

PROJECT REVISION STATEMENT

#99323-ECPA

Robert Mondavi Properties at Suscol Springs Vineyard

We hereby revise and modify #99323-ECPA for Robert Mondavi Properties at Suscol Springs Vineyard proposal for approximately 85 acres of new vineyard on Assessor's Parcel Number 046-400-034 to include all of the following:

1. Reflect the Resource Conservation Alternative as described in DEIR dated May 2004.
2. The following additional measures shall be implemented to reduce short-term emissions of ozone precursor emissions associated with the onsite use of construction equipment:
 - a) Use low-sulfur content diesel fuel;
 - b) Do not leave engines idling, to the extent feasible;
 - c) Maintain construction equipment in accordance with manufacturers' specifications. (Mitigation Measure 5.3-1.)
3.
 - a) Conduct pre-installation raptor surveys by a qualified biologist (retained by the owner/applicant) and maintain minimum setback of 75 feet from the Central Creek drainage.
 - b) Enlarge and restore southeast native grassland to 2 acres by a qualified native grassland restorer (retained by the owner/applicant).
 - c) In order to reduce potential direct and indirect impacts (i.e. disturbance, nest abandonment, nest site (tree) removal) to nesting raptors during installation activities, pre-installation Project specific field surveys for nesting raptors will be conducted by a qualified biologist to locate any active nest sites within 0.5 miles of the site. Known or suspected nesting sites within 0.25 miles of the site will be flagged. Installation shall be restricted to areas more the 100 yards from active nests until chicks have fledged (presumably in June, but actual time to be determined by qualified biologist). To further reduce potential impacts on raptors, all grading and tree removal shall occur outside of the main portion of the raptor nesting season, if feasible. A qualified native grassland restorer shall prepare a native grass land plan with implementation schedule. The plan shall include minimally a reference site, performance criteria, corrective actions and inspection/monitoring schedule. The enlarged and restored southeast grassland included as part of the Project will provide potential foraging and nesting habitat for northern harrier, short-eared owl, and white-tailed kite.
 - d) Construct owl and bat boxes on the Project site will reduce the need for artificial pest control and pesticide application, and will increase the number of potential nest/roost sites for owl and bat species. (Mitigation Measure 5.4-4)
4. Obtain a Section 404 Clean Water Act permit, Section 401 Clean Water Act water quality certification, and Fish and Game Code Stream bank Alteration Agreement prior to installation of rock sediment basins, stream crossing and erosion control structures in Waters of the U.S. and implement all conditions of those permits and agreements. (Mitigation Measure 5.4-6)
5. CA-NAP-788H is a potentially historic structure and three other potentially historic structures. These potentially historic structures shall be preserved by a fence, rock wall or other permanent barrier for each. A fence, rock wall or other permanent barrier design and construction of the barriers shall be determined by a qualified professional archaeologist in consultation with the owner/applicant.
CEQA Section 15064.5(a)(4) allows the Lead Agency to determine that a cultural resource may be considered an "historical resource" as defined in Public Resources Code sections 5020.1(j) and 5024.1 without a formal evaluation of eligibility to the CRHR (Mitigation Measure 5.5-1)
6. In the event that cultural resources or prehistoric artifacts are discovered, uncovered, or otherwise detected during Project soil-disturbing activities, work on the immediately affected portion of the site shall cease

immediately and a qualified archaeologist shall be brought to the site to assess whether the resources at issue are either “historical resources” or “unique archaeological resources.” The archaeologist shall recommend appropriate mitigation to Napa County, which shall determine what measures are appropriate and feasible. Such measures may include avoidance, removal and preservation, and/or recordation in accordance with accepted professional archaeological practice. (Mitigation Measure 5.5-2)

7. California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code §7050.5 and §7052 and California Public Resources Code §5097.

The California Health and Safety Code requires that if human remains are found in any location other than a dedicated cemetery, work is to be halted in the immediate area, and the county coroner is to be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code §7050.5[b]). If the coroner determines that the remains are those of a Native American interment, then the Native American Heritage Commission shall be consulted to identify the most likely descendants and the appropriate disposition of the remains.

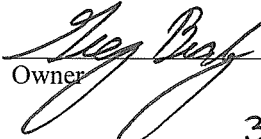
In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

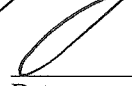
- a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - i. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - ii. If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - b) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - i. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
 - ii. The descendant identified fails to make a recommendation; or
 - iii. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. (Mitigation Measure 5.5-3)
8. The following additional measure shall be implemented to further reduce the potential for pollutant transport. Clearly mark grading and designated installation areas and prohibit equipment and vehicles from moving outside of these areas. (Mitigation Measure 5.8-1)
 9. Deer fencing shall only occur around vineyard blocks.

I further commit **Robert Mondavi Properties, Inc.** and its successors-in-interest to (a) record within 30 days of project approval a notice acceptable to the Director of the Napa County Conservation Development & Planning Department communicating the above commitments to any future purchasers of the property; (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.

Additionally, prior to issuance of an approval for #99323-ECPA, **Robert Mondavi Properties, Inc.** hereby commits itself to enter into an agreement, in a form acceptable to Napa County Counsel, to defend, indemnify and hold harmless the County of Napa and/or its agents, officers, and employees from any claim, action, or proceeding against the County and/or its agents, officers, or employees, to block, set aside, void, or annul adoption of the environmental document prepared on this project or approval of the ECPA itself.

Finally, **Robert Mondavi Properties, Inc.** understands and explicitly agrees that with regards to all CEQA 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 Co Conservation, Development and Planning Department.


Owner SVP ROBERT MONDAVI PROPERTIES


Date 3/14/05