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DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

June 18, 2020

Jun 18 2020

STATE CLEARINGHOUSE

Mr. Aaron Hecock
City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574
AHecock@cityofsthelena.org

Subject: Farmstead at Long Meadow Ranch, Draft Mitigated Negative Declaration, SCH #2020050553, City of St. Helena, Napa County

Dear Mr. Hecock:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the draft Mitigated Negative Declaration (MND) for the Farmstead at Long Meadow Ranch (Project). CDFW is submitting comments on the draft MND to inform the City of St. Helena, as the Lead Agency, of our concerns regarding specific language in Mitigation Measures BIO-1 and BIO-2.

CDFW ROLE

CDFW is providing comments as 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 permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

ENVIRONMENTAL SETTING

The Project will occur on a 10-acre site located at 783 Main Street (i.e. the Farmstead Restaurant site) and 1000 Mills Lane (i.e. the Long Meadow Ranch Lodging Project site) in the City of St. Helena, Napa County. Sulphur Creek, a tributary to the Napa River, lies approximately 0.25 miles to the north of the Project site and the Napa River lies approximately 0.75 miles to the east. Site topography is relatively flat, approximately 230 feet above sea level. There are no streams, wetlands, or trees within the Project limits. However, there are mature trees that could support nesting birds and raptors, and potentially roosting bats, approximately 300 feet from the Project limits. The Project site is composed of approximately 6 acres of ruderal grassland. The remaining 4 acres are currently used to grow vegetables.

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PROJECT DESCRIPTION

The Project will develop approximately 32,100 square feet of lodging buildings as part of the Long Meadow Ranch Lodging Project and Farmstead Restaurant on 6.1 acres. The remaining 3.9 acres will continue to be used for agricultural purposes.

COMMENTS AND CONCERNS

Nesting Birds and Raptors

The Project will impact ruderal grassland habitat that could support ground nesting birds and raptors. Additionally, Project construction could disturb active nests located adjacent to the Project site. As written, Mitigation Measure BIO-1 could result in potentially significant impacts to nesting birds and raptors because conducting a nesting bird survey 30 days prior to the start of construction does not provide adequate protection. CDFW recommends that Mitigation Measure BIO-1 be replaced with the following measure:

If construction, grading, vegetation removal, or other Project-related improvements must occur during the nesting season of protected raptors and migratory birds (i.e. February 1 – August 31), a focused survey for active nests of such birds shall be conducted by a qualified biologist, who has documented experience conducting pre-construction nesting bird and raptor surveys, within 7 days prior to the beginning of Project activities. If an active nest is found, the qualified biologist who performed the survey shall determine species-specific no-disturbance buffer distances from all active nests. All no-disturbance buffers shall be clearly demarcated in the field with high visibility fencing or similar material. Active nests shall be monitored each day by a qualified biologist or trained biological monitor for the first week during Project activities to ensure Project activities do not result in nest disturbance. Weekly follow up visits shall also be performed by a qualified biologist or trained biological monitor to determine nest status. Weekly nest monitoring checks shall occur until the young have fledged or the nest is no longer active, as determined by a qualified biologist. If an active nest of a special-status bird or raptor species is discovered during the survey, the nest shall be monitored by a qualified biologist or trained biological monitor each day during Project activities until the young have fledged or the nest is no longer active, as determined by a qualified biologist. If the qualified biologist or trained biological monitor, or any personnel working on the Project observe potential nest disturbance behavior any time during Project activities, all Project activities shall cease and CDFW shall be consulted with prior to resuming Project activities. If a lapse in Project-related work of 7 days or longer occurs during the nesting season, a qualified biologist shall perform another survey for nesting birds and raptors prior to resuming Project activities. If active nests are

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discovered during the follow up survey, the abovementioned measures shall also be implemented.

Roosting Bats

Mitigation Measure BIO-1 also includes measures to avoid impacts to special-status bats. However, the draft MND states that no buildings/structures or trees that could support roosting bats will be impacted as a result of the Project. If true, CDFW recommends that all language pertaining to special-status bats in Mitigation Measure BIO-1 be removed. If the Project could result in the removal of trees or buildings/structures that potentially contain suitable bat roosting habitat, CDFW recommends the following revisions to Mitigation Measure BIO-1 (additions shown in **bold**, deletions shown as ~~strikethrough~~):

*In order to avoid impacts to **roosting special-status bats**, a **qualified biologist** shall conduct a **bat habitat assessment** ~~preconstruction survey~~ of structures and trees that **will** ~~would~~ be impacted by the project **at least 30** ~~15~~ days prior to removal or commencement of groundwork. **The bat habitat assessment** ~~All bat surveys~~ shall be conducted by a biologist with experience **conducting such assessments** ~~surveying for bats~~. **If any trees contain suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures), they shall be clearly marked and removed in the following two-day phased method: On day 1, under the supervision of a qualified biologist, all tree limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed. Bat habitat trees should be removed during seasonal periods of bat activity: prior to the maternity season – from approximately March 1 (or when night temperatures are above 45 degrees Fahrenheit and rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) through October 15 (before night temperatures fall below 45 degrees Fahrenheit and rains begin). If trees containing suitable bat roosting habitat must be removed outside the abovementioned seasonal periods, a qualified biologist shall survey the tree via climbing and using an endoscope to determine if maternity or winter torpor colonies are present. If maternity or winter torpor colonies are present, the tree shall only be removed during the abovementioned seasonal periods. If roosting bats are discovered, but not maternity or winter torpor colonies, then the tree shall be removed using the two-day phased method mentioned above. If no evidence of roosting bats is found, the two-day phased method is not required.***

If the qualified biologist discovers any evidence of bat roosting activity within structures proposed for removal, the qualified biologist shall

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~~**prepare a project-specific Avoidance and Minimization Plan for CDFW review and approval prior to starting Project activities. no special-status bats are found during the surveys, then there would be no further regard for special-status bat species. If special-status bat species are found roosting on the project site, the biologist shall determine if there are young present (i.e., the biologist should determine if there are maternal roosts). If young are found roosting in any tree or structure that will be impacted by the project, such impacts shall be avoided until the young are flying and feeding on their own. A non-disturbance buffer installed with orange construction fencing shall also be established around the maternity site. The size of the buffer zone should be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree or structure on the project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity (or structure access opening) for a 48-hour period prior to the time the tree or structure in question would be removed or disturbed. At that point, no other mitigation compensation would be required.**~~

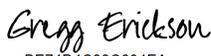
Please note that Fish and Game Code section 4150 prohibits the taking of all non-game mammals (e.g. bats). At no time shall bats be flushed from roosting locations.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

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 Garrett.Allen@wildlife.ca.gov, or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at Karen.Weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2020050553