

PROJECT REVISION STATEMENT
Winrod Vineyard Conversion
Agricultural Erosion Control Plan #P20-00247-ECPA

I hereby revise the Winrod Vineyard Agricultural Erosion Control Plan (ECPA) #P20-00247-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 16.5 gross acres of vineyard (i.e., development area or proposed clearing limits) with approximately 13.0 net planted acres, within three vineyard blocks located on an approximately 104.8-acre property (i.e., project site). (Assessor's Parcel Number 017-110-038: 3465 State Highway 128, Calistoga, California) to include the following six (6) measures specified below:

Mitigation Measure BR-1: The Owner/Permittee shall revise Erosion Control Plan #P20-00247-ECPA prior to approval to minimize potential impacts to special-status plant species (i.e., Napa false indigo) as follows:

- a. Prior to commencement of earthmoving activities associated with installation of the vineyard blocks as authorized under #P20-00247-ECPA, the footprint of the disturbance areas shall be surveyed by a qualified biologist or botanist, and any special-status plants found within the footprint shall be mapped. To the fullest extent practicable, removal of special-status plants outside of those identified in the floristic surveys shall be avoided and minimized via adjustments to the project boundaries and precise installation locations to ensure that no net loss of special-status species occurs. The plant survey report and proposed adjustments to the project boundaries to avoid or minimize loss of special-status plants shall be submitted to and approved by Napa County Conservation Division prior to project initiation.
- b. In accordance with Napa County Code Section 18.108.100, Erosion hazard areas – Vegetation preservation and replacement any special-status plants/populations (e.g., Napa false indigo) either advertently or inadvertently removed as a result of vineyard development authorized under #P20-00247-ECPA 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.

Mitigation Measure BR-2: The Owner/Permittee shall revise Erosion Control Plan #P20-00247-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 and suitable dens within the project area and adjacent suitable habitat within a minimum of 50 feet from the project area. The preconstruction survey shall be conducted no earlier than 48 hours

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 within the survey area, the Owner/Permittee shall implement a 50-foot construction avoidance buffer as determined by a qualified biologist and CDFW and the County shall be immediately notified. If the Project cannot avoid impacts to the occupied burrow the Project shall consult with CDFW regarding approved next steps before proceeding and implement CDFW recommendations such as preparing and implementing an American badger relocation plan.

Mitigation Measure BR-3: 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 within 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 should 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. Note that these windows may shift with atypical temperatures or rainfall. Trees should 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 would be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices and deep bark fissures would be avoided, and only branches or limbs without those features would be removed. On the second day, the entire tree would be removed.
- b) For removal of bat habitat trees outside the seasonal activities identified above (between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct pre-construction survey within 14 days of project initiation and/or 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 shall be provided to the County Conservation Division and CDFW prior to commencement of work. If bats are not present, removal can proceed. If bats are found to be present, a plan for removal or exclusion will be developed by a qualified biologist and reviewed and approved the County Conservation Division in consultation with CDFW. The removal or exclusion plan shall be implemented upon approval of the plan by the County Conservation Division and CDFW.

Mitigation Measure BR-4: The owner/permittee shall revise Erosion Control Plan #P20-00247-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 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-5: The Owner/Permittee shall revise Erosion Control Plan #P20-00247-ECPA prior to approval to minimize potential impacts to CDFW-designated sensitive Pacific Madrone forest, as follows:

- a) Revise the boundaries of Block 2 to remove a maximum of 0.8-acre of Pacific Madrone forest, in a manner that the retained Pacific madrone forest is contiguous with the same habitat located south of the Block 2 boundary. Retention as depicted would allow removal of approximately 0.8-acre and require retention of 2.6 acres of Pacific Madrone forest, consistent with the CDFW-recommended 3:1 by acreage preservation mitigation.
- b) A Pacific Madrone Forest Preservation Area totaling 2.6 acres consistent with the vegetation community map prepared by the project biologist (**Exhibit B-1**) located outside of the boundaries of the existing and proposed developed area shall be designated as such in a perpetual deed restriction or conservation easement or other means of permanent protection. 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 Pacific Madrone Preservation Area exhibit shall be approved by the Napa County Conservation Division prior to recording. The owner/permittee shall record the deed restriction or conservation easement prior to construction or within 90 days of project approval, whichever comes first.
- 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 development area (typically within approximately 50-feet of the development 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 1/3rd 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 #P20-00247-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.

Mitigation Measure BR-6: The Owner/Permittee shall revise Erosion Control Plan #P20-00247-ECPA prior to approval to minimize potential impacts to oak woodland and vegetation canopy cover consistent with General Plan Policy CON-24 and Napa County Code Conservation Regulations, as follows:

- a) Revise the boundaries of Block 3 to retain (i.e., remove from development) approximately 1.4 acres of blue oak woodland from Vineyard Block 3, which would result in removal of a total of approximately 1.3 acres of habitat from that Block. Retention of the apparent healthiest and most contiguous portion of blue oak woodland shall be prioritized in the area that is contiguous with the remaining blue oak woodland habitat south of Block 3 that occurs upslope from the drainage in the southeastern area of the project parcel. Retention of this blue oak woodland would result in additional biological and water quality protections related to the drainage downslope of that woodland area consistent with General Plan Policy CON-24, including the 2:1 by acreage preservation mitigation required by that Policy.

- b) Revise the boundaries of the proposed vineyard blocks to retain (i.e., remove from development) approximately 1.5 acres of vegetation canopy cover (i.e., oak woodland and/or coniferous forest). Retention of oak woodland that is located contiguous to oak woodland outside of the development and upslope from streams or drainages shall be prioritized to provide the highest biological and water quality protections, as approved by the Director. The removal of 1.5 acres of vegetation canopy cover in addition to 1.4 acres of blue oak woodland as required in (a), above, would reduce the proposed vegetation canopy cover removal to approximately 3.6 acres, which is the maximum removal available on the project site that would allow preservation of the eligible approximately 10.9 acres of vegetation canopy cover remaining on the project parcel located on slopes less than 30% and outside of stream setbacks, consistent with Napa County Conservation Regulations Section 18.108.020(D)(1).

- c) Vegetation Preservation Areas located outside of the boundaries of the existing and proposed developed area shall be designated as such in a perpetual deed restriction or conservation easement or other means of permanent protection. 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 90 days of project approval, whichever comes first.
 - i) A Blue Oak Woodland Preservation Area totaling 2.8-acres located in a contiguous block up-slope of the ephemeral drainage in the southeastern area of the project parcel;
 - ii) A Mixed Oak Woodland Preservation Area totaling 12.2 acres consistent with the vegetation community map prepared by the project biologist (**Exhibit B-1**); and
 - iii) A Vegetation Canopy Cover Preservation Area totaling 10.9 acres on land with slopes less than 30% and outside of stream setbacks consistent with the Canopy Mitigation Area Exhibit (Sheet EC13 in **Exhibit A**) identifying eligible areas for the mitigation requirement found in Napa County Conservation Regulations Section 18.108.020(D)(1). The Vegetation Canopy Cover Preservation Area may overlap with the Blue Oak Woodland and Mixed Oak Woodland Preservation Areas, provided that a minimum of 6.7 acres of preserved oak woodland/vegetation canopy cover is located on developable land (i.e., land located on slopes less than 30% and outside of stream setbacks) for the purpose of greenhouse gas emissions mitigation.

- d) 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 development area (typically within approximately 50-feet of the development 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.
- e) 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.
- f) 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 #P20-00247-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.

Mitigation Measure TR-1: The Owner/Permittee shall revise Erosion Control Plan #P20-00247-ECPA prior to approval to include the following measures to minimize the potential to impact tribal cultural resources:

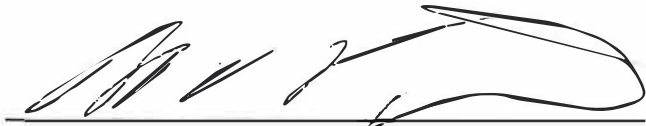
- a. Prior to initial ground disturbance, the Owner or Owner's Representative shall retain a project Tribal Cultural Advisor designated by Middletown Rancheria, to direct all mitigation measures related to tribal cultural resources.
- b. Ground disturbing activities occurring in conjunction with the project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, wattles, 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 Middletown Rancheria. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by Middletown Rancheria, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to Middletown Rancheria. 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.

- c. 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 Middletown Rancheria and the Owner. 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, Middletown Rancheria shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between Middletown Rancheria and the Owner or Owner's Representative. The onsite 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.
- d. 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 Owner or Owner's Representative shall coordinate with Middletown Rancheria on the cultural resource sensitivity training.
- e. The Owner or Owner's Representative must meet and confer with Middletown Rancheria, 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. Middletown Rancheria 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 Middletown Rancheria, Middletown Rancheria will coordinate with the Owner or Owner's Representative to establish appropriate treatment and disposition of the resources with appropriate dignity, which may include reburial or preservation of resources. The Owner or Owner's Representative shall facilitate and ensure that the determination of treatment and disposition by Middletown Rancheria 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 Middletown Rancheria.

The Property Owner (Winrod Family 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 (Winrod Family 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.



Michael A Winrod, on behalf of Winrod Family Trust

8-2-2023

Date