

# Exhibit H

**PROJECT REVISION STATEMENT**  
**Richard and Sylvia Lyons**  
**Lyons Vineyard Conversion**  
**Agricultural Erosion Control Plan #P19-00496-ECPA**

I hereby revise the Lyons Vineyard Agricultural Erosion Control Plan (ECPA) #P19-00496-ECPA to i) convert to vineyard up to approximately 19.5-acres (approximately 15.9 net vine acres) of existing oak woodland, toyon chaparral and non-native grassland, and ii) implement the development of approximately 3.8-acres of vineyard entitled under #97061-ECPA (approved September 23, 1997), for a total project area of approximately 23.3-acres, within an approximate 79.3-acre parcel (Assessor's Parcel No. 033-190-004: 8280 Wild Horse Valley Road, Napa, CA 94558) in Napa County California CA, to include the four (4) measures specified below:

**Mitigation Measure BR-1:** To avoid indirect impacts to special-status plant species and associated habitat, the owner/permittee shall implement the following measures:

- a. The special-status plants and associated habitat area (encompassing approximately 0.35-acres), as specified and shown on #P19-00496-ECPA, shall be flagged in the field by a qualified biologist or the project engineer, and protective construction fencing shall be installed along the boundary. Construction fencing shall be inspected and approved by the County prior to the commencement of vegetation removal and earth-disturbing activities. No equipment or work shall be allowed within the plant habitat avoidance area. The protective construction fencing shall be maintained and remain in place until all grading and erosion control measure installation are complete.
- b. The protective constructive fencing shall be replaced with a permanent means of demarcation and protection around the habitat area (such as permanent fence or rock barrier) so that the plant avoidance area is not encroached upon or disturbed as part of ongoing vineyard operations.
- c. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) vegetation that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P19-00496-ECPA shall be replaced on-site at a ratio of 2:1 within the plant avoidance area. Replacement plants shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan. Replacement plants shall be monitored and maintained as necessary for a minimum of 5 years to ensure they achieve at least 80% survival. If plantings are not achieving this success criteria during any monitoring year, Permittee shall be responsible for replacement oak plantings and monitoring them for an additional five years to ensure they achieve at least 80% survival

**Mitigation Measure BR-2:** To avoid impacts to special-status bat species and their habitat, the owner/permittee shall implement the following measures:

- a. Revise Erosion Control Plan #P19-00496-ECPA prior to approval to modify and adjust the boundary of Vineyard Block 2 to avoid these two bat habitat trees (i.e. Tree #54 and #55) and provide them with a buffer that extends at a minimum to the trees driplines.
- b. Install prior to the commencement of vegetation removal and earth-disturbing activities associated with the project temporary construction fencing (or the like) around the area(s) avoided by implementation of **Mitigation Measure BR-1(a)**. The precise locations of these fences shall be inspected and approved by the Planning Division before the start of any vegetation removal or earth-disturbing activities.

**Mitigation Measure BR-3:** To minimize impacts to wildlife movement and use, the owner/permittee shall revise Erosion Control Plan #P19-00496-ECPA prior to approval to include the following measures:

- a. Fence Development Area D as an individual unit, fence Development Areas E and G as an individual unit, and limit the location of new fencing to the periphery of each Development Area. Revised fencing locations shall be subject to review and approval by the county prior to its incorporation into #P19-00496-ECPA
- b. Fencing shall consist of wire mesh with minimum 6 inch by 6 inch squares, and shall include exit gates installed at the corners of exclusion fencing to allow trapped wildlife to escape, and smooth wire (instead of barbed wire) shall be utilized to top wildlife exclusion fencing to prevent entanglement.

- c. Any other new wildlife exclusion fencing installed in association with #P19-00496-ECPA shall be prohibited, and would require County review and approval to ensure any new fencing would not result in potential impacts to wildlife movement.

**Mitigation Measure BR-4:** The owner/Permittee shall implement the following measures to reduce potential direct, indirect and cumulative impacts to oak trees and oak woodland, and vegetative cover canopy as a result of the project, and achieve consistency with General Plan Conservation Policy CON-24 and the Conservation Regulations (NCC Chapter 18.108):

- a. Revise #P19-00496-ECPA prior to County approval to remove the area identified as 'Stockpile' located at the northwest end of proposed Vineyard Block 2, encompassing approximately 0.35-acres and containing eight (8) trees. Wildlife exclusion fencing shall also be revised to conform to the block boundary as modified by this measure and **Mitigation Measure BR-3**.
- b. Revise #P19-00496-ECPA prior to County approval to avoid the three (3) valley oak trees located in proposed Vineyard Block 1 and provide them with a buffer that extends at a minimum to the trees driplines. The buffer shall not contain vineyard avenues or tractor turn-around areas, and wildlife exclusion fencing shall be revised to conform to the block boundary as modified by this measure and **Mitigation Measure BR-3**.
- c. To protect trees and woodland during construction, temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located within 50-feet of the project area prior to any vegetating removal or earthmoving activities. The precise locations of protective fencing shall be inspected and approved by the Planning Division prior to the commencement of any vegetation removal or earthmoving activities. No disturbance, including grading, planting, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion control plan installation and vineyard installation and maintenance.
- d. The Permittee shall refrain from severely trimming (typically considered more than 1/3<sup>rd</sup> of the canopy) trees and vegetation to be retained adjacent to the vineyard conversion areas.
- 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 #P19-00496-ECPA shall be replaced on-site with fifteen-gallon native trees at a ratio of 2:1 at locations approved by the planning director. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan. Replacement trees shall be monitored and maintained as necessary for a minimum of 3 years to ensure they achieve at least 80% survival. If tree plantings are not achieving this success criteria during any monitoring year, the owner/Permittee shall be responsible for replacement tree plantings and monitoring them for an additional 3 years to ensure they achieve at least 80% survival.
- f. A Preservation Area containing the remaining oak woodland and vegetative canopy cover on the parcel (encompassing approximately 21-acres) shall be designated for preservation in a mitigatory or conservation easement with an organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection acceptable to the County. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the woodland (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 mitigatory or conservation easement within 60 days of approval of #P19-00496-ECPA by the County: in no case shall the ECPA be initiated until said mitigatory or conservation easement is recorded.

**The Lyons'** further commits itself 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 Lyons'** understands 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.

Richard B. Lyons  
Richard B. Lyons

3-8-2021  
Date

x Sylvia A. Lyons  
Sylvia A. Lyons

3-8-2021  
Date