

MAY 1 2 2010

NAPA CO. CONSERVATION DEVELOPMENT & PLANNING DEPT.

Project Revision Statement & Mitigation Monitoring and Reporting Program

(Environmental Review)

Shutters Winery

Use Permit Application № P09-00222-UP and Variance Application № P09-00223-VAR
Assessor's Parcel №: 018-060-027
No Present Address, Lommel Road, Calistoga, Calif., 94515

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

BIOLOGICAL RESOURCES

- The applicant/owner shall implement the following elements to avoid disturbing raptor nests:
 - For earth disturbing activities occurring during the breeding season (February 1 through July 31), a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat for raptors within 500 feet of carthmoving activities and related project construction activities. Survey results shall be submitted for the review and approval of the Planning Director, or her designes.
 - If active nests are found during preconstruction surveys, a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged. A 250-foot buffer zone shall be created around the nests of other special-status birds. If non-special status active bird nests are present, the nests shall be left undisturbed. These buffer zones are consistent with California Department of Fish and Game (CDFG) avoidance guidelines; 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 habitet is unoccupied during the construction period, no further mitigation is required.
 - If earth-disturbing activities are delayed or suspended for more than one month after the preconstruction survey, the areas within 500 feet of earthmoving activities shall be resurveyed.
- Prior to the issuance of a grading or building permit for any activity associated with the subject project, the
 permittee shall provide evidence acceptable to the Planning Director or her designee that they have obtained all
 federal and/or state permits which may be necessary to work in or adjacent to waters of the United States or the
 State of California.
- 3. Prior to the issuance of a grading or building permit for any activity associated with the subject project, the permittee shall submit final crosion control/stormwater pollution prevention plans for the review and approval of the Director of Public Works or his designee. Equipment movement and site clearing shall be limited to the project footprint as identified in the project biological resources survey. Erosion control measures during construction must be implemented and construction fencing installed to prevent any equipment movement in the area of Biter Creek and of the drainage north of the winery footprint. Site storm water runoff must not enter Biter Creek directly and should use standard engineering design with sediment traps to prevent any sediment or significant increase in flow to Biter Creek.
- Prior to the issuance of a grading or building permit, the permittee shall submit a tree replacement/preservation
 plan for the review and approval of the Planning Director or her designee.

The submitted plan shall incorporate and depict tree protection fencing as follows: Before the start of any clearing, excavation, construction, or other work on the site, every tree greater than 6" dbh in the vicinity of the project area which is not marked for removal on the submitted site plan shall be securely fenced-off at the dripline. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.

The submitted plan shall also include in-like-kind 2:1 replacement of all oak trees proposed to be removed as a result of this project. Replacement planting shall occur on the subject parcel or, with the permission of the Napa County Land Trust, on their adjacent holdings. Local genetic material shall be used. Provision for irrigation of the newly-planted trees shall be described in the plan and provided at installation, as shall fencing or other measures as necessary to protect the newly-planted trees from deer and/or other grazers.

Method of Mitigation Monitoring:

Mitigation Measures No 1 - 4 require the permittee to submit surveys, plans, or other documentation for the review and approval of relevant County agencies prior to the issuance of building and/or grading permits. If the mitigation measures are not complied with, the County shall not issue requisite permits for the project.

I understand and explicitly agree that with regards to all California Erroironmental 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 §66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was ariginally found complete.

Signature of Owner

Jim McDonel

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