



COUNTY of NAPA
OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING
CONSERVATION DIVISION

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SEPTEMBER 22, 2006

NAPA CANYON LLC VINEYARDS
c/o Mark Power
23 Pinnacle Peak
Napa, CA 94558

RE: NAPA CANYON LLC VINEYARDS
Erosion Control Plan 02253-ECPA
Assessor's Parcel: 059-040-065

Dear Mr. Power:

The above-referenced erosion control plan for earthmoving activities in connection with the installation of approximately 139 acres of new vineyard on a 316.76-acre parcel has been reviewed by Napa County pursuant to the goals and standards contained in Napa County's Conservation Regulations (Chapter 18.108 of the County Code). Furthermore, the earthmoving activities and subsequent vineyard development and operation have been reviewed in compliance with the California Environmental Quality Act (CEQA). An Initial Study/Mitigated Negative Declaration was prepared, dated December 2004 (SCH# 2004122089) and adopted as of the date of this letter. Additionally, you have signed the Project Revision Statement and the Mitigation Monitoring and Reporting Program (attached), which outline your responsibilities.

The subject erosion control plan has been revised to reflect the mitigation measures as contained in the Initial Study/Mitigated Negative Declaration and subsequently **approved** this date. The approved plan consists of 3 sheets and a 3-page narrative and supporting documentation dated June 29, 2006 and March 17, 2006, respectively, prepared by Arvin Chaudhary (RPE #54006). Please be advised that the effective approval date is October 11, 2006, unless an appeal to the Napa County Board of Supervisors is filed in accordance with Chapter 2.88 (Appeals) of the County Code. You may not begin any earthmoving activities before that date and subject to the conditions listed below. You will be notified if a timely appeal is filed. Please note you are responsible for acquiring all other necessary permits for the activity that is subject to the erosion control plan.

In addition to the requirements and responsibilities contained in the Project Revision Statement and associated Mitigation Monitoring Reporting Program, this approval is contingent upon the owner and the owner's agents implementing all components of the following condition(s):

- **Recordation of Deed Restriction:** The property owner shall record a deed restriction on the 170-acre California Red Legged Frog habitat (or whatever total amount of acreage is required by US Fish and Wildlife Services) in accordance with Mitigation Measure BR-1 to protect and maintain these areas in perpetuity. The deed restriction shall be in a form acceptable to County Counsel and shall be recorded within 60 days of Project approval or if an appeal is filed within 60 days after a final decision is made by the Board of Supervisors on the Project.

1195 THIRD STREET
SUITE 210

NAPA, CALIFORNIA
94559

TELEPHONE:
707-253-4417

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707-253-4336

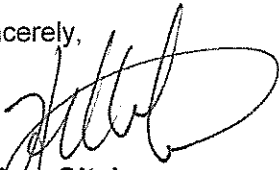
WWW.CO.NAPA.CA.US

- **NVUSD Storm Drainage Facilities:** No earthmoving or other activities associated with the project shall commence until the NVUSD storm drainage facilities have been installed and are ready to accept the conveyed project runoff. The property owner shall provide the County written notification from NVUSD that the facilities are installed and operational. If the facilities aren't installed and another drainage system is proposed, the property owner shall prepare and submit to the County a modified ECPA to reflect the changes to be re-evaluated for compliance with applicable Napa County Codes and CEQA.
- Prior to commencement of grading and earthmoving activities, the property owner shall acquire any applicable state and federal permits. Any changes to the project boundaries resulting from the acquisition of other permits shall be included in a final as-built erosion control plan to be submitted to the County.

Please note, adherence throughout the duration of the project to the Oversight and Operation regulations specified in County Code Section 18.108.135 (attached), which deal with among other things installation oversight, erosion control measure maintenance, monitoring, failure response, and non-compliance is required. The owner and/or the owner's contractor must keep the approved plan or a copy thereof available on-site while vineyard installation work is taking place. Said work includes, but is not limited to, ground clearing, grading, vine planting, and installation and maintenance of erosion control measures. Finally, no grading, earthmoving activities, or soil disturbance of any kind other than installation of winterization measures can take place between October 1st of each year and April 1st of the following year pursuant to Section 18.108.070(L) of the Napa County Conservation Regulations.

If you have any questions regarding this approval or the conditions under which it has been issued, please contact Project Planner Brian Bordona at (707) 253-4417. Moreover, please notify Soil Conservationist Dave Steiner of the Napa County Resource Conservation District at (707) 252-4188 at least **3 days** prior to the commencement of any vegetation clearing or earthwork so that necessary and required inspections can be scheduled.

Sincerely,



Hillary Gitelman
Planning Director

Attachment: Responses to Comments
Signed Project Revision Statement
Signed Mitigation Monitoring and Reporting Program
County Code Section 18.108.135

cc: Patrick Lowe, Deputy Director-Conservation Division (w/o plan)
Brian Bordona, Supervising Planner-Conservation Division (w/o plan)
Laura Anderson, Deputy County Counsel (w/o plan)
David Steiner, Napa Co Resource Conservation District (w/ plan and attachments)
Arvin Chaudhary, Plan Preparer (w/ plan and attachments)

PROJECT REVISION STATEMENT
#02253-ECPA Erosion Control Plan
Napa Canyon LLC Vineyard

I hereby revise and modify #02253-ECPA for Napa Canyon LLC Vineyard proposal for approximately 139 acres of new vineyard on Assessor's Parcel Number 059-040-065 (formerly 059-040-044) to include all of the following:

1. Abandonment of Use Permit #U-248889 and all associated modifications not already abandoned #95046-MOD, #95175-MOD for a 9 and 18 hole golf course and related structures including clubhouse, café and dining room.
2. Access to the vineyard/parcel shall be off of Flosden Road (newly renamed Newell Road), not off of American Canyon Road and shall be reflected in the ECPA drawings.
3. Dust abatement program during the installation and construction phase:
 - Cover all trucks hauling soil and other loose materials, or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer) in accordance with Section 23114 of the California Vehicle Code during transit to and from the parcel;
 - Sweep (preferably with water sweepers) Flosden Road, in proximity to the parcel access, when visible soil material is carried onto the street;
 - Cover all exposed stockpiles;
 - Suspend grading and earthmoving activities when winds exceed 25 mph.
4. Avoid and/or minimize disturbance of California Red-legged Frog:
 - Approximately 170 acres of existing habitat shall be set aside in perpetuity. This 170 acre preserve includes the tributary to American Canyon Creek which currently supporting a CRLF population, and surrounding upland grassland habitat. This area shall be delineated on the ECPA drawings.
 - Maintain a minimum 150 foot setback from CRLF habitat in the tributary to American Canyon Creek with the exception of short-term activities associated with the removal of the culvert on this drainage.
 - A qualified biologist shall be retained to:
 - conduct preconstruction surveys within the culvert removal zone (located within the tributary to American Canyon Creek) two weeks prior to any earth disturbing activities or installation of #02253 – ECPA;
 - conduct a training session to educate all construction personnel prior to any earthmoving activities or installing #02253-ECPA measures/features on the sensitivity and identification of the CRLF and the penalties for taking these species, provide visual materials to assist in identifying the species, and repeat training sessions when new employees access the project site;
 - demarcate CRLF avoidance areas in the field;
 - be on-site to monitor culvert removal activities on the tributary to American Canyon Creek and remain on-site until initial vegetation clearing and habitat disturbance is completed;
 - Relocate with authorization of the USFWS, any CRLF detected within the culvert removal zone to a USFWS-approved location in the project vicinity.
5. Conduct pre-construction surveys to avoid disturbing burrowing owls:
 - a qualified biologist shall be retained to conduct a survey, as described by the California Burrowing Owl Consortium (1997), for burrowing owls and occupied burrows no more than two weeks before installation of #02253-ECPA; if occupied owl burrows are found within the survey area, the biologist, in consultation with CDFG, shall make a determination whether or not construction would affect the occupied burrows or disrupt reproductive behavior; if it is determined, that installation of #02253-ECPA would physically affect occupied burrows or disrupt reproductive behavior during the nesting season (March through August) then avoidance of those areas shall occur (California Burrowing Owl

Consortium 1997; CDFG 1995), and if it is determined that construction would affect occupied burrows during September through February, specific procedures shall be developed in consultation with the CDFG.

6. Conduct pre-construction surveys to avoid disturbing special-status bird nests:
 - During the breeding season (March 1 through July 31), a qualified wildlife biologist shall be retained to conduct preconstruction surveys of all potential nesting habitat for birds within 500 feet of any earthmoving activities; if active bird nests are found during preconstruction surveys, a no-disturbance buffer, acceptable in size to CDFG avoidance guidelines, would be created around active nests during the breeding season and/or until it is determined that all young have fledged.
7. All required permits from the Corps, CDFG, and SF RWQCB shall be obtained prior to any earthmoving activities associated with the installation of #02253-ECPA measure/features in areas under the jurisdiction of these agencies. Copies of these permits or other correspondence shall be provided to Napa County Conservation, Development and Planning Department.
8. In the event of discoveries of subsurface cultural resources, human remains, etc., the following shall occur:
 - In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted. A qualified archaeologist or paleontologist shall be hired and will assess the significance of the find. If any find is determined to be significant, my representatives and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
 - In the event that a discovery of a breas, true, and/or trace fossil are discovered during ground disturbing activities, all work within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before ground disturbing activities are allowed to resume at the location of the find.
 - In the event of the discovery of human remains, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the Napa County Coroner is contacted. The Napa County Conservation, Development and Planning Department shall be notified as well.
9. All fueling, maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from aquatic habitats, all fueling, maintenance of vehicles and other equipment shall occur at least 100 feet from storm drainage inlets to prevent accidental discharge into the drainage system. To prevent the accidental discharge of fuel or other fluids associated with vehicles and other equipment, all workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
10. A California registered geotechnical engineer shall be retained to identify, evaluate, and oversee the repair of shallow soil failures to ensure that future vineyard activities do not result in water quality impacts attributable to reactivation of old landslides or continued soil creep. Slope drainage features shall be incorporated, as determined necessary by the geotechnical engineer, to adequately drain the slope of excess shallow groundwater. Drainage prescriptions recommended by the geotechnical engineer shall be sized and designed to tie into and operate in concert with the erosion control features of #02253 – ECPA. Final grading of landslide areas shall be inspected by a California-certified engineering geologist and the geotechnical engineer shall submit a final report to the detailing the slope repair techniques.
11. An erosion control measure/features maintenance program shall be implemented to include the following:
 - Inspect all straw wattle lines regularly and immediately following rainfall events. Straw wattles that show signs of excessive silt accumulation and overflow, disintegration, failure to perform, or have been otherwise damaged shall be immediately replaced.

- Inspect all flow dissipation structures on a regular basis and immediately following rainfall events. Flow dissipation structures that have undergone structural changes due to excessive runoff and sediment deposition and show indications of failure such as accumulated sediment, displaced rock, exposed filter fabric, downstream gully, piping (preferential flow pathways), overtopping, clogged culvert ends, or other indications of improper function, shall be immediately cleaned out and repaired.
- Inspect all drop inlet structures on a regular basis and immediately following rainfall events. Drop inlet structures that are restricted due to tillage or organic matter or show other indications of improper function, shall be immediately cleaned-out and repaired.
- Inspect and repair permanent waterbars annually prior to the winter season and all avenues over 10% slope shall be waterbarred. All avenues that experience surface damage from turnaround traffic shall be immediately reseeded and mulched.


12. The following elements shall be implemented by the project engineer:

- In consultation representatives of the Napa County Resource Conservation District (NCRCD), the areas of excessive slope length and gradient shall develop a feasible mid-slope flow dissipation strategy for long slopes susceptible to erosion. A civil and geotechnical engineer shall design a feasible subsurface drain system of adequate capacity. The intent of these features shall be to evenly distribute storm flows to the various dissipation structures and avoid concentrated flows generated.
- Design appropriate and feasible measures to convey stormwater runoff away from Blocks C, D, and G to reduce volumes and rates of surface water entering the adjacent Napa Valley Unified School District (NVUSD) parcels. The conveyance designs shall ensure that stormwater flow rates and volumes entering the NVUSD parcel do not exceed those under the existing, pre-project conditions.

I further commit Napa Canyon LLC Vineyards 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 project of these limitations.

Moreover, prior to issuance of an approval for #02253-ECPA, Napa Canyon LLC Vineyards 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, Napa Canyon LLC Vineyards 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
 CO-MANAGING MEMBER
 NAPA CANYON, LLC

 Date
 06-08-05

SECTION 5

SUMMARY OF MITIGATION MONITORING OR REPORTING PROGRAM

The following is a summary of mitigation measures integrated into the project, which are adequate to reduce all potentially significant impacts to a less-than-significant level.

The Mitigation Monitoring or Reporting Program (MMRP) is organized in a table format, keyed to each potentially significant impact and each mitigation measure incorporated into the project. The tables following each measure provide a breakdown of how the mitigation measures would be implemented, who would be responsible, and when it would occur. They consist of four column headings defined as follows:

- **Implementation Procedure:** This column provides additional information on how the mitigation measures will be implemented.
- **Monitoring or Reporting Actions:** This column contains an outline of the appropriate steps to verify compliance with the mitigation measure.
- **Monitoring or Reporting Responsibility:** This column contains an assignment of responsibility for the monitoring or reporting tasks.
- **Monitoring or Reporting Schedule:** This column provides the general schedule for conducting each monitoring or reporting task, identifying where appropriate both the timing and the frequency of the action.

5.1 AIR QUALITY

Measure AQ-1: The owner and/or representative shall ensure that following measures regarding air quality are included in the contractor specifications to address the potential for air quality impacts during construction:

- Cover all trucks hauling soil and other loose materials, or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer) in accordance with Section 23114 of the California Vehicle Code during transit to and from the parcel;
- Sweep (preferably with water sweepers) Florsden Road, in proximity to the parcel access, when visible soil material is carried onto the street;
- Cover all exposed stockpiles;
- Suspend grading and earthmoving activities when winds exceed 25 mph.

IMPLEMENTATION PROCEDURE	MONITORING OR REPORTING ACTIONS	MONITORING OR REPORTING RESPONSIBILITY	MONITORING OR REPORTING SCHEDULE
1. Applicant/owner shall have Measure AQ-1 incorporated into the ECPA. 2. Applicant/owner ensure contractor implements Measure AQ-1.	1. Applicant/owner reviews specifications. 2. Applicant/owner, representative or contractor monitors implementation of measures and provides a letter of compliance to Napa County.	1. Applicant/Owner. 2. Applicant/Owner.	1. Prior to County Approval of #02253 -ECPA. 2. During installation of #02253 - ECPA.

5.2 BIOLOGICAL RESOURCES

Measure BR-1 – The applicant/owner shall implement the following elements to avoid or minimize impacts to CRLF:

- provide for no loss of CRLF habitat by setting aside, in perpetuity, approximately 170 acres of existing habitat on the parcel. This preserve includes the tributary to American Canyon Creek, which currently supports a CRLF population, and surrounding upland grassland habitat. As part of the Corps application (see **Measure BR-4** below), the applicant/owner shall submit a Biological Assessment (BA). The USFWS would use the BA in issuing a Biological Opinion that would be made a part of the Corps permit;
- maintain a minimum 150 feet setback from CRLF habitat in the tributary to American Canyon Creek with the exception of short-term activities associated with the removal of the culvert on this drainage;
- and, the applicant/owner shall hire a qualified biologist to:
 - conduct preconstruction surveys within the culvert removal zone (located within the tributary to American Canyon Creek) two weeks before the installation of #02253 – ECPA;
 - conduct a training session before installing #02253-ECPA to educate all construction personnel on the sensitivity and identification of the CRLF and the penalties for taking these species, provide visual materials to assist in identifying the species, and repeat training sessions when new employees access the project site;
 - demarcate CRLF avoidance areas in the field;
 - be on site to monitor culvert removal activities on the tributary to American Canyon Creek and remain on-site until initial vegetation clearing and habitat disturbance is completed;
 - with the authorization of the USFWS, relocate any CRLF detected within the culvert removal zone to a USFWS-approved location in the project vicinity.

Measure BR-2 – The applicant/owner shall implement the following elements to avoid disturbing burrowing owl:

- hire a qualified biologist to conduct a survey, as described by the California Burrowing Owl Consortium (1997), for burrowing owls and occupied burrows no more than two weeks before installation of #02253-ECPA¹;
- if² occupied owl burrows are found within the survey area, the biologist, in consultation with CDFG, shall make a determination whether or not construction would affect the occupied burrows or disrupt reproductive behavior;
- if it is determined, that installation of #02253-ECPA would physically affect occupied burrows or disrupt reproductive behavior during the nesting season (March through August) then avoidance is the only mitigation available (California Burrowing Owl Consortium 1997; CDFG 1995). Construction would be delayed within 300 feet (a CDFG guideline) of occupied burrows until it is determined owls are not nesting or until the biologist determines juvenile owls are self-sufficient or are no longer using the natal burrow as their primary source of shelter; and,
- if it is determined that construction would affect occupied burrows during September through February, mitigation procedures shall be developed in consultation with the CDFG.

Measure BR-3 – The applicant/owner shall implement the following elements to avoid disturbing special-status bird nests:

- earth-moving and grading activities performed during the non-breeding season (August 1 through February 28) require no mitigation. For ground disturbing activities occurring during the breeding season (March 1 through July 31), a qualified wildlife biologist would conduct preconstruction surveys of all potential nesting habitat for birds within 500 feet of earthmoving activities;
- if active bird nests are found during preconstruction surveys, a no-disturbance buffer, acceptable in size to CDFG avoidance guidelines, would be created around active nests during the breeding season and/or until it is determined that all young have fledged; and,
- If preconstruction surveys indicate nests are inactive or potential habitat is unoccupied during the installation of #02253 - ECPA, no further mitigation is required.

¹ If it is determined that implementation of #02253-ECPA would not affect occupied burrows or disrupt breeding behavior, the subsequent bullets under BR-2 are not necessary.

² For mitigation measures BR - 2 and BR - 3, an "if/then" mitigation scenario is described because implementing some mitigation measures depends on the results of a preceding measure. The mitigation measures are reasonable and feasible with an established track record of mitigating impacts.

Measure BR-4 – The applicant/owner shall implement the following element:

- obtain all applicable permits from the Corps, CDFG, and SF RWQCB before installing #02253-ECPA activities in areas under the jurisdiction of these agencies. Conditions may include replacing the lost wetlands (approximately 0.079 acres) at a ratio determined by the Corps, RWQCB, and the CDFG. On-site mitigation is typically preferred by the regulatory agencies. The applicant/owner is setting aside a CRLF preserve and its associated wetlands as a proposed mitigation for the loss of 0.079 acres (or roughly one-half percent of wetlands on the parcel). The owner has committed to preserving 170 acres of the parcel, which includes Corps jurisdictional wetlands.

IMPLEMENTATION PROCEDURE	MONITORING OR REPORTING ACTIONS	MONITORING OR REPORTING RESPONSIBILITY	MONITORING OR REPORTING SCHEDULE
<p>1. Applicant/owner shall implement Measure BR-1.</p>	<p>1. Applicant/owner: submit a BA to the Corps/USFWS; set aside CRLF preserve; maintain 150' setback, and hire qualified biologist. Biologist to conduct preconstruction surveys, training sessions, demarcate CRLF areas, monitor culvert removal and remove any CRLF with USFWS concurrence. Biologist provides compliance reports to the applicant/ owner, Napa County, USFWS and CDFG.</p>	<p>1. Applicant/owner and qualified biologist.</p>	<p>1. Set aside CRLF preserve before installation of #02253 – ECPA. During installation of #02253 – ECPA and life of vineyard maintain 150' setback. Two weeks before removal of culvert, biologist to conduct surveys and demarcate CRLF avoidance areas. First day of installation of #02253 – ECPA, biologist to conduct training session, and whenever new employees access the site. Biologist to monitor culvert removal and relocate CRLF.</p>
<p>2. Applicant/owner shall implement Measure BR-2.</p>	<p>2. Applicant/owner: hires qualified biologist. Biologist conducts surveys and determines which if/then scenario applies. Biologist provides compliance reports to the owner, Napa County and CDFG.</p>	<p>2. Applicant/owner and biologist.</p>	<p>2. No more than two weeks prior to installation of #02253 –ECPA.</p>

IMPLEMENTATION PROCEDURE	MONITORING OR REPORTING ACTIONS	MONITORING OR REPORTING RESPONSIBILITY	MONITORING OR REPORTING SCHEDULE
3. Applicant/owner shall implement Measure BR-3.	3. Applicant/owner hires qualified biologist. Biologist surveys site during breeding season and determines which if/then scenario applies. Biologist provides compliance reports to the owner, Napa County and CDFG.	3. Applicant/owner and biologist.	3. Before installation of #02253 - ECPA.
4. Applicant/owner shall implement Measure BR-4.	4. Applicant/owner to obtain permits and submits copies of permits to Napa County.	4. Applicant/owner	4. Before installation of #02253 - ECPA.

5.3 CULTURAL RESOURCES

Measure CUL-1 – The applicant/owner shall implement the following elements:

- in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted. A qualified archaeologist or paleontologist would assess the significance of the find. If any find is determined to be significant, representatives of the owner and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate course of action, subject to the approval of Napa County Conservation, Development and Planning Department. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

Measure CUL-2 – The applicant/owner shall implement the following elements:

- in the event that a discovery of a breas, true, and/or trace fossil are discovered during ground disturbing activities, all work within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before ground disturbing activities are allowed to resume at the location of the find.

Measure Cul-3 – The applicant/owner shall implement the following elements:

- in the event of the discovery of human remains, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner is contacted. The Napa County Conservation, Development and Planning Department shall be notified as well. If the County Coroner determines the remains to be Native American, then the County Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descended (MLD) from the deceased Native American. The MLD may make recommendations to the landowner 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, if an MLD is not identified or fails to make a recommendation within 24 hours after being notified by the HAHC, or the landowner rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner, the landowner 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.

IMPLEMENTATION PROCEDURE	MONITORING OR REPORTING ACTIONS	MONITORING OR REPORTING RESPONSIBILITY	MONITORING OR REPORTING SCHEDULE
1. Applicant/owner shall have Measure CUL-1 incorporated into #02253 – ECPA.	1. Owner reviews #02253 - ECPA. Applicant/owner hires qualified archaeologist if a find is discovered. Archaeologist reports to applicant/owner and Napa County.	1. Applicant/owner and archaeologist.	1. During installation #02253 - ECPA.
2. Applicant/owner shall have Measure CUL-2 incorporated into #02253 – ECPA.	2. Applicant/owner reviews #02253 - ECPA. Applicant/owner hires qualified paleontologist if a find is discovered. Paleontologist reports to applicant/owner and Napa County.	2. Applicant/owner and paleontologist.	2. During installation of #02253 - ECPA.
3. Applicant/owner shall have Measure CUL-3 incorporated into #02253 – ECPA.	3. Applicant/owner reviews #02253 - ECPA. Applicant/owner hires qualified archaeologist if a find is discovered. Archaeologist reports to applicant/owner and Napa County.	3. Applicant/owner and archaeologist.	3. During installation of #02253 - ECPA.

5.4 HAZARDS AND HAZARDOUS MATERIALS

Measure HHM-1 – The applicant/owner shall implement the following element:

- All fueling, maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from aquatic habitats until these areas are modified by #02253 – ECPA (e.g., pipelines installed). Once the aquatic habitats within the limits of #02253 – ECPA have been modified, all fueling, maintenance of vehicles and other equipment shall occur at least 100 feet from storm drainage inlets to prevent accidental discharge into the drainage system. To prevent the accidental discharge of fuel or other fluids associate with vehicles and other equipment, all workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Measure HHM-2 – The applicant/owner shall implement the following element:

- Each year when the applicant/owner renews the Restricted Materials Permit, a Risk Management Plan shall be submitted if the business handles or stores threshold quantities of regulated substances on the federal Accidental Release Prevention Program. The applicant/owner will also be referred to Napa County’s Department of Environmental Management. If the grower stores materials at or above the threshold levels, the applicant/owner is required to develop a Hazardous Materials Business Plan, which includes an inventory, an owner/operator identification form, and a site map showing storage locations and access roads.

IMPLEMENTATION PROCEDURE	MONITORING OR REPORTING ACTIONS	MONITORING OR REPORTING RESPONSIBILITY	MONITORING OR REPORTING SCHEDULE
1. Applicant/owner shall have Measure HHM-1 incorporated into #02253 - ECPA.	1. County reviews #02253 - ECPA.	1. Applicant/owner.	1. Before County approval of #02253 – ECPA, and during installation of #02253 – ECPA and vineyard operations.
2. Applicant/owner shall implement Measure HHM-2 each year.	2. Applicant/owner prepares and submits a Risk Management Plan. Owner prepares Hazardous Materials Business Plan.	2. Applicant/owner.	2. Each year when owner renews the Restricted Materials Permit.

5.5 HYDROLOGY AND WATER QUALITY

Measure HWQ-1 – The applicant/owner shall implement the following element:

- Inspect all straw wattle lines regularly and immediately following rainfall events. Straw wattles that show signs of excessive silt accumulation and overflow, disintegration, failure to perform, or have been otherwise damaged shall be immediately replaced.

Measure HWQ-2 – The applicant/owner shall implement the following element:

- Inspect all flow dissipation structures on a regular basis and immediately following rainfall events. Flow dissipation structures that have undergone structural changes due to excessive runoff and sediment deposition and show indications of failure such as accumulated sediment, displaced rock, exposed filter fabric, downstream gully, piping (preferential flow pathways), overtopping, clogged culvert ends, or other indications of improper function, shall be immediately cleaned out and repaired.

Measure HWQ-3 – The applicant/owner shall implement the following element:

- Inspect all drop inlet structures on a regular basis and immediately following rainfall events. Drop inlet structures that are restricted due to tillage or organic matter or show other indications of improper function, shall be immediately cleaned-out and repaired.

Measure HWQ-4 – The applicant/owner shall implement the following element:

- Prior to approval of #02253 – ECPA, the applicant/owner shall retain a California registered geotechnical engineer to identify, evaluate, and oversee the repair of shallow soil failures to ensure that future vineyard activities do not result in water quality impacts attributable to reactivation of old landslides or continued soil creep. Slope drainage features shall be incorporated, as determined necessary by the geotechnical engineer, to adequately drain the slope of excess shallow groundwater. Drainage prescriptions recommended by the geotechnical engineer shall not be an independent drainage system, but rather, shall be sized and designed to tie into and operate in concert with the erosion control features of #02253 – ECPA. Final grading of landslide areas shall be inspected by a California-certified engineering geologist and the geotechnical engineer shall submit a final report to the detailing the slope repair techniques.

Measure HWQ-5– The applicant/owner shall implement the following element:

- Inspect and repair permanent waterbars annually prior to the winter season and all avenues over 10% slope should be waterbarred as an annual maintenance/winterization practice. All avenues that experience surface damage from turnaround traffic shall be immediately reseeded and mulched.

Measure HWQ-6 – The applicant/owner shall implement the following element:

- The applicant/owner, in consultation with the project engineer and representatives of the Napa County Resource Conservation District (NCRCD), shall identify areas where excessive slope length and gradient may result in unmanageable and localized concentration of stormwater flow. The project engineer, with concurrence from the NCRCD, shall develop a feasible mid-slope flow dissipation strategy for long slopes susceptible to erosion. A civil and geotechnical engineer shall design a feasible subsurface drain system of adequate capacity. The intent of these features is to evenly distribute storm flows to the various dissipation structures and avoid concentrated flows generated in certain blocks.

Measure HWQ-7 – The applicant/owner shall implement the following element:

- Modify #02253-ECPA, to include appropriate and feasible measures to convey stormwater runoff away from Blocks C, D, and G in order to reduce volumes and rates of surface water entering the adjacent Napa Valley Unified School District (NVUSD) parcel. The conveyance designs shall ensure that stormwater flow rates and volumes entering the NVUSD parcel do not exceed those under the existing, pre-project conditions.

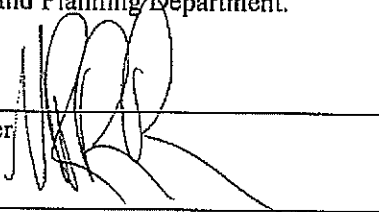
5.0 SUMMARY OF MITIGATION MONITORING OR REPORTING PROGRAM

IMPLEMENTATION PROCEDURE	MONITORING OR REPORTING ACTIONS	MONITORING OR REPORTING RESPONSIBILITY	MONITORING OR REPORTING SCHEDULE
<ol style="list-style-type: none"> 1. Applicant/owner shall inspect all erosion control structures noted in HWQ-1, HWQ-2, HWQ-3, HWQ-5. 2. Applicant/owner shall identify shallow soil features noted in HWQ-4. 3. Applicant/owner shall have Measures HWQ-6 and HWQ-7 incorporated into #02253 - ECPA. 	<ol style="list-style-type: none"> 1. Applicant/owner conducts inspections and makes repairs. 2. Applicant/owner hires California registered geotechnical engineer to design the repairs to the shallow soil features. The California registered geotechnical engineer reports to applicant/owner, Napa County, and RCD on the repair design. 3. Applicant/owner reviews #02253 - ECPA. Owner hires civil and geotechnical engineer. Civil and geotechnical engineer reports to owner and Napa County. 	<ol style="list-style-type: none"> 1. Applicant/owner. 2. Applicant/owner and engineering geologist. 3. Applicant/owner, civil and geotechnical engineer. 	<ol style="list-style-type: none"> 1. During installation of #02253 - ECPA and the vineyard operations. 2. Prior to approval of #02253 - ECPA. 3. Before County approval of #02253 - ECPA.

I further commit **Napa Canyon LLC Vineyards** 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.

Moreover, prior to issuance of an approval for #02253-ECPA, **Napa Canyon LLC Vineyards** 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, **Napa Canyon LLC Vineyards** 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: 
 Date: 09-21-06

18.108.135 Oversight and operation.

A. Installation Oversight. The qualified professional preparing an erosion control plan shall oversee its implementation. Prior to the first winter rains after construction begins and each year thereafter until the project has received a final inspection from the county or its agent and been found complete, the qualified professional shall inspect the site and certify in writing to the director that all of the erosion control measures required at that stage of development have been installed in conformance with the plan and related specifications.

B. Maintenance. The property owner is responsible for insuring that the erosion control measures installed operate properly and are effective in reducing to a minimum erosion and related sedimentation. The property owner shall either personally or have personnel inspect and repair/clean as necessary the erosion control measures installed at least weekly during the period between October 1st and April 1st of each year. Moreover, the property owner shall either be onsite him/herself or have personnel on site as required when it is raining to inspect the erosion control measures present and take those actions necessary to keep them functioning properly.

C. Monitoring. For projects disturbing more than one acre of land or with an average slope greater than fifteen percent, the property owner shall implement, prior to the first winter rains after installation of the planned facilities is commenced, a permanent, on-going program of self-monitoring of ground cover condition, and erosion control facility operation. The ground cover monitoring shall follow the procedures promulgated by the National Resource Conservation Service (NRCS, formerly the SCS) for determining rangeland condition for hydrologic assessment.

For projects involving disturbance of more than forty acres of land or containing areas with slopes greater than thirty percent totaling a quarter acre or more, an Annual Erosion Control Plan Operation Status Report specifying ground cover condition and how the erosion control measures involved are operating shall be provided to the director and, if in a sensitive domestic water supply drainage, the owner/operator(s) of any public-serving drinking water supply reservoir present by September 1st of each year. This report shall specify the proposed management and cultural measures to be used the following year to return or maintain the ground cover in good condition in all parts of the area disturbed including vineyard avenues and any remedial actions that will be taken to get the other erosion control measures present to operate in such a manner as to minimize erosion and resultant sedimentation.

D. Failures. The following provisions shall apply where erosion control measures have failed or are in imminent danger of failing.

1. Property Owner Duties—Temporary Measures. The property owner shall:

- a. Notify the director in writing of the failure or pending failure of any erosion control measures within twenty-four hours of discovery and indicate the temporary measures taken to stabilize the situation;
- b. Modify, within twenty-four hours of the time that they receive comments from the independent engineer hired by the county to review the adequacy of these temporary measures, the temporary measures in the manner deemed necessary by the property owner's engineer so as to make them adequate to prevent further damage and problems;

2. Property Owner Duties—Permanent Remedial Measures. The property owner shall:

- a. Submit within ninety-six hours after the discovery of a failure or pending failure:
 - i. An engineered plan for the remedial measures necessary to permanently correct the problem and an engineer's estimate of the cost thereof, and
 - ii. A plan for cleanup of the damage done with an engineer's estimate for the cost of this work;
- b. Resubmit to the county, within forty-eight hours of the time comments are received from the independent engineer hired by the county to review the temporary measures installed, the plan, and engineer's cost estimates revised plans and estimates;
- c. Pay the county the costs of this review within forty-eight hours of demand;
- d. Post a security in one of the forms specified by subsection (A)(1) through (4) of Section 17.38.030 in the amount equal to one hundred percent of the accepted estimated total cost to do the work required to correct the situation and cleanup the damage done within forty-eight hours of demand; and
- e. Insure that the revised plan prepared is fully implemented within ninety-six hours of its approval.

The time frames specified in this subsection are maximums. The director may in the case of an immediate threat to public health and/or safety require performance in shorter time periods.

3. Plan Preparer Duties. The plan preparer shall provide a notice to the county within twenty-four hours of full implementation of the plan prepared to permanently correct the problem certifying that the measures

shown have been installed in conformance with said plan and related specifications.

4. Noncompliance. Failure to adhere to the provisions of subsections (D)(1) and (2) above may be considered a threat to public health and safety. The director may in such instances take immediate action without further notice or hearing to remedy the situation and bill the property owner for the remedial work done. The director shall keep an itemized account of the costs incurred in remedying the situation. The board shall conduct a hearing on the costs in accordance with Sections 1.20.090 through 1.20.130 of this code and shall give the property owner an opportunity to object to the costs prior to recording a lien against the property or pursuing other cost-recovery actions.

E. Inspection.

1. Each project requiring an erosion control plan that has not received a final inspection and been found complete by the director or his/her agent shall be inspected by the county or its agent after the first major storm event of each winter until the project has been completed and stable for three years. If it is found that the erosion control program implemented is not functioning properly or is ineffective the property owner shall take such remedial measures as the director deems necessary to reduce erosion and related sedimentation to minimal levels. The full costs of said measures and the related inspections shall be borne by the property owner.

2. Five percent of projects that have received a final inspection and been found complete by the director or his/her agent shall be spot checked by the director or his/her agent each year to confirm groundcover condition and the proper operation of other erosion control measures. The director, in cooperation with the Napa County Resource Conservation District (RCD) and other county departments and agencies, will develop a remedial program to address any deficiencies that may be identified as the result of these spot checks. The property owner shall implement this program, which may include re-seeding all or some portions of the site or changing agricultural or management practices. He/she shall pay all costs associated with these spot-checks.

F. Right of Entry. With the property owner's consent, with a warrant, or in an emergency, the property owner shall give the director and his/her agents full and complete access to and throughout the project area so as to allow:

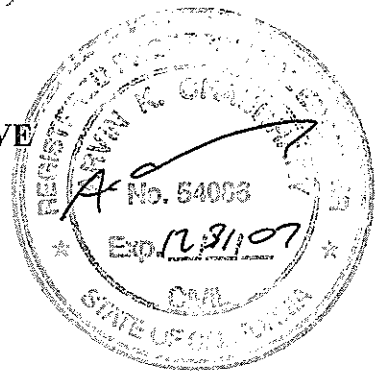
1. Inspection of the erosion control and any remedial measures installed there to insure that they are functioning properly,
2. The making of necessary repairs or corrections to alleviate an erosion control problem or potential erosion control problem, or
3. The performance of needed maintenance.

(Ord. 1219 § 4, 2003)

ECP # 02253
OBSERVATION, DEVELOPMENT, AND PLANNING DEPARTMENT
APPROVED
DATE: Sept. 22, 2006
BY: B. Bardana for H. Gidelman
PAGE: NARRATIVE

NAPA CANYON VINEYARDS, LLC
VINEYARD EROSION CONTROL NARRATIVE
for APN 059-040-044

American Canyon Road, Napa County
Prepared by Arvin K. Chaudhary, PE



NARRATIVE

1. The nature and purpose of the land disturbing activity and the amount of grading involved.

A. Purpose

This erosion control plan is for a new vineyard on the subject parcel. The disturbed area will be approximately 138 acres on a 317 acre parcel. The parcel is in Township 4 North, Range 3 West, and is on the Napa Junction Quad Map (see section enlargement of relevant area of quad sheet). This site currently has an active approved use permit for the development of 9 and 18 hole golf courses and related structures including clubhouse, café, and dining room.

B. Grading

Grading will be limited to clearing and deep ripping of the vineyard areas and repair of three small slides on the interior of Blocks B and E near the center of the site. All planting will be on existing contours and there will be no recontouring or terracing. The existing pad area and clubhouse building will be utilized for equipment storage and staging. There are two areas greater than 30% slope – 0.5 acres in Block D and 0.7 acres in Block E. Both locations are on the interior of the blocks. There will be utilities installed in the 60' easement on the west side of the project that will tie into those utilities being installed as part of the Flosden Road project in the City of American Canyon.

C. Access

The main point of access will be the existing access driveways off of American Canyon Road. On site access will be via perimeter and vineyard avenues approximately 20' in width.

2. Description of existing site conditions, including topography, vegetation and soils.

The subject area of the parcel is currently covered with grasses and is used for cattle grazing. The project biologist, Monk & Associates, has prepared a detailed special status plant survey of the parcel. The report is attached to this narrative. Elevations range from 80 to 450 feet based the USGS Quad elevations. Photos were taken of the project sites and are included in Exhibit #2. This project will have no impact on the canopy area.

Currently the parcel is used for cattle grazing. Grading and construction for the approved golf course clubhouse and parking area was begun previously but not completed. This pad area will be used for equipment staging and storage. An extensive geotechnical report was prepared for the approved golf course project. An update to this report was by William K. Langbehn, GE, and is attached to this narrative.

Aerial mapping was conducted by Cartwright Aerial Surveys in 1985 and additional field surveys were conducted by Chaudhary & Associates, Inc in 2001.

A field visit was performed on April 26th, 2002 by Arvin Chaudhary to check the existing features in and around the project area and the downstream conditions.

3. Natural features onsite including streams, lakes, reservoirs, roads, drainage, and other areas that may be affected by the proposed activity.

There are two blue-line streams adjacent to the project area. The stream at the northwest corner of the site north of Block A is unnamed and the project will maintain at least a 55' setback. The stream at the south end of the parcel is American Canyon Creek and the project will maintain a 150' setback from the unnamed north tributary of American Canyon Creek that runs along the east side of the project area as this tributary has California Red-Legged Frog habitat.

4. Location and source of water for irrigation or other uses.

The source of water for the proposed project will be from the City of American Canyon.

5. Soil types/soil series identified in the Soil Conservation Service (SCS) Napa County Soil Survey.

The USDA-Soil Conservation Service Napa County Soil Survey (map sheet 46) shows type 132 Fagen Clay Loam. Erosion hazard is considered moderate and runoff is rapid.

Excerpts from the soil survey area are in Exhibit #3.

6. Critical areas if any, within the development site that have serious erosion potential or problems.

There were two areas noted during the Use Permit Environmental Review for the golf course project. These areas have been reviewed and addressed in the Geotechnical Report Update.

7. Erosion control Calculations:

See Exhibit #4 for calculations.

8. Proposed erosion control methods including:

a) All drainage systems and facilities, walls, cribbing or other erosion protection devices to be constructed with, or as a part of the proposed work.

1. Straw wattles will be installed where shown to prevent sediment from leaving the project site.
2. Straw bales will be installed at locations of concentrated flow to prevent sediment from leaving the project site.
3. Energy dissipators will be installed at all existing and proposed outlets.
4. Storm drain inlets and pipes will be installed to collect heavier flows and discharge them away from potential frog habitat.
5. Exposed areas will be seeded and mulched or landscaped.

b) Proposed vegetative erosion control measures including maintenance of plant material and slopes until a specified percentage of plant coverage is uniformly established.

1. A permanent cover crop will be utilized for all disturbed areas. The cover crop will be generated by seeding with Zorro Fescue at 12 pounds per acre, Idaho Fescue at 8 pounds per acre, and Crimson Clover or Hyken Rose Clover at 8 pounds per acre.

The cover crop will be managed each year such that any areas that have less than 80% vegetative cover will be reseeded and mulched until adequate coverage is achieved. The cover crop shall be mowed only and shall not be disced. All shall be straw mulched at a rate of 3000 lbs./acre.

2. Any additional disturbed areas will be seeded and mulched as described in 8b #1.

c) Proposed erosion control measures for materials storage locations.

1. Traffic and storage areas will be surfaced with crushed tunnel rock spoils and have straw wattles installed along the downstream perimeter.

9. Stormwater stabilization measures to handle any increased peak rates of runoff from the development of the site that would result in flooding or channel degradation downstream.

No impacts are expected as a result of runoff from the project site. This watershed was included in the City of American Canyon Drainage Master Plan prepared in 1996. City of American Canyon design guidelines call for the use of the Rational Method for projects up to 640 acres. The 'C' Factors required by the City are a pre-project value of 0.55 (open space including pasture) and post-project value of 0.45 for agricultural land of slopes greater than 7%. Therefore runoff is calculated to be approximately 18% less post-project.

10. An implementation schedule showing the following:

- a) **The proposed vegetation clearing, earth moving/grading, and/or construction/planting schedule.**

<u>ESTIMATED DATE</u>	<u>DESCRIPTION</u>
7-15-2006	Commence clearing of site.
7-25-2006	Rip and install storm drain lines
8-25-2006	Complete vine installation
9-5-2006	Straw wattles and other sediment retention devices installed.
9-15-2006	All erosion control systems and facilities completed including cover crop and seeding and mulching.

- b) **The proposed schedule for winterizing the site (non-municipal watershed) by October 15th.**

If delays in the proposed construction schedule given in #10a occur, installation of structural erosion control measures will take precedence over other operations. Straw wattle sediment barriers will be in place by September 5.

- c) **The proposed schedule of installation of all interim erosion and sediment control measures, (including vegetative measures) and the stage of completion of such devices/measures at the end of the grading season (i.e. on October 15 [except in 5 designated municipal watersheds where it is September 1st] of each year the permit will be in effect).**

Please refer to items 10a and 10b above.

- d) **The proposed schedule for installation of permanent erosion and sediment control devices required.**

Please refer to items 10a and 10b above.

11. The estimated cost of implementation of the erosion and sediment control measures.

The estimated cost for this project is as follows:

Straw Wattles	\$ 6,000
Straw Bale Barriers	\$ 1,500
Permanent seed and mulch	\$ 9,500
Energy Dissipators	\$ 7,000
10% Contingency	\$ <u>2,400</u>
Total	\$ 26,400

Note: cost estimate does not include fencing, ripping, soil amendments, irrigation, etc.

3/17/2006

EXHIBIT #1

USGS MAP