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OCT 29 2008

**PROJECT REVISION STATEMENT  
(ENVIRONMENTAL REVIEW)**

Drinkward Behrens Winery  
Use Permit P06-001310-UP  
3524 Silverado Trail North, St. Helena, CA 94574, APN: 021-410-019

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

I hereby revise my project to include the mitigation measures specified below:

**CULTURAL RESOURCES**

1. The permittee shall either:
  - a. Engage a qualified project archeologist (see *Napa County Guidelines for Preparing Cultural Resource Surveys-Persons Qualified to Prepare*, March 2002) to personally monitor all excavation or below grade construction associated with this project. The permittee's contract with the project archeologist shall reflect the terms of this mitigation measure and shall be submitted for the review and approval of the Planning Director or her designee (hereinafter "Planning Director") prior to issuance of a building permit, any other development permit, or any earthmoving associated with this project.
  - b. Or, stake out and surround, with temporary construction fencing, the areas found requiring protection in the archeological survey dated December 20, 2007 and engage a project archeologist to periodically monitor the sites to make certain no disturbance take place.
2. Should concentrated artifactual materials (including, but not necessarily limited to, obsidian, chert, basaltic flakes and artifacts, grinding tools such as mortars and pestles, and/or human graves) be uncovered at any point, all work shall be stopped within 35 feet of the discovery. Said work shall remain stopped until the project archeologist has formally evaluated the find, developed any mitigation measures needed, prepared a report of findings, filed a report with the Napa County Department of Conservation, Development & Planning, and the report has been reviewed and approved by the Planning Director. Recommended mitigation measures as approved and required by the Planning Director shall be implemented to her satisfaction by the permittee as well as their agents, employees, and contractors.
3. All contractors doing work on this project shall be informed of, and bound contractually to honor, the requirement to stop work immediately if artifactual materials (as described at Mitigation Measure 2, above) are encountered.
4. Prior to any certificate of occupancy, and whether the approach described at Mitigation Measure 1a or 1b is pursued, the project archeologist shall submit a final report of finds, mitigation measures, and mitigation measure compliance for the review and approval of the Planning Director.
5. Should any human remains be discovered during or as a result of work associated with this project, all legal requirements relating to the discovery of human remains shall be complied with including, without limitation, California Public Resources Code §5097.98 et seq.


**BIOLOGICAL RESOURCES**

6. The permittee shall:

Implement the following elements to avoid disturbance to the nesting sites of special-status raptors during the breeding season: For ground disturbing activities occurring during the breeding season (May 1 through July 31), a qualified wildlife biologist shall conduct preconstruction surveys of all potential raptor breeding habitat within 200 feet of grading of all ground disturbing activities. The survey results shall be provided to the Napa County Conservation Development and Planning Department. If active nesting sites are identified during preconstruction surveys, a no-disturbance buffer acceptable in size to California Department of Fish and Game (CDFG) would be created around active raptor nesting sites during the breeding season. If preconstruction surveys indicate that nesting sites are inactive or potential habitat is unoccupied during the earthmoving period, no further mitigation shall be required. This buffer may be modified in coordination with CDFG.

7. To minimize any damage to the existing oak trees to be retained, engage a qualified arborist to conduct and/or oversee trenching for the installation of the drip distribution system using an air excavator or air knife. Before issuance of any permits to commence construction of the project, the permittee shall submit a plan showing the location of all drip lines, stamped and reviewed by a certified arborist. A certified arborist will be present to inspect the construction and installation of the drip lines. Before final occupancy is granted the certified arborist will provide to Napa County Planning Department a letter describing the installation of the drip lines and that this installation was conducted in a manner to maintain a non-intrusive level of disturbance to root systems of trees to be retained.
8. All contractors doing work on this project shall be informed of, and bound contractually to honor, the requirement to stop work immediately if active raptor nesting sites (as described at Mitigation Measure 6, above) are encountered.
9. Prior to any certificate of occupancy, the project biologist shall submit a final report of finds, mitigation measures, and mitigation measure compliance for the review and approval of the Planning Director.
10. By signing this project revision statement, the applicant acknowledges that in the event that the project results in the discovery of active raptor nesting sites, there is a possibility that the project will have to be revised in order to mitigate potentially significant environmental impacts. Such revisions could be substantial and would likely require a use permit modification.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.



Signature of Owner(s)

LES BEARENS

Print Name

OWNER

Interest