

1260 SHADY BROOK VINEYARD
AGRICULTURAL EROSION CONTROL PLAN #P25-00011-ECPA
Project Revision Statement

I hereby revise the 1260 Shady Brook Vineyard Agricultural Erosion Control Plan (ECPA) #P25-00011-ECPA to implement the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 1.3 gross acres of new vineyard (i.e., development area, proposed clearing limits; including approximately 1.0 net acres of new vines,) within two (2) vineyard blocks, located within a parcel totaling 41.8 acres (i.e., project site) (Assessor's Parcel No. 052-190-013, 1260 Shady Brook Lane, Napa, California), to include the following five (5) measures specified below:

MITIGATION MEASURE BIO-1 – Special Status Plant Avoidance

The following avoidance and protection measures will be implemented during construction:

- Use GPS points provided by the professional biologist during the habitat assessment and flag the Napa bluecurl and Green monardella populations 20 feet from the vineyard planting (10 feet from the clearing limits and an additional 10 feet from the vineyard road) prior to ground disturbance.
- Install temporary orange construction fencing or similar barrier placed around the Napa bluecurls and Green monardella populations to protect and keep all vehicles or equipment from disturbance during ground disturbing activities and vineyard installation. Temporary fencing shall be removed upon completion of development.

MITIGATION MEASURE BIO-2 – Crotch's Bumble Bee: Project shall conduct a pre-construction survey consistent with Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). The survey plan should be submitted to CDFW for review. Surveys shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee.

1. Surveys shall be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys shall be conducted each year that Project work activities occur.
2. If Crotch's bumble bee are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan should be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal. The Project shall incorporate CDFW's comments into the avoidance plan. If take of Crotch's bumble bee cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

MITIGATION MEASURE BIO-3 - Nesting bird and Raptor Avoidance: If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-

August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds and raptors, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird and raptors survey shall be conducted. In the event that nesting birds and/or raptors are found on the Project site or within 500 feet of the Project site, the Project shall:

- a. Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or raptors, or evidence of their presence is found;
- b. Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances for bird nests and raptors shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall be specified to protect the bird's normal behavior thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established;
- c. Within five working days of the surveys prepare a survey report and submit it to CDFW; and Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.

MITIGATION MEASURE BIO-4 – Roosting Bats: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of roosting bats consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- 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-4.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.

MITIGATION MEASURE BIO-5 – Oak Woodland Preservation: The owner/permittee, prior to approval, shall implement the following measure to preserve 0.40 acres of the project site’s remaining oak woodland:

- a. A Preservation Area, totaling a minimum of 0.40 acres of oak woodland shall be designated as such in a deed restriction or mitigation 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 mitigation 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. 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. The owner/permittee shall provide an endowment to the accredited land trust that is sufficient to ensure that the mitigation easement is monitored, enforced, and defended in perpetuity. The amount of the endowment shall be calculated using the Center for Natural Land Management’s Property Analysis Record software, or an equivalent methodology if preferred by the land trust and accepted by the Land Trust Alliance, which provides the systematic and objective determination of the amount of the endowment in light of the conservation values to be protected by the easement. The record showing how the amount of the endowment was calculated shall be provided to County Counsel as part of its review of the mitigation easement. Any county staff time spent assessing and monitoring said provision shall be charged to the permittee, at the rate in effect at the time assessment and monitoring occurs, pursuant to County Fee Policy Part 80.

- 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 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. Owner/permittee may manage vegetation within the Protected Area under the direction of the California Department of Forestry and Fire Protection (“CalFire”) for fuel reduction purposes.
- d. Owner/permittee may manage oak woodland portions of the Protected Area consistent with the Voluntary Oak Woodlands Management Plan (October 26, 2010) (the “Plan”), including without limitation implementing sustainable best management practices for oak woodlands set forth in Appendix D of the Plan. Such activities may include fuel management and the cultivation of native vegetation and maintenance of native vegetation compatible with the Protected Area’s use as vegetation canopy cover and oak woodland habitat.
- e. The owner/permittee shall refrain from severely trimming the trees (typically no more than 1/3 of the canopy) and vegetation to be retained adjacent to the proposed development area.
- f. 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 #P25-00011-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 would 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.

The Property Owner (Daniel Chen) 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.

Daniel S. Chen

5/28/26

Signature, Daniel Chen (Owner)

Date