

Exhibit B-2

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Date: November 19, 2017

To: Napa County
Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Subject: Laird Family Vineyards, Jamison Vineyard Conversion
Agricultural Erosion Control Plan File # P17-00276-ECPA
200 Kirkland Ranch Road: APN 057-140-016 et al

Addendum: Biological Resource Survey
Addressing the following County comments:

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& Environmental Services

This addendum is in response to the Application Completeness Determination letter from Napa County (October 20, 2017) requesting information or clarification needed to declare the application complete and enable the processing of the application.

a. Biological Resources Report: Provide an addendum to the Biological Resource Survey prepared by Kjeldsen Biological Consulting (July 2017) that includes and/or clarifies the following:

- i. Confirmation of post project grassland vegetation alliance acreage and project acreage. It is indicated in Table I of the report that approximately 99-acres of this vegetation alliance would remain; however based on the existing and project acreages identified, approximately 80-acres of grassland would remain. Furthermore, based on a cursory County GIS mapping analysis it appears approximately 40-acres of this vegetation alliance would remain as a result of the proposed project. Remaining grassland within the vineyard footprint in the form of cover crop within vine rows and vineyard avenues do not constitute grassland for the purpose of the impacts analysis on grassland loss (also see Item 1.a.ii below).*

Response

Table I. is an estimation based on provided aerial photos. Table I. states 99.2 acres of grassland will be removed leaving 40% or 62.8 acres of grassland on the property. This estimation does not include vine rows or vineyard avenues as remaining grassland.

- ii. A discussion and impact analysis associated with potential project specific and cumulative impacts associated with the loss of suitable foraging habitat for special-status bird species (particularly special-status raptors) due to the conversion of grassland to vineyard. The project as proposed in conjunction with existing vineyard development effectively removes all grasslands within the holding. Remaining grassland within the vineyard footprint in the form of cover crop within vine rows and vineyard avenues do not constitute grassland for the purpose of the impacts analysis on grassland loss (also see Item 1.a.i above).*

Response

In review of current and past aerial photos, grasslands in the area have been converted to vineyards. The project will remove the majority of grassland and foraging habitat on the property. It is estimated that 40% (approximately 62.8 acres) of the grassland habitat on the property will remain and provide potential foraging habitat for raptors. Surrounding properties contain significant areas of open grassland habitat which could also provide foraging habitat for raptors. It is not anticipated that the removal of 99.2 acres of grassland by the proposed project will be a significant cumulative impact on foraging habitat in the area.

- iii. *An expanded discussion and impact analysis associated with proposed development within California red-legged frog (CRLF) Critical Habitat. Proposed Vineyard Blocks 20E and 20F are shown to be located within CRLF Critical Habitat.*

Response

The northeast corner of the property is within the mapped critical habitat for the California red-legged Frog (CRLF). This area is on an open grassland hillside. The site has been farmed for decades and cattle have compacted the soil and removed native vegetation and cover. The nearest recorded occurrence is 2.8 miles from the project site. Blocks 20E and 20F are on a ridge above Fagan Creek, the project proposes a 125-foot setback from Fagan Creek.

For California red-legged frogs, non-breeding or upland habitats must have sufficient moisture to allow amphibians to survive throughout the non-breeding season, sufficient cover to moderate temperatures during the warmest and coldest times of the year, and protection from predators. It is unlikely that Blocks 20E and 20F would be utilized by the CRLF due to lack of moisture, lack of cover, and compaction of soil..

California Red-legged Frog (CRLF) is a federally threatened species. USFWS can assume presence of CRLF at a site based on suitable habitats and proximity of a site from known CRLF breeding sites and require mitigation for loss of upland habitat.

Individuals, organizations, states, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization or involve Federal funding

Critical habitat affects Federal agencies by requiring them to evaluate the effects that any activities they fund, authorize, or carry out may have on listed species. Agencies are required to ensure that such activities are not likely to jeopardize the survival of a listed species or adversely modify (e.g., damage or destroy) its critical habitat. It should be noted that critical habitat designation does not create a wilderness area, preserve, or wildlife refuge. It applies only to activities sponsored at least in part by Federal agencies. Such federally permitted land uses such as grazing and recreation may take place if they do not adversely modify critical habitat. Designation of critical habitat does not constitute a land management plan nor does it signal any intent of the government to acquire or control the land. Therefore, if there is no Federal involvement (e.g., Federal permit, funding, or license), activities of a private landowner, such a farming, grazing or constructing a home, generally are not affected by a critical habitat designation, even if the landowners' property is within the geographical boundaries of critical habitat. Without a Federal connection to a proposed action, designation of critical habitat does not require that landowners of State or other non-Federal lands do

anything more than they would otherwise do to avoid take under provisions of section 9 and 10 of the Endangered Species Act.

- iv. *An expanded discussion and impact analysis associated with the Western Pond Turtle (WPT) and associated habitat. Because WPT are known to occur in the ponds located to the north of the holding and project area, and that it is indicated WPT is likely to occur within the on-site reservoir (i.e. presence is presumed), the discussion should include the extent of potential upland, nesting, or over wintering habitat, and recommended buffers from WPT and its habitat.*

Response

The Western Pond Turtle (WPT) was not observed within the reservoir on the property. The reservoir does contain potential habitat for this species. WPT are known to occur in ponds located north of the site and could move onto the property as turtles can move long distances over land. The northern side of the reservoir will not be developed and will provide an opening for turtles to move onto the property. We recommend a 100-foot buffer from the reservoir to ensure that if turtles do move into the property they will have potential upland, nesting, and over wintering habitat on the property.

- v. *Recommended buffers, including technical rationale, from Potential Waters of the US within the holding. While the plan provides for 25-foot buffers from the centerline of Potential Waters of the US, buffers should be large enough to retain the function of these aquatic features and protect water quality. Per the USDA guidance document Conservation Buffers to Reduce Pesticide Losses¹, a minimum 50-foot buffer is recommended to protect aquatic resources. More recent scientific review recommends a 100-foot buffer between agricultural land uses and aquatic resources². The degree to which vegetative buffers effectively filter sediment, fertilizer, herbicides, and other pollutants depends on many factors including slope, soil type, buffer vegetation type and density, and agricultural practices. Include in this discussion sufficient justification for the buffer widths and anticipated effectiveness at filtering pollutants. If such an evaluation is infeasible, you may instead include a 100-foot no-touch buffer, consistent with recent scientific review.*

Response

Potential "Waters of the US" within the holding, which are designated as "blueline" on the USGS quad map, or meet county definition of a stream, have been provided with setbacks as per Napa County requirements. Those drainages which include Fagan Creek, have been given 55' to 125' setbacks based on slopes.

Only three drainages have a 25-foot setback. The 25' setbacks are proposed for drainages which are not blueline and do not meet county definition, but may potentially be Waters of the U.S. All setbacks proposed are a no touch setback. There will also be a vineyard turn around and vineyard avenue on either side of the drainages to further prevent overspray of pesticide (if used). Removal of cattle from the property will result in a potential beneficial change to the watershed preventing fecal runoff, bank sloughing and erosion.

Drainages on the property have been heavily impacted by cattle due to lack of exclusionary fencing. Setbacks proposed are sufficient to effectively filter sediment from the property. The proposed setbacks are sufficient to retain the function of the aquatic features on the property and protect water quality.

vi. *An expanded discussion of the past and current land use practices and biological conditions specific to proposed Vineyard Blocks 21 and 22. While this area may contain grassland species and habitat similar to the northern portions of the holding and project area, it is evident based on the site inspection and historic aerial imagery review that this area has not experienced the intensity of agricultural use as the northern portions of the holding, particularly as it relates to cover densities and weedy species. Additionally, the variations in vegetative cover densities and agricultural practices between these project areas will need to be appropriately characterized in the Project's hydrologic and soil loss calculations. Because grazing intensities are not uniform throughout the project area the negative/legacy impacts may vary therefore project modeling values should be ubiquitous.*

Response

The proposed vineyard Blocks 21 and 22 are within fallow grassland that consists of non-native species similar to the upland habitat on the north side of the property. The thatch is thick due to the lack of grazing currently on the site.

Should you have any questions, please do not hesitate to contact us at: Telephone (707) 544-3091, Email kjeldsen@sonic.net, or Fax (707) 575-8030. Thank you for the opportunity to clarify the above material.

Sincerely,

Kjeldsen Biological Consulting
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