

EXHIBIT H

PROJECT REVISION STATEMENT

Chappellet Vineyard LLC. Chappellet Vineyard Conversion Agricultural Erosion Control Plan #P21-00206-ECPA

I hereby revise the Chappellet Vineyard LLC., Agricultural Erosion Control Plan #P21-00206-ECPA to convert to vineyard up to 41.8-acres (approximately 33.1 net vine acres) of existing oak woodland, chaparral, scrub, and grassland within an approximate 238-acre holding (Assessor's Parcel Nos. 032-560-022 and 032-560-033) in Napa County California CA, to include the three (3) measures specified below:

Mitigation Measure BIO-1: The owner/permittee shall implement to following measures to minimize potential impacts to special-status plant species (i.e., holly-leaved ceanothus and green monardella) and its habitat, and to oak woodlands and associated cover canopy:

- a. Special Status Plant and Habitat Preservation: Revise Erosion Control Plan #P21-00206-ECPA prior to approval to identify a minimum of 19.92-acres of holly-leaved ceanothus plant species and habitat, 0.2-acre green monardella plant species and habitat, 2.22-acres of common manzanita chaparral vegetation alliance, and 2.16-acres of leather oak – chamise chaparral sensitive vegetation alliance, resulting in an overall special-status plant and plant habitat preservation area of no less that 24.5-acres. These areas will be identified as Special Status Plant and Habitat Preservation Areas in the revised ECPA and be permanently preserve as specified in **Mitigation Measure BIO-1c**.
- b. Oak Woodland/Vegetation Canopy Cover Preservation: Revise Erosion Control Plan #P21-00206-ECPA prior to approval to identify and permanently preserve a minimum of 2.48-acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026) that includes a minimum of 2.46-acres of associated developable Vegetation Cover Canopy generally as shown in (**Exhibit B-3**). These areas shall be identified as Oak Woodland/Vegetation Canopy Cover Preservation Areas in revised #P21-00206-ECPA and be permanently preserve as specified in **Mitigation Measure BIO-1c**.
- c. The Preservation Areas identified in **Mitigation Measure BIO-1 a** and **b** shall be identified and designated for preservation in a mitigation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection acceptable to Napa County, as approved by the Director of PBES. Areas placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including, but not limed 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. Upon County Counsel's review and approval as to the form of the mitigation easement or other means of permanent protection, the owner/permittee shall record the restriction prior to the commencement of any ground disturbing activities or vegetation removal, or within 12 months of project approval, whichever occurs first: in no case shall earthmoving activities or vegetation removal be initiated until said restriction is recorded. Any request by the owner/permittee for an extension of time to record the mitigation easement shall be considered by the Director of PBES and shall be submitted to Napa County prior to the 12-month deadline and shall provide sufficient justification for the extension.
- d. In accordance with Napa County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) any special-status plants/populations inadvertently removed as part of development authorized under #P21-00206-ECPA shall be replaced on-site at a ratio of 3:1 at locations with 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 the special-status plants specie(s) being removed including sizes and/or application rates, iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management specifications, v) an implementation and monitoring schedule, and vi) performance standards with a minimum success rate of 80% to ensure the success of re-vegetation efforts. Any replaced special-status plants shall be monitored for a period of at least three years to success criteria are met.

Mitigation Measure BIO-2: The owner/permittee shall revise Erosion Control Plan #P21-00206-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 September 15 – NCC Section 18.108.027(C), 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 development area, and where there is potential for impacts adjacent to the development area (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than 7 days prior to when 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 shall be provided to the Napa County Conservation Division and the California Department of Fish and Wildlife (CDFW) prior to commencement of work.
- b. After commencement of work if there is a period of no work activity of 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 and/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. 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 BIO-3: The owner/permittee shall revise Erosion Control Plan #P21-00206-ECPA prior to approval to include the following measures to minimize potential impacts on FYLF:

- a. A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a pre-construction survey to determine if the streams in the project site are wetted. The survey shall be conducted at least 7 days in advance of project initiation. A copy of the survey findings shall be provided to the Napa County Conservation Division and CDFW prior to commencement of work.
- b. If the streams are wet during the pre-construction survey, the qualified biologist shall conduct two surveys along the streams at least 14 days prior to project initiation. The surveys must have remarkably different light angles (e.g., early morning and early afternoon), but may be conducted on the same day. Survey areas (streams) will be systematically walked upstream, zig-zagging between the bank and the thalweg in wide areas, and bank-to-bank in narrow areas. All areas that could support frogs will be searched, including rocks, ledges, woody debris, overhanging vegetation, etc., as well as accessible natural cover within 50 feet of the wetted perimeter where frogs could be present. The qualified biologist will use binoculars to reduce disturbing frogs and flashlights for searching darkened crevices and shaded areas. Slow-moving and/or still waters will be closely inspected for the presence of tadpoles. If no FYLF are present during the pre-construction survey, no additional measures are warranted.
- c. If FYLF are present, one daytime survey shall be completed within 48 hours of project initiation. If FYLF are or will likely be present at the time of ground-breaking, protective measures such as installation of exclusion fencing, presence of an on-site biologist during ground disturbance activities, and implementation of a worker education program, shall be implemented. Exclusion fencing will be installed along the inhabited areas immediately adjacent to the proposed vineyard blocks, extending 100 feet beyond the terminus of the proposed vineyard blocks in each direction. The on-site biologist will be present to perform a survey of the vineyard blocks in the morning prior to that day's ground-breaking activities. If a FYLF is present within the vineyard block, individual frogs shall be allowed to leave the disturbance area of their own accord, as confirmed by the biologist. Alternatively, other measures shall be derived and approved in coordination with CDFW. The worker education program will consist of a qualified biologist providing construction personnel with information regarding the identification and ecology of FYLF, the potential for occurrence of the species within work areas, the legal status of the species and ramifications for take, the specific measures being implemented to avoid impacts to FYLF, and the role of the on-site biologist.

Chappellet Vineyard 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.

Chappellet Vineyard LLC., 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.

	CEO	11/08/2024
Signature:	Title	Date

Cyril Chappellet
Printed Name: