

**PROJECT REVISION STATEMENT**  
**Haas Erosion Control Plan – Section 17 Exemption**  
**Agricultural Erosion Control Plan #P23-00355-ECPA**

I hereby revise the Haas Vineyard Agricultural Erosion Control Plan (ECPA) #P23-00355-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 5.0 gross acres of vineyard (i.e., development area or proposed clearing limits) with approximately 3.9 net planted acres (which includes legalization of 0.7 acre of existing vineyard), within four (4) vineyard blocks located on an approximately 23.9-acre parcel (i.e., project site). (Assessor's Parcel Number 021-352-036-000, 2 Swanston Road, Saint Helena, 94574 California) to include the following measures specified below:

1. **Mitigation Measure CUL-1:** Property owner shall enter into a Tribal Monitoring Agreement with Middletown Rancheria and shall comply with the Tribal Monitoring Agreement which will include a requirement for tribal monitors on site during project development and ground disturbance activities, and a requirement for cultural sensitivity training for all project personnel prior to implementing the project.
  
2. **Mitigation Measure BIO-1:** The owner/permittee shall revise Erosion Control Plan #P23-00355-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. 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), 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.
  - b. Bat habitat tree removal or trimming 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 to determine absence or presence of special-status bat species. A copy of the survey results shall be provided to the County Planning Division and CDFW prior to commencement of work. If special-status bat species are not present removal can proceed as prescribed. If bats are found to be present a plan for removal or exclusion will be developed by a qualified biologist in conjunction with the County Planning Division and CDFW. The removal or exclusion plan shall be reviewed and authorized by the County Planning Division and implemented prior to commencement of the ECPA.

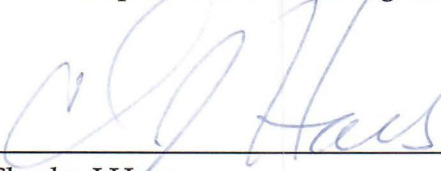


3. **Mitigation Measure BIO-2:** The owner/permittee shall revise Erosion Control Plan #P23-00355-ECPA prior to approval to include the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant 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 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 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.

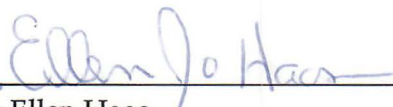
4. **Forest Land – Condition of Approval:** Prior to the commencement of vegetation removal and earth-moving activities pursuant to # P23-00355-ECPA, the owner/permittee shall provide documentation to Napa County demonstrating that a Timber Conversion Permit for the proposed project has been obtained from the California Department of Forestry and Fire Protection (CalFire).
  
5. **Forest Management Plan – Condition of Approval:** The property owner shall adhere to and implement the Emergency Forest Restoration Program Forest Management Plan as detailed in **Exhibit J** of this ECP P23-00355.

The Property Owner (Charles J Haas and Jo Ellen Haas 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 (Charles J Haas and Jo Ellen Haas 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.

  
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 Charles J Haas

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