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1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

David Morrison  
Director

Governor's Office of Planning & Research

DEC 02 2019

STATE CLEARINGHOUSE

TO: Application File #P18-00275-ECPA

FROM: Donald Barrella, Planner III

DATE: November 25, 2019

RE: Response to Comments – Metamorphosis Wines LLC Ovid Vineyards, Vineyard Conversion  
Agricultural Erosion Control Plan (ECPA) File #P18-00275-ECPA  
Assessor's Parcel Numbers APN 032-030-065 and -066  
255 Long Ranch Road, St. Helena ca 94574  
SCH #2019079118

## INTRODUCTION

This memorandum has been prepared by the County Conservation Division to respond to comments received by the Napa County Department of Planning, Building and Environmental Services (Napa County) on the Proposed Initial Study/Mitigated Negative Declaration (Proposed IS/MND) for the Metamorphosis Wines, Ovid Vineyards Vineyard Conversion #P18-00275-ECPA (proposed project). An IS/MND is an informational document prepared by a Lead Agency, in this case, Napa County, that provides environmental analysis for public review. The agency decision-maker considers it before taking discretionary actions related to any proposed project that may have a significant effect on the environment. The Proposed IS/MND analyzed the impacts resulting from the proposed project and where applicable, identified mitigation measures to minimize the impacts to less-than-significant levels.

This memorandum for the Metamorphosis Wines LLC Ovid Vineyards Vineyard Conversion, Agricultural Erosion Control Plan #P18-00275-ECPA Proposed IS/MND, presents the name of the persons and/or organizations commenting on the Proposed IS/MND and responses to the received comments. This memorandum, in combination with the IS/MND, completes the Final IS/MND.

## CEQA PROCESS

In accordance with Section 15073 of the CEQA Guidelines, Napa County submitted the Proposed IS/MND to the State Clearinghouse for a 30-day public review period starting July 30, 2019. In addition, Napa County circulated a Notice of Intent to Adopt the Proposed IS/MND to interested agencies and individuals. The public review period ended on August 29, 2019. During the public review period, Napa County received two comment letters on the Proposed IS/MND, and a third comment letter was received after the close of the comment period. Table 1 below lists the entity that submitted comments

on the Proposed IS/MND during both the public review and comment period and after the comment period closed. The comment letters is attached as identified in Table 1.

**TABLE 1  
COMMENTS RECEIVED ON THE PROPOSED IS/MND**

Comment No./ Attachment	Comments Received from	Date Received
1	Yocha Dehe Wintun Nation	August 19, 2019
2	City of Napa Utilities Department	August 29, 2019
3	California Department of Fish and Wildlife (CDFW)	September 30, 2019

In accordance with CEQA Guidelines Section 15074(b), Napa County considers the Proposed IS/MND together with comments received, both during the public review process and before action on the project, prior to adopting the Proposed IS/MND and rendering a decision the project. The CEQA Guidelines do not require the preparation of a response to comments for negative declarations; however, this memorandum responds to comments received. Based on review of the comments received, no new potentially significant impacts beyond those identified in the Proposed IS/MND would occur, no new or additional mitigation measures, or project revisions, must be added to reduce impacts to a less than significant level, and none of the grounds for recirculation of the Proposed IS/MND as specified in State CEQA Guidelines Section 15073.5 have been identified. All potential impacts identified in the Proposed IS/MND were determined to be less-than-significant or less-than-significant with mitigation incorporated.

Furthermore, this Response to Comments Memorandum will be provided to the owner/Permittee as notice of potential Local, State and Federal permits necessary to implement and operate this project as identified within the attached agency comment letters, and that project approval if granted shall be subject to conditions of approval requiring any and all such permits be obtained prior to the commencement of vegetation removal and earth-disturbing activities (grading) associated with #P18-00275-ECPA.

### RESPONSE TO COMMENTS

#### Comment #1 Yocha Dehe Wintun Nation (Attachment 1)

**Response to Comment 1.1:** As described in Section XVII (Tribal Cultural Resources) of the Proposed IS/MND the project would be subject to the condition of approval identified below, if approved, specifically to address the Tribe’s cultural interest in the property. Furthermore, the owner/Permittee engaged with the Tribe on August 20th to develop and to enter into a monitoring agreement.

**Cultural Resources – Conditions of Approval:**

Prior to the commencement of vegetation removal and earth-moving activities of #P18-00275-ECPA, owner/Permittee shall provide documentation to the Napa County Planning Department that a Monitoring Agreement with the Yocha Dehe Wintun Nation has been entered into. Should the owner/Permittee be unsuccessful in entering into a monitoring agreement with the Yocha Dehe Wintun Nation, the owner/Permittee shall provide, for review and approval by Napa County, a Cultural Monitoring Plan prepared by a professional archaeologist certified by the Registry of Professional Archeologists (RPA). The Cultural Monitoring Plan shall outline monitoring requirements including but not limited to, sensitivity training for site workers, identification of project activities and project site areas requiring an on-site monitor, find procedures, and monitoring documentation and reporting procedures.

**Comment #2 City of Napa Utilities Department (Attachment 2)**

**Response to Comment 2.1:** As indicated in Sections VI (Geology and Soil) and Section IX (Hydrology and Water Quality) of the Proposed IS/MND, overall soil loss was calculated to be reduced within the project area by approximately 28.52 tons per acre per year, from approximately 136.1 tons per acre (pre-project) to approximately 107.58 tons per acre (post-project), or approximately a 21% reduction as, and that peak runoff rates within the modeled watersheds of the project area were anticipated to slightly decrease or remain the same as compared to existing conditions (PPI Engineering, July 2018).

To ensure that erosion and runoff control measures are installed and operated according to plan specifications modeling parameters, and pollution discharge to aquatic resources are minimized, the following conditions of approval as detailed in the Proposed IS/MND would be implemented, should the project be approved:

**Erosion and Runoff Control (i.e. Hydromodification) Installation and Operation:** The following conditions shall be incorporated by referenced into #P18-00275-ECPA pursuant to NCC Chapter 18.108 (Conservation Regulations):

- Permanent Erosion and Runoff Control Measures: Pursuant to NCC Section 18.108.070(L) installation of runoff and sediment attenuation devices and hydromodification facilities including, but not limited to straw wattles, rock-filled avenue/level spreader, rocked crossing, and permanent no-till cover, shall be installed by October 15 during the same year that initial vineyard development occurs: for development areas located within the sensitive domestic watershed specified erosions control measures shall be installed by September 1. These requirements shall be clearly stated on the final Erosion Control Plan. Additionally, pursuant to NCC Section 18.108.135 "Oversight and Operation" the qualified professional that has prepared this erosion control plan (#P18-00275-ECPA) shall oversee its implementation throughout the duration of the project, and that installation of erosion control measures, sediment retention devices, and hydromodification facilities specified for the vineyard have be installed and are function correctly. 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 planning director, through an inspection report or formal letter of completion verifying that all of the erosion control measures, sediment retention devices, and

hydromodification facilities required at that stage of development have been installed in conformance with the plan and related specifications, and are functioning correctly.

- **Cover Crop Management/Practice:** The permanent vineyard cover crop shall not be tilled (i.e., shall be managed as a no till cover crop) for the life of the vineyard and the owner/permittee shall maintain a plant residue density of 75% within the vineyard and vineyard avenues. The cover crop may be strip sprayed, with a strip no wider than 1.5 feet (18 inches) wide at the base of vines, with post-emergent herbicides: no pre-emergent sprays shall be used. Should the permanent no till cover crop need to be replanted/renewed during the life of the vineyard, cover crop renewal efforts shall follow the County "Protocol for Replanting/Renewal of Approved Non-Tilled Vineyard Cover Crops" July 19, 2004, or as amended.

**Hazardous Materials:** The owner/operator shall implement the following Best Management Practices (BMPs) during construction activities and vineyard maintenance and operations:

- Workers shall follow manufacturer's recommendations on use, storage and disposal of chemical products;
- Workers shall avoid overtopping fuel gas tanks and use automatic shutoff nozzles where available;
- During routine maintenance of equipment, properly contain and remove grease and oils;
- Discarded containers of fuel and other chemicals shall be properly disposed of;
- Spill containment features shall be installed at the project site wherever chemicals are stored overnight;
- All refueling, maintenance of vehicles and other equipment, handling of hazardous materials, and staging areas shall occur at least 100 feet from water courses, existing groundwater well(s), and any other water resource to avoid the potential for risk of surface and groundwater contamination; and,
- 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.

**Water Quality:** The owner/permittee shall refrain from disposing of debris, storage of materials, or constructing/operating the vineyard, including vineyard avenues, outside the boundaries of the approved plan, or within required setbacks Pursuant to Napa County Code Section 18.108.025 (General Provisions – Intermittent/perennial streams). Furthermore, consistent with the standard conditions identified in the Hazards and Hazardous Materials Section (Section VIII), all operational activities that include the use or handling of hazardous materials, such as but not limited to agricultural chemical storage and washing, portable restrooms, vehicular and equipment refueling/maintenance and storage areas, soil amendment storage and the like, shall occur at least 100 feet from groundwater wells, water courses, streams and any other water resource to avoid the potential risk of surface and groundwater contamination, whether or not such activities have occurred within these areas prior to this ECPA approval.

Furthermore, pursuant to County Code Section 18.108.135 "Oversight and Operation", projects requiring an erosion control plan will be inspected by the county after the first major storm event of each winter

until the project has been completed and stable for three years to ensure that the implemented erosion control plan is functioning properly<sup>1</sup>.

**Comment #3 California Department of Fish and Wildlife (CDFW) (Attachment 3)**

**Response to Comment 3.1:** As described in Section IV (Biological Resources) of the proposed IS/MND, one wildlife species of special concern (pallid bat; *Antrozous pallidus*) has the potential to occur within the project area and one California fully protected special-status species (white-tailed kite; *Elanus leucurus*) was observed in the study area. See Response to Comment #3.5 (incorporated herein by reference) regarding bird and bat species.

Specific to the foothill yellow-legged frog (*Rana boylei*), its potential to occur in the project area is unlikely because the ephemeral streams within the Project Site lack sufficient hydrology (duration, depth, etc.) and substrate characteristics to support breeding by this species (WRA July 2018), and the nearest documented occurrence in CNDDB is located approximately 3.6 miles to the northeast (CDFW 2017). Additionally, with implementation of **Mitigation Measure BR-1** buffers from these ephemeral streams would be increased.

Furthermore, as indicated above the owner/permittee through these responses to comments has been notified of potential Local, State and Federal permits necessary to implement and operate this project, and that project approval if granted, shall be subject to conditions of approval requiring any and all such permits be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P18-00275-ECPA.

**Response to Comment 3.2:** As indicated in Section IX (Hydrology and Water Quality) of the Proposed IS/MND the project does not propose any alteration to a stream, river, or drainage course; therefore, a LSAA is not anticipated to implement the project. Additionally, with implementation of **Mitigation Measure BR-1** buffers from ephemeral streams located within the Project Site would be increased. Also see Response to Comment #3.1 (incorporated herein by reference).

**Response to Comment 3.3:** See Response to Comment #3.5, incorporated herein by reference.

**Response to Comment 3.4:** As disclosed in Section IV (Biological Resources) of the Proposed IS/MND the implementation of **Mitigation Measure BR-1** would reduce impacts to special-status plant species and associated habitat to a less than significant level because, approximately 68% of the of the project parcels special-status plant species habitat (i.e. Chamise Chaparral, Eastwood Manzanita Chaparral, Interior Live Oak Chaparral, and Leather Oak Chaparral biological communities) would be avoided and preserved, and approximately 73% to 100% of the project parcels' special-status plant populations/individuals would be avoided and preserved. Implementation of this measure would also result in consistency with General Plan Policy Goal CON-3, Policy CON-13, Policy CON-17, and Conservation Regulations (NCC Chapter 18.108), through the preservation of special-status plants and their habitat, and result in consistency with Goal CON-2 in that it would assist in maintaining the existing level of biodiversity in

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<sup>1</sup> Conformance with the provisions of Section 18.108.135 is achieved by including it as a condition of approval for the project, if granted.

the County, as well as contribute to minimization of potential cumulative impacts associated with the loss of special-status plant species and associated habitat due to agricultural conversion projects. Additionally, the aforementioned biological communities (except for Leather Oak Chaparral, which would be completely avoided due to implementation of **Mitigation Measure BR-1**) are not sensitive biotic communities or habitats of limited distribution requiring no net loss pursuant to General Plan Conservation Policy CON-17. Therefore, additional mitigation requiring the complete avoidance, preservation and replacement of holly-leaved ceanothus would not be justified.

In order to further offset removal of holly-leaved ceanothus and narrow-anthered brodiaea, and minimize invasive plant species that could negatively affect these native species, the County will be requiring pursuant to NCC Section 18.108.100(D), the submittal of an Invasive Species Removal and Revegetation Plan, for review and approval by the Director prior to the commencement of vegetation removal or earth-disturbing activities associated with #P18-00275-ECPA. The Plan would remove the remaining invasive scotch broom patch(es) located north and east of Vineyard Block 2B (approximately 0.25 acres) and revegetate these area with holly-leaved ceanothus and narrow-anthered brodiaea. The revegetation plan shall also include provisions for invasive species management and control, the density of native plants that can be successfully replanted in the removal areas, an implementation schedule, planting details and success criteria. This requirement will be included as a project specific condition of approval, should the project be approved.

**Response to Comment 3.5:** As indicted in Response to Comment #3.1, the pallid bat and white-tailed kite have the potential to occur within the project area. Additionally, a variety of native bird species with baseline protections under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code may use vegetation within the project area for nesting including Bell's sparrow (*Amphispiza belli*), oak titmouse (*Baeolophus inornatus*), and Nuttall's woodpecker (*Picoides nuttallii*).

Specific to bat habitat, as noted in Section IV (Biological Resources) of the Proposed IS/MND, Pallid bats typically roost in rock crevices, tree hollows, mines, caves, and a variety of man-made structures, including vacant and occupied building. Because **Mitigation Measure BR-3** does not specifically call out inspection of rock crevices/outcrops and/or boulders during preconstruction inspections that can provide potential bat habitat, the language identified below (in italics and underlined) shall be added to this measure as recognized in the project's conditions of approval, if granted.

**Mitigation Measure BR-3:** The owner/permittee shall revise Erosion Control Plan # P18-00275-ECPA prior to approval to include the following measures to reduce impacts to special-status bat species:

- a. A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees, rock crevices/outcrops or boulders within the project area(s), no more than 14 days and no less than seven days in advance of the planned earth-disturbing or tree removal activities. If the habitat assessment determines that any rock crevices/outcrops or boulders proposed for removal contain suitable bat habitat or evidence of roosting bats, a qualified bat expert shall prepare an avoidance and minimization plan in cooperation with CDFW for County review and approval

*prior to project initiation.* If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:

Regarding the timing between bird nesting surveys and the commencement of construction and vegetation removal activities, typically within 5 to 7 days of conducting nesting and bat habitat pre-construction surveys, and if no active nests are identified, work activities commence. These activities, which generate noise and other disturbances include but are not limited to, construction equipment import and staging, project boundary demarcation and installation of required construction fencing, construction material import and stockpiling, on-site preconstruction meeting(s), and vegetation removal. As indicated in **Mitigation Measure BR-2(b)**, if after commencement of work there is a period of no work activities for five days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity. Therefore, the recommendation to conduct nesting surveys within 5 days of the start of construction is inherently provided for in the mitigation measure.

**Response to Comment 3.6:** As described in Section IV(d) (Biological Resources) of the Proposed IS/MND, the project parcels are currently fenced along the northern and southern property lines with deer fencing, and parcels in the immediate vicinity currently contain wildlife exclusion fencing of various types generally located around the property perimeter or agricultural development. Therefore, there is a mix of existing fencing within the surrounding area associated with agricultural and residential uses, which has historically affected wildlife movement in the area. As such, the project site and immediately surrounding area does not function as a wildlife movement corridor because wildlife movement has historically been restricted in the area by existing deer fencing. Proposed deer fencing, that would in essence replace an existing section of wildlife exclusion fencing, would not introduce any new movement barriers to wildlife. Because impacts to wildlife movement were determined to be less than significant, mitigation requiring additional fencing modifications to existing fencing was not justified.

**Response to Comment 3.7:** The CDFW recommendation to utilize erosion control measures and devices are composed of biodegradable or compostable materials and/or utilize biodegradable or compostable materials in their construction will be included as a condition of approval of the project, should the project be approved.

#### **List of Attachments**

Attachment 1 – Yocha Dehe Wintun Nation letter dated August 19, 2019

Attachment 2 – City of Napa Utilities Department letter dated August 29, 2019

Attachment 3 - California Department of Fish and Wildlife letter dated August 28, 2019.

# Attachment 1



YOCHA DEHE  
CULTURAL RESOURCES

August 19, 2019

Napa County - Planning Division  
Attn: Donald Barrella, Planner III  
1195 Third Street, Suite 210  
Napa, CA 94559

RE: Metamorphosis Wines LLC Project

Dear Mr. Barrella:

The Cultural Resources Department would like to follow up on our latest correspondence letter, dated May 9, 2019, in which we recommended cultural monitoring for the Metamorphosis Wines LLC Project. After further review, we highly recommend including cultural monitors during development and ground disturbance. Additionally, we have included a draft of Yocha Dehe Wintun Nation's Monitoring Agreement for your review.

Should you have any questions, please contact the following individual:

Laverne Bill, Cultural Resources Manager  
Yocha Dehe Wintun Nation  
Office: (530) 723-3891  
Email: [lbill@yochadehe-nsn.gov](mailto:lbill@yochadehe-nsn.gov)

Please refer to identification number YD - 07312018-02-01 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

Leland Kinter  
Tribal Historic Preservation Officer

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(AP)

Napa County Planning, Building,  
& Environmental Services

Yocha Dehe Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org



Attachment 2



Utilities Department

August 29, 2019

County of Napa  
Department of Planning, Building & Environmental Services  
ATTN: Mr. Donald Barella  
1195 Third Street, Suite 210  
Napa, CA 94559-3092

Subject: Metamorphosis Wines Vineyard Conversion (P18-00275)  
Assessor's Parcel: 032-030-065 & -066 (Site Address 255 Long Ranch Road)

Dear Mr. Barella:

As vineyard conversions occur within the watershed, the City will continue to monitor the reservoir's water quality and consider the ten percent cumulative impacts amidst continual data collection, analysis and reporting.

The owner shall be responsible for ensuring that all erosion control measures are maintained and remain intact to prevent exceedance of baseline natural runoff levels of sediment and nutrients, especially during intense rainfall events that produce the runoff that contributes to the municipal water reservoir.

Please contact me at 257-9521 if you have any questions or require additional information.

Respectfully,

M.J. Hether, P.E.  
Senior Civil Engineer

cc: Scoop/File/Author

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Attachment 3



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



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SEP 30 2019

August 28, 2019

Napa County Planning, Building  
& Environmental Services

Mr. Donald Barrella  
Napa County Planning, Building, and Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94559

Subject: Metamorphosis Wines Ovid Vineyards, Vineyard Conversion #P18-00275ECPA,  
Draft Mitigated Negative Declaration, SCH #2019079118, Napa County

Dear Mr. Barrella:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the draft Mitigated Negative Declaration (MND) for the Metamorphosis Wines Ovid Vineyards, Vineyard Conversion (Project). CDFW is submitting comments on the draft MND to inform Napa County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

**Regulatory Requirements**

CESA prohibits unauthorized take of candidate, threatened, and endangered species. Therefore, if "take" or adverse impacts to foothill yellow-legged frogs or any other species listed under CESA cannot be avoided either during Project activities or over the life of the Project, a CESA Incidental Take Permit (ITP) must be obtained (pursuant to Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

*Lake and Streambed Alteration Agreement*

CDFW requires an entity to notify CDFW before commencing any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed. Ephemeral and/or intermittent streams and drainages (that are dry for periods of time or only flow during periods of rainfall) are also subject to Fish and Game Code section 1602; and CDFW may require an



LSAA with the applicant, pursuant to Section 1600 et seq. of the Fish and Game Code. The Project's Erosion Control Plan (ECP) includes the construction of a rocked water crossing across an ephemeral stream. Please note that such work may require an LSAA before the rocked water crossing may be constructed. The Project proponent should notify CDFW to see if an LSAA will be required to do the work.

Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. The CEQA document should identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/conservation/lisa> or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 428-2002.

CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

### **Project Description and Environmental Setting**

The 73.6-acre Project site is located at 255 Long Ranch Road in rural St. Helena, Napa County; Assessor's Parcel Numbers: 032-030-065 & 032-030-066. The Project site is approximately 3.5 miles north of Yountville and approximately 5.5 miles southeast of St. Helena. There are several unnamed streams located within and in close proximity to the Project site. The majority of the site drains to the southwest towards unnamed tributaries to the Napa River, and a small portion of the site drains towards Lake Hennessey, which lies approximately 1.5 miles to the northwest. Typical slopes within the Project area range from approximately 9 to 24 percent, with approximately 0.2 acres of the property on slopes greater than 30 percent. Elevations within the Project area range from approximately 1,150 feet to 1,332 feet above mean sea level.

Several vegetation communities are found within the Project area. Within the 73.6-acre property, there is approximately 20.45 acres of existing vineyards/agriculture, 20.22 acres of chamise chaparral, 7.66 acres of California bay forest, 6.69 acres of California annual grassland, 2.17 acres of interior live oak woodland, 1.89 acres of leather oak chaparral, 1.71 acres of Eastwood manzanita chaparral, 1.06 acres of broom patch, and 0.25 acres of water features including a pond, seasonal wetland, and ephemeral stream. The remaining 11.54 acres of the 73.6-acre property are developed or have been previously disturbed by past agricultural and winery development activities.

The proposed Project is to develop approximately 38.9 acres of vineyard within 5 vineyard blocks on two parcels totaling approximately 73.6 acres. Vineyard development will remove approximately 15.34 acres of chamise chaparral, 3.03 acres of California bay forest, 6.18 acres of California annual grassland, 0.95 acres of interior live oak woodland, 0.61 acres of leather



oak chaparral, and 1.66 acres of Eastwood manzanita chaparral on the property. Approximately 280 to 300 native trees and approximately 90 to 100 olive/orchard trees will be removed. The Project will result in substantial earthmoving and will include the installation and maintenance of erosion control measures as described in the Project's ECP.

### Comments and Concerns

#### *Special-Status Plants*

The draft MND states that surveys for special-status plants were conducted in 2017 and 2018; and the following special-status plants were found: narrow-anthered brodiaea (*Brodiaea leptandra*), holly-leaved ceanothus (*Ceanothus purpureus*; CEPU), Sharsmith's western flax (*Hesperolinon sharsmithiae*), Napa lomatium (*Lomatium repostum*), and green monardella (*Monardella viridis*). Three of the abovementioned species, specifically: narrow-anthered brodiaea, holly-leaved ceanothus (CEPU), and Sharsmith's western flax are California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) List 1B.2 species, meaning they are rare, threatened, or endangered in California and elsewhere. As originally proposed, the Project would have removed approximately 18.5 acres (or 71%) of special-status species habitat and between 70% to 80% of the special-status plant populations on the Project site, resulting in significant impacts.

Implementation of Mitigation Measure BR-1 (MM BR-1) will reduce the amount of vineyard development from 38.9 acres to 26 acres, and approximately 13 acres of land on the property containing special-status plants would be permanently preserved under a conservation easement or other means of permanent protection acceptable to Napa County. CDFW agrees that implementation of MM BR-1 will substantially reduce the Project's impacts to narrow-anthered brodiaea and Sharsmith's western flax; however, the Project would still impact approximately 7 acres (over 600 individual plants) of CEPU, resulting in a net loss of the species; and thus, a significant impact. MM BR-1 (e) does require that special-status plants be replanted on-site at a 2:1 ratio for every individual plant that is unintentionally removed by the Project. Successful transplanting of rare plant species is generally unproven and typically unsuccessful; CDFW recommends that the Project's vineyard blocks be further reconfigured to avoid impacting CEPU populations to the greatest extent feasible. If the Project cannot completely avoid impacting CEPU populations, a qualified botanist should prepare a mitigation and monitoring plan in consultation with CDFW that includes off-site land preservation at a minimum 2:1 mitigation to impacts acreage ratio, in addition to the 13 acres of on-site land preservation.

#### *Roosting Bats*

The draft MND states that pallid bat (*Antrozous pallidus*), a State Species of Special Concern, has the potential to occur at the Project site. Pallid bats use a variety of materials for roosting including tree hollows, rock crevices, mines, caves, and man-made structures. The Project will remove approximately 280 to 300 native trees, some of which could contain suitable bat roosting habitat (i.e. cavities, crevices, deep bark fissures). CDFW agrees with the implementation of Mitigation Measure BR-3 (MM BR-3) to avoid impacting bats roosting in trees on the Project site. However, because a variety of bat species, particularly pallid bat, will roost in other materials (e.g. rock crevices), CDFW recommends that a qualified bat expert also conduct a bat habitat assessment of all boulders that will be impacted as a result of Project activities to determine if any of them contain crevices suitable for bat roosting. If boulders containing suitable bat roosting habitat are discovered during the habitat assessment, a qualified bat expert



should conduct a survey at least 30 days prior to the start of Project activities to determine if any of the crevices contain roosting bats or evidence thereof. If roosting bats, or evidence thereof, is discovered during surveys, a qualified bat expert should prepare an avoidance and minimization plan for CDFW review and approval prior to starting Project activities.

*Migratory Birds and Raptors*

Mitigation Measure BR-2 of the draft MND requires that a qualified biologist conduct a nesting bird survey no earlier than 14 days prior to the start of construction, if construction will occur during the nesting season (typically February 1 to August 31). Because many bird species construct their nests in a matter of days, CDFW recommends that nesting bird surveys be conducted within 5 days of the start of construction, to greatly reduce the chances that a bird begins nesting on the Project site between the time of the survey and the start of construction.

*Wildlife Movement and Fencing*

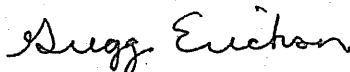
The Project site is located within an "Essential Connectivity Area" (California Essential Connectivity Project). Wildlife movement in this area predominantly occurs in a north-south direction between San Pablo Bay and north of Lake Berryessa. This tract of land is an important corridor for large wildlife (e.g. mountain lions, bears, deer). The draft MND proposes to install new wildlife exclusion fencing; and it states that most of the property is surrounded with 8-foot tall wildlife exclusion fencing. As proposed, the Project would have a potentially significant impact to wildlife movement, and therefore, CDFW recommends that wildlife exclusion fencing be limited to around proposed vineyard blocks only. Additionally, wildlife exclusion fencing should be removed from all areas on the property that are not surrounding existing vineyard blocks to allow large wildlife to move through the property unimpeded.

*Erosion Control Devices*

Erosion control devices can have a direct impact on wildlife, particularly reptiles and amphibians. CDFW has documented several cases where reptiles and amphibians have become tangled/trapped in erosion control devices containing plastic monofilament (e.g. typical straw wattles). The ECP for the Project includes the use of straw wattles. CDFW recommends that the ECP be revised so that all erosion control devices used on-site will be composed of biodegradable materials (e.g. coir logs, coconut fiber blanket, jute netting).

CDFW appreciates the opportunity to provide comments on the draft MND for the proposed Project and is available to meet with you to further discuss our concerns. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at (707) 428-2076 or [garrett.allen@wildlife.ca.gov](mailto:garrett.allen@wildlife.ca.gov); or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 428-2090 or [karen.weiss@wildlife.ca.gov](mailto:karen.weiss@wildlife.ca.gov).

Sincerely,



Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse

3.5 Cont.  
3.6  
3.7

