

PROJECT REVISION STATEMENT

Pritchard Hill Properties LLC Vineyard Conversion Agricultural Erosion Control Plan #P20-00205-ECPA

I hereby revise the Pritchard Hill Vineyard Agricultural Erosion Control Plan (ECPA) #P20-00205-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 23 gross acres of new vineyard (i.e., development area, proposed clearing limits; 18.6 net acres, including approximately 14.6 net acres of new vines and replant of 4 acres of vines) within five vineyard blocks, located on two parcels totaling approximately 108.9 acres (i.e., project site) (Assessor's Parcel Nos. 030-220-034 & 032-560-023: 90, 92 & 95 Long Ranch Road, St. Helena, California, to include the following five (5) measures specified below:

Mitigation Measure BR-1: The Owner/Permittee shall revise Erosion Control Plan #P20-00205-ECPA prior to approval to minimize potential impacts to special-status plant species (i.e., holly-leaved ceanothus, narrow-anthered brodiaea, Sharsmith's western flax, green monardella) and sensitive habitat (i.e., chamise chaparral, coast live oak woodland) as follows:

- a. Prior to project approval, the Owner/Permittee shall submit for review and approval by the Director an exhibit identifying Special Status Species Preservation Areas that include a minimum of 80% of the special status plant populations and sensitive habitat as identified in the Biological Resources Reconnaissance Survey (WRA 2020 - Exhibit B-1) and Addenda (WRA 2022 - Exhibit B-2, and WRA – 2023, Exhibit B-3). The Preservation Areas (including those required herein and those proposed as a project design feature) may overlap and shall be selected in consultation with a qualified biologist. The Preservation Areas shall include at a minimum the total acreage for each species as follows:
 - i. Coast live oak woodland: 0.6-acre
 - ii. Chamise chaparral: 22 acres
 - iii. Narrow-anthered brodiaea: 0.9-acre
 - iv. Holly-leaf ceanothus: 10.1 acres
 - v. Sharsmith's western flax: 1.4 acres
 - vi. Green monardella: 9.5 acres

The Project Special Status Species Preservation Areas shall be designated for preservation in an enforceable restriction, such as a conservation mitigation easement with an entity or organization consistent with California Civil Code Section 815.3, a deed restriction 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 #P20-00205-ECPA by the County; in no case shall earthmoving activities commence until said enforceable restriction is recorded. The area to be preserved shall be of like kind and quality to the special-status species or sensitive habitat 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 habitat within the project property, protects special-status species such as the holly-leaved ceanothus, narrow-anthered brodiaea, Sharsmith's western flax and green monardella.

- b. In accordance with Napa County Code Section 18.108.100, Erosion hazard areas – Vegetation preservation and replacement) any special-status plants/populations (i.e., holly-leaved ceanothus, narrow-anthered brodiaea, Sharsmith's western flax or green monardella) inadvertently removed as a result of vineyard development authorized under #P20-00205-ECPA (including removal associated with development of the New Well) 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.
- c. Prior to the commencement of earthmoving activities associated with #P20-00205-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 Conservation 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 Area and herbicide use shall be limited to those products that pose no negative affect to evergreen shrubs (i.e., holly-leaved ceanothus) and forbs (ie., narrow-leaved brodiaea and Sharsmith's western flax).

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 with in 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 Conservation 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-2a, 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 #P20-00205-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 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-4: The Owner/Permittee shall revise Erosion Control Plan #P20-00205-ECPA prior to approval to include the following provisions to reduce potential impacts to vegetation canopy cover (oak woodland) and to achieve consistency with the Napa County Conservation Regulations Chapter 18.108:

- a. A Vegetation Canopy Preservation Area (consistent with Figure A-1, Land Cover Retention Analysis in WRA 2023 – Exhibit B-3) totaling 31.2 acres 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. The Vegetation Canopy Preservation Area shall include a minimum of 11.9 acres on land with slopes less than 30% and located outside of stream setbacks and a minimum of 19.3 acres on land with slopes between 30% and 50% and located outside of stream setbacks, and may overlap with the Coast Live Oak Preservation area identified in **Mitigation Measure BR-1**. 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 mitigation 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 vegetation canopy cover 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, protects special-status species; and the preservation area subject to vegetation canopy cover mitigation (i.e., 31.2 acres total) should not include portions of the property already subject to development restrictions (i.e., within creek setbacks or on slopes over 50%). 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.
- b. 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 Conservation

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.

- c. 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.
- d. 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 #P20-00205-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.

Mitigation Measure TCR-1: Prior to initial ground disturbance, the Owner/Permittee shall retain a project Tribal Cultural Advisor designated by the Middletown Rancheria ("Tribe"), to direct all mitigation measures related to tribal cultural resources, as follows:

- a. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, resurfaces, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.
- b. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.

- c. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.
- d. The Owner/Permittee shall meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.
- e. Should the Owner/Permittee be unsuccessful in engaging with the Middletown Rancheria within 45 days of initial request, the Owner/Permittee shall provide, for review and approval by Napa County, a Cultural Monitoring Plan prepared by a professional archaeologist certified by the Registry of Professional Archeologists (RPA). The Cultural Monitoring Plan shall outline monitoring requirements including but not limited to, sensitivity training for site workers, find procedures, and monitoring documentation and reporting procedures.

The Property Owners (Pritchard Hill Properties 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 Owners (Pritchard Hill Properties 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.



Jim Bean for Pritchard Hill Properties LLC

07-24-23

Date