



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

September 8, 2023

September 8 2023

STATE CLEARINGHOUSE

Pamela Arifian, Planner III
County of Napa
1195 Third Street Second Floor
Napa, CA 94559
Pamela.arifian@countyofnapa.org

Subject: Pritchard Hill Properties LLC Vineyard Conversion, Mitigated Negative Declaration, SCH No. 2023080212, Napa County

Dear Ms. Arifian:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from Napa County (County) for the Pritchard Hill Properties Vineyard Conversion Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) 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), the Lake and Streambed Alteration Program, 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: Pritchard Hill Properties LLC, Jim Bean

Objective: The Project includes expanding, replanting, and creating new vineyard blocks of approximately 23 gross acres on a two-parcel property totaling 108.9 acres. Project activities would include the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of the new

¹ 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.

Pamela Arifian
County of Napa
September 8, 2023
Page 2

vineyard. The Project would convert approximately 9 acres of oak woodland (including 8.8 acres of interior live oak woodland and 0.15-acre coast live oak woodland), as well as 1.4 acres of gray pine woodland to vineyard. Temporary erosion control measures include straw wattles, silt fence, erosion control blankets, water bars, vegetative cover crop and the application of straw mulch. Permanent erosion control measures include permanent no-till cover crop maintained, rolling dips, rock rip-rap energy dissipators and rock filled vineyard avenues, as well as an approximate 100 linear-foot-long rock filled runoff retention trench. Earthmoving and grading activities include, but are not limited to, vegetation removal, soil ripping, rock breaking and removal as needed. Other activities associated with the Project include the installation of two 175,000-gallon water storage tanks, including an “upper” water storage tank and a “lower” water storage tank. The installation of new water lines within existing and proposed roadways to connect new development to proposed water storage tanks and the installation of vineyard trellis and drip irrigation systems, and planting rootstock in a 7-foot by 4-foot spacing pattern for an approximate vine density of $\pm 1,556$ vines per acre and a total of approximately 28,936 vines.

Location: The Project is located at 90, 92, and 95 Long Ranch Road, in the City of Saint Helena, Napa County. The Project site is on Assessor’s Parcel Numbers 030-220-034 and 032-560-023 at Latitude 38.471341° N, -122.358442° W.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, or CESA candidate species, either during construction or over the life of the Project. **The Project has the potential to result in take of Clara Hunt’s milk-vetch (*Astragalus claranus*), which is listed as an endangered species, as further described below.** Issuance of a CESA ITP 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 ITP.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; 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 CESA.

Pamela Arifian
County of Napa
September 8, 2023
Page 3

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. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below, CDFW concludes that an MND is appropriate for the Project. **Attachment 1** includes a Draft Mitigation Monitoring and Reporting Program with CDFW's recommended mitigation measures.

I. **Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant, sensitive community, or animal?**

COMMENT 1: Clara Hunt's Milk-Vetch - Environmental Setting Shortcoming

Issue: The MND indicates that chaparral habitat on serpentine and volcanic soils occur within the Project site and have the potential to support the CESA and federally listed as endangered plant Clara Hunt's milk-vetch; however, this species was not detected during surveys. Clara Hunt's milk-vetch has been documented 2.1 miles north of the Project site and 3.7 miles northwest of the Project site (California Natural Diversity Database (CNDDDB) Occurrence Number 11 last observed in 2019 and 13 last observed in 2016).

CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>) provide guidelines for acceptable survey documentation for protocol-level surveys for special-status plants. According to the MND, rare plant surveys were conducted on March 31, April 6, and June 14 of 2017 and on October 4, 2019. It appears the surveys in 2017 were conducted in accordance with protocols outlined by Napa County (2016b), which follows the above CDFW 2018 protocols and also U.S. Fish and Wildlife Service's (USFWS) 1996 protocols. However, the MND provides only partial documentation for surveys conducted in 2017 and 2019. It is unclear if protocol level surveys provided were conducted according to the Napa County 2016b and CDFW 2018 protocols given that there is not documentation that reference populations of special-status plant species, specifically, Clara Hunt's milk-vetch were visited prior to the rare plant surveys.

Specific impacts and why they may occur and be significant: If CESA and federally listed plants that may be impacted by the Project such as Clara Hunt's milk-vetch go undetected, the Project may result in mortality of individuals from direct

Pamela Arifian
County of Napa
September 8, 2023
Page 4

impacts or degradation of habitat adjacent to ground disturbance. Clara Hunt's milk-vetch is considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if Clara Hunt's milk-vetch is present on or adjacent to the Project site where it may be directly or indirectly impacted, the Project may substantially reduce the number or restrict the range of this species, which would be a mandatory finding of significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended mitigation measure: For an adequate environmental setting and to reduce impacts to Clara Hunt's milk-vetch to less-than-significant, and to comply with CESA, CDFW recommends including the following mitigation measure in the MND.

MM-BIO-1 Clara Hunt's Milk-Vetch Surveys. The Project shall submit to CDFW at least one year of completed botanical survey results and obtain CDFW's written approval of plant surveys which would include a visit to reference populations of Clara Hunt's milk-vetch, unless otherwise approved in writing by CDFW. The botanical survey and associated report shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. If CDFW is unable to accept the survey results, the Project applicant shall conduct additional surveys prior to initiation of Project activities or may assume presence of Clara Hunt's milk-vetch. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. More than one year of surveys may be necessary for certain species including Clara Hunt's Milk-Vetch and surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plant species and it may be impacted by the Project, or the presence of this species is assumed, the Project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.

II. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 2: Chamise Chaparral – Environmental Setting Shortcoming

Pamela Arifian
County of Napa
September 8, 2023
Page 5

Issue: The Project site appears to include Chamise Chaparral Alliance. It is unclear if any or the extent to which plants in this community would be removed within the Project site.

Specific impacts and why they may occur and be significant: The Chamise Chaparral Alliance is a CDFW designated sensitive natural community.² Rare natural communities have limited distribution and are often vulnerable to project impacts. Therefore, removal of Chamise Chaparral Alliance would result in a potentially significant impact.

Recommended Mitigation Measure: For an accurate environmental setting and to reduce impacts to the Chamise Chaparral Alliance to less-than-significant, CDFW recommends including the following mitigation measure in the MND.

MM BIO-2 Chamise Chaparral Protection: A qualified biologist shall evaluate if chamise chaparral will be impacted by the Project and if it is a CDFW designated sensitive natural community, and the evaluation must be approved in writing by CDFW prior to Project construction. Any permanently impacted sensitive natural community shall be mitigated through permanent preservation of the same habitat type that is equal to or higher quality than the impacted habitat at a minimum 3:1 mitigation to impact ratio for the acreage impacted. Habitat preservation shall include placing a conservation easement over the preserved habitat and funding and implementing a management plan for the monitoring and management of the preserved habitat in perpetuity. Habitat preservation shall occur on-site to the extent feasible. If off-site habitat preservation is necessary, it shall be as close the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Habitat preservation shall be completed prior to Project construction, unless otherwise approved in writing by CDFW.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

² For a description of sensitive natural communities, see: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities> (CDFW 2009)

Pamela Arifian
County of Napa
September 8, 2023
Page 6

ENVIRONMENTAL DOCUMENT FILING FEES

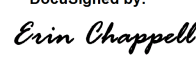
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order 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 of Napa in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ashley Kammet, Environmental Scientist, at (916) 720-1255 or Ashley.Kammet@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 202308212)

Pamela Arifian
 County of Napa
 September 8, 2023
 Page 7

ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1 Clara Hunt's Milk-Vetch Surveys. The Project shall submit to CDFW at least one year of completed botanical survey results and obtain CDFW's written approval of plant surveys which would include a visit to reference populations of Clara Hunt's milk-vetch, unless otherwise approved in writing by CDFW. The botanical survey and associated report shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. If CDFW is unable to accept the survey results, the Project applicant shall conduct additional surveys prior to initiation of Project activities or may assume presence of Clara Hunt's milk-vetch. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. More than one year of surveys may be necessary for certain species including Clara Hunt's Milk-Vetch and surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plant species and it may be impacted by the Project, or the presence of this species is assumed, the Project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
<p>MM-BIO-2 Chamise Chaparral Protection. A qualified biologist shall evaluate if chamise chaparral will be impacted by the Project and if it is a CDFW designated sensitive natural community, and the evaluation must be approved in writing by CDFW prior to Project construction.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Pamela Arifian
County of Napa
September 8, 2023
Page 8

<p>Any permanently impacted sensitive natural community shall be mitigated through permanent preservation of the same habitat type that is equal to or higher quality than the impacted habitat at a minimum 3:1 mitigation to impact ratio for the acreage impacted. Habitat preservation shall include placing a conservation easement over the preserved habitat and funding and implementing a management plan for the monitoring and management of the preserved habitat in perpetuity. Habitat preservation shall occur on-site to the extent feasible. If off-site habitat preservation is necessary, it shall be as close the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Habitat preservation shall be completed prior to Project construction, unless otherwise approved in writing by CDFW.</p>		
--	--	--