

**RECEIVED**

**MAY 12 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**

1. 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 earthmoving activities and related project construction activities. Survey results shall be submitted for the review and approval of the Planning Director, or her designee.
  - 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 habitat 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.
2. 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 erosion 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.
4. 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.

