

PROJECT REVISION STATEMENT
Moshkelani: ECPA Vineyard
Agricultural Erosion Control Plan #P21-00331-ECPA

I hereby revise the Moshkelani Vineyard Agricultural Erosion Control Plan (ECPA) #P21-00331-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the abandonment of 0.04 acres of vineyard, replanting of 1.67 acres of existing approved vineyard (P08-00059), and conversion to vineyard of 9.96 gross acres (for a total disturbed acreage of 11.67 acres) within 4 vineyard blocks, located on an SFAP (Separated For Assessment Purposes) parcel with a combined acreage of 48.52 acres (i.e., project site) (Assessor's Parcel Numbers 025-390-009-000 and 025-380-016-000: 3300/3600 805 Greenfield Road, St. Helena, California) to include the following measures specified below:

Mitigation Measures

1. **Western Pond Turtle Mitigation Measure BR-1:** The Permittee shall include in #P21-00331-ECP the following measures to minimize impacts of the proposed project on western pond turtles:
 - a. A targeted preconstruction survey for western pond turtle shall be completed between 7 days and 24 hours of the start of construction. Surveys shall take place between 9 a.m. and 3 p.m. and be conducted in areas that western pond turtle are likely to inhabit and focus on detection of basking and foraging turtles. Surveyors shall station in place for periods of 30 minutes in each area that is suitable for western pond turtle and use binoculars to visually detect and identify western pond turtle.
 - b. If a western pond turtle is detected, the following measures shall be implemented:
 - i. A worker environmental awareness program that describes western pond turtle, its habitat affinities and its protections shall be given to project personnel prior to commencement of ground disturbing activities.
 - ii. If any western pond turtles are observed in the work area, the western pond turtle shall be avoided, and work shall stop within 50 feet of the western pond turtle and shall not resume until the western pond turtle moves from the work area.
 - iii. If ground disturbing activities are to occur during the western pond turtle nesting season, between May 15 and July 15, an exclusion fence shall be installed around the work area to prevent western pond turtle from entering the work area. The design and installation of the fence shall be verified by a qualified biologist.
 - iv. If work stoppage occurs for more than five (5) consecutive days, work shall cease, and the owner/permittee shall contact a qualified biologist to determine further steps.
2. **Birds Mitigation Measure BR-2:** The Permittee shall include in #P21-00331-ECP the following measures to minimize impacts associated with the loss and disturbance of nesting birds and

raptors consistent with and pursuant Fish and Game Code Sections 3503 and 3503.5 and the California Endangered Species Act found in Fish and Game Code Section 2050 et seq.:

- 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 and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. The preconstruction survey shall be conducted no earlier than 7 days prior to 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 results 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 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, a qualified biologist 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. Additionally, a qualified biologist shall monitor all active nests each day during construction for the first week, and weekly thereafter, to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval.
 - 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) shall be prohibited.
3. **Bat Mitigation Measure BR-3:** A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall

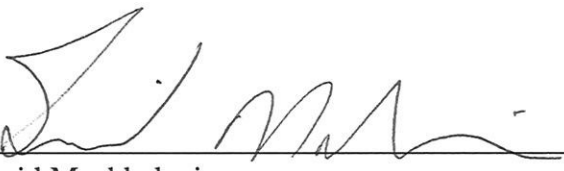
conduct a habitat assessment in order to identify suitable bat habitat trees within the project area(s), no more than six (6) months and no less than 14 days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:

- a. 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-3.2., 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 entire tree shall be removed.
 - b. 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 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 Planning 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 Measure BR-3a, 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 Measure BR-3a.
4. **Water Rights Mitigation Measure HYDRO 1-** To avoid any potential impacts to groundwater, prior to any work occurring with the proposed Block C vineyard development the owner/permittee shall do the following:
- a. Amend the State of California Division of Water Rights Permit for Diversion and Use of Water (Permit #21024) so that the area proposed for development of Block C falls within the Place of Use Map for said permit.

- i. The owner/permittee shall provide the approved amended Water Rights Permit to the County of Napa to save to the project file.
- b. If the amendment is not approved by the State of California, the owner/permittee shall submit a revised Erosion Control Plan and narrative for #P21-00331-ECPA which removes the proposed Block C vineyard development.

The Property Owner (Saeid Moshkelani and Azin Shahzamani) 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 (Saeid Moshkelani and Azin Shahzamani) 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.


Saeid Moshkelani

8/13/2023
Date


Azin Shahzamani

8/13/23
Date