

## PROJECT REVISION STATEMENT

### **B&F Farms Vineyard Conversion Roberta Damele, Trustee ETAL Agricultural Erosion Control Plan #P25-00029-ECPA**

I hereby revise the B&F Farms Agricultural Erosion Control Plan #P25-00029-ECPA to convert to vineyard up to 10.7-acres (approximately 7.8 net vine acres) of existing oak woodland, knobcone pine forest coyote brush scrub, non-native grassland and ruderal land within an approximate 120.0-acre holding (Assessor's Parcel Numbers 034-030-029 and -030: 7335 St. Helena Highway) in Napa County California CA, to include the four measures specified below:

**Mitigation Measure BIO-1:** The owner or permittee shall revise Erosion Control Plan #P25-00029-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 (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 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, audible, or chemical 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 or CDFW prior to any activity that could disturb nesting birds.

**Mitigation Measure BIO-2:** The owner or permittee shall revise Erosion Control Plan #P25-00029-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. Prior to the commencement of earth-disturbing activities and tree removal a qualified biologist, having at least two years of experience conducting bat surveys that resulted in detections for relevant species, and experience with removal of bat habitat trees, shall clearly mark the bat habitat trees identified in the WRA May 2025 response letter for the project for construction personnel and instruct them on the phased tree removal specified in **Mitigation Measure BIO-2.b**. The owner or permittee shall provide documentation to the Planning Department that bat habitat trees have been marked prior to the commencement of earth-disturbing activities and tree removal.
- b. Bat habitat trees shall be trimmed and removed in a two-phased system conducted over two consecutive days. The first day (in the afternoon, under the direct supervision and instruction of a qualified biologist with experience conducting two-step tree removal, limbs and branches will be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices and deep bark fissures will be avoided, and only branches or limbs without those features will be removed. On the second day, the entire tree will be removed. All felled trees shall remain on the ground for at least 24 hours prior to disposal to allow any present bats within the trees to escape.

**Mitigation Measure BIO-3:** The owner or permittee, prior to approval, shall implement the following measures to minimize impacts to vegetation cover canopy, oak woodlands and associated habitat:

- a. Revise #P25-00029-ECPA prior to approval to avoid 0.5-acres of developable vegetation canopy cover and include it in the Preservation Area in **Mitigation Measure BIO-3b**. The locations of associated wildlife exclusion fencing affected by this measure shall also be revised to accordingly. The area to be removed from the project and added to the preservation area and fencing location shall be reviewed and approved by the PBES Director prior to incorporation into the ECPA.
- b. Revise Figure 1 of Appendix C in Exhibit A - Tree Preservation – to provide a Preservation Area, totaling no less than 5.1-acres of developable vegetation canopy cover and no less than 7.6-acres of oak woodland, cumulatively, to be designated as such in a deed restriction or mitigation easement or other means of permanent protection acceptable to the County, that shall include canopy cover avoided as a result of **Mitigation Measure BIO-1a**. 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 mitigation easement prior to construction or within 90 days of project approval, whichever comes first

- c. 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.
- d. The owner/permittee shall refrain from severely trimming the trees, typically no more than 1/3<sup>rd</sup> of the canopy, and vegetation to be retained adjacent to the proposed development area.
- 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 #P25-00029-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 80percent, 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: Mitigation Measure TCR-1:** Prior to the commencement of vegetation removal and earth disturbing activities pursuant to #P25-00029-ECPA the project the owner or permittee shall provide the following to ensure that impacts to Tribal Cultural Resources are minimized or avoided:

- a. Documentation to Napa County demonstrating that the project owner or permittee has engaged with the Mishewal Wappo Tribe of Alexander Valley to provide cultural monitors during project construction as necessary, and that cultural sensitivity training has been provided to site workers.
- b. Should the owner or permittee be unsuccessful in engaging with the Mishewal Wappo Tribe of Alexander Valley, the owner or 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. The Cultural Monitoring Plan shall outline monitoring requirements including, but not limited to, sensitivity training for site workers, find procedures, and monitoring and reporting procedures.

**B&F Farms** (i.e. Roberta Damele, Trustee ETAL) 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.

