

PROJECT REVISION STATEMENT
Teachworth Vineyard
Agricultural Erosion Control Plan #P20-00063-ECPA

I hereby revise the Teachworth Vineyard Agricultural Erosion Control Plan (ECPA) #P20-00063-ECPA the clearing of brush and trees within the proposed clearing limits (or project area), earthmoving, and the installation and maintenance of erosion control measures in connection with the development of 4.5 net acres of new vineyard within 5.8 gross acres on the 40.01-acre parcel (Assessor's Parcel No. 020-400-018¹; 4451 N. St. Helena Highway in Napa County, California, to include the following five (5) measures specified below:

Mitigation Measure BR-1: The owner/applicant shall implement the following measures to reduce potential impacts on special status plant species and associated habitat.

- a. Revise Erosion Control Plan #P20-00063-ECPA prior to approval to avoid the Sonoma ceanothus (*Ceanothus sonomensis*) plants/populations located within the western avenue of vineyard Block B, and provide them with a minimum 25-foot buffer, consistent with the intent of the modified block configurations detailed in **Figure 4**.
- b. The avoided plants/populations and 25-foot buffer shall be demarcated with construction flagging/fencing by a qualified biologist before construction. The precise locations of the construction fencing shall be inspected and approved by the County prior to the commencement of project activities. No equipment or materials shall be laid down in or near the boundary.
- c. In accordance with Napa County Code Section 18.108.100 (Erosion Hazard Areas—Vegetation Preservation and Replacement), any special-status plants or populations inadvertently removed as part of the development authorized under #P20-00063-ECPA shall be replaced onsite at a ratio of 2:1 at locations with similar habitat, as 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 plants will be planted, location of suitable habitat on the project parcel, success criteria of at least 80% and monitoring activities for the replacement plants/populations. The replacement plan shall be implemented before vineyard planting activities. Any replaced special-status plants shall be monitored for at least three years to ensure an 80 percent survival rate.

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 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:

- i. 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.

¹ LLA Recorded in December 2020; awaiting new APN.

- ii. 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 Planning 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 Planning Division in consultation with CDFW. The removal or exclusion plan shall be implemented upon approval of the plan by the County Planning Division and CDFW.

Mitigation Measure BR-3: The Permittee shall include in #P20-00063-ECPA the following measures to minimize impacts associated with the loss and disturbance of nesting birds and raptors, including northern spotted owl, consistent with and pursuant to California Department of Fish and Wildlife (CDFW) 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 18.108.070.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, raptors, and the Northern Spotted Owl, within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas. The preconstruction survey shall be conducted no earlier than 14 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 14 days from the survey date, surveys should be repeated. A copy of the survey will 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, the 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 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) would be considered an impact to nesting birds and are prohibited.

Mitigation Measure BR-4: The owner/applicant shall revise Erosion Control Plan #P20-00063-ECPA prior to approval to include the following measures to reduce potential impacts to wildlife movement and access to wildlife habitat and foraging areas as a result of the project:

- a. A portion of vineyard Blocks B and/or C shall be removed to maintain a corridor at least 100 feet wide between the blocks, consistent with the intent of the modified block configurations detailed in **Figure 4**. New wildlife exclusion fencing shall generally be limited to the periphery of the project areas (i.e. clearing limits).
- b. Update the Deer Fence Plan of P20-00063-ECPA (Figure 3, PPI Engineering, July 21, 2020) consistent with Mitigation Measure BR-4(a) and to include the following provisions: New fencing shall use a design that has 6-inch- square gaps at the base (instead of the typical 3-inch by 6-inch rectangular openings) to allow small mammals to move through the fence. Exit gates shall be installed at the corners of deer wildlife exclusion fencing to allow trapped wildlife to escape. To prevent entanglement, smooth wire instead of barbed wire shall be utilized to top wildlife exclusion fencing.
- c. Any modifications to the location of wildlife exclusion fencing as specified in Erosion Control Plan #P20-00063-ECPA shall be strictly prohibited, and would require County review and approval to ensure that the modified wildlife exclusion fencing location would not result in potential impacts on wildlife movement or use.

Mitigation Measure BR-5: The Owner/Applicant, prior to approval, shall revise #P20-00063-ECPA to include the following provisions to reduce potential impacts to coniferous forest and oak woodland and achieve consistency with the Napa County Conservation Regulations 18.108:

- a. A Preservation Area totaling 17.42 acres located outside of the boundaries of the existing and proposed developed area shall be designated as such in a 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 applicant shall record the deed restriction or conservation easement 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 coniferous forest 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 such as the redwood lily populations; 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 project site (typically within approximately 50-feet of the project site). 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 #P20-00063-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.

The Property Owners (TFT#5 LTD) 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 (TFT#5 LTD) 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.



TFT#5 LTD



Date