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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

August 11, 2020

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STATE CLEARINGHOUSE

Mr. Trevor Hawkes
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559
trevor.hawkes@countyofnapa.org

Subject: Inn at the Abbey, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2020079021, City of St. Helena, Napa County

Dear Mr. Hawkes:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Inn at the Abbey (Project) located at the intersection of Lodi Lane and St. Helena Highway North, in the City of St. Helena, Napa County.

CDFW is commenting on the NOP as a Trustee Agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 15386). 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.

CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION

The Project includes the demolition of three buildings totaling approximately 10,048 square feet and includes the construction of a 79-room hotel and associated buildings, totaling approximately 78,481 square feet.

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description:

- Encroachments into riparian areas, wetlands, or other sensitive areas.

Mr. Trevor Hawkes
County of Napa
August 11, 2020
Page 2 of 6

- A description of any tree removal, including the number, approximate diameter at breast height (size), and species of all trees that will be removed.
- Plans for any proposed buildings, structures, ground disturbing activities, fencing, paving, landscaping, and stormwater systems.
- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project's potentially significant impacts on the environment (CEQA Guidelines, §§ 15125, 15360). CDFW recommends that the draft EIR provide baseline habitat assessments for any special-status plant and wildlife species known to occur in the vicinity of the Project area, including all rare, threatened, or endangered species (CEQA Guidelines, § 15380). Fully protected, threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- white-tailed kite (*Elanus leucurus*), a fully protected species under Fish and Game Code section 3511;
- pallid bat (*Antrozous pallidus*), a California (State) Species of Special Concern (SSC);
- Greene's narrow-leaved daisy (*Erigeron greenei*), California Rare Plant Rank 1B.2, protected under CEQA (Pub. Resources Code, § 15380);
- Jepson's leptosiphon (*Leptosiphon jepsonii*), California Rare Plant Rank 1B.2, protected under CEQA (Pub. Resources Code, § 15380);
- narrow-anthered brodiaea (*Brodiaea leptandra*), California Rare Plant Rank 1B.2, protected under CEQA (Pub. Resources Code, § 15380);
- Rincon Ridge ceanothus (*Ceanothus confusus*), California Rare Plant Rank 1B.1, protected under CEQA (Pub. Resources Code, § 15380);
- Calistoga ceanothus (*Ceanothus divergens*), California Rare Plant Rank 1B.2, protected under CEQA (Pub. Resources Code, § 15380);
- Napa false indigo (*Amorpha californica var. napensis*), California Rare Plant Rank 1B.2, protected under CEQA (Pub. Resources Code, § 15380).

Habitat descriptions and species profiles should include information from multiple sources, such as aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such as California Natural Diversity Database. Based on the data and information from the habitat assessment, the draft EIR can then adequately assess which special-status species are likely to occur in the Project vicinity.

Mr. Trevor Hawkes
County of Napa
August 11, 2020
Page 3 of 6

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for take¹ of special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, or human presence; and

The CEQA document also should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures

¹ Fish and Game Code section 86: "Take" is defined as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Mr. Trevor Hawkes
County of Napa
August 11, 2020
Page 4 of 6

to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service and CDFW, as applicable. These measures can then be incorporated as enforceable project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Pallid Bat

Trees and existing buildings and structures on the Project site may potentially support roosting bats. Fish and Game Code section 4150 prohibits take of all bats, regardless of their status. The CEQA Guidelines section 15380 also affords protection to threatened, endangered, rare, and special-status species. The Project site could provide habitat for the pallid bat, a California Species of Special Concern. Pallid bats use natural roosts, such as tree hollows, caves, rock crevices, and overhangs (Hermanson and O'Shea, 1983); and have also been observed using roosts on the exterior of buildings in Napa, Sonoma, Marin, and Mendocino County (Tatarian 1999). CDFW recommends that a qualified bat biologist perform a bat habitat assessment of all buildings and trees proposed for removal, at least 30 days prior to Project implementation, to determine if any of the trees or buildings contain suitable bat roosting habitat or show evidence thereof. Trees containing suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures) should be removed only during seasonal periods of bat activity (i.e. prior to the maternity season from approximately March 1 (or when night temperatures are above 45°F and when 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) until October 15 (before night temperatures fall below 45°F and rains begin). Bat habitat trees should be removed using a two-day phased approach during the seasonal periods outlined above. On day one, under the supervision of a qualified bat biologist, all limbs that do not contain suitable bat roosting habitat shall be removed with chainsaws only. The next day, the rest of the tree should be removed. A qualified bat biologist should also perform a bat habitat assessment of all buildings proposed for removal. If the qualified bat biologist determines that bats are roosting within or around exterior of buildings, then a Project-specific avoidance and minimization plan should be prepared for CDFW review and approval prior to the start of Project activities.

Fully Protected Species

Fully protected species such as white-tailed kite may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, CDFW recommends that the draft EIR include measures to ensure complete take avoidance of these fully protected species, such as conducting construction activities outside of the nesting bird season (i.e. typically February 1 through August 31), having a qualified biologist conduct pre-

Mr. Trevor Hawkes
County of Napa
August 11, 2020
Page 5 of 6

construction nesting bird surveys, and having a qualified biologist determine appropriate no-disturbance buffers from construction activities from each active nest (if found).

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code § 2080.

Lake and Streambed Alteration Agreement

CDFW will require an LSA Agreement, pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within any 1600-jurisdictional waters within the proposed Project area. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

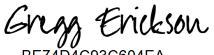
FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and 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.

Mr. Trevor Hawkes
County of Napa
August 11, 2020
Page 6 of 6

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:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

REFERENCES CITED

Hermanson, J. W. and T. J. O'Shea. 1983. *Antrozous pallidus*. Mammalian Species, 213: 1-8.

Tatarian, Greg. 1999. Use of Buildings and Tolerance of Disturbance by Pallid Bats *Antrozous pallidus*. Bat Research News: Volume 40, Number 1, Spring 1999.