

Arrow and Branch Winery, Use Permit Major Modification (P23-00057-MOD)

Mitigation Monitoring and Reporting Program

MM BIO-1: Minimize potential indirect impacts to nesting birds

BIO-1: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Planning Division and the CDFW prior to commencement of work.
- b. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the USFWS and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with the County's Planning Division and/or the USFWS or CDFW.
- d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Monitoring and Reporting Actions and Schedule: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Implementation: P

Monitoring: PD

Reporting & Date of Compliance/Completion: PC __/__/__

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, DFW = Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G = Project Engineer/Geologist
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing

MM BIO-2: Minimize potential indirect impacts to Northern Spotted Owls

BIO-2: Minimize potential indirect impacts to Northern Spotted Owls:

- a. For project activities occurring between March 15 and July 31, prior to any vegetation removal or construction activities, a qualified biologist shall perform a NSO habitat assessment to determine the potential for this species to be present within the disturbance area as well as within a 0.25-mile buffer surrounding each disturbance area. The assessment shall include both a review of recent aerial photography and a field visit to review conditions directly. Additionally, the qualified biologist shall perform an on-site nocturnal calling survey for NSO from at least mid-March onward and prior to initiation of construction activities. Survey stations for the calling survey shall be sited to cover post-fire forest stands that are most suitable for NSO occupation. The results of the updated habitat assessment and survey shall be provided to the County for review prior to project initiation. If NSO is observed or otherwise believed to be present within the focal area described above, measures shall be implemented in consultation with CDFW to ensure that project activities would not result in a take of the species and that any potential impacts are otherwise minimized to the extent feasible.

Monitoring and Reporting Actions and Schedule: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Implementation: P

Monitoring: PD

Reporting & Date of Compliance/Completion: PC __/__/__

MM BIO-3: Minimize potential indirect impacts to bats

BIO-3: Bat Tree Habitat Assessment and Surveys.

- a. Prior to the commencement of Project Construction activities, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be trimmed only: a) using the two-step trimming process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree trimming shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree trimming, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the remainder shall be removed.

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Monitoring and Reporting Actions and Schedule: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Implementation: P

Monitoring: PD

Reporting & Date of Compliance/Completion: PC __/__/__

MM BIO-4: Tree Trimming

BIO-4: Tree Trimming

- a. Prior to any earthmoving activities, the owner/permittee shall place temporary fencing at the edge of the dripline of trees to be retained that are located adjacent to the development area (typically within approximately 50-feet of the development area). The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of project construction.
- b. The owner/permittee shall refrain from severely trimming the trees (typically no more than 1/3rd of the canopy) and vegetation to be retained adjacent to the winery development and water tank.
- c. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement), trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P23-00057-MOD shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval that includes at a minimum, the locations where replacement trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before improvements obtain final occupancy. Any replaced trees shall be monitored for at least three years to ensure an 80% survival rate. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the associated building permits.

Monitoring and Reporting Actions and Schedule: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits and shall be implemented in conjunction with all construction activities.

Implementation: P

Monitoring: PD

Reporting & Date of Compliance/Completion: PC __/__/__

MM BIO-5: Riparian Protection

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- a. The Owner/Permittee shall implement the following measures to prevent the inadvertent encroachment into specified stream setbacks during construction:

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The location of stream setbacks shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the project plans. Prior to any earthmoving activities, temporary fencing shall be installed: the precise locations of said fences shall be inspected and approved by the Conservation Division prior to any earthmoving and/or development activities, no disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion control plan installation and vineyard installation. The protection fencing shall remain in place for the duration of project implementation.

All construction and related traffic shall remain outside of the protective fencing ~~to the maximum extent practicable~~ to ensure that the stream, buffer zones, and associated woodland habitat remains undisturbed. If impacts to the bed, bank, channel, or riparian area of the stream cannot be completely avoided, the permittee shall notify CDFW for Project impacts to the stream. More information for the notification process is available at: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the SAA, if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Restoration to mitigate impacts to the stream shall include a qualified biologist preparing and implementing a restoration plan including, but not limited to success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria, unless otherwise approved in writing by CDFW.

CDFW is a Trustee Agency with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake or Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

Monitoring and Reporting Actions and Schedule: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits and shall be implemented in conjunction with all construction activities.

Implementation: Prior to ground disturbance

Monitoring: PD, P, DFW

Reporting & Date of Compliance/Completion: PC __/__/__

MM NOISE-1: Outdoor Visitation

NOISE-1: Outdoor visitation and marketing events shall not include acoustic music performances.

Monitoring and Reporting Actions and Schedule: The above measures shall be incorporated as conditions of approval of the project and apply to operational characteristics of the winery. The Napa County Code Compliance Division will enforce winery use permit noise requirements and compliance with Napa County Code's noise ordinance.

Implementation: P

Monitoring: PD

Reporting & Date of Compliance/Completion: PC __/__/__

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MM NOISE-2: Indoor Amplified Music

NOISE-2: The applicant shall keep all windows and doors closed when amplified music is being played inside of the winery structure.

Monitoring and Reporting Actions and Schedule: The above measures shall be incorporated as conditions of approval of the project and apply to operational characteristics of the winery. The Napa County Code Compliance Division will enforce winery use permit noise requirements and compliance with Napa County Code's noise ordinance.

Implementation: P

Monitoring: PD

Reporting & Date of Compliance/Completion: PC __/__/__

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