

Mitigation Monitoring and Reporting Plan

IMPACT	MITIGATION MEASURE	MONITORING/REPORTING ACTION	AGENCY RESPONSIBLE FOR COMPLIANCE	TIMING	CHECKOFF DATE/INITIALS
<p>Impact 5.3-1 Installation of the ECPA and planting of the vineyard would generate short-term emissions of ozone precursors (i.e., ROG and NOX) and fugitive dust (i.e., PM10 and PM2.5). The Project incorporates some but not all of the BAAQMD-recommended control measures.</p>	<p>Mitigation Measure 5.3-1. The following additional measures shall be implemented to reduce short-term emissions of ozone precursor emissions associated with the onsite use of construction equipment:</p> <ul style="list-style-type: none"> • Use low-sulfur content diesel fuel; • Do not leave engines idling, to the extent feasible; • Maintain construction equipment in accordance with manufacturers' specifications. 	<p>Owner/applicant shall provide documentation to Planning Director regarding implementation of measures described in Mitigation Measure 5.3-1.</p>	<p>Napa County Planning Department</p>	<p>During installation of #99232-ECPA and subsequent vineyard operation activities.</p>	
<p>Impact 5.4-4 Installation of the ECPA and subsequent vineyard activities (planting, operation, and harvest) could affect special-status raptor and non-raptor bird species.</p>	<p>Mitigation Measure 5.4-4 (1) Conduct pre-installation raptor surveys by a qualified biologist (retained by the owner/applicant), maintain minimum setback of 75 feet from the Central Creek drainage, and (2) enlarge and restore southeast native grassland to 2 acres by a qualified native grassland restorer (retained by the owner/applicant). In order to reduce potential direct and indirect impacts (i.e. disturbance, nest abandonment, nest site (tree) removal) to nesting raptors during installation activities, preinstallation 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</p>	<p>Owner/applicant shall submit (1) pre-installation Raptor survey Report, have prepared (2) a Native grassland plan to the Planning Director prior to any earthmoving activities associated with the implementation of the proposed project, and (3) construct owl boxes.</p>	<p>Napa County Planning Department</p>	<p>(1) and (2) Prior to any earthmoving activities associated with the installation of #99323-ECPA. (3) During the installation of the erosion control features.</p>	

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	<p>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.</p> <p>(3) 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.</p>				
<p>Impact 5.4-6 ECPA installation and subsequent vineyard activities would have the potential to result in increased erosion and/or sedimentation into Waters of the U.S. or State of California.</p>	<p>Mitigation Measure 5.4-6 Obtain a Section 404 Clean Water Act permit, Section 401 Clean Water Act water quality certification, and Fish and Game Code Streambank 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.</p>	<p>Owner/applicant shall provide the Planning Director with copies of a Section 404 Clean Water Act permit, a Section 401 Clean Water Act water quality certification, and a Fish and Game Code Streambed Alteration Agreement prior to implementation of the project.</p>	<p>Napa County Planning Department, California Department of Fish and Game, U.S. EPA, U.S. Army Corps of Engineers</p>	<p>Prior to installation of #99323-ECPA</p>	
<p>Impact 5.5-1 There are three identified potentially historic structures (Features 1-3) and one previously misidentified historic structure (CA-NAP-788H) on the Project site. Although no formal CRHR eligibility assessment has been performed, some of these structures may be eligible for listing to CRHR.</p>	<p>Mitigation Measure 5.5-1 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.</p>	<p>The owner/applicant shall retain a qualified professional archaeologist to: (1) demarcate these potentially historic structures, (2) design and (3) oversee the construction/installation of these barriers. The owner/applicant and archaeologist shall provide the Planning Director with copies of the permanent barrier design and any other</p>	<p>Napa County Planning Department</p>	<p>(1)and (2) Prior to any earthmoving activities associated with installation of #99323-ECPA. (3) Simultaneously with the installation of #99323-</p>	

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		<p>pertinent information associated with preserving these potentially historic structures. (4) The owner/applicant shall ensure that these structures do not sustain damaged during vineyard operation or from equipment operators, by signage posted and/or by providing information to those working in the vineyard indicating that these areas are not be damaged or disturbed.</p>		<p>ECPA. (4) During installation of #99323-ECPA and subsequent vineyard operation activities.</p>	
<p>Impact 5.5-2 Installation of the ECPA and subsequent vineyard operations could disturb unidentified archaeological resources.</p>	<p>Mitigation Measure 5.5-2 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.</p>	<p>During #99232-ECPA installation, owner/applicant/contractors shall immediately notify the Planning Director of any discovery of unidentified archaeological resources.</p>	<p>Napa County Planning Department</p>	<p>During installation of #99323-ECPA and subsequent vineyard operation activities.</p>	
<p>Impact 5.5-3 Installation of the ECPA and subsequent vineyard operations could uncover human remains.</p>	<p>Mitigation Measure 5.5-3 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</p>	<p>During #99232-ECPA installation, owner/applicant and/or contractors shall immediately notify the Napa County Coroner and Planning Director of any</p>	<p>Napa County Planning Department Napa County Coroner</p>	<p>During installation of #99232-ECPA and subsequent vineyard</p>	

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	<p>§7052 and California Public Resources Code §5097.</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ul style="list-style-type: none"> • 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 • If the coroner determines the remains to be Native American: <ul style="list-style-type: none"> - 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, 	<p>discovery of human remains.</p> <p>If human remains are found, the archaeologist shall provide the Planning Director with a written report detailing the protocol followed in compliance with Mitigation Measure 5.5-3.</p>		<p>operation activities.</p>	

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	<p>the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or</p> <p>2. 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.</p> <ul style="list-style-type: none"> • 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; • The descendant identified fails to make a recommendation; or • 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 				
<p>Impact 5.8-1 Installation of the ECPA and subsequent planting and operation of the vineyard could introduce pollutants into the water that would violate water quality standards or discharge requirements. The Project incorporates measures to comply with the County’s Conservation Regulations to reduce the potential for pollutant transport.</p>	<p>Mitigation Measure 5.8-1 The following additional measure shall be implemented to further reduce the potential for pollutant transport.</p> <ul style="list-style-type: none"> • Clearly mark grading and designated installation areas and prohibit equipment and vehicles from moving outside of these areas. 	<p>Owner shall provide documentation to the Planning Director regarding implementation of measures described in Mitigation Measure 5.8-1.</p>	<p>Napa County Planning Department</p>	<p>During installation of #99323-ECPA and subsequent vineyard operation activities.</p>	

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.

Owner  SVP ROBERT MONDAVI PROPERTIES
Date 3/14/05