

**PROJECT REVISION STATEMENT**  
**Real Thorevilos Vineyard Conversion**  
**Agricultural Erosion Control Plan #P21-00170-ECPA**

I hereby revise the Real Thorevilos Vineyard Agricultural Erosion Control Plan (ECPA) #P21-00170-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 23.2 gross acres of vineyard (i.e., development area or proposed clearing limits) with approximately 19.0 net planted acres, within three vineyard blocks located on three parcels (with existing road access through a fourth parcel) totaling approximately 384 acres (i.e., project site). (Assessor's Parcel Numbers 021-320-026, 021-320-028 and 021-320-022: 180 Mund Road, St. Helena, California) to include the following four (4) measures specified below:

**Mitigation Measure BR-1:** The Owner/Permittee shall revise Erosion Control Plan #P21-00170-ECPA prior to approval to minimize potential impacts to special-status plant species (i.e., narrow-anthered brodiaea) such that a minimum of 80% of the identified populations are preserved on the property, as follows:

- a. The Owner/Permittee shall permanently preserve narrow-anthered brodiaea and associated habitat within the property as outlined in Mitigated Project Areas and Special Status Plant Preservation Areas Figures (Figures 4a and 4b). The Project Special Status Preservation Areas, as depicted, shall encompass a minimum of approximately 1,352 narrow-anthered brodiaea plants as observed by the project biologist in the 2022 floristic surveys (WRA 2022), including approximately 790 plants located immediately west of the mitigated Ecotone North block boundary on APN 021-320-026 and approximately 499 plants located north/northeast of Ecotone South block boundaries on APN 021-320-028, and approximately 63 plants located south and southeast of the mitigated Ecotone-South 2 boundary on APN 021-320-022. The Project Special Status Species Preservation Areas shall be designated for preservation in a deed restriction or conservation mitigation easement or other means of permanent protection acceptable to the County. Land placed in protection shall be restricted from development and other uses that could degrade the quality of the Preservation Area 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 enforceable restriction within 90 days of approval of #P21-00170-ECPA by the County; in no case shall earthmoving activities commence until said enforceable restriction is recorded.
- b. Prior to the commencement of earthmoving activities associated with #P21-00170-ECPA, the clearing limits shall be accurately flagged by an engineer using GPS equipment, and the vineyard boundary demarcated with temporary construction flagging/fencing. Those populations immediately adjacent to the vineyard boundary shall be demarcated with construction flagging or fencing, and incursions into the boundary shall be conducted only by qualified personnel. The precise locations of said demarcation shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No equipment or materials shall be laid down in or near the boundary. Any remediation seed mixes for bare ground should not contain species known to be aggressive weeds; non-native grasses shall be sterile varieties. The flagging/fencing may be removed following construction; however, signage at regular intervals shall be install informing vineyard personnel of the sensitivity of the Preservation Areas and herbicide use shall be limited to those products that pose no negative affect to forbs (i.e., narrow-leaved brodiaea).
- c. In accordance with Napa County Code Section 18.108.100, Erosion hazard areas – Vegetation preservation and replacement) any narrow-anthered brodiaea plants/populations inadvertently removed as a result of vineyard development authorized under #P21-00170-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 of the special-status plant species 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) a monitoring schedule for a period of at least three years to ensure success criteria are met.

**Mitigation Measure BR-2:** A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees within the project area(s), no more than 6 months and no less than 14 days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:

- a. Tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid hibernating bats and prior to formation of maternity colonies), under supervision of a qualified biologist, unless the Measure BR-2b., below, is implemented. Note that these windows may shift with atypical temperatures or rainfall if a qualified biologist determines that bats are likely to still be active based on seasonal conditions. Trees shall be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches shall be removed by a tree cutter using chainsaws only, under the supervision of a qualified biologist who has demonstrable experience with supervising tree removal for bats using this technique. Limbs with cavities, crevices and deep bark fissures will be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed.
- b. If removal of bat habitat trees must occur outside the seasonal activities identified above (i.e., between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct a pre-construction survey of all potential bat habitat trees within 14 days of project initiation and/or tree removal to determine absence/presence of special-status bat species. Survey methods, timing, duration, and species shall be provided for review and approval by Napa County prior to conducting pre-construction surveys. A copy of the survey results shall be provided to the County Planning Division and CDFW for review and acceptance prior to commencement of work. If bats are not present, removal can proceed without using the two-phased removal method. If bats are found to be present the qualified biologist shall determine if a maternity colony of winter torpor bats are present. If roosting bats are present but there are no maternity colonies or winter torpor bats, the tree shall be removed using the two-phased removal method outlined in Measure BR-1a, above. If the qualified biologist determines that maternity colonies or winter torpor bats are present, or they cannot confidently determine absence of maternity colonies or winter torpor bats, then tree removal shall be delayed until during the seasonal periods of bat activity outlined in Measure BR-2a.

**Mitigation Measure BR-3:** The Permittee shall include in #P21-00170-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 Permittee shall cease all work in the vicinity of the nest and the qualified biologist shall consult CDFW 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-4:** The Owner/Permittee shall revise Erosion Control Plan #P21-00170-ECPA prior to approval to include the following provisions to reduce potential impacts to oak woodland and vegetation canopy cover (oak woodland and coniferous forest) and to achieve consistency with the Napa County General Plan Policy CON-24(C) and Napa County Conservation Regulations 18.108.020(D):

- a. An Oak Woodland Preservation Area totaling 21.6 acres and a Vegetation Canopy Cover Preservation Area totaling approximately 41.1 acres of vegetation canopy cover (i.e., oak woodland and coniferous forest) located outside of the boundaries of the existing and proposed developed area shall be designated as such in a deed restriction or conservation mitigation 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 Owner/Permittee 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 and coniferous forest 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 areas should be selected in a manner that minimizes fragmentation of forest within the project property, protects special-status species.
- b. The Oak Woodland and Vegetation Canopy Cover Preservation Areas may overlap; however, the 41.1-acre Vegetation Canopy Cover Preservation Area shall be located on land that is not within stream setbacks pursuant to NCC Section 18.108.025 or on slopes over than 30% pursuant to NCC Section 18.108.020(D)(1). To the extent that sufficient vegetation canopy cover preservation cannot be reasonably accomplished on land with slopes less than 30%, the Vegetation Canopy Cover Preservation Area may be located on land outside of stream setbacks and with slopes up to 50% pursuant to NCC Section 18.108.020(D)(2). However, of the total 41.1 acres, a minimum of 13.7 acres of the Vegetation Canopy Cover Preservation Area shall be located on developable land as defined in NCC Section 18.108.020(D)(1); this will ensure that an equivalent amount of canopy that is proposed for removal is preserved on developable land which will offset the loss in carbon sequestration. 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 Conservation Division prior to project approval.

- c. 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.
- d. 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.
- 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 #P21-00170-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 (Real Thorevilos LLC)** 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 (Real Thorevilos LLC)** 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.

  
 Jay Heckenlively  
 On behalf of Real Thorevilos LLC

11/18/22  
 Date