

PROJECT REVISION STATEMENT

Babu: ECPA Vineyard

Agricultural Erosion Control Plan #P21-00312-ECPA

I hereby revise the Babu Vineyard Agricultural Erosion Control Plan (ECPA) #P21-00312-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 0.42 gross acres of vineyard (i.e., development area or proposed clearing limits) with approximately 0.24 net planted acres, within one (1) vineyard block located on a 67.8-acre parcel (i.e., project site). (Assessor's Parcel Number 027-010-033-000: 3300/3600 White Sulphur Springs Road, St. Helena, California) to include the following measures specified below:

- Mitigation Measure BR-1:** The Permittee shall include in #P21-00312-ECP 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: 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 within the vicinity of the project area and immediate vicinity (see below), no more than six (6) months and no less than 14 days in advance of the vineyard installation. If the habitat assessment determines that bats are present, then the following shall apply:

- a. For earth-disturbing activities occurring 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 bat prior to formation of colonies), under supervision of a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local bat resources with potential to occur at the project site) shall conduct preconstruction surveys for bats 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 bat breeding season, surveys shall be repeated to ensure bats have not established roosts during inactivity.
- c. In the event that roosting bats 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 left the roosts and the roosts are otherwise determined inactive by a qualified biologist. Additionally, a qualified biologist shall monitor all roosts 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 roost-disturbance. If the qualified biologist observes bats displaying potential roost-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 roosting bats 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 roosting bats prior to pre-construction surveys, whether physical (i.e., removing, or disturbing roosts by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or horns), or chemical (i.e., spraying nesting birds or their habitats) shall be prohibited.

The Property Owner (Babu Aravinth & Jayaprakasam Uma TR ETAL) 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 (Babu Aravinth & Jayaprakasam Uma TR ETAL) 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.



Babu Aravinth

Date

April 28th 2023

Uma Jayaprakasam
Uma Jayaprakasam (Apr 28, 2023 13:02 PDT)

Jayaprakasam Uma

Date

April 28th 2023