



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Brian D. Bordona
Director

To: Addison LaBlanc, City of Napa Utilities Department, 1700 Second Street, Suite #100, Napa CA 94559
Erin Chappell c/o Nicholas Magnuson, CDFW, 2825 Cordelia Road, Suite 100, Fairfield CA 94534
John Cassil, Red Dirt Grapes LLC., 9000 Cameron Parkway, Oklahoma City, OK 73114
Applied Civil Engineering, 2160 Jefferson Street. Suite #230, Napa CA 94559
State Clearinghouse

From: Donald Barrella

Subject: Response to Comments - Initial Study/Mitigated Negative Declaration
Red Dirt Grapes LLC., Vneyard Conversion
Agricultural Erosion Control Plan File #P22-00143-ECPA
approximately 0.3 mile east of the terminus of Long Ranch Road
APN 032-030-071^{SFAP} with 032-560-038^{SFAP}
SCH #2024030142

Date: May 2, 2024

Attached is a copy of the Response to Comments for the subject project. The report contains our responses to comments provided on the March 7, 2024, Initial Study/Mitigated Negative Declaration, which can also be accessed at <https://www.countyofnapa.org/2876/Current-Projects-Explorer>

The County could approve the Project on or after **Thursday May 2, 2024**.

Should you have any questions, please call Donald Barrella at 707-299-1338 or via e-mail to donald.barrella@countyofnapa.org

Respectfully,

Donald Barrella
Planner III

cc: Brian Bordona, Director PBES (via email)
Patrick Ryan, Deputy Director PBES (via email)
Dana Morrison, Supervising Planner (via email)
Laura Anderson, Deputy County Counsel (via email)



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Brian D. Bordona
Director

TO: Application File #P22-00143-ECPA

FROM: Donald Barrella, Planner III

DATE: May 2, 2024

RE: Response to Comments – Red Dirt Grapes LLC., Vineyard Conversion
Agricultural Erosion Control Plan (ECPA) #P22-00143-ECPA
Assessor’s Parcel Numbers 032-030-071^{SFAP} with 032-560-038^{SFAP}
SCH #2024030142

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 Red Dirt Grapes LLC., Vineyard Conversion #P22-00143-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 Red Dirt Grapes LLC., Vineyard Conversion Agricultural Erosion Control Plan #P22-00143-ECPA Proposed IS/MND, presents the name of the persons and organizations commenting on the Proposed IS/MND and responses to the received comments. This memorandum, in combination with the Proposed IS/MND, completes the Final IS/MND.

CEQA PROCESS

In accordance with Section 15073 of the CEQA Guidelines, Napa County submitted the Proposed IS/MND to the State Clearinghouse for a 30-day public review period starting March 7, 2024. In addition, Napa County circulated a Notice of Intent to Adopt the Proposed IS/MND to interested agencies, individuals, and property owners within 1000 feet of the subject property. The public review period ended on April 8, 2024. During the public review period, Napa County received one comments on the Proposed IS/MND, the County also receive a comment on April 11, 2024, that will also be responded to in this memorandum. Table 1 below lists the entities that submitted comments on the Proposed IS/MND. The comment letters are attached as identified in Table 1.

TABLE 1
COMMENTS RECEIVED ON THE PROPOSED IS/MND

Comment Attachment	From	Date Received
1	City of Napa Utilities Division	April 8, 2024
2	California Department of Fish and Wildlife (CDFW)	April 11, 2024

In accordance with CEQA Guidelines Section 15074(b), Napa County considers the Proposed IS/MND together with comments received, both during the public review process and before action on the project, prior to adopting the Proposed IS/MND and rendering a decision on the project. The CEQA Guidelines do not require the preparation of a response to comments for negative declarations; however, this memorandum responds to comments received. Based on review of the comments received no new potentially significant impacts beyond those identified in the Proposed IS/MND would occur, no new or additional mitigation measures, or project revisions, must be added to reduce impacts to a less than significant level, and none of the grounds for recirculation of the Proposed IS/MND as specified in State CEQA Guidelines Section 15073.5 have been identified. All potential impacts identified in the Proposed IS/MND were determined to be less-than-significant or less-than-significant with mitigation incorporated.

In response to the comments received, the applicant has made an adjustment to the project, increasing the setbacks from ephemeral streams to a 50-foot minimum, rather than a 35-foot minimum pursuant to NCC Section 18.108.025.

This Response to Comments Memorandum will also be provided to the owner/Permittee as **notice** of potential Local, State and Federal permits or agreements necessary to implement and/or operate this project, or other CEQA requirements including filing fees, as identified within the attached agency comment letter. Furthermore, project approval if granted shall be subject to conditions of approval requiring any and all such permits or agreements be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P22-00143-ECPA, and that the project shall be subject to any conditions and/or specifications of such permits or agreements.

RESPONSE TO COMMENTS

Comment #1 City of Napa Utilities Division (Attachment 1)

Response to Comment 1.1:

See Response to Comment #1.2 regarding the City's June 1, 2022, letter.

Regarding the Preservation Area and areas removed by mitigation, as indicated in the Proposed IS/MND (page 17, paragraph 1) **Mitigation Measure BIO-1** would remove 3.5-acres from the western-central portion of the project. The area removed through this mitigation measure would be incorporated into the overall Preservation Area identified in **Mitigation Measure BIO-1.c**. This measure, in conjunction with the adjacent non-project area located to the west within APN 032-030-071, would encompass approximately 7-acres. It presumed the commenter is referring to this overall in their comment. It is also presumed that the commenter is referring to the ephemeral streams adjacent to the mitigation area and the south-westerly property

boundary of APN 032-030-071, in that there are streams located along or adjacent to the south-easterly property boundary of APN 032-030-071.

Regarding Figure 4 (Mitigated Area) and the overall Preservation Area, as indicated in the Environmental Commitments Section of the Proposed IS/MND (page 2, paragraph 1), the project as proposed includes up to a 68.06-acre mitigation area for the retention and preservation of special-status plant species and associated habitat is included in the project (Figure 8 of **Exhibit B-1** of the Proposed IS/MND: Attached as **Exhibit 1**). As indicated above, the area removed via mitigation would be added to the Preservation Area resulting in an approximate 70.5-acre Preservation Area. However, based on mapping and calculations prepared by the project engineer (Mike Muelrath, RPE #67435, of Applied Civil Engineering Inc.) in preparing the Final Mitigated ECPA Plans, has identified the Project's proposed Preservation Area in conjunction with the area added through mitigation results in an approximate 68.1-acre Preservation Area.

As indicated in Section IV (Biological Resources) of the Proposed IS/MND, the acreages identified therein may slightly differ from acreages identified in the property's other various parcel and project reports and assessments, and associated CEQA disclosures/determinations due to the various mapping platforms, spatial characteristics, modeling data, and rounding utilized by the various preparers. Therefore, this minor reported acreage discrepancy does not materially affect the overall intent or coverage of the Preservation Area as disclosed and assessed in the Proposed IS/MND.

Furthermore, all areas shown in the Project's Preservation Area Figure, including the area removed by mitigation, will be preserved, regardless of the acreages identified through mapping prepared by the Project's Biologist (Montrose Environmental). Attached as **Exhibit 2** is the 'Mitigated Preservation Area' which shows that the extent of the Preservation Area is consistent with what was disclosed and analyzed in the Proposed IS/MND.

Because the Project's Mitigated Preservation Area (**Exhibit 2**) and associated acreage has been corroborated by the Project Engineer (Applied Civil Engineering) the County has determined this minor discrepancy does not affect the overall intent or coverage of the Preservation Area, and it does not result in any new potentially significant impacts, or that additional mitigation measures 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. As such **Mitigation Measure BIO-1.c** will identify the minimum acres of Preservation Area as confirmed by the Project Engineer.

The commentor is correct that the proposed access would also be removed through **Mitigation Measure BIO-1**, and access would be provided by the existing drive, which would further reduce vegetation removal.

Response to Comment 1.2:

In response to the City's comments, the owner/Permittee has redesigned the project to provide minimum 50-foot setbacks from ephemeral streams consistent with NRCS recommended buffers from aquatic resources, rather than a 35-foot minimum required by with NCC Section 18.108.025. This project revision is anticipated to provide additional vegetation to effectively entrap and filter sediments, and degrade chemicals and nutrients, and further reduce runoff to adjacent ephemeral streams because of the project.

Response to Comment 1.3:

Comment noted, no further response necessary.

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

Response to Comment 2.1:

See *Response to Comment #1.1* regarding the Preservation Area.

Response to Comment 2.2:

The commentor is correct that the replacement ratios are identified inconsistently for sensitive plant species being removed, and that the replacement ratio/acreage for holly-leaved ceanothus, as well as affected special-status plant species, is intended to be a 3:1 replacement ratio. This inconsistency could be in part due to the inadvertent removal of sensitive plants identified in **Mitigation Measure BIO-1.e**, the Vegetation Protection Condition of Approval on page 20 of the Proposed IS/MND, and various General Plan Policies that all identify a 2:1 ratio (CON-17e and CON-24c). The replacement for intentional/planned removal of sensitive plant species should be at a consistent ratio and was intended to be a 3:1 ratio.

To ensure that the mitigated project will continue to result in less than significant impacts to special-status plant species as disclosed in the Proposed IS/MND, the recommended additions and calculations requested by CDFW will be incorporated into **Mitigation Measure BIO-1**, as identified below, and will also be incorporated into the project's conditions of approval. New and additional text is shown by double underline and deleted text by ~~strikethrough~~.

Mitigation Measure BIO-1.c already includes the following requested provisions in the HMRP (Habitat Mitigation and Replacement Plan) that will occur in the Preservation Area: a minimum success criterion of 80%, and invasive species control. These provisions have been *italicized* in revised **Mitigation Measure BIO-1** (below) to add emphasis. This, in addition to the revisions to **Mitigation Measure BIO-1**, are also intended to clarify the relationship between the Preservation Area requirements and the HMRP.

Incorporation of these requested provisions into **Mitigation Measure BIO-1** would not change the original assessment and determination that the project would result in potentially significant impacts to special-status plant species and habitat requiring mitigation, and that the proposed mitigation would reduce potential impacts to a less than significant level. These additional and clarified provisions would further reduce mitigated impacts to special-status plant species and their habitat.

Further, the provisions and the additional language to **Mitigation Measure BIO-1** are consistent with the totality of **Mitigation Measure BIO-1** as currently written, and do not result in any new potentially significant impacts, and none of the grounds for recirculation of the Proposed IS/MND as specified in State CEQA Guidelines Section 15073.5 have been identified.

Mitigation Measure BIO-1: The owner/permittee shall implement the following measures to minimize potential impacts to special-status plant species (i.e., holly-leaved ceanothus, Sharsmith's western flax, Napa lomatium, and green monardella) and its habitat:

- a. Revise Erosion Control Plan #P22-00143-ECPA prior to approval to: i) modify/adjust the boundaries of Vineyard Block 1 consistent with the modified block configuration as detailed and shown in the Mitigated Project Map (**Figure 4 – Mitigated Project Area**), and ii) remove of the proposed access, resulting in an approximate 26.5 gross acre project.
- b. Revise #P22-00143-ECPA wildlife exclusion fencing layout to limit any new wildlife exclusion fencing to the periphery of development areas as modified by this mitigation measure.

- c. The owner/permittee shall implement the following measure to permanently preserve Sensitive Biotic Communities, and special-status plant species and associated habitat within the project site consistent with Policy CON-17 and with the biologist's recommendation. Revise Erosion Control Plan #P22-00143-ECPA prior to approval to identify a Preservation Area, totaling a minimum of ~~70.5~~68.1-acres of habitat that includes the site's Sensitive Biotic Communities and special-status plant species habitat, and the areas removed because of **Mitigation Measure BIO-1(a)**. The area shall be designated for preservation in a deed restriction, mitigation easement with an organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection acceptable to Napa County. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the preserved habitats (e.g., conversion to other land uses such as agriculture or urban development, and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The preservation areas shall be determined by the County or a qualified botanist/biologist: determinations by a qualified botanist/biologist shall be submitted to Napa County for review and approval prior to their incorporation into the ECPA. The owner/permittee shall record the deed restriction or mitigation easement within 90 days of the County's approval of #P22-00143-ECPA. In no case shall the erosion control plan be initiated until said deed restriction or mitigation easement is recorded.
- d. At least 60 days prior to Project construction (i.e. the commencement of vegetation removal or earth-disturbing activities), a qualified biologist shall prepare an updated Special-Status Plant Species 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 owner/permittee shall obtain CDFW's written acceptance of the Report and provide a copy of the Report and CDFW's acceptance to the County prior to the start of Project construction; and
- i. Prior to the commencement of vegetation removal or earth-disturbing activities associated with #P22-00143-ECPA, the owner/permittee shall submit to the County for review and approval a Special Status-Status Plant Species and Habitat Mitigation and Replacement Plan (HMRP) to replace the 0.35 acres of holly-leaved ceanothus habitat (i.e. Chamise Alliance) and individuals, and Sharsmith's western flax and green monardella individuals at a ~~2:1~~ 3:1 ratio removed ~~of~~ because of the project. Replacement planting shall be based on the Report prepared pursuant to Mitigation Measure BIO-1.d. The owner/permittee shall obtain CDFW's written acceptance of the HMRP prior to submittal to the County for review and approval. The HMRP shall be implemented the same year Project construction commences.
- ii. ~~The HMRP~~Revegetation and Replacement Plan area shall occur within the Preservation Area and encompass no less than 1.05-acres of Holly-leaved ceanothus planted at a 3:1 replacement ratio density consistent with the calculations provided in Exhibit B-2 and the Special-Status Plant Species Report, and ~~2700~~ replacement of individual Sharsmith's western flax and ~~1590 individual~~ green monardella, at a 3:1 ratio based on the Report, in areas suitable for establishment of these plant species as determined by a qualified biologist or restoration ecologist. ~~The HMRP~~Plan shall be prepared by a qualified biologist or restoration ecologist and include the following: i) a site plan showing the revegetation/replacement area of at least 1.05 acres for holly-leaved ceanothus and other areas/acreage for Sharsmith's western flax, and green monardella replacement, ii) also restores no less than 0.2 acres of Chamise Alliance *within the Preservation Area* as a result of the inadvertent removal of this alliance in the Spring of 2023, iii) a plant pallet

composed of Holly-leaved ceanothus, Sharsmith's western flax, and green monardella and other compatible native plant species common to the area, and includes planting densities and plant sizes and application rates, iv) planting notes and details including any recommended plant protection measures, v) *invasive species removal and management recommendations, specifications and goals*, vi) an implementation and monitoring schedule with a minimum of ~~three~~ five years of monitoring and that continues annually until success criteria is met, and vi) performance standards with a minimum *success rate of 80%* to ensure the success of re-vegetation and replacement efforts.

- e. In accordance with Napa County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) any special-status plants/populations inadvertently removed as part of development authorized under #P22-00143-ECPA shall be replaced on-site at a ratio of 2:1 at locations with similar habitat. For such removal a replacement plan shall be prepared by a qualified botanist or ecologist for review and approval by the Director prior to vineyard planting. At a minimum, the replacement plan shall include i) a site plan showing the locations where replacement plants will be planted, ii) a plant pallet composed the special-status plans specie(s) being removed including sizes and/or application rates, iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management specifications, v) an implementation and monitoring schedule, and vi) performance standards with a minimum success rate of 80% to ensure the success of re-vegetation efforts. Any replaced special-status plants shall be monitored for a period of at least three years to success criteria are met.

Response to Comment 2.3:

As stated in the CEQA Process Section above, this Response to Comments Memorandum and CDFW's comments will be provided to the owner/Permittee and Project Biologist (WRA Environmental Consultants) as **notice** of the CEQA requirements pursuant to Public Resources Code, § 21003(e) to report any special-status species and natural communities detected during Project surveys to the CNDDDB.

Response to Comment 2.4: The CDFW Environmental Filing Fee for a Mitigated Negative Declaration will be paid upon posting of the CEQA Notice of Determination for this project when acted on by the County.

List of Attachments:

Attachment 1 – City of Napa Utilities Department letter dated April 8, 2024

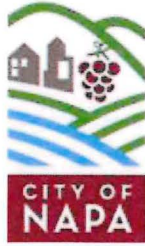
Attachment 2 – California Department of Fish and Wildlife letter dated April 11, 2024

List of Exhibits:

Exhibit 1 – Proposed Preservation Area

Exhibit 2 – Mitigated Preservation Area

Attachment 1



UTILITIES DEPARTMENT

WATER | ENGINEERING | SOLID WASTE

April 8, 2024

County of Napa
Planning, Building & Environmental Services
ATTN: Donald Barrella
1195 Third Street, Room 210
Napa, CA 94559-3092

Subject: Red Dirt Grapes Vineyard Conversion (#P22-00143-ECPA)
Terminus of Long Ranch Road: APNs: 032-030-071 & 032-560-038

Dear Donald Barrella:

The City of Napa Utilities Water Division has reviewed the above-mentioned project in regards to the notice of intent to adopt a mitigated negative declaration and hereby submits the comments below. These include safeguarding against an increase (by no more than one percent individually or ten percent cumulatively) of sediment and other pollutants (e.g., lifeline, nitrogen, magnesium, and sulfate) into the tributaries that feed Lake Hennessey Reservoir.

Section IV. Biological Resources:

As stated in our letter dated June 1, 2022, the City requested that the 0.95 cfs increase of stormwater runoff be mitigated for the 100-year event. The City will want to review the updated Erosion and Sediment Control Plan (ESCP) based on the requested Mitigation Measure BIO-1 a. and c. (page 17) which purports to establish 70.5-acre Preservation Area (page 16 paragraph 5). Additionally, Figure 4 indicates approximately 7-acres to be placed in that conservation area which would be directly adjacent to the ephemeral stream along the south easterly boundary of APN 032-030-071. The measures would also include removal of the 20' wide access road on the easterly side. These measures would increase setbacks and provide additional vegetation buffer for the stream.

↑
1.1
↓

Section IX. Hazards and Hazardous Materials:

Special attention should be directed to IMND page 31 regarding the Discussion a-b and the 35-foot setbacks provided for ephemeral streams discussed in paragraph 5. The NRCS recommended 50-foot vegetated buffer is not being met (paragraph 3), nor is the County setback of 65 feet required for 15-30% slopes per 18.108.025 of the Napa County Code. The City is requesting additional mitigation measures be implemented on the Northerly and Westerly

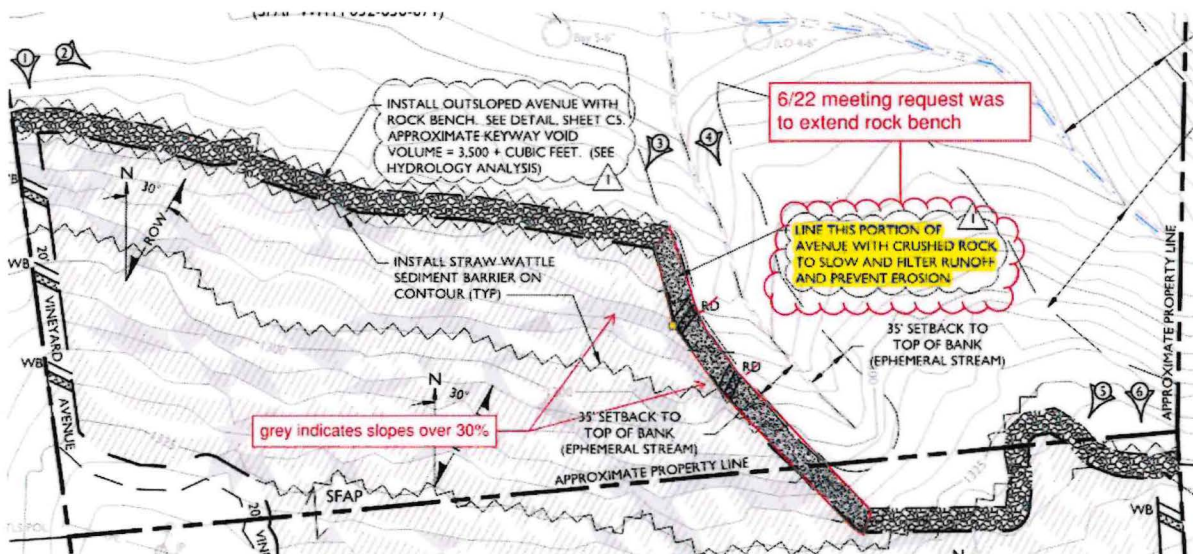
↑
1.2
↓

boundary by increasing the setback to a minimum of 50 feet from the ephemeral streams. While this stream is considered ephemeral, the City's WARMF model does demonstrate direct runoff can easily occur and previously requested the setback and additional rock benching on the entirety of the Northern property boundary in our letter dated June 1, 2022.

The statement on page 31, paragraph 5 of Discussion a-b should be removed in its entirety - "While the ephemeral stream setbacks are less than the buffers recommended by the NRCS, the adjustments to the northerly and westerly perimeter avenues by the applicant in cooperation with the City of Napa Water Division to address their runoff and water quality concerns, are anticipated to be protective of water quality."

Per the updated plan set, decomposed granite is currently being proposed between the rock benches running along the Northern property line. Exhibit A-1 shows several small areas along this boundary that exceed 30% and the design sheet C-4 includes rolling dips which would concentrate and direct flow towards the stream.

The included additional rock benching is bifurcated with areas of crushed rock which do not act to the same extent as a rock bench designed for water capture. Moreover, straw wattles are shown to transect the roadways which cannot be properly maintained if the roads are used for any type of vehicle traffic, as previously discussed in our June 1, 2022 letter. Wattles shall be continuous and follow the contours to allow collection towards rock benches. Newly established roads should include wattles along the new contour in addition to the 50-foot requested setback from the ephemeral streams.



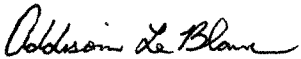
The City anticipates these additional measures will be protective of water quality if they meet NRCS recommended buffers, and the requirements of our previous letter submitted June 1, 2022 are fully addressed.

The City through its ongoing water quality monitoring program in conjunction with the County, monitors stream water quality. If water quality parameter changes are observed in exceedance of

the 1% individual and 10% cumulatively for developments within the sub-basin of Hennessey's protected watershed the City and County will work with property owners to update best management practices to protect downstream water quality.

Please contact me at 707-257-9918 if you have any questions or require additional information.

Respectfully,



Addison LeBlanc
Assistant Engineer

cc: Joy Eldredge, P.E. Deputy Utilities Director
Erin Kebbas, Water Quality Manager



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



April 11, 2024

Donald Barrella, Planner III
Napa County
1195 Third Street, Suite 210
Napa, CA 94559
Donald.Barrella@countyofnapa.org

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.

Donald Barrella
Napa County
April 11, 2024
Page 2

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



Donald Barrella
Napa County
April 11, 2024
Page 3

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

2.2 Cont.

Donald Barrella
Napa County
April 11, 2024
Page 4

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

2.2 Cont.
2.3

Donald Barrella
Napa County
April 11, 2024
Page 5

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>.

2.3 Cont.
2.4

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
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)

Donald Barrella
 Napa County
 April 11, 2024
 Page 6

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

Exhibit 1

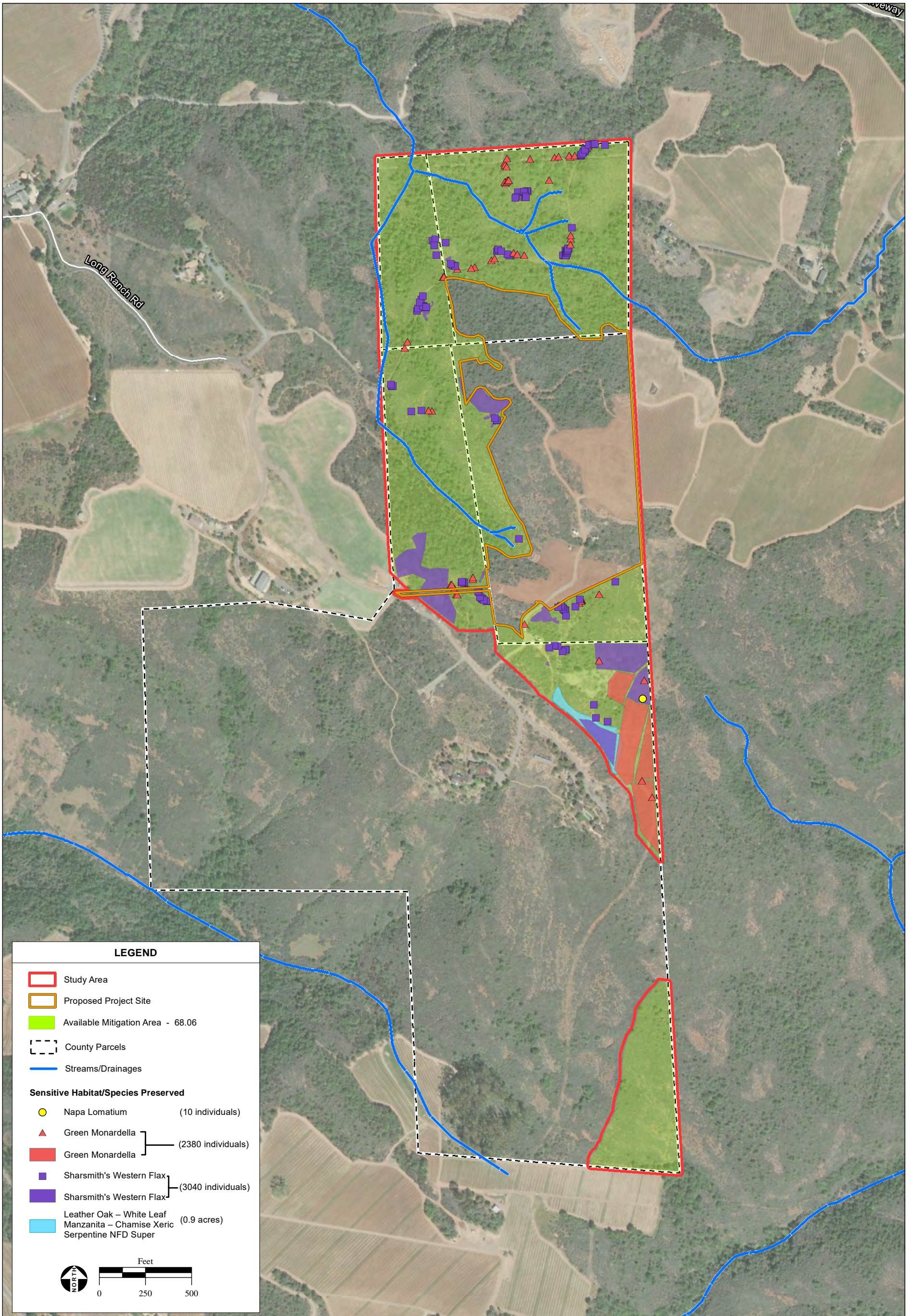
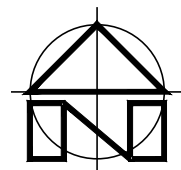
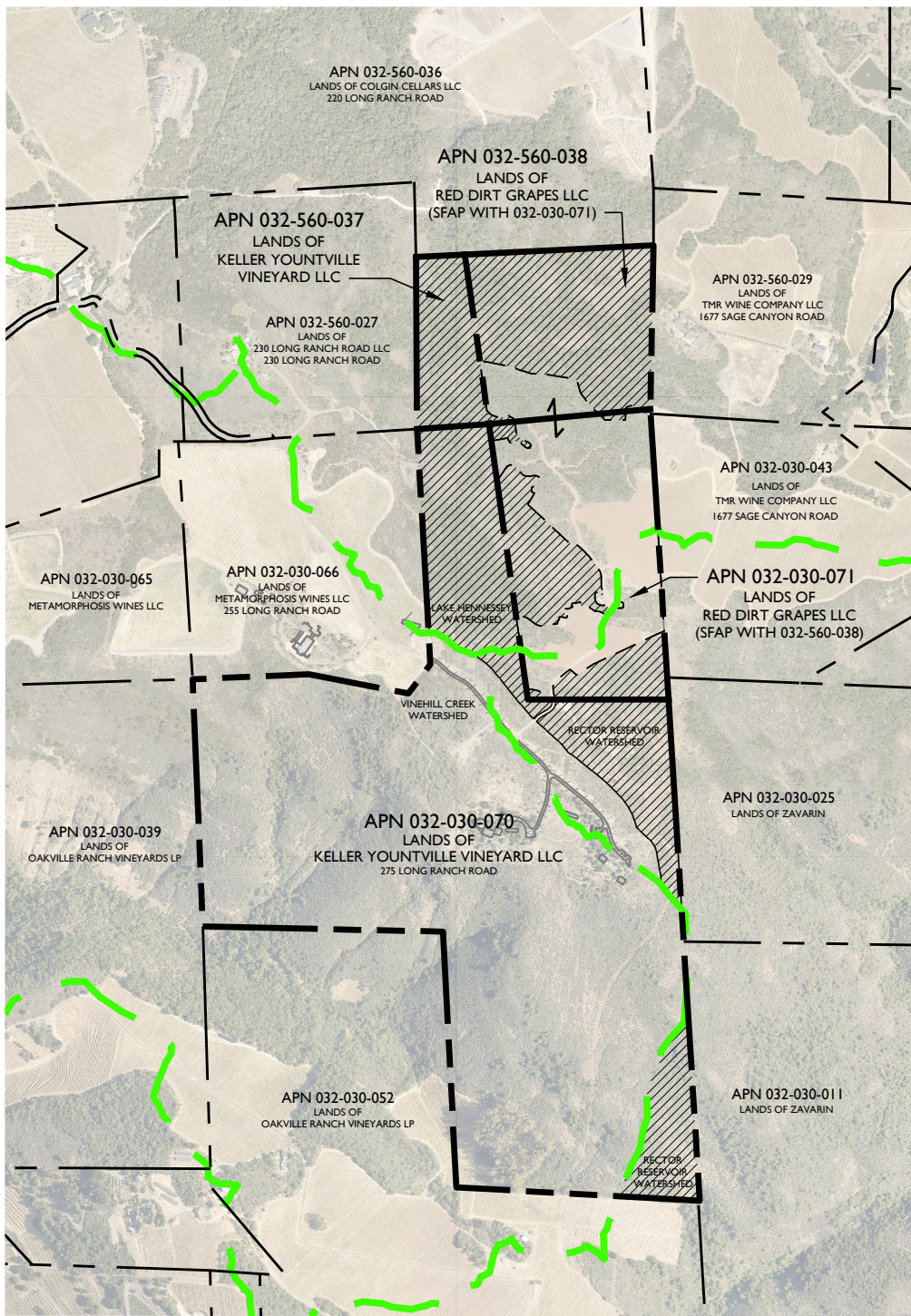





EXHIBIT "2"



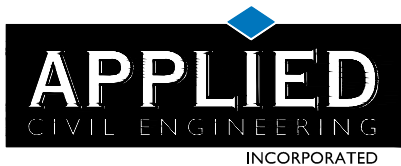
SCALE: 1" = 1,000'

LEGEND:

-  APPROXIMATE PROPERTY LINE
-  COUNTY DEFINED WATERSHED BOUNDARY
-  PRESERVATION AREA (68.1 ± AC)

PRESERVATION AREA EXHIBIT

SCALE: 1" = 1,000'



2160 Jefferson Street, Suite 230
Napa, CA 94559
(707) 320-4968 | www.appliedcivil.com

APN'S
032-560-038 & 032-030-071 (SFAP),
032-560-037 AND 032-030-070

JOB NO. 21-113

MARCH 2024