



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 11, 2024

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Governor's Office of Planning & Research

Apr 29 2024

STATE CLEARINGHOUSE

Subject: Red Dirt Grapes LLC., Vineyard Conversion #P22-00143-ECPA, Initial Study/Mitigated Negative Declaration, SCH No. 2024030142, Napa County

Dear Mr. Barrella:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Red Dirt Grapes LLC., Vineyard Conversion #P22-00143-ECPA (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the IS/MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project. According to the Office of Planning and Research State Clearing House (SCH) website, comments are due April 8, 2024, however on April 2, 2024, CDFW informed the County and SCH via email that the IS was not posted on SCH's website, and the County provided a copy of the IS to CDFW via email. Due to the posting error making the IS unavailable to CDFW until April 4, 2024, CDFW requested a restart of the 30-day comment period. We appreciate the County also indicating that it would accept CDFW comments after the public comment period.

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), the Lake and Streambed Alteration (LSA) 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: John Cassil, Red Dirt Grapes LLC

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.

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Objective: The Project involves the clearing of vegetation, earthmoving and land contouring, and installation and maintenance of erosion control measures associated with the development of approximately 29 gross acres of vineyard (i.e., development area, Project area, or clearing limits) with approximately 25.3 net planted acres, located on an approximate 55-acre holding (i.e., Project site or Project property). The Project also includes the construction of a new vineyard access road from the existing paved driveway on APN 032-030-070 (275 Long Ranch Road – Lands of Keller Yountville Vineyard LLC) to the Project area. There would be no transport of spoils off-site. New wildlife exclusion fencing would connect with existing fencing along the eastern side of the Project site to enclose the proposed vineyard. The Project includes the preservation of at least 70.5 acres in a deed restriction/mitigation easement with an organization such as a land trust.

Location: The Project area is located approximately 0.3 mile east of the terminus of Long Ranch Road, Napa County, California, 94558; Assessor Parcel Numbers 032-030-071 and 032-560-038; at approximately Latitude: 38.464472, Longitude: -122.3381.

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 and included in Attachment 1 Draft Mitigation Monitoring and Reporting Program, CDFW concludes that an MND is appropriate for the Project.

I. Environmental Setting and Mitigation Measure Related Impact Shortcomings

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 or animal?

COMMENT 1: Special-Status Plants, IS/MND Pages 12 to 18, Biological Resources Assessment

Issue: Project impacts to special-status plants are inconsistently described throughout the IS/MND and its attachments. The IS/MND states that holly-leaved ceanothus (*Ceanothus purpureus*, California Rare Plant Rank (CRPR) 1B.2); Sharsmith's western flax (*Hesperolinon sharsmithiae*, CRPR 1B.2); green monardella (*Monardella viridis*, CRPR 4.3), and Napa lomatium (*Lomatium repostum*, CRPR 1B.2) occur within the Project site, and that the Project would result in permanent impacts (removal) to these species. However, the quantification of impacts to the above special-status plants is inconsistent. For example, the IS/MND indicates that avoidance of the mitigation area would reduce impacts to the

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5.36 acres of Chamise Alliance containing the majority of on-site holly-leaved ceanothus by 2.8 acres (52 percent); and therefore total impacts to holly-leaved ceanothus would potentially be reduced from 0.71 acres to **0.35** acres (approx. 50 percent). This is reflected in Mitigation Measure (MM) BIO-1 Section d which includes language for the replacement of “*the 0.35 acres of holly-leaved ceanothus, and Sharsmith’s western flax and green monardella individuals at a 2:1 ratio removed because of the project.*” However, MM BIO-1 Section d also states that “*The Revegetation and Replacement Plan area shall encompass no less than 1.05-acres of Holly-leaved ceanothus planted at a density consistent with the calculations provided in Exhibit B-2, and 2700 individual Sharsmith’s western flax, and 1590 individual green monardella...*” Exhibit B-2 contains mixed computations including the determination that 0.71 acres of holly-leaved ceanothus would be impacted by the 28.39-acre Project site, a density which is inconsistent with the above impacts and mitigation ratio. Furthermore, the above mitigation ratio is inconsistent with those in Table 5 of the IS/MND as shown below:

- 1.05 acres of holly-leaved ceanothus replanting for 0.35 acres of impacts in the development area constitutes a mitigation ratio of **3:1**;
- 2,700 individual Sharsmith’s western flax planted for impacts to 1,800 individuals in the development area constitutes a mitigation ratio of **1.5:1**; and
- 1,590 individual green monardella planted for impacts to 1,060 individuals in the development area constitutes a mitigation ratio of **1.5:1**.

Additionally, it is unclear that the reduced impact to Chamise Alliance and holly-leaved ceanothus from the Mitigation Area would extend to the other special-status plants species listed above. For example, Figure 7 of the Biological Resources Assessment (BRA) shows Sharsmith’s western flax and green monardella both abundantly occurring within the Project boundary, and outside of the Mitigation Area (not shown). Thus, figures for impacts and replacement of plants in Table 5 do not appear to be accurate.

Specific impacts and why they may occur and be significant: Due to the inconsistency between MM BIO-1 and the impacts specified elsewhere in the IS/MND, figures, and exhibits, impacts to holly-leaved ceanothus and other special-status plants could be insufficiently mitigated. Further, a mitigation ratio of 2:1 is inadequate to reduce impacts to holly-leaved ceanothus to less-than-significant for the following reasons. CRPR 1B species are rare throughout their range and most have declined significantly over the last century. The majority are also endemic to California; holly-leaved ceanothus is limited in extent to the North Coast Range north of the Bay Area, mainly in Napa and Sonoma Counties according to the California Native Plant Society. (see: [https://calscape.org/loc-California/Ceanothus-purpureus-\(Hollyleaved-Ceanothus\)?srchcr=sc5fc6097462f24](https://calscape.org/loc-California/Ceanothus-purpureus-(Hollyleaved-Ceanothus)?srchcr=sc5fc6097462f24).) Many rare plants are key

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components of similarly impacted and declining ecosystems and the wildlife that inhabit them. Ceanothus for example is a plant genus known for its outsized ecological value, including numerous radiating services to pollinators and food webs at large. Holly-leaved ceanothus in particular hosts an estimated 57 species of moths and butterflies throughout its range ([https://calscape.org/Ceanothus-purpureus-\(Holly-leaved-Ceanothus\)](https://calscape.org/Ceanothus-purpureus-(Holly-leaved-Ceanothus))). As holly-leaved ceanothus is geographically limited in range and endemic to California, as well as rare throughout its range based on the 1B.2 ranking, CDFW concludes that it likely meets CEQA Guidelines section 15380 criteria, and the Project may substantially reduce the number or restrict the range of holly-leaved ceanothus, 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 holly-leaved ceanothus and other special-status plants listed above to less-than-significant, CDFW recommends incorporating the following mitigation measures into MM BIO-1:

1. At least 60 days prior to Project construction, a qualified biologist shall prepare a report that clearly and consistently describes, quantifies, and depicts on aerial-image based figures impacts to holly-leaved ceanothus and other special-status plants. The Project shall obtain CDFW's written acceptance of the above report prior to the start of Project construction; and
2. Prior to Project construction, the Project shall prepare a Habitat Mitigation and Replacement Plan (HMRP) incorporating a minimum 3:1 mitigation to impact ratio for special-status plants. The HMRP shall include: 1) a minimum of five years of monitoring, 2) control of invasive species and effective maintenance to ensure plantings achieve 80 percent success criteria, and 3) clarify that the HMRP shall be implemented within the habitat preservation area in MM BIO-1 Section c, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the HMRP prior to its implementation. The HMRP shall be implemented in the same year as Project construction.

Note that the above mitigation measures are in addition to the habitat preservation requirement in MM BIO-1 Section c. CDFW appreciates the County requiring the habitat preservation mitigation measure and as outlined above, seeks clarification on how it relates to the HMRP.

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

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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>.

ENVIRONMENTAL DOCUMENT FILING FEES

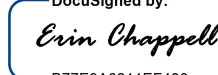
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental 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 IS/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 Nicholas Magnuson, Environmental Scientist, at (707) 815-4166 or Nicholas.Magnuson@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. 2024030142)

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
Incorporate into BIO-1	<ol style="list-style-type: none"> 1. At least 60 days prior to Project construction, a qualified biologist shall prepare a report that clearly and consistently describes, quantifies, and depicts on aerial-image based figures impacts to holly-leaved ceanothus and other special-status plants. The Project shall obtain CDFW’s written acceptance of the above report prior to the start of Project construction. 2. Prior to Project construction, the Project shall prepare a HMRP incorporating a minimum 3:1 mitigation to impact ratio for special-status plants. The HMRP shall include: 1) a minimum of five years of monitoring, 2) control of invasive species and effective maintenance to ensure plantings achieve 80 percent success criteria, and 3) clarify that the HMRP shall be implemented within the habitat preservation area in MM BIO-1 Section c, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW’s written acceptance of the HMRP prior to its implementation. The HMRP shall be implemented in the same year as Project construction. 	Prior to Ground Disturbance	Project Applicant