

State of California
Department of Fish and Wildlife



Memorandum

Date: April 29, 2020

Governor's Office of Planning & Research

To: Ms. Terry Ash
California Department of Veterans Affairs
Department of General Services
707 3rd Street, 4th Floor
West Sacramento, CA 95605

APR 29 2020

STATE CLEARINGHOUSE

DocuSigned by:
Gregg Erickson
Mr. Gregg Erickson, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Yountville Skilled Nursing Facility, Draft Environmental Impact Report, SCH #2019039077,
Town of Yountville, Napa County

California Department of Fish and Wildlife (CDFW) personnel have reviewed the draft Environmental Impact Report (EIR) for the Yountville Skilled Nursing Facility (Project). CDFW is submitting comments on the draft EIR to inform the California Department of General Services, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is submitting comments as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386, and is responsible for the conservation, protection, and management of the State's biological 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 Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

Environmental Setting

The Project site is located directly to the southwest of the Town of Yountville, on the west side of State Highway 29, at 260 California Drive, Napa County. The Project site is partially developed with buildings, paved roads, a cemetery, and a playfield. Site vegetation consists predominantly of oak woodland and other native tree species, as well as ornamental plantings and trees. There are two streams within the Project area, both of which are tributaries to Hopper Creek, thence the Napa River. Surrounding land use consists of vineyards to the north and south, Vintners Golf Club to the east, and undeveloped oak woodland forest to the west. Site topography includes gentle slopes from the southwest to the northeast corner of the property.

Project Description

The Project includes the construction of an approximately 285,000-square-foot skilled nursing facility and the demolition of approximately 40,000 square feet of existing buildings and associated structures and landscaping over an area of approximately 0.92 acres. Other Project-related improvements include site access, circulation, parking, new landscaping, utility improvements, and an upgrade to the existing water system, sanitary sewer system, electrical and communication system, gas service, and stormwater detention. As a result of the Project,

approximately 162 trees will be removed, predominantly consisting of ornamental species, coast live oak (*Quercus agrifolia*), coast redwood (*Sequoia sempervirens*), blue gum eucalyptus (*Eucalyptus globulus*), and valley oak (*Quercus lobata*).

Comments and Concerns

Foothill yellow-legged frog (FYLF; Rana boylei)

The Project area contains potential habitat for FYLF, a State Species of Special Concern, particularly within the two streams on the property. If FYLF is found during pre-construction surveys, Mitigation Measure BIO-1B (MM BIO-1B) will be implemented to reduce impacts to the species to less-than-significant, which includes the construction of wildlife exclusion fencing to keep FYLF from entering the Project area. While CDFW agrees with MM BIO-1B, it recommends the following revisions (additions shown in **bold**, deletions shown as ~~strikeout~~):

2) *Wildlife Exclusion Fence. In order to prevent FYLF from entering the project site during construction, a wildlife exclusion fence shall be placed around the entire site including all construction and staging areas. The fence shall be at least three feet tall and shall be entrenched three to six inches into the ground. **The top 4 to 6 inches shall be folded over to create a 90 degree angle (to prevent individuals from climbing over the fencing into the project area) and** Eescape funnels shall be included in the fence design so that wildlife species are able to vacate the project site prior to disturbance. **Additionally, wood cover boards shall be placed approximately every 50 feet on the project side of the fencing to provide protection for FYLF should they occur within the project area. Cover boards shall be propped up slightly (e.g. with a rock) to allow individuals to access the area underneath them. If feasible, areas underneath cover boards shall be moistened daily to prevent species desiccation.** A qualified biologist shall inspect the fence **and cover boards** daily prior to the start of work to ensure it is in good repair and functioning as intended to exclude FYLF.*

7) *FYLF Relocation. If an animal believed to be a FYLF is discovered on site, a qualified biologist shall determine if the animal is a special-status species, and, if so, shall **move the individual to a suitable location outside of the project site.** ~~contact CDFW to determine if moving the individual(s) is appropriate. If CDFW approves moving FYLF, the project proponent shall ensure the qualified biologist is given sufficient time to move the animals from the impact area before ground disturbance is initiated.~~ Only CDFW-approved biologists shall capture, handle, and move the foothill yellow-legged frog. The qualified biologist shall monitor any relocated frog until it is determined that it is not imperiled by predators or other dangers.*

Roosting bats

The draft EIR states that the proposed Project could impact roosting bats by removing suitable bat roosting habitat trees and buildings. Mitigation Measures BIO-3A through BIO-3D are proposed to reduce potential impacts on roosting bats to a level of less-than-significant. CDFW agrees with these measures but recommends that Mitigation Measure BIO-3D be replaced with the following measure:

If the qualified bat biologist discovers potential bat roosting habitat within any trees proposed for removal, such trees shall be clearly marked and shall be removed using a two-day phased method as follows: On day 1, under the supervision of a qualified bat

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biologist, all tree limbs not containing suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures) shall be removed using chainsaws only. The next day, the rest of the tree shall be removed. Removal of potential bat roosting habitat trees shall be limited to seasonal: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified bat biologist shall survey the trees to the extent feasible to determine if maternity colonies or winter torpor bats are present. If present, the tree shall not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified bat biologist. Removal of potential bat roosting trees shall be compensated by planting trees of the same species at a minimum 10:1 mitigation to impacts ratio.

If the qualified bat biologist discovers evidence of roosting bats within buildings/structures proposed for demolition, they shall prepare a project-specific Avoidance and Minimization Plan that includes specific measures to follow during building demolition to avoid harming bats. The Avoidance and Minimization Plan shall be reviewed and approved by CDFW prior to construction.

Filing Fees

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & Game Code, § 711.4; Pub. Resources Code, § 21089). 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.

CDFW appreciates the opportunity to provide comments on the draft EIR for the proposed Project and is available to meet with you to further discuss our concerns. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at garrett.allen@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

cc: State Clearinghouse