

PROJECT REVISION STATEMENT

Nikolau: ECPA-Exemption Vineyard

Agricultural Erosion Control Plan Section 17 Exemption #P22-00044-ECPA-X

I hereby revise the Nikolau Vineyard Agricultural Erosion Control Plan (ECPA) #P22-00044-ECPA-X to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 3.4 gross acres of vineyard (i.e., development area or proposed clearing limits) with approximately 2.5 net planted acres, within one (1) vineyard block located on a 60-acre parcel (i.e., project site). (Assessor's Parcel Number 018-050-072-000: 432 Dutch Henry Canyon Road, Napa, California) to include the following measures specified below:

Mitigation Measure BR-1: The Permittee shall include in #P22-00044-ECPA-X the following measures to minimize impacts of the proposed project on western pond turtles:

1. A targeted preconstruction survey for western pond turtle shall be completed between 7 days and 24 hours of 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.
2. If a western pond turtle is detected, the following measures shall be implemented:
 - i. A worker environmental awareness program that describes western pond turtle, its habitat affinities and its protections shall be given to project personnel prior to commencement of ground disturbing activities.
 - ii. If any western pond turtle are observed in the work area, the western pond turtle shall be avoided and work shall stop within 50 feet of the western pond turtle and shall not resume until the western pond turtle moves from the work area.
 - iii. If ground disturbing activities are to occur during the western pond turtle nesting season, between May 15 and July 15, an exclusion fence shall be installed around the work area to prevent western pond turtle from entering the work area. The design and installation of the fence shall be verified by a qualified biologist.
 - iv. If work stoppage occurs for more than five (5) consecutive days, work shall cease and the owner/permittee shall contact a qualified biologist to determine further steps.

Mitigation Measure BR-2: The Permittee shall include in #P22-00044-ECPA-X 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.:

1. 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

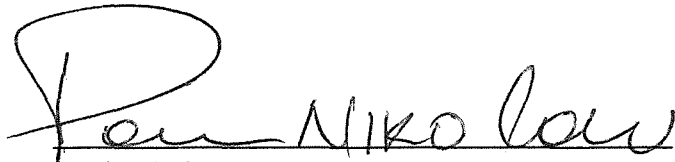
resources with potential to occur at the project site) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. The preconstruction survey shall be conducted no earlier than 7 days prior 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.

2. 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.
3. 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.
4. 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.
5. 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.

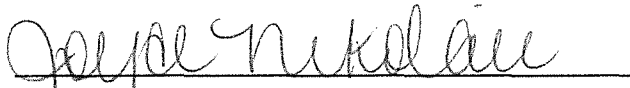
The Property Owner (Nikolau Paul & Joyce Trust) further commit themselves and successors-in-interest to (a) inform any future purchasers of the property of the above commitments; (b) include in all property leases a provision that informs the lessee of these restrictions and binds them to adhere to them, and (c) inform in writing all persons doing work on this property of these limitations.

The Property Owner (Nikolau Paul & Joyce Trust) 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.


Paul Nikolau

Date 1/26/2023


Joyce Nikolau

Date 1/26/2023