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Brian D. Bordona
Director

TO: Application File #P20-00205-ECPA

FROM: Pamela Arifian, Planner III

DATE: March 27, 2024

RE: Response to Comments – Pritchard Hill Properties LLC Vineyard Conversion
Agricultural Erosion Control Plan (ECPA) File #P20-00205-ECPA
Assessor’s Parcel Number APNs 030-220-034 & 032-560-023
90, 92 & 95 Long Ranch Road, St. Helena
SCH #2023080212

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 Pritchard Hill Properties LLC Vineyard Conversion #P20-00205-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 Pritchard Hill Properties LLC Vineyard Conversion Agricultural Erosion Control Plan #P20-00205-ECPA Proposed IS/MND presents the name of the persons and/or organizations commenting on the Proposed IS/MND and responses to the received comments. This memorandum, in combination with the 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 August 10, 2023. In addition, Napa County circulated a Notice of Intent to Adopt the Proposed IS/MND to interested agencies and individuals. The public review period ended on September 11, 2023. During the public review period, Napa County received three (3) comment letters on the Proposed IS/MND. Table 1 below lists the

entities 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 ^o / Attachment	Comments Received from	Date Received
1	Yvonne Baginski	September 6, 2023
2	California Department of Fish and Wildlife (CDFW)	September 8, 2023
3	California Native Plant Society, Napa Valley Chapter	September 9, 2023

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 the project. The CEQA *Guidelines* do not require the preparation of a response to comments for mitigated 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.

Furthermore, 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 operate this project as identified within the attached agency comment letters, and that project approval shall be subject to conditions of approval requiring any and all such permits be obtained prior to the commencement of vegetation removal and earth-disturbing activities (grading) associated with #P20-00205-ECPA.

RESPONSE TO COMMENTS

Comment #1 Yvonne Baginski (Attachment 1)

Response to Comment 1.1:

As detailed in **Section I, Aesthetics**, of the Initial Study / Mitigated Negative Declaration, the project area is not visible from any designated viewshed roads, including Sage Canyon Road or Silverado Trail, due to the topography and intervening hillsides. Further, as explained in that section, the proposed project is consistent with the General Plan Land Use and with surrounding viticultural, rural residential and undeveloped land uses.

The purpose of the Napa County Viewshed Protection Program (Viewshed Program) is to “protect the scenic quality of the county . . . by ensuring that future improvements are compatible with existing land forms, particularly county ridgelines and that views of the county’s many unique geologic features and the existing landscape fabric of the county’s hillside areas are protected and preserved.” The Viewshed Program protects and preserves views of major and minor ridgelines from designated public roads. The Viewshed Program applies to new and expanded structures, grading and earthmoving activities (e.g., for driveways, access roads, benches and shelves); agricultural uses such as vineyards, including agricultural roads, are not subject to the Viewshed Program. Refer to Napa County Code (NCC) Chapter 18.106.

Response to Comment 1.2:

The Biological Resource Report and Addenda (**Exhibits B-1 through B-3**) did not identify any trees proposed for removal that would require specific protections due to size or age or other characteristics. The County’s General Plan policies and Conservation Regulations do not include protections for specific trees, except where oak trees and other significant vegetation occur near heads of drainages or depressions (General Plan Policy CON-24(a)).¹ Following two site visits as identified in the Proposed IS/MND, the County did not identify any individual trees within the proposed project boundaries that required preservation according to the County’s policies, regulations or practices, or to reduce potential impacts to a less than significant level pursuant to CEQA.

Response to Comment 1.3:

Napa County requires biological reports to be prepared by a “qualified professional biologist” which is defined in NCC Section 18.108.030, Definitions, as follows:

“Qualified professional biologist means an individual possessing academic and professional experience in biological sciences and related resource management activities who is able to identify biotic resources and can recognize and is familiar with the habitats and behaviors of listed species that may be present in the county. The individual must have specialized skills and appropriate licenses/permits/certifications specific to the study being conducted (e.g., general botanical, wetland,

¹ An exception to this is the Valley oak tree (*Quercus lobata*), although it is not specifically identified as a species of limited distribution in the County’s Baseline Data Report and General Plan, the County practice is to treat them as such due to the limited distribution of individual Valley oak trees within the County.

and wildlife habitat knowledge for biotic resource and stream setback assessments, and certification by the U.S. Army Corps of Engineers in wetland delineation for wetland assessments and wetland delineation studies or maps).”

As detailed in the Proposed IS/MND and **Exhibits B-1 through B-3**, the Applicant contracted with WRA, Inc. as the project biologist. The credentials of the biologist team from WRA are included in **Exhibit B-1** and are consistent with the County’s definition of “qualified professional biologist.” It is not an explicit requirement that the same biologist team be employed to perform the preconstruction surveys as required by **Mitigation Measures BR-2 and BR-3**. It is the responsibility of the Owner/Permittee to retain a biologist, and to select a qualified biologist consistent with County requirements; however, Permittees typically employ the same biologist team already familiar with the vegetation communities, plant and wildlife species within and around the project area.

Designating a biologist for implementation of mitigation measures is not required for an environmental analysis as any mitigation measures required by the IS/MND would be enforceable via the Mitigation Monitoring and Reporting Program (MMRP) and approval of the ECP, if granted, would be conditioned upon adherence to the MMRP. Any future project biologist or contractor (including for vegetation removal and/or vineyard management company) or property owner (if the property were to change hands) must abide by the MMRP and the ECP.

Response to Comment 1.4:

As discussed in **Section IV, Biological Resources**, of the Proposed IS/MND, observations and existence of special-status plants, wildlife and habitats have been duly recorded pursuant to County protocol for conducting Biological Resources Reconnaissance Reports, and the potential project impacts related to these resources has been appropriately analyzed therein, resulting in less than significant impact determinations following implementation of mitigation measures. **Mitigation Measures BR-2 and BR-3** would be implemented to require that preconstruction surveys for nesting birds, raptors and bats are conducted prior to earthmoving activities or vegetation removal to ensure that these species are protected, either by avoidance and a two-phased tree removal method to protect bats (**Mitigation Measure BR-2**) and avoidance and exclusion buffers (**Mitigation Measure BR-3**). **Mitigation Measure BR-1** requires that, prior to project approval (if granted), the Owner/Permittee consult with the project biologist to select the Special Status Species Preservation Areas and that, prior to commencement of earthmoving activities, the clearing limits shall be accurately flagged and the vineyard boundary clearly demarcated with temporary construction flagging/fencing, to ensure that project work remains within the approved boundaries of the proposed project, if approved. It is incumbent upon the plan preparer to oversee the implementation of the plan as approved (if approved), pursuant to NCC Section 18.108.135, Oversight and Operation. The project as proposed and as mitigated (if approved) would avoid impacts to and would permanently preserve 80% of the special-status plants and their habitats that were observed on site, and would permanently preserve wildlife corridors and oak woodland / vegetation canopy cover on the parcels consistent with the requirements of the Conservation Regulations, General Plan and CEQA *Guidelines*. Less than significant impacts were identified following implementation of the Mitigation Measures BR-1 through BR-4; as such, additional training for those hired to perform the vegetation removal and earthmoving associated with the approved project (if approved) is not required to reduce the level of significance of impacts. No further action is required.

Response to Comment 1.5:

As discussed in **Section IV, Biological Resources**, of the Proposed IS/MND, the project parcels include existing deer fencing around portions of the property. The project, if approved, would include wildlife exclusion fencing that would specifically enclose each individual vineyard block, and not include interstitial areas between blocks that would otherwise be used by wildlife. Further, as detailed in the Proposed IS/MND, the project, if approved, would permanently preserve 80% of the special status plants and their habitat, as well as approximately 31.2 acres of vegetation canopy cover (including oak woodland, coniferous forests) located outside of stream setbacks. The Preservation Areas would be recorded in a deed restriction or other means of enforceable restriction, which will include the following standard language to protect the Preservation Areas from development:

1. Restrictions on uses within the Protected Area. No earthmoving, grading, improvements, buildings, or other types of structures inconsistent with the protection of the Protected Area as vegetation canopy cover shall be erected, constructed or placed within the Preservation Area, subject to the following provisions:
 - a) Declarant may manage vegetation within the Preservation Area for fuel reduction purposes under the direction of the California Department of Forestry and Fire Protection (“CalFire”) or other governmental agency with jurisdiction over fire prevention and protection of the Property.
 - b) Declarant may manage oak woodland portions of the Vegetation Canopy Cover Preservation Area consistent with the Voluntary Oak Woodlands Management Plan (October 26, 2010) (the “Plan”), including without limitation implementing sustainable best management practices for oak woodlands set forth in Appendix D of the Plan. Such activities may include fuel management and the cultivation of native vegetation and maintenance of native vegetation compatible with the Preservation Area’s use as vegetation canopy cover and woodland habitat.
 - c) After consulting with a qualified biologist, ecologist, or other qualified professional, Declarant may adjust the boundaries of the Preservation Area so long as the total area protected remains no less area than that required by ECP’s Condition of Approval regarding Special Status Plant or Vegetation Canopy Cover Preservation Areas. The adjusted boundaries shall be approved by the Napa County Planning Division prior to implementation so long as the total area includes the total acres of vegetation canopy cover required in the vegetation canopy mitigation measure and COA, and consists of equivalent or better quality from a vegetative composition and biological value perspective.
2. Term. This Declaration shall bind Declarant and its successors and assigns, is intended to run with the land in perpetuity, and may be enforced by the County. If

the County believes that Declarant or its successor is in violation of this Declaration of Deed Restriction, the County shall notify Declarant or its successor, in writing, of County's findings and give Declarant or its successor at least thirty (30) days in which to cure said violation before initiating legal action. If, however, such corrective action cannot be reasonably performed within said thirty (30) days, Declarant or its successor shall be allowed such additional time before legal action is initiated as is reasonably necessary so long as Declarant promptly commences and diligently pursues the cure to completion.

The new vineyard, if approved, would avoid the blue-line stream and intermittent stream on site with the appropriate setbacks pursuant to Napa County Conservation Regulations. The Proposed IS/MND determined that the project, as proposed and conditioned/mitigated, including the permanently preserved areas and protected stream setbacks, result in less than significant impacts to wildlife access and movement through the project parcels. Further, the Fencing Condition of Approval, which would be incorporated into the final ECP prior to approval, would require 6-inch square gaps, exit gates and smooth wire, and prohibits any modifications to the location of the fencing as specified in the ECP without County review and approval. Deer guards are not included as part of the proposed project. No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary.

Response to Comment 1.6:

As discussed in **Section IV, Biological Resources**, of the Proposed IS/MND, implementation of **Mitigation Measure BR-1** would require that Special Status Plant Preservation Areas that include a minimum of 80% of the special status plant populations and sensitive habitat identified on-site and that those Areas are identified prior to project approval, and that they are permanently preserved through an enforceable restriction within 90 days of project approval (if granted). Relocation of special-status plants is not included as part of the project as proposed or mitigated. As stated in the language of that Mitigation Measure, the clearing limits and vineyard boundaries will be clearly demarcated with construction flagging or fencing and approved by the County prior to commencement of earthmoving activities associated with the project. It is the plan preparer's responsibility to provide oversight of vineyard development and winterization activities, pursuant to NCC Section 18.108135. Included in **Mitigation Measure BR-1** is a requirement that, should special-status plants/populations be inadvertently removed as a result of vineyard development, a replacement plan that includes a 2:1 replacement ratio shall be prepared by a qualified biologist for review and approval by the County. Further, pursuant to NCC Section 18.108.135(E), the project shall be subject to inspection by the county each winter following project initiation until the project has been completed and stable for three years. Following final inspection at the end of that period, the project will be included with all erosion control plans that have received final inspection and potentially subject to a random inspection according to NCC Section 18.108.135(E)(2). If there is evidence that the project is not functioning properly or is ineffective at approved erosion control and mitigations, the County will require remedial actions by the owner and plan preparer, at the cost of the owner. The County does not have an agreement with California Native Plant Society, or any other group outside of Napa County Resource Conservation District, to perform inspections or monitoring activities. Monitoring of special status plants by any group

outside of the County (or CDFW, if required) would be at the onus and responsibility of the property owner.

Response to Comment 1.7:

The Biological Resources Reconnaissance Survey Reports (WRA, **Exhibits B-1 through B-3**) were prepared in accordance with the County-approved Guidelines, which can be found on the County's Conservation Division website. The Guidelines require that reconnaissance surveys are conducted in order, in part, "to determine what additional protocol-level wildlife and botanical surveys, if any, are needed to determine the presence of special-status animals and plants." The field survey protocol and reporting guidelines require detailed descriptions of all special-status animals and plants known to occur in the area and whether habitat (including nests, dens, burrows, etc.) exists or if any of the species were observed on site. If warranted, the Guidelines require that the Report include recommended additional focused species-specific surveys needed to determine the presence and/or impacts to any special status plant or animal species that may be affected by the proposed project. The Reports did not identify any need for focused species-specific surveys, except for the bat habitat assessment to identify suitable bat habitat trees within the project area prior to tree removal; this recommendation was incorporated into **Mitigation Measure BR-2**. Regarding frogs or other amphibians, Table C in Appendix C of the Biological Resources Reconnaissance Survey Report details the list of all special-status species having the potential to occur on the project parcels, including reptiles and amphibians. As reported in that table, there were no frogs or other amphibians or reptiles present on site, and there were no further recommendations for focused assessments. The Guidelines do not require a count or inventory of number of individuals within the species list that were observed on site.

Regarding wildlife utilization of the Preservation Areas, the project was designed to avoid 80% of special status plant populations identified in the biologist reports found in Exhibits B-1 through B-3. Some of the avoided populations are adjacent to similar habitat and permanently preserved special-status plant populations in neighboring parcels to the south (as detailed in **Section IV, Biological Resources**, of the Proposed IS/MND). Additionally, the project as designed and as mitigated would permanently preserve those areas that also constitute a north-south wildlife corridor contiguous with those preserved areas to the south, which continue through the project parcels to the north. Monitoring the utilization of the Preservation Areas is not required or proposed.

Response to Comment 1.8:

Potential impacts due to the use of pesticides and herbicides were analyzed in **Section IX, Hazards and Hazardous Materials**, and found to be less than significant. As discussed in this Section, the Natural Resource Conservation Service (NCRS) recommends a minimum 50-foot-wide vegetated buffer from aquatic resources because under most conditions it is generally an adequate buffer width to provide enough vegetation to effectively entrap and filter chemicals, nutrients and sediment. The proposed new vineyard areas adjacent to the blue line stream (Block 15) are setback from the blue line stream consistent with County stream setback requirements found in NCC Section 18.108.025, which are based on the slope of the land from top of bank. The new vineyard in this Block is set back from the blue line stream by a distance ranging from 55 feet to 65 feet.

Regarding the area within Block 15 proposed for replanting, the vineyard has been in operation in that established footprint since before 1993. Because the proposed project is limited to an area that has historically been used for vineyard, the replant is not anticipated to have a significant impact due to past or proposed agricultural use. An analysis of proposed hazardous materials associated with vineyard operations is provided in **Section IX(a)** of the Proposed IS/MND. Conditions of Approval are included in the Proposed IS/MND and will be adopted as part of project approval, if granted, pursuant to California Public Resources Code Section 21081.6, which will further avoid or minimize impacts due to the use of hazardous materials. No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary.

Response to Comment 1.9:

Please refer to Mitigation Measure BR-2 in **Section IV, Biological Resources**, which details the required measures to protect bats from impacts related to tree removal. The language of **Mitigation Measure BR-2** is based on the recommendations of the qualified professional biologist, as found in **Exhibit B-1** of the Proposed IS/MND. As discussed in **Response to Comment 1.3**, it is not an explicit requirement that the same biologist team be employed to perform the preconstruction surveys as required by **Mitigation Measures BR-2** and **BR-3**. It is the responsibility of the Owner/Permittee to retain a biologist, and to select a qualified biologist consistent with County requirements; however, Permittees typically employ the same biologist team already familiar with the vegetation communities, plant and wildlife species within and around the project area.

The Napa County Conservation Division is the entity which oversees the mitigations. Once the public review period has concluded and the response to comments have been drafted staff will prepare the approval documents which includes the preparation of a Mitigation and Monitoring Reporting Plan (MMRP). This MMRP breaks down the required mitigation measures into actions and notes when said action needs to be implemented and by whom. County staff will work with the plan preparer and property owner and track as the required mitigations are implemented and overseen. Depending on the species or time when the work is proposed surveys may or may not be required. Reports or surveys or plans from a biologist also vary depending on the specific mitigation, any surveys or reports or plans required are sent to the assigned County Planner and are then reviewed and saved to the project file. Any required surveys need to be prepared in accordance with the required Condition of Approval or Mitigation Measure prior to project implementation, or as when noted as being required in the MMRP, some COAs and mitigations require monitoring a different time of the years and during different parts of the project implementation (these vary project to project).

Regarding relocation of any potential bats within any trees identified during the bat habitat assessment, if tree removal would occur during the period of time outside of seasonal bat activity (refer to **Mitigation Measure BR-1**): as required by and detailed in **Mitigation Measure BR-4**, a total of 31.2 acres of oak woodland and coniferous forest would be permanently preserved from future development prior to any vegetation removal or earthmoving activities. Relative to the 10.4 acres of oak woodland and coniferous forest that would be removed as a result of the project (if approved), which may or may not contain bat habitat, in addition to the woodland within the protected setbacks of the blue line and intermittent stream, the amount of woodland that may include potentially suitable habitat for bats remains plentiful on site for their relocation.

Regarding the commenter's question about why a targeted bat assessment was not performed, refer to **Response to Comment 1.7**, above, that details the requirements for preparation of Biological Resources Reconnaissance Reports.

Response to Comment 1.10:

It is the responsibility of the Permittee or their representative to contract with companies for project development, including tree removal. Training for subcontractors on bat identification is not required; however, as detailed in **Mitigation Measure BR-2**, for tree removal occurring outside of periods of seasonal bat activity, a qualified professional biologist shall perform a targeted bat assessment within the project area. A copy of the results will be submitted to the County and CDFW prior to any vegetation removal, and if present, the measures detailed shall be followed according to the Mitigation Monitoring and Reporting Program (refer to **Response to Comment 1.9**, above).

Response to Comment 1.11:

Refer to the procedures related to the Mitigation Monitoring and Reporting Program as detailed in **Response to Comment 1.9**, above.

Response to Comment 1.12:

Refer to **Response to Comment 1.7**, above, regarding the County's Guidelines for preparation of Biological Resources Reconnaissance Reports. A targeted bird study or inventory, either to establish baseline or for future counts, was neither required of the biologist, nor recommended by the biologist in the Biological Resources Reconnaissance Report (**Exhibit B-1**).

Response to Comment 1.13

Refer to **Mitigation Measure BR-3** in the Proposed IS/MND, which requires that, for project activities within the bird breeding or nesting season, a preconstruction survey of the project area and surrounding trees be performed by a qualified biologist to identify any potential nesting activity, and that, if nests or nesting activity is identified in the survey, those habitat trees and an appropriate exclusion buffer be established in consultation with CDFW and avoided by the project development activities until young have fledged the nest. It is the responsibility of the qualified professional biologist, the Permittee, the plan preparer and the County to ensure that the mitigation measures required as conditions of approval are complied with; refer to **Response to Comment 1.9** regarding Mitigation Monitoring and Reporting Program.

Response to Comment 1.14

Refer to **Response to Comment 1.7**, above, regarding the County's Guidelines for preparation of Biological Resources Reconnaissance Reports. A targeted bird study or inventory, either to establish baseline or for future counts, was neither required of the biologist, nor recommended by the biologist in the Biological Resources Reconnaissance Report (**Exhibit B-1**).

Response to Comment 1.15

The County does not have any set standards on what is considered “excessive” off-road vehicle use; the deed restrictions does allow for use of the preservation areas as detailed in the standard deed restriction language referenced in **Response to Comment 1.5**, provided work done within the preservation area meets with these provisions and does result in increased soil erosion then it is permitted.

Response to Comment 1.16

As discussed in **Section IV, Biological Resources**, of the Proposed IS/MND, the Napa County Conservation Regulations requires replacement of trees removed inadvertently shall be replaced at a 2:1 ratio in accordance with NCC Section 18.108.100 (Erosion hazard prevention – Vegetation preservation and replacement). In some cases, certain species (e.g., Valley oak trees) or location of trees (e.g., in riparian oak woodland or stream setback area) result in replacement ratios higher than 2:1, which is determined on a case-by-case basis.

As discussed in **Response to Comment 1.9**, above, the County monitors the implementation of the project pursuant to the MMRP and approved ECP. During winterization inspections and prior to finaling the permit, the County ensures that all mitigation measures have been met according to the MMRP, including the requirement of 80% survival rate of any replacement trees. The County maintains records of inspections to ensure that the projects have been installed and are operating according to the conditions of approval of a project. If it is discovered that trees were removed that were not part of the approved erosion control plan, a correction notice would be issued, and a restoration plan shall be prepared and implemented following County approval. The restoration plan would require annual inspections until the close of the required period as detailed in the Mitigation Measure and subsequent MMRP. No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary.

Response to Comment 1.17

There are no known plans for additional new development on the property beyond what is proposed in the subject erosion control plan #P20-00205-ECPA. As detailed in **Section IV, Biological Resources**, of the Proposed IS/MND and in **Mitigation Measure BR-4** and Figure A-1 of **Exhibit B-3**, following implementation of the project as proposed and mitigated (if approved), all but one acre of the remaining oak woodland and coniferous forest on land eligible for development on the project property (including both parcels) would be placed in a deed restriction or other means of permanent protection. Further, the chamise chaparral habitat and land containing special status plants and their habitat would be similarly permanently protected as detailed by **Mitigation Measure BR-1** and as identified on Figure A-2 of **Exhibit B-3**. Any future new or expanded development proposals would be required to comply with the Mitigation Measures and deed restrictions (or other similar enforceable protection) for the permanently protected Preservation Areas. As detailed in **Section IV(d), Biological Resources**, the permanently preserved habitats would enable larger wildlife movement through the parcels and connecting to adjacent parcels.

Response to Comment 1.18

Cumulative impacts are analyzed as part of each section of the Proposed IS/MND, as well as in **Section XXI, Mandatory Findings of Significance**.

As discussed in **Section IV, Biological Resources**, and in **Response to Comment 1.17**, wildlife corridors would be maintained through the project property.

Comment #2 California Department of Fish and Wildlife (Attachment 2)

Response to Comment 2.1:

As referenced in **Section IV, Biological Resources**, and specifically on page 12 of the Biological Resources Reconnaissance Survey Report (WRA, 2020 – **Exhibit B-1**) of the Proposed IS/MND, the protocol-level “field surveys were performed in 2017 and 2019 were performed in accordance with those outlined by Napa County (2016b), which follow those described by resource experts and agencies (CNPS 2001, CDFW 2018b, USFWS 1996).” Follow-up surveys were conducted on November 11, 2020 (**Exhibit B-2**) and focused on proposed Block 17 (where the majority of special-status plants were proposed within and adjacent to the proposed development area) on April 15 and June 19, 2022 (**Exhibit B-3**). Appendix E of the BRRS (**Exhibit B-1**) identifies the qualifications of the project biologists, who have a combined total of 44 years of experience performing botanical assessments, rare plant surveys, and vegetation mapping, etc.

Per email communication with the project biologist dated October 6, 2023 (enclosed), the primary surveyor (Aaron Arthur) performed site visits on other parcels closer to the north side of Lake Hennessey that included positive identification of Clara Hunt’s milk-vetch on March 31, 2017 and April 9, 2019. However, during the 2017 and 2022 protocol-level botanical surveys (which occurred during the blooming period of this species), the plant was assessed as having potential to occur on-site, was specifically looked for and not observed, and no further actions were recommended for the species), as stated on page 17 and C-3 of the BRRS (**Exhibit B-1**).

Response to Comment 2.2:

The comment references the CDFW-designated sensitive natural community list found at <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities> which has a publication date of June 1, 2023. The mitigation measure recommended in the comment letter would require permanent preservation of the same habitat type that is equal to or higher quality than the habitat that would be permanently impacted at a minimum 3:1 mitigation to impact ratio for the acreage impacted.

The BRRS (WRA, 2020 - **Exhibit B-1**) identifies that the Study Area including the project development area, includes chamise chaparral (*Adenostoma fasciculatum* Shrubland Alliance) with a CDFW rank of G5 S5, indicating it can be a sensitive alliance that is “common, secure, abundant widespread.” The BRRS identifies that the chamise chaparral present on site is dominated by chamise with leather oak (*Quercus durata*) as an associated species, which was not considered sensitive by Napa County, CDFW or any other regulatory entity at time of report preparation (BRRS, pp 13-14, **Exhibit B-1**). As detailed in **Section IV, Biological Resources**, of the Proposed IS/MND, the project, as proposed, would avoid 80% of this habitat,

as it is known to be suitable habitat for observed special status plant populations, and therefore considered sensitive by the County. Further, as mitigated by **Mitigation Measure BR-1**, the remaining chamise chaparral habitat on site (80% of what is currently present, or 22 acres of the existing 27.5 acres – Table 5 on page 13 of the Proposed IS/MND) would be permanently preserved in a deed restriction or similar enforceable restriction from development. The permanent preservation of 22 acres of chamise chaparral habitat relative to the proposed removal of 5.5 acres more than meets the 3:1 mitigation to impact ratio recommended by the commenter; no further action is warranted.

Response to Comment 2.3: Comment noted. The CDFW recommendation to submit to the California Natural Diversity Database reports of any special-status species and natural communities detected during project pre-construction surveys shall be included as a condition of approval, should the project be approved:

Wildlife Survey Reporting Condition – The permittee shall use its best efforts to submit any reports of special-status species and natural communities detected during project pre-construction surveys to the California Natural Diversity Database.

Response to Comment 2.4: 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.

Comment #3 California Native Plant Society, Napa Valley Chapter (Attachment 3)

Response to Comment 3.1:

Comment noted. As discussed in **Section IV, Biological Resources**, and in **Mitigation Measure BR-1** of the Proposed IS/MND, a deed restriction or other means of permanent preservation shall be recorded within 90 days of project approval (if granted) and prior to any project development activities, which would permanently protect the Special Status Plant Species Preservation Areas identified in the Proposed IS/MND and in **Exhibits B-1 through B-3**.

Response to Comment 3.2:

Refer to **Response to Comment 2.1** regarding qualifications of the project biologists and survey protocols. The botanical surveys were consistent with the standards of the region (including Napa County and CDFW), and timed specifically to detect special status plant species in this region. No substantial evidence was offered to warrant a re-analysis of the potential impacts on unidentified special status plant species; therefore, no further action is required.

Response to Comment 3.3:

Comment noted. There is potential that the “island” within proposed Block 17 would be cut off from some animal species; however, as proposed and conditioned in **Section IV, Biological Resources**, of the Proposed IS/MND, the wildlife exclusion fencing will have gaps large enough to allow small creatures to pass through. While access to island may be limited for some species, there was no substantial evidence offered that potentially significant impacts would result; therefore, no further action is required.

Response to Comment 3.4:

The commenter references Pine-Oak Woodland; the project area and parcel contains Foothill pine woodland, a vegetation community that is not protected by CDFW or Napa County code and policies, except as it relates to the inclusion of “coniferous forest” in the definition of vegetation canopy cover in NCC Section 18.108.020. The analysis was consistent with the requirements of CEQA, and, while 78% of the habitat would be removed, the magnitude is distorted by the high percentage; the total acreage of Foothill pine woodland on the project property is 1.8 acres surrounded by interior live oak woodland. The project, as proposed and mitigated, is consistent with the relevant requirements of CEQA and Napa County policies and code regulations. No substantial evidence was offered to warrant a re-analysis of the potential impacts on unidentified special status plant species; therefore, no further action is required.

List of Attachments

Attachment 1 – Yvonne Baginski letter dated September 6, 2023.

Attachment 2 – California Department of Fish and Wildlife letter dated September 8, 2023.

Attachment 3 – California Native Plant Society – Napa Valley Chapter letter dated August 24, 2023

Attachment 4 – Email correspondence with Project Biologist (WRA, Inc) dated October 6, 2023.

ATTACHMENT 1
Yvonne Baginski

From: [Yvonne Baginski](#)
To: [Arifian, Pamela](#)
Subject: Fwd: Pritchard Hill Properties, LLC Vineyard Expansion
Date: Wednesday, September 6, 2023 1:19:48 PM
Attachments: [Response to Project Revision Statement.docx](#)

[External Email - Use Caution]

Attached

----- Forwarded message -----

From: **Yvonne Baginski** <yvonnebaginski@gmail.com>
Date: Wed, Sep 6, 2023 at 1:15 PM
Subject: Pritchard Hill Properties, LLC Vineyard Expansion
To: Pamela Arifian <pamela.arifian@countyofnapa.org>

Hi Pamela.

I've attached my comments on this property. I drove up there today to take a look. It is up a very steep, windy private driveway. And, on the north side of the mountain. In fact, there's a number of very large vineyards stripping away at all the woodlands in the vicinity, thought it is mostly woodland on the way up the hill. Where the vineyard is planned, it looks like it's out of sight, out of mind. Does the fact that it's out of "scenic" view and the public won't see any of it contribute any more viability to this sort of vineyard.? Would there be more restrictions if it was in public view? Just wondering. .

1.1

586 trees is a lot of trees to destroy for another vineyard.

Thank you for all you do.

Yvonne Baginski.

Response to Project Revision Statement
Pritchard Hill Properties LLC Vineyard Conversion
Agricultural Erosion Control Plan #P2000205-ECPA

From Yvonne Baginski, yvonnebaginski@gmail.com

This is my response to the Pritchard Hill Agricultural Erosion Control Plan.

- All of this property is sloped. Slopes range from 8-30% . 587 trees will be removed, including 450 live oak, blue oak and black oak. 70 foothill pine and 67 California laurel, madrone, manzanita and olive. How many trees are over 30 inches, or over 100 years old. Can any of these be tagged and saved? | 1.2
- Mitigation Measure BR-1.
1. Please define "qualified" biologist. Will the biologist be an employee/contractor of WRA, Inc.? If so, could it be said that this might be a conflict of interest? At whose expense does the biologist operate? | 1.3
2. Could the qualified biologist be a person not affiliated/hired by the vineyard developer? Is this a consideration? |
3. Will the laborers cutting down the trees/bulldozing, etc., be trained in identifying and preserving sensitive wildlife, plants and habitats? If not, could you make that a condition of the project? | 1.4
4. The area to be preserved cannot be fenced, or wildlife will not be able to access. How will it be protected from human intervention? |
5. The revised control plan does not include an update of the Vineyard Fencing plan. This new plan included the requirement of a six inch square base. It is not stated as such in the revised plan. Also, if it's added, the measurements of how many new feet of fencing needs to be included. Wildlife exclusion fencing is a deterrent to all wildlife and especially destructive to their habitat and movement. Please consider banning deer guards altogether. This vineyard is a direct encroachment on wildlife habitat. | 1.5
6. How will the preserved areas (where the special status plants are relocated) be irrigated? Monitored? Reporting body? What, specifically, are the enforceable actions? Can the Napa Native Plant Society be the monitors? | 1.6
7. There is no count or inventory of wildlife currently seen on or using the property for habitat, nesting, food, etc. No wildlife study was conducted. Why not? How will wildlife utilization of the conservation area be monitored? There are two streams on the property, are there threatened frogs or other amphibians on the property? | 1.7

8. How will pesticides/herbicides be stopped from leaching into the blue line stream heading towards the Hennessey watershed? | 1.8

Mitigation BR-2

1. Re: the bat habitat for tree removal. Please define exactly how this will be accomplished. Again, will the biologist be an employee/contractor of WRA? Bats are most often seen at dusk, and difficult to follow. How will this be monitored? Are there other habitats nearby so that the bats are able to relocate? Why has a targeted bat assessment not been performed? | 1.9
2. Please identify the tree removal company with bat identification expertise. Will the treecutters/laborers, received training in wildlife identification? | 1.10
3. How will the success/failure of bat removal/relocation be measured? | 1.11

Mitigation BR-3

1. Why wasn't a bird wildlife survey completed? Especially during migration and nesting periods. Is it possible to target a bird study/inventory to establish a baseline so that future counts could be compared? | 1.12
2. (d) Could a site visit by CDFW be required if nesting birds are discovered? Can enforcement be specified if nesting birds are discovered and not reported? | 1.13
3. Why isn't there a survey required of amphibians or other stream-needing animals on this site? | 1.14

Mitigation BR-4

1. (a) Please be specific in defining "excessive" off road vehicle use. | 1.15
2. (d) why is the ratio of tree replacement 2:1 when other mitigations considered by the planning dept. measure require 5:1 on trees. An 80 percent survival rate over a three year period? Does the county maintain records of whether this actually occurs and how it is monitored? Why not a five year period? | 1.16

With all this information, the question is whether the remaining acreage of this property owner is also slated for development, and if so, what is the timeline? Are the contiguous corridors for wildlife between the sites/vineyards/housing, etc? | 1.17

Please indicate the cumulative impact of this proposed vineyard clearing on the area at large. It is already impacted by several hundred acres of vineyard clearing. With this area cleared, please show us where you expect the wildlife to re=locate? | 1.18

Thank you.

Yvonne Bagiinski

ATTACHMENT 2

California Department of Fish and Wildlife



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



CDFW
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September 8, 2023

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 to 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
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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.

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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

2.1

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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.

2.1
cont'd

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

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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)

2.2

2.3

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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).

2.4

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:

877E9A6211EF486
**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)

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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>

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<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>		
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ATTACHMENT 3
California Native Plant Society
Napa Valley Chapter

NAPA VALLEY CHAPTER
CALIFORNIA NATIVE PLANT SOCIETY

2201 IMOLA AVENUE • NAPA, CA 94559-3600 • 707-253-2665



August 24, 2023

Napa County Conservation, Planning Department
Attn: Pam Arifian
1195 Third Street, Second Floor
Napa, CA 94559-3092

Re: Pritchard Hill P20-00295-ECPA; Vineyard Conversion Environmental Review – P20-00205-ECPA

Project files have been reviewed by the Napa Valley Chapter of The California Native Plant Society regarding the applicant’s proposal to develop an additional 23 gross acres of vineyard on property south of Lake Hennessey. We hereby submit the following comments on the environmental analysis and proposed project modifications. This project appears to have incorporated pertinent county regulations for retention and setbacks of various vegetation forest plant communities and special status plant species. We applaud the enforcement of those regulations. We strongly support the implementation of an enforceable deed restriction of conservation mitigation easement to restrict further habitat conversion.

3.1

We would like to offer comments regarding three issues. Botanical surveys were conducted during a narrow window in spring with a two-month gap extending into June. Although the surveys appear to have been thoroughly conducted on the survey dates, County Guidelines for surveys and CDFW Guidelines require surveys to cover the floristic season “throughout the growing season ... to accurately determine what plants exist on the site”. A two-month gap in spring leaves open the opportunity to miss some annual species particularly special status species or locally rare species that may not be expected due to incomplete documentation of ranges.

3.2

A second issue is in regards to isolation of a forest community in Block 17 of the vineyard design. Some animal species that provide ecological services to this plant community may no longer be able to reach this island, potentially leading to long term degradation of the ecological system.

3.3

Finally, Pine-Oak Woodland is perhaps not on the list of sensitive plant communities but this vegetation type is particularly species diverse on volcanic soils on this part of the Napa Range but the current project design permits 78% removal of this vegetation type. We hope you will give some further consideration to these matters.

3.4

Jake Ruygt Conservation Chairman
Napa Valley Chapter - CNPS

ATTACHMENT 4

Email Correspondence with Project Biologist (WRA)

From: [Jason Yakich](#)
To: [Arifian, Pamela](#)
Cc: [Mike Muelrath](#)
Subject: Re: Brand/Pritchard Hill Comments
Date: Friday, October 6, 2023 2:16:35 PM

[External Email - Use Caution]

Correct, the reference observations of the milk-vetch were at other sites, as is typical of reference visits. (If they were from the focal property we would have included them in reporting.) In this case the observations in both years were near Lake Hennessey and thus presumably of one of the populations referenced by CDFW in its comment letter.

They were not mentioned in the original report and we usually don't include them in reporting, though that approach may warrant review.

Let me know if you have any other questions.

Jason Yakich
Senior Biologist

yakich@wra-ca.com
Direct 415.524.7548 | Cell 415.202.3166

On Fri, Oct 6, 2023 at 1:16 PM Arifian, Pamela <pamela.arifian@countyofnapa.org> wrote:

Thanks Jason – Am I understanding correctly that the milk vetch field visits that Aaron performed were on other parcels that contained the plant? Is the info regarding the reference visits in the report somewhere? I didn't see it.

From: Jason Yakich <yakich@wra-ca.com>
Sent: Friday, October 6, 2023 11:59 AM
To: Arifian, Pamela <pamela.arifian@countyofnapa.org>
Cc: Mike Muelrath <mike@appliedcivil.com>
Subject: Re: Brand/Pritchard Hill Comments

[External Email - Use Caution]

Hi Pam-

Regarding reference site visits, WRA plant biologist Aaron Arthur (plant survey lead for this project) performed such field visits that included positive identification of Clara Hunt's milk-vetch on March 31, 2017, and on April 9, 2019.

Some other clarifications (you may not need to include all of this information):

- The 2017 effort was a protocol-level survey with multiple site visits in March, April and June to support the BRRS. Clara Hunt's milk-vetch was assessed as having the potential to occur on-site, was specifically looked for, and not observed.

- The Oct. 2019 survey occurred outside of the blooming period for the milk-vetch; this was not a protocol-level plant survey but rather focused on updating our mapping for holly-leaved ceanothus (identifiable year-round).

- Similarly, the Nov. 2020 survey was not a protocol-level plant survey; the focus was mostly on documenting chaparral regeneration in the "new well" area.

- The 2022 surveys were proper botanical surveys of Block 17 only that occurred during the blooming period of the milk-vetch. The goal was to review the previous results given the length of time that had elapsed since the full surveys in 2017. No reference site visit for this species occurred that year, but the primary surveyor is familiar with the species (based in part on the reference visits) and it was not observed.

Let me know if you have more questions, or would like me to make direct edits.

Thanks and have a good weekend.

Jason Yakich
Senior Biologist