence. Exit gates shall be installed at the corners of wildlife exclusion fencing to allow trapped wildlife to escape. Smooth wire instead of barbed wire shall be utilized to top wildlife exclusion fencing to prevent entanglement.
- Any modifications to the location of wildlife exclusion fencing as specified in Erosion Control Plan #P20-00284-ECPA pursuant to the Vineyard Wildlife Exclusion Fencing Plan required by this condition shall be strictly prohibited, and would require County review and approval to ensure the modified wildlife exclusion fencing location/plan would not result in potential impacts to wildlife movement.

Mitigation Measure BR-3: The Owner/Applicant, prior to approval, shall revise #P20-00284-ECPA to include the following provisions to reduce potential impacts to oak woodland and achieve consistency with the Napa County Conservation Regulations Chapter 18.108:

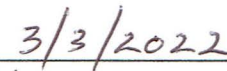
- a. An Oak Woodland Preservation Area totaling 3.6 acres located outside of the boundaries of the existing and proposed developed area shall be designated as such in a deed restriction or conservation easement or other means of permanent protection. Land placed in protection shall be restricted from 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 earthmoving 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; 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 1/3rd 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 #P20-00284-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.

The Property Owner (Jeff Butler) further commit 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.

The Property Owner (Jeff Butler) understand and explicitly agree 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.



Jeff Butler



Date