

# Exhibit H

## PROJECT REVISION STATEMENT

### Vincent and Amelia Forte Forte Partrick Road Vineyard Conversion Agricultural Erosion Control Plan #P20-00139-ECPA

I hereby revise the Vincent and Amelia Forte, Partrick Road, Agricultural Erosion Control Plan #P20-00139-ECPA to convert to vineyard up to 20.23-acres (approximately 15.75 net vine acres) of existing annual grassland, coyote brush/scrub, and coast live oak forest within an approximate 95.1-acre parcel (Assessor's Parcel No. 050-030-015) in Napa County California CA, to include the five (5) measures specified below:

**Mitigation Measure BR-1:** The owner/permittee shall incorporate the following measure into #P20-00139-ECPA-ECPA prior to approval to minimize potential impacts to special-status plant species:

- a. Prior to commencement of vegetation or earthmoving activities associated with installation of #P20-00139-ECPA, 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 commencement of vegetation or earthmoving activities. 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.

**Mitigation Measure BR-2:** The owner/permittee shall revise Erosion Control Plan #P20-00139-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.

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- 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 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.
- 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. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

**Mitigation Measure BR-3:** The owner/permittee shall revise Erosion Control Plan #P20-00139-ECPA prior to approval to include the following measures to minimize impacts associated with the potential loss and disturbance of special-status bat species:

- a. Bat habitat tree removal and trimming between August 31 through October 15, and March 1 to April 15: Under the supervision of a qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying), potential bat habitat trees shall be removed or trimmed in a two-phased system conducted over two consecutive days. The first day (in the afternoon), limbs and branches will be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices and deep bark fissures will be avoided, and only branches or limbs without those features will be removed. On the second day, the entire tree will be removed. All felled trees shall remain on the ground for at least 24 hours prior to disposal to allow any present bats within the trees to escape.

**Mitigation Measure BR-4:** The owner/permittee shall revise Erosion Control Plan #P20-00139-ECPA prior to approval to include the following measures to minimize impacts to the American badger:

- a. A qualified biologist shall conduct a pre-construction survey for the American badger within the project area and adjacent habitat within a minimum of 50 feet from the project area. The preconstruction survey shall be conducted no earlier than 14 days prior to when vegetation removal and ground disturbing activities are to commence. A copy of the survey results shall be provided to the County Planning Division prior to commencement of work. Should ground disturbance commence more than 14 days from the survey date, surveys shall be repeated.
- b. If any occupied burrows are discovered the project area, the owner/permittee shall implement an appropriate buffer from the burrow(s), as determined by a qualified biologist and approved in writing by the County in collaboration with CDFW. If the Project cannot avoid impacts to the occupied burrow the Project shall consult with CDFW regarding next steps before proceeding and implement CDFW recommendations such as preparing and implementing an American badger relocation plan.


**Mitigation Measure BR-5:** The owner/permittee, prior to approval, shall revise #P20-00139-ECPA to include the following provisions to reduce potential impacts to oak trees, oak woodland and associated vegetation cover canopy, and to achieve consistency with the Napa County Conservation Regulations 18.108:

- a. A Preservation Area totaling at least 0.51-acres of oak woodland and associated vegetation cover canopy located outside of the boundaries the proposed project area shall be designated in the ECPA plans and be placed in permanent protection through a deed restriction or conservation easement or other means of permanent protection acceptable to the County. 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 60 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the 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 shall include portions of the property that are not already subject to development restrictions (i.e., within creek setbacks or on slopes over 30%). The area to be preserved shall be determined and approved from Napa County, and if necessary, in consultation with a qualified biologist with knowledge of the habitat and species of the project site.
- b. Revise #P20-00139-ECPA to include an Oak Tree Replacement Plan replacing the two (2) oak trees being removed at a 3:1 ratio. The Replacement Plan shall be submitted prior to construction or within 60 days of project approval, whichever comes first, for County for review and approval and 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 upon commencement of vegetation removal and earth disturbing activities associated with vineyard development under #P20-00139-ECPA. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan.
- 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 area (typically within approximately 50-feet of the project area). 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 1/3<sup>rd</sup> 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 #P20-00139-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% 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.

**Vincent and Amelia Forte** 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.

**Vincent and Amelia Forte** understand 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.

  
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Signature: Vincent Forte

13 June 2023  
Date

  
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Signature: Amelia Forte

13 June 2023  
Date