

**PROJECT REVISION STATEMENT**  
**1510 Acquisition LLC Vineyard Conversion**  
**Agricultural Erosion Control Plan #P24-00015-ECPA**

I hereby revise the 1510 Acquisition LLC Vineyard Agricultural Erosion Control Plan (ECPA) #P24-00015-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 2.4 gross acres of new vineyard (i.e., development area, proposed clearing limits; including approximately 1.9 net acres of new vines) within two vineyard blocks, located an approximate 35.8-acre parcel (i.e., project site) (Assessor's Parcel No. 020-400-013; 1510 Diamond Mountain Road, Calistoga, California, to include the following six (6) measures specified below:

**Mitigation Measure BIO-1:** The owner/permittee shall revise Erosion Control Plan #P24-00015-ECPA prior to approval to include the following measures to minimize potential impacts associated with the potential loss and disturbance of roosting bats:

- a. 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 six (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:
- b. 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 remaining tree limbs may be removed.
- c. 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 limb 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 (b), 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 (b) above.

**Mitigation Measure BIO-2:** The owner/permittee shall revise Erosion Control Plan #P24-00015-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 18.108.027(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 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) shall be prohibited.

**Mitigation Measure BIO-3:** The owner/permittee shall follow USFWS protocol for surveying for northern spotted owls in all years that timber harvest operations are anticipated. This includes having a minimum 2-year survey history prior to timber harvest operations, including six spot-check surveys in 2025. Once timber harvest operations are complete, northern spotted owl surveys are no longer necessary.

Northern spotted owl surveys are valid until the beginning of the next breeding season (February 1). Timber harvest operations after this February 1 date require a current years' survey effort.

As there are no known northern spotted owls within 0.25 mile of the proposed development area, there are no seasonal restrictions proposed at this time. If a new northern spotted owl territory is identified within 1.3 miles of the proposed development area or the known northern spotted owl territory (NAP007) moves closer to the proposed development area, a reassessment shall occur.

The owner/permittee shall provide documentation of any updated northern spotted owl survey results to Napa County Conservation Division before commencement of vegetation removal and earthmoving activities pursuant to #P24-00015-ECPA.

**Mitigation Measure BIO-4:** The owner/permittee shall revise Erosion Control Plan #P24-00015-ECPA prior to approval to remove proposed vineyard Block 2, totaling 0.1 acre, from the proposed project to achieve consistency with General Plan Policy CON-24(a). This avoided area shall be demarcated with construction flagging/fencing before commencement of earthmoving activities. The precise location of the fence shall be inspected and approved by Napa County before the start of any earthmoving activities. Any incursions into the avoidance area/boundary shall be conducted only by qualified personnel and at the discretion of the County. No equipment or materials shall be laid down in or near the avoidance area/boundary.

**Mitigation Measure GHG-1:** The owner/permittee shall revise #P24-00015-ECPA to include the following provisions to reduce potential impacts related to consistency with the State's long-term climate goals of being carbon neutral by 2045:

- a. A Preservation Area, totaling a minimum of 2.3 acres, consisting of a minimum of 1.5 acres of Douglas fir forest, 0.7-acre of Oregon oak, and 0.1-acre of coast live oak shall be designated as such in a deed restriction 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 prior to construction or within 90 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the oak 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, protects special-status species; and the preservation area 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 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.

- 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 #P21-00064-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 TCR-1:**

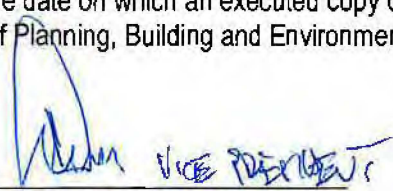
- a. The Project owner/permittee must meet and confer with the Mishewal Wappo Tribe at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care, and handling of tribal cultural resources potentially discovered or disturbed during 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 owner/permittee to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project owner/permittee 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.
- b. Prior to initial ground disturbance, the owner/permittee shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to 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 owner/permittee shall coordinate with the Tribe on the cultural resource sensitivity training.
- d. Ground disturbing activities occurring in conjunction with the Project including surveys, testing, concrete pilings, debris removal, rescrapes, 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 spotchecking or cease entirely. Tribal monitoring shall be reinstated in the event of any new or unforeseen ground disturbances or discoveries.

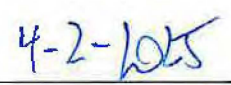
- e. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or 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 owner/permittee. 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 owner/permittee. 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.

**The Property Owners (1510 Acquisition 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 (1510 Acquisition 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.



Daniel Sedlmayer for 1510 Acquisition LLC



Date