

REVISED PROJECT REVISION STATEMENT

Joseph Cellars Winery; File No. P09-00174

I hereby revise my request to the above referenced project to include the measures specified below:

1. The applicant shall secure a revised easement agreement from the neighbors reducing the existing easement from 60 to 40 feet and include in the agreement that 10 feet of the 40 foot wide easement can be used for agricultural purposes. The additional 30 feet width along the existing driveway shall be used for agricultural purposes.

2. Installation of the Landscape plan as proved dated September 11, 2009 showing replacement Oak trees at a 2:1 ratio, provide a monitoring plan and comply with Oak Woodlands Preservation Act (PRC Section 21083.4). Owner shall submit a detailed landscape plan prior to the release of a building permit for any of the phases. Installation of the landscape plan shall happen prior to final or temporary occupancy of any phase. After installation the owner shall submit a monitoring fee of \$1,500 and maintain all trees for seven years. After the seven years have concluded the County shall do a final landscape inspection and refund the monitoring fee.

3. Prior to any tree removals, comply with the Federal Migratory Bird Treat Act (MBTA) by ensuring there are no active bird nests within the trees. The applicant/owner shall avoid disturbing special-status bird/raptor nests as follows: For earth disturbing activities occurring during the breeding season (March 1 through July 31), a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat for passerines and raptors within 500 feet of earthmoving activities. If active passerine or raptor nests are found during preconstruction surveys, a 500 foot no-disturbance buffer will be created around active nests during the breeding season or until it is determined that all young have fledged. A 250 foot buffer zone will be created around nests of other special-status birds. These buffer zones are consistent with California Department of Fish and Game (CDFG) avoidance guidelines and CDFG buffers required on other similar ECPA projects; however, they may be modified in coordination with CDFG based on existing conditions at the project site. If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Shrubs that have been determined to be unoccupied by special-status birds or that are located 500 feet from active nests may be removed.

4. Construct the proposed left turn at the project's access on State route 29 as designed according to the Department of Transportation Highway Design manual (HDM) Index 405.2 <http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm> prior to final occupancy.

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)
Interest

Print Name