

PROJECT REVISION STATEMENT

Maxville Erosion Control Plan

Agricultural Erosion Control Plan #P23-00130-ECPA

I hereby revise the Maxville Vineyard Agricultural Erosion Control Plan (ECPA) #P23-00130-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 56.2 gross acres of vineyard (i.e., development area or proposed clearing limits) with approximately 42.0 net planted acres, within 10 vineyard blocks located on three parcels within a holding consisting of an approximately 1,025 acres (i.e., project site). (Assessor's Parcel Numbers 025-020-023-000, 025-020-027-000 and 025-020-028-000) to include the following measures specified below

- 1) Mitigation Measure AQ-1:** The owner/permittee shall ensure that all off-road diesel-powered construction equipment greater than 50 horsepower shall meet EPA Tier 4 Final emission standards.
- 2) Mitigation Measure BIO-1:** The owner/permittee shall revise Erosion Control Plan #P23-00130-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. **Roosting Bat Habitat Assessment and Surveys:** Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-1.b, below, shall be implemented.

- b. **Roosting Bat Tree Protections:** If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.
- 3) Mitigation Measure BIO-2:** The owner/permittee shall revise Erosion Control Plan #P23-00130-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 (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) 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) Mitigation Measure BIO-3: The owner/permittee shall revise Erosion Control Plan #P23-00130-ECPA prior to approval to include the following measures to minimize impacts associated with the potential loss and disturbance of foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, and western pond turtle:

- a. A qualified biologist shall conduct a worker education program to construction personnel prior to commencement of earthmoving activities

with information regarding the identification and ecology of foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, and western pond turtle, the potential for occurrence of the species within work areas, the legal status of the species and ramifications for take, the specific measures being implemented to avoid impacts to foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, and western pond turtle, and the role of the on-site biologist.

- b. If water is present at the time of construction, a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, and western pond turtle) shall conduct two surveys along the intermittent stream at least 14 days prior to commencement of earthmoving activities. The surveys shall have remarkably different light angles (e.g., early morning and early afternoon), but can be conducted on the same day. Survey areas (streams) shall be systematically walked upstream, zig-zagging between the bank and the thalweg in wide areas, and bank-to-bank in narrow areas. All areas along the streams that could support frogs, salamanders, turtles, or fish shall be searched, including rocks, ledges, woody debris, overhanging vegetation, etc., as well as accessible natural cover within 50 feet of the wetted perimeter where frogs, salamanders, turtles, or fish could be present. Surveyors shall use binoculars to reduce the likelihood of disturbing frogs and flashlights for searching darkened crevices and shaded areas. Slow-moving and/or still waters shall be closely inspected for the presence of tadpoles, larvae, hatchlings, or fry. If water is not present, no pre-construction surveys are required.
- c. If no foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, or western pond turtle are present during the pre-construction survey, no additional measures are warranted.
- d. If foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, or western pond turtle are determined to be present, a qualified biologist shall conduct one daytime survey for pre-construction activities within 48 hours of commencement of earthmoving

activities. If foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, or western pond turtle are or will likely be present at the time of commencement of earthmoving activities, protective measures shall be deployed. Such measures include: (1) installation of exclusion fencing, (2) presence of on-site biologist during ground disturbance activities, and (3) implementation of a worker education program. Exclusion fencing shall be installed along the inhabited stream(s) immediately adjacent to the proposed development area, extending 100 feet beyond the terminus of the proposed development area in each direction. The on-site biologist shall be present to perform a survey of the proposed development area in the morning prior to that day's commencement of earthmoving activities. If a foothill yellow-legged frog, California giant salamander, California red-legged frog, steelhead, or western pond turtle is present within the proposed development area, individual frogs, salamanders, turtles, or fish shall be allowed to leave the disturbance area of their own accord, as confirmed by the biologist. Alternatively, other measures shall be derived and approved in coordination with CDFW and the County Conservation Division.

- 5) **Mitigation Measure BIO-4:** The owner/permittee, prior to approval, shall implement the following measure to minimize canopy impacts:
- a. A Preservation Area, totaling a minimum of 32.4 acres as shown in **Exhibit B-4** 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 owner/permittee 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 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 oak woodland within the project property; 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.

The land placed in protection shall be restricted from development and other uses that would potentially 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.

- 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 proposed development area (typically within approximately 50-feet of the proposed 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 proposed development 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 #P23-00130-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

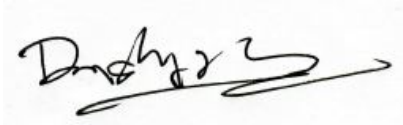
and approval that includes at a minimum, the locations where replacement trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before vineyard planting activities. Any replaced trees shall be monitored for 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.

- 6) Mitigation Measure CUL-1:** Project shall comply with the Tribal Monitoring Agreement which requires tribal monitors on site during project development and ground disturbance activities and additionally requires cultural sensitivity training for all project personnel.
- a. Prior to the commencement of vegetation removal and earth-moving activities pursuant to #P23-00130-ECPA, the owner/permittee shall provide documentation to Napa County demonstrating that they have engaged with the Middletown Rancheria Tribe to provide cultural monitors during project construction as necessary, and that cultural sensitivity training has been provided to site workers.
 - b. Should the owner/permittee be unsuccessful in engaging with the Middletown Rancheria Tribe, the owner/permittee shall provide, for review and approval by Napa County, a Cultural Monitoring Plan prepared by a professional archaeologist certified by the Registry of Professional Archeologists (RPA). The Cultural Monitoring Plan shall outline monitoring requirements including but not limited to, sensitivity training for site workers, find procedures, and monitoring documentation and reporting procedures.

The Property Owner (Koko Nor Corporation) 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 (Koko Nor Corporation) 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.

A handwritten signature in black ink, appearing to read "D. H. 23", is positioned above a horizontal line.

Signature

Nov.2, 2025

Date