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**Planning, Building & Environmental Services**

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

**David Morrison**  
Director

TO: Application File #P20-00117-ECPA

FROM: Donald Barrella, Planner III

DATE: February 25, 2022

RE: Response to Comments – Shafer Blodgett Vineyards, Vineyard Conversion  
Agricultural Erosion Control Plan (ECPA) File #P20-00117-ECPA  
Assessor’s Parcel Numbers 039-051-019, -021, -023 and -033  
5096 Silverado Trail, Napa, CA  
SCH #2021110286

**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 Shafer Blodgett Vineyards, Vineyard Conversion #P20-00117-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 Shafer Blodgett Vineyards, Vineyard Conversion Agricultural Erosion Control Plan #P20-00117-ECPA Proposed IS/MND, presents the name of the persons and organizations commenting on the Proposed IS/MND and responses to the received comments. This memorandum, in combination with the Proposed 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 November 22, 2021. In addition, Napa County circulated a Notice of Intent to Adopt the Proposed IS/MND to interested agencies and individuals.

On November 30, 2021, the County extended the 30-day public comment period an additional 17 days from its original closure date of December 21, 2021. The County notified the State Clearinghouse on November 30, 2021 of this extension in accordance with Section 15073 of the CEQA Guidelines, and recirculated and republished the notice of intent on December 2, 2021. The public review period ended on January 7, 2022.

During the public review period, Napa County received two comment letters on the Proposed IS/MND. Table 1 below lists the entity that submitted comments on the Proposed IS/MND during the public review and comment period. The comment letters are attached as identified in Table 1.

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

Comment N <sup>o</sup> / Attachment	Comments Received from	Date Received
1	California Department of Fish and Wildlife (CDFW)	January 6, 2022
2	David Lang and Joe Beirao: 5265 Silverado Trail and 5230 Silverado Trail, Napa	January 7, 2022

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 on 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.

This Response to Comments Memorandum will also be provided to the owner/Permittee as **notice** of potential Local, State and Federal permits or agreements necessary to implement and/or operate this project as identified within the attached agency comment letter. Furthermore, project approval if granted shall be subject to conditions of approval requiring any and all such permits or agreements be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P20-00117-ECPA, and that #P20-00117-ECPA shall be subject to any conditions and/or specifications of such permits or agreements.

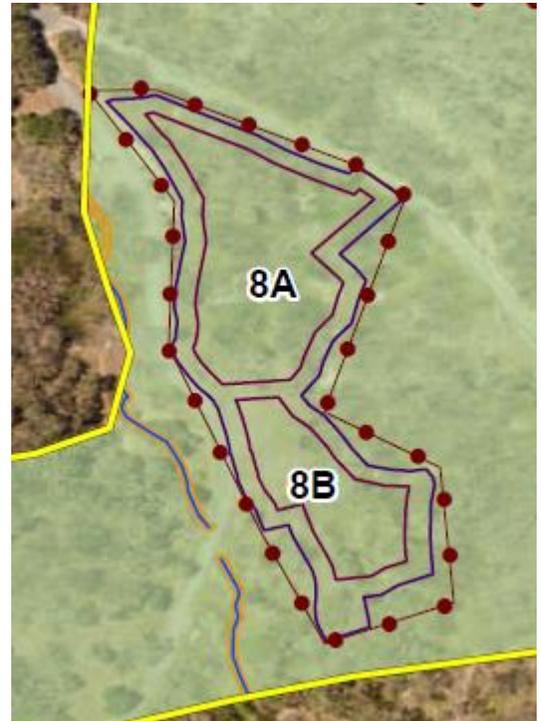
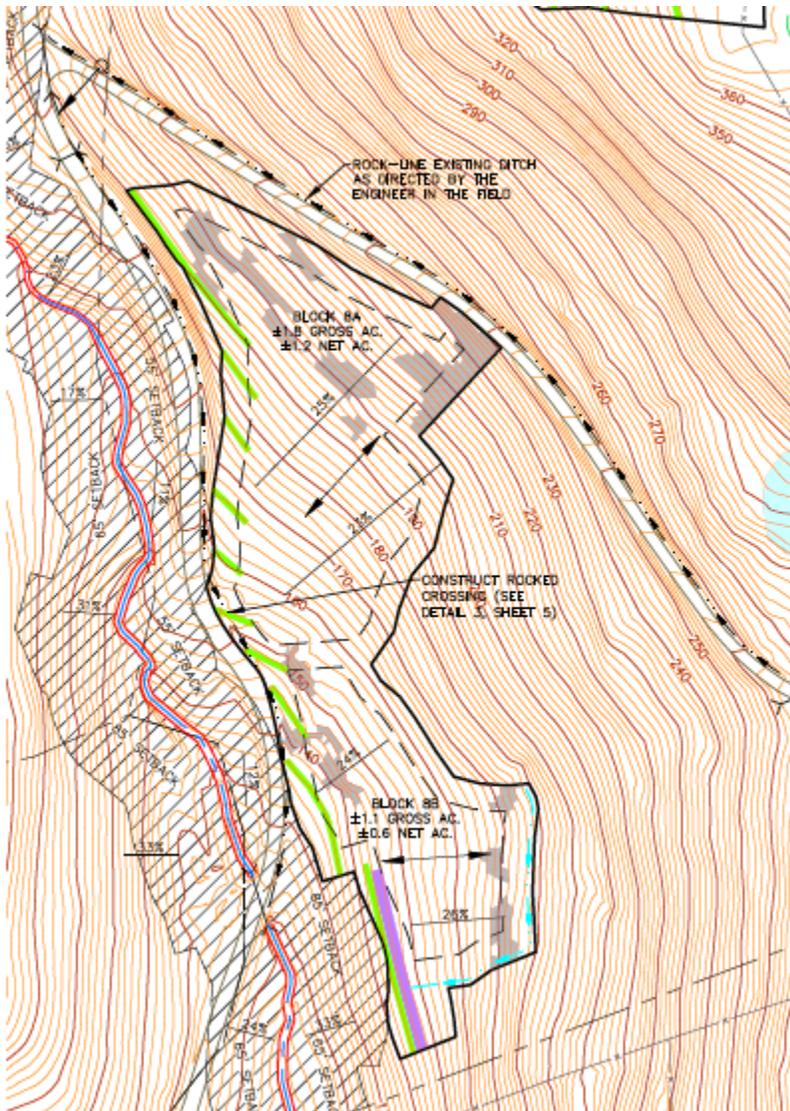
### RESPONSE TO COMMENTS

#### *Comment #1 California Department of Fish and Wildlife (CDFW) (Attachment 1)*

**Response to Comment 1.1:** The proposed rock crossing is located along an existing dirt road at the southwest corner of Vineyard Block 8A, which is outside the required setback of 55 feet from the intermittent stream located to the west of Vineyard Block 8A and 8B as shown in the ECPA and Biological Resources Reconnaissance Survey Report (see insets below<sup>1</sup>). Therefore, this feature is not anticipated to disturb, divert or obstruct the natural flow of a stream or associated riparian or wetland resources, and is not anticipated to be subject to notification requirements.

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<sup>1</sup> PPI Engineering Inc., September 2020, Shafer Vineyards Blodgett Vineyard Erosion Control Plan; Sheet 4 in Exhibit A of the Proposed IS/MND); and WRA, Inc., January 2020, Biological Resources Reconnaissance Survey Report; Figure A-4b in Exhibit B-1 of the Proposed IS/MND, respectively.



Furthermore, as stated in the CEQA Process Section above, this this Response to Comments Memorandum will be provided to the owner/Permittee as **notice** of potential Local, State and Federal permits or agreements necessary to implement and/or operate this project, and as conditioned would require any and all such permits be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P20-00117-ECPA. In addition to complying with such permit/agreement conditions or specifications, as identified within the attached agency comment letter. Also, see Response to Comment #1.3 (incorporated herein by reference).

**Response to Comment 1.2:** Comment noted no further response necessary.

**Response to Comment 1.3:** As described in Response to Comment #1.1 (incorporated herein by reference) and disclosed in the Proposed IS/MND, the rock crossing is not identified to alter the bed or banks of a stream, divert a stream, or affect riparian or wetland resources; therefore, the recommended mitigation is not anticipated to be necessary. Furthermore, as previously stated (CEQA Process Section and Response to Comment #1.1: incorporated herein by reference) should a LSA (Lake and Streambed Alteration) Agreement be

required to implement the project, the owner/Permittee would be subject to the terms of that LSA Agreement as part of project development and operation.

**Response to Comment 1.4:** As disclosed in Section IV(b-c) (**Biological Resources:** Pages 18-19) of the Proposed IS/MND, the project site contains coast live oak woodland and blue oak woodland, which are considered sensitive habitats. Therefore, with the implementation of **Mitigation Measure BR-1** potential impacts to oak woodlands, as a sensitive habitat, would be reduced to a less than significant level by permanently preserving 41.16 acres of the holdings oak woodlands.

It was further disclosed in Section IV(a) (**Biological Resources:** Pages 13-14) of the Proposed IS/MND, that because the project site's oak woodland, grassland, and chamise chaparral habitats (or biological communities) contain special-status plant species (i.e. Greene's narrow-leaved daisy, nodding harmonia and green monardella), these habitats are also considered to be potential special-status species habitat because they contain the ecological characteristics necessary to support these plant species. In addition to containing the special-status plant species populations and individuals.

Therefore, with the implementation of **Mitigation Measure BR-1** impacts to special-status plant species and associated habitat, and oak woodland would be reduced to a less than significant level by: avoiding approximately 80% of the project site's oak woodland and special-status plant species habitat; avoiding and preserving approximately 71% to 100% of the project site's special-status plant populations/individuals; and, contribute to minimization of potential cumulative impacts associated with the loss of special-status plant species and associated habitat due to agricultural conversion projects. Overall, **Mitigation Measure BR-1(e)** in conjunction with **Mitigation Measure BR-4(a)** would provide for the permeant protection of 44.1 acres of cover canopy that includes 41.16-acres of oak woodland as a sensitive habitat, and associated special-status plant species habitat.

Additionally these mitigation measures include provisions consistent with CDFW recommendations for the inadvertent removal of oak woodland, oak trees, or special-status plant habitat or plans as result of vineyard development and operation authorized under # P20-00117-ECPA.

**Response to Comment 1.5:** Portions of the project area that contain Sobrante Loam which are friable soils, that is a habitat requirement for American badgers, only occurs in portions of Vineyard Blocks 2, 3 and 5, encompassing approximately 4 acres. The remainder of the project area contains Hambright Rock soils that are not are not friable soils, which are not supportive of American Badger habitation, or foraging. Additionally, surveys of the project area conducted by qualified professionals found that the grasslands and woodlands in the study area only provided some suitable habitat elements. Therefore, the Proposed IS/MND appropriately concluded that there would not be a potentially significant to this animal species or its habitat as a result of the project.

However, to ensure that American badgers are not injured or taken, and that any burrows are avoided, the condition below will included in any approving action by the County. Also, see [Response to Comment #1.9](#) (incorporated herein by reference).

**Preconstruction Survey – American badger (*Taxidea taxus*):** Prior to the commencement of any vegetation removal or earth-disturbing activities associated with the project, a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local mammal species and habitat) shall conduct a preconstruction surveys for the American badger and their

burrows within all suitable habitat containing Sobrante Loam soils within the project area (or clearing limits). The preconstruction survey area shall also include all suitable habitat area occurring within 500 feet of project area. 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.

If badgers or their burrows are identified as a result of preconstruction surveys, they shall be avoided and burrows shall be provided with sufficient buffers as recommended by CDFW, and preparing and implementing a CDFW-approved relocation plan if badgers or their burrows are found on or adjacent to the Project site and cannot be avoided.

**Response to Comment 1.6:** While the Proposed IS/MND disclosed a less than significant impact to bat species, based on project site surveys, to ensure bat species are not injured or taken as a result of project implementation, the following condition will be included in any approving action by the County. Also, see [Response to Comment #1.9](#) (incorporated herein by reference).

**Preconstruction Habitat Survey and Tree Removal – Bat species:** A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a pre-construction habitat assessment in order to identify if there are suitable bat habitat trees within the project area. The assessment shall be conducted 30 to 90 days in advance of the planned tree removal, and shall include a visual inspection of potential habitat features (e.g. cavities, crevices in wood and bark, exfoliating bark, and suitable canopy for foliage roosting species). A copy of the survey shall be provided to the County Planning Division prior to commencement of work.

If suitable habitat trees are found, they shall be flagged or otherwise clearly marked and tree trimming and/or removal shall proceed using the two-step removal process detailed below, or may proceed after a qualified biologist conducts night emergence surveys or completes a visual examination of habitat features that demonstrates absence of roosting bats.

The two-step bat habitat tree removal process 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, 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 entire tree shall be removed. All felled trees should remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats present within the felled trees to escape

**Response to Comment 1.7:** The Proposed IS/MND appropriately did not identify a potentially significant impact to the western pond turtle (WPT), because the project site's streams do not provide large perennial or late season pools to support foraging and basking sites for this species (WRA, Inc., January 2020). Furthermore, as indicated in the Background Section of the Proposed IS/MND, the project had previously been redesigned to eliminate Vineyard Block 1 and associated stream crossing to avoid potential direct and indirect impacts to the foothill yellow-legged frogs and its habitat, which further reduces the potential of the project to negatively affect WPT.

However, to ensure that western pond turtle are not injured or taken as a result of project implementation, the following condition will included in any approving action by the County. Also, see Response to Comment #1.9 (incorporated herein by reference).

**Preconstruction Survey – Western Pond Turtle (*Emys marmorata*):** Prior to the commencement of any vegetation removal or earth-disturbing activities associated with the project a qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a pre-construction survey, focusing on the presence of western pond turtle and their nests for all project activities that occur within 500 feet of stream or wetland habitat. The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and earth-disturbing activities are to commence. If western pond turtles are discovered during the survey, project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to western pond turtle, and the measures have been implemented.

**Response to Comment 1.8:** Comment noted, see Response to Comment #1.1 and #1.3 (incorporated herein by reference). Also, as previously noted in the CEQA Process section, 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/or operate this project and associated permit or agreement conditions (as identified within the attached agency comment letter). And that project approval if granted shall be subject to conditions of approval requiring any and all such permits or agreements be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P20-00117-ECPA.

**Response to Comment 1.9:** As a matter of practice, the County adopts all Mitigation Measures as project specific conditions of approval consistent with the Section 21081.6<sup>2</sup> that specifies adopting mitigation measures as conditions of approval.

**Response to Comment 1.10:** The County will direct the Project Biologist to report the observed foothill yellow-legged frog and special-status plants identified in the Proposed IS/MND to the CNDDDB, and to report any special-status species and natural communities detected during project preconstruction surveys to the CNDDDB. Additionally, as previously indicated this this Response to Comments Memorandum will be provided to the owner/Permittee as **notice** of this requirement.

**Response to Comment 1.11:** The CDFW Environmental Filing Fee for a Mitigated Negative Declaration will be paid upon filing of the CEQA Notice of Determination for this project if approved.

**Response to Comment 1.12:** Comment noted no further response necessary.

**Comment #2 - Dave Lang and Joe Beirao (Attachment 2)**

**Response to Comment 2.1:** The Groundwater Management Condition of Approval identified in the Proposed IS/MND will be revised to include the recommendations of the Project’s Water Availability Analysis (Richard C. Slade and Associates LLC, March 24, 2020).

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<sup>2</sup> [Mitigated Negative Declarations \(ca.gov\)](http://www.ca.gov)

**Groundwater management – Wells:** This condition is implemented jointly by the Public Works and PBES Departments:

The owner/permittee shall be required (at the permittee's expense) to implement a groundwater monitoring program that includes quarterly monitoring of static and pumping water levels, and monthly monitoring of cumulative pumped volumes from each of the Project wells (i.e. the Ridgeback Well, the La Mesa Well, the Russler Well and the School Bus Well as identified in the Project WAA (RCS & Associates LLC., March 2020). Each well shall be equipped with an accurate dual reading flow meter (that records both flow rate and totalizing values, respectively). Flow meters shall be installed within 90 days of the effective day of the approval at the wells that are currently not equipped with flow meters. Water level transducers shall also be installed in each of the Project wells to permit the automatic, frequent, and accurate recording of water levels in those wells.

Such data shall be provided to the County, if the PBES Director determines that substantial evidence indicates that water usage is affecting, or would potentially affect, groundwater supplies. If data indicates the need for additional monitoring, and if the owner/permittee is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above shall be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well shall be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the ECPA would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the owner/permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Code and to protect public health, safety, and welfare.

### **List of Attachments**

Attachment 1 – California Department of Fish and Wildlife, letter dated January 6, 2022

Attachment 2 – Dave Lang and Joe Beirao, email/letter dated January 7, 2022



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**



January 6, 2022

Mr. Donald Barrella  
County of Napa  
1195 Third Street, Suite 210  
Napa, CA 94559  
[donald.barrella@countyofnapa.org](mailto:donald.barrella@countyofnapa.org)

Subject: Shafer Blodgett Vineyards, Mitigated Negative Declaration,  
SCH No. 2021110286, Napa County

Dear Mr. Barrella:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the County of Napa for the Shafer Blodgett Vineyards (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

CDFW is submitting comments on the MND to inform the County of Napa (County), as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

## CDFW ROLE

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) or Native Plant Protection Act, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Shafer Vineyards and Shafer Family, LLC

**Objective:** The Project would convert 28.3 acres of 215.44 acres of partially undeveloped parcels into vineyard with associated infrastructure, including irrigation lines. Primary Project activities include clearing vegetation, earth-moving, grading,

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<sup>1</sup> CEQA is codified in the California Public Resources Code in Section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

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excavation, trenching, installing irrigation lines, installing vineyard trellis, and planting cultivated grape rootstock.

**Location:** The Project is located at 5096 Silverado Trail, in unincorporated Napa County. The approximate centroid of the Project is Latitude 38.37841°N, Longitude 122.30135°W and the Assessor's Parcel Numbers are 039-051-019-000, 039-051-021-000, 039-051-023-000, and 039-051-033-000.

**Timeframe:** The Project would take approximately seven months.

## ENVIRONMENTAL SETTING

The Project covers approximately 28.3 acres of undeveloped land consisting of non-native annual and perennial grassland, coast live oak (*Quercus agrifolia*) woodland, blue oak (*Q. douglasii*) woodland, and chamise chaparral (*Adenostoma fasciculatum*). The Project parcels include previously developed vineyard, a residential structure, groundwater wells, roads, and associated infrastructure. The Project is surrounded predominantly by rural residences, agriculture, wineries, and undeveloped land. Five unnamed streams are present on the Project parcel. Special-status species with the potential to occur in or near the Project area include, but are not limited to, Northwest/North Coast clade foothill yellow-legged frog (*Rana boylei*), California Species of Special Concern (SSC); pallid bat (*Antrozous pallidus*), SSC; western red bat (*Lasiurus blossevillii*), SSC; western pond turtle (*Emys marmorata*), SSC; American badger (*Taxidea taxus*), SSC; Greene's narrow-leaved daisy (*Erigeron greenei*), California Rare Plant Rank (CRPR) 1B.2<sup>2</sup>; nodding harmonia (*Harmonia nutans*), CRPR 4.3; green monardella (*Monardella viridis*), CRPR 4.3; loggerhead shrike (*Lanius ludovicianus*), SSC; and white-tailed kite (*Elanus leucurus*), a Fully Protected species.

## REGULATORY REQUIREMENTS

### Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may 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. **The MND identifies that the Project would install a rocked**

<sup>2</sup> CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere while CRPR 4 plants are considered watch list plants that have a limited distribution in California. Further information on CRPR is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline> and on the California Native Plant Society webpage <https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>.



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**crossing over an existing roadside drainage (MND page 1), which may constitute a stream, as further describe below.** Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In this case, CDFW would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

### **Raptors and Other Nesting Birds**

CDFW 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 sections 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). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

### **Fully Protected Species**

Fully Protected species, such as white-tailed kite, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### **Lake and Streambed Alteration**

As noted above, the Project would install a rocked crossing over a roadside drainage (MND page 1), which may constitute a stream. It is unclear where the drainage is located. The MND should evaluate if the drainage constitutes a stream, such as if it is connected to other streams, supports stream habitat or features, or is mapped as a stream in the California Aquatic Resources Inventory database. To comply with California Fish and Game Code section 1600 et seq. and reduce impacts to less than significant, CDFW recommends the following mitigation measure if the drainage is subject to LSA Notification requirements.

#### *Mitigation Measure BR-5: Notification of Lake and Streambed Alteration*

For Project activities that may substantially alter the bed, bank, or channel of the drainage, including installation of a rocked crossing, an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to Project



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construction. If CDFW determines that an LSA Agreement is warranted, the Project shall comply with all required measures in the LSA Agreement. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project site as possible and within the same watershed and year as the impact. Temporary impacts shall be restored onsite in the same year as the impact.

1.3 cont.

## Environmental Setting and Related Impact Shortcoming

### *Sensitive Natural Community and Tree Removal*

The MND identifies that the Project is located within oak woodland, including blue oak and coast live oak associations (MND pages 2 and 18). There are multiple blue oak and coast live oak associations that CDFW identifies as sensitive natural communities<sup>3</sup>, including the coast live oak-California bay (*Umbellularia californica*) association and the blue oak-buck brush (*Ceanothus cuneatus*) association (CDFW 2021). The MND identifies the oak woodland at the alliance level, but does not specify which associations are present, making it difficult to understand which sensitive natural communities would be impacted by the Project. The MND identifies that mitigation for tree removal and loss of oak woodland will be accomplished on the Project parcels through permanent protection of oak woodland at a 2:1 mitigation to impact ratio (MND page 21).

The Project would remove approximately 1,708 trees from the Project area, some which may be from a sensitive natural community (MND page 1). CDFW recommends that the MND clarify how many trees and how much acreage would be removed from any sensitive natural community. Sensitive natural communities are endemic communities that have limited distribution and are often vulnerable to project impacts (CDFW 2018). Mature tree removal removes important food resources such as acorns from the area and removes habitat for a variety of tree nesting birds and tree roosting bats. Human activity and removal of habitat has contributed to the loss of a significant proportion of the total number of birds in the United States and Canada since the 1970s (Rosenburg et al. 2019). Based on the above, the loss of any sensitive natural community is a potentially significant impact. If any sensitive natural community would be impacted, to reduce impacts to less-than-significant, CDFW recommends including the following mitigation measure in the MND.

1.4

#### *Mitigation Measure BR-6: Sensitive Natural Community Habitat Mitigation*

Loss of sensitive natural communities shall be mitigated through permanent habitat protection at a 3:1 mitigation to impact ratio. Compensatory habitat shall be of equal or greater quality than the impacted habitat or a habitat enhancement plan shall be

<sup>3</sup> Additional references and information about sensitive natural communities is available at <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

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prepared and implemented by a qualified biologist to achieve at least equal habitat quality prior to Project construction. For any habitat enhancement, to ensure a successful planting effort, all plantings shall be monitored and maintained as necessary for a minimum of five years. Oak trees, other trees, and all other plantings shall each have a minimum of 80% survival at the end of the minimum monitoring period. If the planting survival is not meeting this goal, then the Project shall implement replacement planting, additional watering, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival requirements for five years after planting. Oak plantings shall come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted. The trees should be able to survive the last two years of a minimum five-year monitoring period without irrigation.

1.4 cont.

**American Badger**

The Project is within the range of the American badger, an SSC, and is located within grassland habitat and oak woodland habitat that may be suitable for American badger (MND Exhibit B-1). Badgers range throughout most of California and can dig burrows in a single day; therefore, the species may occupy the Project site and adjacent habitat prior to Project construction (Ministry of Environment Ecosystems 2007 as cited in Brehme et al. 2015). Additionally, the California Wildlife Habitat Relationships Predicted Habitat Suitability for the grassland portions of the site are Medium and High Suitability. Lastly, the Critical Linkages: Bay Area and Beyond project identifies the Project area as within a core area capable of supporting at least 50 American badgers (Penrod et al. 2013).

1.5

The Project may result in injury or mortality to adult or young badgers, or burrow abandonment. Therefore, project impacts to American badger would be potentially significant.

To reduce impacts to less than significant, CDFW recommends that the MND: (1) further analyze the potential for American badger to occur on and adjacent to the Project site, and (2) include mitigation measures to ensure impacts are reduced to less-than-significant. These measures may include a qualified biologist surveying for the species including adjacent habitat prior to construction, avoiding occupied burrows including a sufficient buffer approved by CDFW, and preparing and implementing a CDFW-approved relocation plan if badgers are found on or adjacent to the Project site and cannot be avoided.

1.6

**Roosting Bats**

The MND identifies that the Project area may provide habitat for sensitive bats, such as pallid bat (MND page 16 and Exhibit B-1). The trees in the Project area, some of which

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are proposed for removal, may provide suitable roosting habitat for bats. The MND identifies that all 1,708 trees proposed for removal were assessed during a daytime roost survey and no suitable bat roosting habitat was observed (MND page 17 and Exhibit B-2). The bat roost survey methodology provided in Exhibit B-2 is broad and does not identify whether the survey was conducted by a qualified bat biologist. No data sheets or specific examples of non-suitable roost trees were provided. Based on the report provided, it is unclear that potential bat roost trees are absent from the Project area.

Tree removal associated with the Project could lead to injury or death of bats, including pallid bat, a potentially significant impact. To adequately evaluate potential impacts to bats and reduce impacts to less-than-significant, CDFW recommends: 1) the bat daytime roost survey described in Exhibit B-2 is further detailed, including identifying whether the surveyor was a qualified bat biologist with experience detecting bat roosts, the date(s) and time(s) of the roost survey, and detailed survey information; and 2) including the following mitigation measure if potential bat roost habitat would be impacted.

*Mitigation Measure BR-7: Bat Tree Habitat Assessment and Surveys*

Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, and suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked and tree trimming or removal shall not proceed unless the following occurs: a) in trees with suitable habitat, presence of bats is presumed, or documented during the surveys described below, and removal using the two-step removal process detailed below occurs only 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 conducts night emergence surveys or completes a visual examination of roost features that establish absence of roosting bats.

Two-step tree removal 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 removal, 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 entire tree shall be removed.

***Western Pond Turtle***

The MND states that the Project is within the range of western pond turtle but identifies that western pond turtle is unlikely to occur on or near the Project (MND Exhibit B-1). The California Natural Diversity Database (CNDDDB) identifies occurrences of western pond turtle within five miles north and south of the Project, with the closest occurrence

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approximately 2.5 miles south. In addition, the California Wildlife Habitat Relationships Predicted Habitat Suitability for the Project is High Suitability. Western pond turtles can move more than four miles up or down stream, therefore the project area is within the mobility range of western pond turtle observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015). While the Project may not impact streams on the parcel, it may result in impacts within 500 feet of streams. The Project could impact upland dispersal habitat, upland refugia, or nesting habitat for western pond turtle through vegetation removal and grading activities, potentially injuring or killing western pond turtles. Based on the above, the Project may substantially adversely impact western pond turtle. To reduce potential impacts to less-than-significant, CDFW recommends including the following mitigation measure in the MND.

*Mitigation Measure BR-8: Western Pond Turtle Survey*

For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of western pond turtle and their nests. If western pond turtles are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to western pond turtle, and the measures have been implemented.

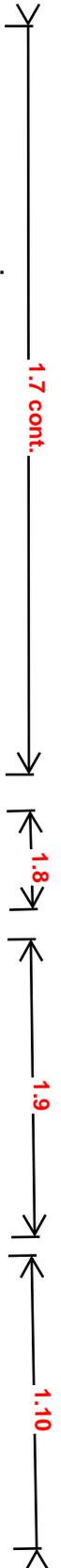
**Please be advised that an LSA Agreement obtained for this Project would likely require the above recommended mitigation measures, as applicable.**

**EDITORIAL SUGGESTION**

In addition to the above recommendations, CDFW notes that the MND includes a combination of Mitigation Measures and Conditions of Approvals. Both are requirements for the Project, and act as mitigation as defined in the CEQA Guidelines, by avoiding, minimizing, and compensating for Project impacts (Cal. Code Regs., tit. 14, § 15370). CDFW recommends identifying Conditions of Approvals as Mitigation Measures for the purposes of CEQA to provide clarity and avoid any confusion about Project requirements associated with the MND.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. **This includes the observed foothill yellow-legged frog and special-status plants reported in the**



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**MND.** The CNNDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link:  
<https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

**FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. 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. Payment of the fee is required for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

**CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Amanda Culpepper, Environmental Scientist, at (707) 428-2075 or [Amanda.Culpepper@wildlife.ca.gov](mailto:Amanda.Culpepper@wildlife.ca.gov), or Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov) or (707) 210-4415.

Sincerely,

DocuSigned by:  
*Stephanie Fong*  
Stephanie Fong  
Acting Regional Manager  
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021110286)

**REFERENCES**

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## Attachment 2

To: Donald Barrella  
Napa County Department of Planning, Building & Environmental Services  
Engineering and Conservation Division  
1195 third St. St. #210  
Napa, Ca. 94559

From: David Lang  
5265 Silverado Trail  
Napa, Ca. 94558  
Joe Beirao  
5230 Silverado Trail  
Napa, Ca. 94558

Subject: Shafer, Vineyard Development  
ECPA P20-00117

Donald,

After reviewing RCS's groundwater report, and the additional 6.27 AF/yr. consumption of water (just Northeast of our property) and if not controlled properly it could impact the neighborhood water supplies during drought years.

However, it looks like RCS has done a good job of showing adequate water supply. With that being said, some of the information is based on weather reports, and not actual rain gauge readings at the proposed site. Pumping an additional 102,154 gallons per week can lower the water table causing the operating costs of neighboring wells to increase (total of over 2 million gallons per season).

If you could require the wells to have the proposed level transducers, RCS has recommended with each well location monitoring and reporting levels. It should also have automatic shutoff levels programed into the controls. This would prevent any well from being pumped below safe water levels.

Best Regards,

David Lang  
Joe Beirao

