

EXHIBIT L

PROJECT REVISION STATEMENT

V Sattui Winery Incorporated Hibbard Ranch Vineyard Conversion Agricultural Erosion Control Plan #P19-00069-ECPA

I hereby revise the V Sattui Winery Inc., Hibbard Ranch, Agricultural Erosion Control Plan #P19-00069-ECPA to convert to vineyard up to 53.6 acres (approximately 33.5 net vine acres) of existing oak woodland and annual grassland within an approximate 421 acre parcel (Assessor's Parcel No. 050-380-014) in Napa County California CA, to include the seven (7) measures specified below:

Mitigation Measure BR-1: The owner/permittee shall incorporate the following measures into #P19-00069-ECPA prior to approval to minimize potential impacts to Purple Needlegrass Grassland, a Sensitive Biotic Communities and Biotic Community of Limited Distribution:

- a. Revise the eastern boundary of Vineyard Block 6A of Erosion Control Plan #P19-00080-ECPA prior to approval to avoid the Purple Needlegrass (PNG) population and provide it with a minimum 25-foot buffer. Wildlife exclusion fencing shall also be modified in this area to conform to modified boundaries as a result of this measure and be shown in the Vineyard Fencing Plan pursuant to **Mitigation Measure BR-4**.
- b. Revise Erosion Control Plan #P19-00069-ECPA prior to approval to include a cover crop blend utilizing primarily native species, such as the "Native, No-Till Blend" listed in the Napa Resource Conservation District Best Management Practices report, in Vineyard Blocks 4, 5 and 6A, that are in proximity of avoided and established Purple Needlegrass Grasslands.
- c. Prior to commencement of vegetation or earthmoving activities associated with installation of #P19-00069-ECPA, the footprint of the development areas a floristic survey of the development areas shall be conducted by a qualified biologist or botanist, for any special-status plant species. Any special-status plants or populations found shall be mapped. To the fullest extent practicable, removal of special-status plants shall be avoided through adjustments to development area boundaries to avoid and provide special-status plants/populations and provide them with a minimum 25-foot buffer. In accordance with NCC Section 18.108.100, Vegetation preservation and replacement) any special-status plants/populations that cannot be avoid 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, ecologist or the like for review and approval by the Director prior to vineyard planting. 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 five years to ensure success criteria are met.
- d. Prior to the commencement of vegetation removal or earth-disturbing activities associated with #P19-00069-ECPA, the owner/permittee shall submit to the County for review and approval a Purple Needlegrass Grassland Revegetation and Replacement Plan to replace the 0.2 acres of Purple Needlegrass Grassland removed because of the project. The Revegetation and Replacement Plan area, encompassing no less than 0.4 acres, shall occur in close proximity to the avoided Purple needlegrass populations located west of Vineyard Block 5 or eastern extent

of Vineyard Block 6A, or in areas suitable for Purple Needlegrass establishment as determined by a qualified biologist or restoration ecologist. The Plan shall be prepared by a qualified biologist or restoration ecologist and include the following: i) a site plan showing the revegetation/replacement area of at least 0.4 acres, ii) a plant pallet composed primarily of Purple Needle Grassland (*Nassella pulchra*) that can include other compatible native plant species common to the area, and includes planting densities and plant sizes and/or application rates, iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management recommendations, specifications and goals, v) an implementation and monitoring schedule with a minimum of three years of monitoring and that continues annually until success criteria is met, and vi) performance standards with a minimum success rate of 80% to ensure the success of Purple Needlegrass Grassland re-vegetation and replacement efforts.

- e. The Purple Needlegrass Grassland Revegetation and Replacement Plan shall be implemented upon initiation of vegetation removal or earth-disturbing activities associated with #P19-00069-ECPA.
- f. Prior to the commencement of vegetation removal or earth-disturbing activities associated with Vineyard Block 6A of #P19-00069-ECPA, the PNG population to be retained and minimum 25 foot buffer flagged in the field by a qualified biologist 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. The protective construction fencing shall be maintained and remain in place until Vineyard Block 6A installation is complete, and shall be replaced with a permanent means of demarcation and protection (such as permanent fence or rock barrier) so that the avoided PNG population and buffer is not encroached upon or disturbed as part of ongoing vineyard operations.

Mitigation Measure BR-2: The owner/permittee shall implement the following measures to minimize potential impacts to the American badger:

- a. Prior to the commencement of any vegetation removal or earth-disturbing activities associated with the project, a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local mammal species and habitat) shall conduct a preconstruction survey for the American badger and their burrows within all suitable habitat within the project area and surrounding areas within 50 feet. The preconstruction survey shall be conducted no earlier than 14 days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence more than 14 days from the survey date, surveys shall be repeated.
- b. If badgers or their burrows are identified as a result of preconstruction surveys they shall be avoided, and burrows shall be provided with sufficient buffers as recommended by CDFW. An avoidance and relocation plan shall be also be prepared for review and approval by CDFW and implemented prior to the commencement of any vegetation removal or earth-disturbing activities.

Mitigation Measure BR-3: The owner/permittee shall revise Erosion Control Plan #P19-00069-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, or the USFWS 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.

Mitigation Measure BR-4: The owner/Permittee shall implement the following measures to minimize potential indirect impacts to aquatic resource (streams, drainages, and wetlands) to prevent the inadvertent encroachment into specified setbacks and buffers during construction and subsequent vineyard operations:

- a. The owner/permittee shall, prior to approval, revise #P19-00069-ECPA to identify a permanent means of demarcation and protection (such as permanent fence or rock barrier) so that aquatic resource setbacks and buffers are not encroached upon or disturbed as part of ongoing vineyard operations. These features shall be installed prior to finalization of the ECPA.
- b. Prior to the commencement of any earthmoving activities or vegetation removal the location of aquatic resource setbacks and buffers adjacent to vineyard development areas shall be clearly demarcated in the field with temporary construction fencing (or similar), which shall be placed at the outermost edge of required setbacks shown on the project plans. 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 and shall be replaced with a permanent means of demarcation and protection pursuant to **Mitigation measure BR-4(a)**.
- c. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees and vegetation that is inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P19-00069-ECPA shall be replaced on-site 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 vegetation will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. Any replaced vegetation shall be monitored for at least five years to ensure an 80% survival rate. Replacement vegetation shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan.

Mitigation Measure BR-5: The owner/applicant shall revise Erosion Control Plan #P19-00069-ECPA prior to approval to include a property Perimeter and Vineyard Fencing Plan to reduce potential indirect and cumulative impacts to wildlife movement and access to wildlife habitat and foraging areas because of the project. The property Perimeter and Vineyard Fencing Plan shall be reviewed and approved by the County prior to its incorporation into #P19-00069-ECPA.

- a. Revise the ECPA to include a property Perimeter and Vineyard Fencing Plan that shows the location and type(s) of existing perimeter fencing to be retained and to be replaced as part of the project, and includes the following:
 - i. The removal of existing wildlife exclusion fencing located between Vineyard Development Areas 4 and 6 and north of Vineyard Development Area 6 in a manner to re-establish and maintain movement corridors in these areas. Any replacement fencing along the property lines in this area shall be of a design that does not present an impediment to wildlife movement (such as 4 foot tall 3-strand wire fencing).
 - ii. Any replacement or new wildlife exclusion fencing shall consist of fencing types such as wire strand fencing or mesh fencing with minimum 6 inch by 6-inch openings. The Perimeter and Vineyard Fencing Plan shall identify the use of this fencing (or similar that is acceptable to the County) and include details of fencing types utilized.
 - iii. 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.
 - iv. The location of any new wildlife exclusion fencing as part of the project shall generally be limited to the perimeter of vineyard development areas as approved by the County.
- b. Installation of wildlife exclusion fencing shall be limited to that specified in approved Erosion Control Plan #P19-00069-ECPA, and as identified in the Perimeter and Vineyard Fencing Plan for this project to ensure adequate wildlife movement and use through the remainder of the property and to adjacent properties is maintained. Any modifications to the location of wildlife exclusion fencing as specified in the ECPA or Fencing Plan shall be prohibited and shall 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-6: The owner/permittee shall revise Erosion Control Plan #P19-00069-ECPA prior to approval to include the following measures to reduce potentially significant direct, indirect and cumulative impacts to oak species of limited distribution (i.e. valley oaks) and to oak woodlands:

- a. Revise Erosion Control Plan #P19-00069-ECPA prior to approval to avoid the following Valley oak trees located within the fringes of project area or are of biological value (i.e. bat habitat trees), and provide them with a with a root protection zone (RPZ) buffer that is one-third larger than their driplines: Valley Oak trees #18 through #27; #29 through #31; and #43 and #44 (as identified in WRA, Inc., September 2019, Response to Comments, V. Sattui Hibbard Ranch Vineyard Conversion). 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. The RPZs shall be subject to review and approval by the County prior to incorporation into Erosion Control Plan #P19-00069-ECPA.

- b. Prior to the commencement of vegetation removal or earth-disturbing activities associated with #P19-00069-ECPA the owner/permittee shall submit to the County for review and approval an Oak Tree Replacement Plan replacing at a 3:1 ratio for the 15 valley oak trees being removed. The Replacement Plan shall include: i) a site plan showing replanting area(s) with similar habitat of the trees being removed, ii) a plant pallet that includes tree species and minimum plant/container size of 1 gallon iii) planting notes and details, and plant protection measures, iv) invasive species removal and management specifications, v) a monitoring schedule that includes a minimum of 5 years, vi) a performance standard with a minimum success rate of 80%. Replacement trees shall be installed and inspected by the county prior to the commencement of vegetation removal and earth disturbing activities associated with vineyard development under #P19-00069-ECPA.
- c. Revise the proposed wildlife exclusion fencing layout to limit any new wildlife exclusion fencing to the periphery of development areas as modified by this mitigation measure. Fencing revisions shall also be reflected in the *Perimeter and Vineyard Fencing Plan* pursuant to **Mitigation Measure BR-5**.
- d. Revise Erosion Control Plan #P19-00069-ECPA prior to approval to identify a Preservation Area, totaling a minimum of 2.7-acres of oak woodland and associated vegetation cover canopy that includes areas removed because of **Mitigation Measure BR-6(a)**: a minimum of 1.35 acres of the Preservation Area shall occur on land with slopes of 30% or less and located outside of required aquatic resource setbacks. The area shall be designated for preservation in a deed restriction, mitigation 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. 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 the County or a qualified botanist/biologist: determinations by a qualified botanist/biologist shall be submitted to Napa County for review and approval prior to their incorporation into the ECPA. The owner/permittee shall record the deed restriction or mitigation easement within 90 days of the County's approval of #P19-00069-ECPA. In no case shall the erosion control plan be initiated until said deed restriction or mitigation easement is recorded.
- e. To protect trees, woodlands, and RPZs during construction, prior to the initiation of any vegetating removal or earthmoving activities temporary fencing shall be placed at the edge of the dripline or RPZ 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. Prior to vineyard planting the RPZ buffer temporary fencing shall be replaced with the permanent barrier identified in **Mitigation Measure BR-6(a)**.
- 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 5 years to ensure they achieve at least 80% survival. If tree plantings are not achieving this success criterion during any monitoring year, the owner/Permittee shall be responsible for replacement tree plantings and monitoring them for an additional 5 years to ensure they achieve at least 80% survival.

Mitigation Measure HWQ-1: To avoid potential impacts to groundwater the owner/permittee shall revise Erosion Control Plan #P19-00069-ECPA prior to approval to remove development areas located outside the Place of Use prescribed under the property's water right Permit #20779 (Application #30005).

V Sattui Winery Inc., 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.

V Sattui Winery Inc., 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.



Signature

2/9/2023

Date

TOM C. DAVIES PRESIDENT

Printed Name

Title