

Project Revision Statement
Misty Mountain Properties, LLC
Spring Mountain Road Vineyard Conversion
Agricultural Erosion Control Plan #P25-00194-ECPA

I hereby revise the Misty Mountain Properties, LLC Vineyard Agricultural Erosion Control Plan #P25-00194-ECPA to convert to vineyard up to 5.8-acres, approximately 3.96 net vine acres, of existing chaparral and oak woodland and developed land within an approximate 40.81-acre holding, located at 3702 Spring Mountain Rd., St. Helena, CA 94574 (Assessor's Parcel Number 022-140-054), to include the six (6) measures specified below:

Mitigation Measure BIO-1: Narrow-anthered brodiaea

The Owner/Permittee shall implement the following measures to minimize potential direct and cumulative impacts to Narrow-anthered brodiaea and its habitat as generally depicted in the preliminary Habitat Management Plan prepared by WRA, Inc. dated December 2025 (**Exhibit C**):

- a. **Habitat Management Area and Plan:** A qualified biologist shall establish a 2.37-acre (±) Habitat Management Area (HMA) and develop a corresponding Habitat Management Plan (HMP) to mitigate impacts on the Narrow-anthered brodiaea. The HMA shall be situated within onsite Chamise habitat to ensure ecological suitability and provide ready access for maintenance and irrigation. All 432 Narrow-anthered brodiaea individuals within the vineyard development area shall be translocated to the HMA, while all existing individuals currently within the HMA shall be avoided. The HMP must detail collection and translocation methods, invasive species management, and an implementation schedule. To ensure restoration success, it shall establish performance standards requiring a minimum 80% success rate over a five (5)-year monitoring period. Bulbs shall be unearthed during their summer/fall dormancy following complete senescence. Collected bulbs may be stored over winter for late winter/early spring planting or translocated immediately.
- b. **Habitat Management Area Preservation:** Revise Erosion Control Plan #P25-00194-ECPA prior to approval to identify the Habitation Management Area required under Mitigation Measure BIO-1a. This area will be identified as a Habitat Management Area Preservation Area in the revised ECPA and be permanently preserved as specified in **Mitigation Measure BIO-1c**.
- c. The Habitat Management Preservation Area identified in Mitigation Measure BIO-1 a and b shall be identified and designated for preservation in a perpetual protective easement or perpetual deed restriction, or other means of permanent protection acceptable to Napa County, as approved by the Director of PBES. Areas placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including, but not limed 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. Upon County Counsel's review and approval as to the form of the protective easement or other means of permanent protection, the Owner/Permittee shall record the restriction prior to the commencement of any ground disturbing activities or vegetation removal, or within 12

months of project approval, whichever occurs first: in no case shall earthmoving activities or vegetation removal be initiated until said restriction is recorded. Any request by the Owner/Permittee for an extension of time to record the protective easement shall be considered by the Director of PBES and shall be submitted to Napa County prior to the 12-month deadline and shall provide sufficient justification for the extension.

- d. Prior to any earthmoving activities temporary construction fencing or other means of project demarcation acceptable to the County shall be placed at the limits of the project footprint. The precise locations of said fences shall be inspected and approved by the Conservation 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 and operation.
- e. In accordance with Napa County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) any special-status plants/populations inadvertently removed as part of development authorized under #P25-00194-ECPA shall be replaced on-site at a ratio of 3:1 at locations with similar habitat. For such removal a replacement plan shall be prepared by a qualified botanist or ecologist for review and approval by the Director prior to vineyard planting. At a minimum, the replacement plan shall include i) a site plan showing the locations where replacement plants will be planted, ii) a plant pallet composed the special-status plants specie(s) being removed including sizes and/or application rates, iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management specifications, v) an implementation and monitoring schedule, and vi) performance standards with a minimum success rate of 80% to ensure the success of re-vegetation efforts. Any replaced special-status plants shall be monitored for a period of at least three (3) years to success criteria are met.

Mitigation Measure BIO-2 (Pre-construction NSO nesting surveys): The Owner/Permittee shall implement the following measures to minimize potential impacts to Northern Spotted Owls (NSO):

- a. Habitat Assessment and Agency Concurrence: Prior to any vegetation removal or earth-moving activities, a qualified biologist—defined as possessing demonstrable experience with the species—shall conduct an assessment of potential Northern Spotted Owl (NSO) nesting habitat within the project site and a 0.25-mile radius. The Owner/Permittee must obtain written acceptance of this assessment from the California Department of Fish and Wildlife (CDFW). Surveys shall adhere to the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (revised January 9, 2012) unless otherwise required by CDFW.
- b. Pre-construction Surveys and Reporting: A pre-construction survey shall be performed no more than 14 days prior to the start of vegetation removal and ground-disturbing activities, unless otherwise required by CDFW. Results shall be submitted to the Napa County PBES Planning Division and CDFW for review. All agency-mandated measures—including no-disturbance buffers and seasonal restrictions—shall be implemented as directed.
- c. ESA/CESA Consultation: If NSO presence is identified during surveys, the Owner/Permittee shall immediately consult with CDFW pursuant to the California Endangered Species Act

(CESA) and with USFWS pursuant to the Federal Endangered Species Act (ESA) to establish mandatory protection measures.

Mitigation Measure BIO-3 (Pre-construction surveys for nesting birds and raptors): The Owner/Permittee shall implement 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 16 (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 the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (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 CDFW prior to commencement of work.
- b. After commencement of work if there is a period of no work activity of seven (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 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 the County's Conservation Division and/or the USFWS 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.

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 shall undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Mitigation Measure BIO-4 (Pre-construction bat tree habitat assessment and surveys): Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming or removal and shall include a visual inspection of potential roosting

features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two (2) consecutive days, as follows: 1) 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, and 2) the second day the entire tree shall be removed.

Mitigation Measure BIO-5 (Preservation Areas): The Owner/Permittee shall implement the following measures to minimize potential impacts to sensitive biotic communities (e.g., common manzanita chaparral) and to oak woodlands and vegetation canopy cover:

- a. Sensitive Biotic Community Preservation: Revise Erosion Control Plan #P25-00194-ECPA prior to approval to identify a minimum of 2.34 acres of Common Manzanita habitat. This area will be identified as Sensitive Biotic Community Preservation Area in the revised ECPA and be permanently preserved as specified in **Mitigation Measure BIO-5c**.
- b. Oak Woodland/Vegetation Canopy Cover Preservation: Revise Erosion Control Plan #P25-00194-ECPA prior to approval to identify and permanently preserve a minimum of 5.32-acres of Black Oak Forest and 2.75 acres of Douglas fir forest Vegetation Canopy Cover (located outside of stream setbacks pursuant to NCC Section 18.108.025) as generally as shown in (**Exhibit A**). These areas shall be identified as Oak Woodland/Vegetation Canopy Cover Preservation Areas in revised #P25-00194-ECPA and be permanently preserve as specified in **Mitigation Measure BIO-1c**.
- c. The Preservation Areas identified in Mitigation Measure BIO-5 a and b shall be identified and designated for preservation in a perpetual protective easement or perpetual deed restriction, or other means of permanent protection acceptable to Napa County, as approved by the Director of PBES. Areas placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including, but not limed 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. Upon County Counsel's review and approval as to the form of the protective easement or other means of permanent protection, the Owner/Permittee shall record the restriction prior to the commencement of any ground disturbing activities or vegetation removal, or within 12 months of project approval, whichever occurs first: in no case shall earthmoving activities or vegetation removal be initiated until said restriction is recorded. Any request by the Owner/Permittee for an extension of time to record the protective easement shall be considered by the Director of PBES and shall be submitted to Napa County prior to the 12-month deadline and shall provide sufficient justification for the extension.

- d. In accordance with Napa County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) any special-status plants/populations, sensitive biotic communities, or any trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P25-00194-ECPA shall be replaced on-site at a ratio of 3:1 at locations with similar habitat. Replacement trees must be at least 15 gallons in size. For such removal a replacement plan shall be prepared by a qualified botanist or ecologist for review and approval by the Director prior to vineyard planting. At a minimum, the replacement plan shall include i) a site plan showing the locations where replacement plants will be planted, ii) a plant pallet composed the special-status plans specie(s) being removed including sizes and/or application rates, iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management specifications, v) an implementation and monitoring schedule, and vi) performance standards with a minimum success rate of 80% to ensure the success of re-vegetation efforts. Any replaced special-status plants, sensitive biotic communities, and replacement trees shall be monitored for a period of at least three (3) years to success criteria are met.

Mitigation Measure TCR-1: Tribal Cultural Resources

- a. Prior to initial ground disturbance, the owner/permittee shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources.
- b. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.
- c. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be

required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.

- d. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.
- e. The owner/permittee shall meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.

Misty Mountain Properties, LLC, 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.

Misty Mountain Properties, LLC, 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.

Signed by: 		Manager	7/1/2026
Signature		Title	Date
Isaac Fehrenbach			
Printed Name			