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David Morrison
Director

Governor's Office of Planning & Research

MAR 19 2020

STATE CLEARINGHOUSE

TO: Application File #P19-00037-ECPA

FROM: Donald Barrella, Planner III

DATE: March 11, 2020

RE: Response to Comments – Wappo Land Company LLC., Vineyard Conversion
Agricultural Erosion Control Plan (ECPA) File #P19-00037-ECPA
Assessor's Parcel Number APN 030-220-044
141 Long Ranch Road, St. Helena CA 94574
SCH #2020019022

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 Wappo Land Company LLC., Vineyard Conversion #P19-00037-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 Wappo Land Company LLC., Vineyard Conversion, Agricultural Erosion Control Plan #P19-00037-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 January 7, 2020. 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 February 6, 2020. During the public review period, Napa County received one comment letter on the Proposed IS/MND. Table 1 below lists the entity that submitted comments on the Proposed IS/MND during the public review and comment period. The comment letter is attached as identified in Table 1.

TABLE 1
COMMENTS RECEIVED ON THE PROPOSED IS/MND

Comment N°/ Attachment	Comments Received from	Date Received
1	California Department of Fish and Wildlife (CDFW)	February 4, 2020

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 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 if granted 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 #P19-00037-ECPA.

RESPONSE TO COMMENTS

Comment #1 California Department of Fish and Wildlife (CDFW) (Attachment 1)

Response to Comment 1.1: The acreages and percentages identified in the Proposed IS/MND, and more specifically in **Table 5** and **Table 5A**, may differ slightly from acreages identified in the project plans (**Exhibit A-1**), the Biological Resources Reconnaissance Survey Report (**Exhibit B-1**), the biological resources response letter (**Exhibit B-2**), and Mitigated Project Map (**Figure 4**), due to mapping platforms, spatial characteristics, and rounding utilized by the given preparer (i.e. WRA Inc., Applied Civil Engineering, or Napa County). Because approximate Biological Communities and Special-Status Plan populations, and project acreages have been corroborated through County GIS mapping, the acreages/values and percentages disclosed within the Proposed IS/MND (and herein) are considered by the County to be adequate for CEQA review and disclosure purposes of the subject application.

With respect to the 'Preservation Area' established as a result **Mitigation Measure BR-1(a)**, as disclosed in Project Description Section (Page 2: Other Activities and Features, Item #d.i), the project plans (**Exhibit A-1**), and Section IV (Biological Resources) of the Proposed IS/MND, the area removed as a result of **Mitigation Measure BR-1(a)** (approximately 3.1 acres) would be added to the adjacent approximate 3.3 acre Preservation Area located in the northeast corner of the parcel proposed as part of the project, resulting in an approximate 6.4 acre Preservation Area. The project engineer has revised the plans to recognize the implementation of **Mitigation Measure BR-1** and achieve the targeted/specified special-status plant retention percentages identified in the Proposed IS/MND (**Tables 5 and 5A**), resulting in a 6 acre Preservation Area. Given the potential for mapping variations depending on the preparer's mapping platform and spatial characteristics, as indicated above, the 6 acre Preservation Area is consistent with, and in substantial conformance with, the intent of **Mitigation Measure BR-1(a)** and **BR-1(b)**.

Specific to Green monardella and Greene's narrow-leaved daisy, as indicated in the Proposed IS/MND (Section IV, Biological Resources, Page 12) neither of these plant populations occur within the development area; also refer to the WRA February 2019 and May 2019 reports included as **Exhibit B-1** and **Exhibit B-2** (respectively) in the Proposed IS/MND. Both of these plant populations are located within the southwest corner of the parcel across Long Ranch Road approximately 700 feet from the project area.

Regarding overall preserved areas, as indicated above the project proposed an approximate 3.3 acre Preservation Area and **Mitigation Measure BR-1(b)** added approximately 3.1 acres to that Preservation Area, and **Mitigation Measure BR-1(b)** provided for an additional 'Oak Woodland Preservation Area' of approximately 14.5 acres, resulting in approximately 20.9 acres of area that would need to be designated for preservation in a mitigation easement or other means of permanent protection acceptable to the County, that would be restricted from development and other uses that would degrade the quality of the habitat being protected. The project engineer has revised the plans to recognize the implementation of **Mitigation Measure BR-1** resulting in 20 acres of the project parcel being identified and designated as Preservation Areas. Given the potential for mapping variations depending on the preparer's mapping platform and spatial characteristics, as indicated above, the overall 20 acres that is identified as Preservation Areas is consistent with and substantially conforming to the intent of **Mitigation Measure BR-1(b)** and **BR-1(c)**.

With respect to Sharsmith's western flax, as indicated in the Proposed IS/MND and supporting documentation there is approximately 2.6 acres of this plant population located in the project parcel. The project as designed with mitigation incorporated would result in approximately 0.15 acres being removed, and approximately 2.4 acres of Sharsmith's western flax located within the preservation areas; therefor resulting in preservation of this plant species at a minimum 2:1 ratio. With respect to holly-leaved ceanothus, as indicated in the Proposed IS/MND and supporting documentation there is approximately 18.4 acres of this plant population located in the project parcel. The project as designed with mitigation incorporated would result in approximately 3.6 acres being removed, and at least approximately 9 acres of holly-leaved ceanothus located within the preservation areas; therefor resulting in preservation of this plant species at a minimum 2:1 ratio. Also refer to the WRA February 2019 and May 2019 reports included as **Exhibit B-1** and **Exhibit B-2** (respectively) in the Proposed IS/MND for maps/figures showing the locations and areas of these plant species populations and preservation areas.

For the reasons detailed above, and as disclosed in the Proposed IS/MND, the proposed project with implementation of **Mitigation Measure BR-1** would reduce impacts to special-status plant species and associated habitat to a less than significant level because it would, i) avoid and preserve approximately 82% of the of the project parcels special-status plant species/populations, including the complete avoidance of narrow-anthered brodiaea, Greene's narrow-leaved daisy, Nodding harmonia, and green monardella, ii) avoid and preserve approximately 74% of the of the project parcel's special-status plant species habitat (i.e. chamise chaparral and coast live woodland), and iii) result in consistency with General Plan Goal CON-3, Policies CON-13 and CON-17, and the Conservation Regulations (NCC Chapter 18.108), because it would preserve special-status plants and their habitat. Therefore, mitigation requiring additional avoidance and preservation would not be justified.

Response to Comment 1.2: As indicated in Section IX (Hydrology and Water Quality) of the Proposed IS/MND the project does not propose any alteration to a stream, river, or natural drainage course; therefore, a LSAA is not anticipated to implement the project. Furthermore, as indicated above in the 'CEQA Process' Section of this memo, the owner/permittee through these responses to comments has been notified of potential Local, State and Federal permits necessary to implement and operate this project, and that project approval if granted, shall be subject to conditions of approval requiring any and all such permits be obtained as part of implementation or operation of #P18-00037-ECPA. Furthermore, it is the County's understanding that the owner/Permittee has engaged with CDFW to determine if an LSAA is necessary for installation of culverts within an existing roadside ditch.

Response to Comment 1.3: The CDFW Environmental Filing Fee for a Mitigated Negative Declaration (pursuant to Fish and Game Code Section 711.4 and Public Resources Code Section 21089) will be paid upon filing of the CEQA Notice of Determination for this project if approved: the County will not file the NOD until the funds are available to pay the filing fee. No further response in necessary.

List of Attachments

Attachment 1 - California Department of Fish and Wildlife letter dated February 4, 2020.

Attachment 1



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



February 4, 2020

Mr. Donald Barrella
Napa County Planning, Building, and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Subject: Wappo Land Company LLC., Vineyard Conversion #P19-00037-ECPA, Draft
Mitigated Negative Declaration, SCH #2020019022, Napa County

Dear Mr. Barrella:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the draft Mitigated Negative Declaration (MND) for the Wappo Land Company LLC., Vineyard Conversion (Project). CDFW is submitting comments on the draft MND to inform Napa County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is providing 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 will be located on a 41.8-acre parcel located at 141 Long Ranch Road, St. Helena, Napa County. The Project parcel is located within the Lake Hennessy and "Vinehill Creek" (unofficial name) drainages. Lake Hennessy lies approximately one mile to the north and "Vinehill Creek" lies approximately 0.6 miles to the south. The Town of Yountville lies approximately 4 miles to the south and the City of St. Helena lies approximately 6 miles to the northwest. Two unnamed streams exist on the southern portion of the property parcel, outside of the Project limits. Topography ranges from slopes of 5 percent to greater than 30 percent and elevations from 850 to 1,270 feet above mean sea level. Soils within the parcel are comprised of Henneke gravelly loam, Rock outcrop-Hambright complex, and Sobrante loam. The parcel consists of the following vegetation communities: 29.55 acres of chamise chaparral, 7.47 acres of coast live oak woodland, 3.18 acres of interior live oak chaparral, and 0.22 acres of grassland.

Surrounding land use consists of vineyard immediately to the west and east, and mostly undeveloped land immediately to the north and south of the parcel.

Project Description

The proposed Project will develop approximately 15.9 acres of vineyard within two vineyard blocks. Block A will be approximately 14.3 acres and Block B approximately 1.6 acres. The Project will also temporarily impact approximately 0.4 acres for water line installation from two Project wells to two existing water tanks located on an adjacent property. Vineyard development (i.e. vegetation removal, earthmoving, and installation of erosion control measures) will occur over a two-year period. During year one, land preparation and drainage improvements will occur. During year two, the vineyard will be planted. Approximately 40 trees with a diameter at breast height greater than 6 inches will be removed. Rock removed during land preparation will be reused on-site for erosion and runoff control measures, as well as for vineyard road base. The vineyard will be irrigated via a drip irrigation system with water from an existing on-site well. Deer fence will be installed along the perimeter of the development area, and the Project will install three new culverts along a roadside drainage.

Comments and Concerns

Special-Status Plants

The draft MND states that WRA botanists conducted protocol-level rare plant surveys over several months in 2018 on the Project parcel and found the following special-status plant species: narrow-anthered brodiaea (*Brodiaea leptandra*), hollyleaf ceanothus (*Ceanothus purpureus*), Greene's narrow-leaved daisy (*Erigeron greenei*), nodding harmonia (*Harmonia nutans*), Sharsmith's western flax (*Hesperolinon sharsmithiae*), and green monardella (*Monardella viridis*). With the exception of nodding harmonia and green monardella, all species found on the Project parcel are California Native Plant Society California Rare Plant Rank List 1B species, which are considered rare, threatened, or endangered in California and elsewhere, but are not listed under CESA. The proposed Project would permanently impact 5.56 acres of hollyleaf ceanothus, 0.06 acres of narrow-anthered brodiaea, and 0.48 acres of Sharsmith's western flax.

Mitigation Measure BR-1 (MM BR-1) revises the Project to reduce impacts to special-status plants as follows: impacts to hollyleaf ceanothus would be reduced to 3.56 acres, impacts to Sharsmith's western flax would be reduced to 0.15 acres, and there would be no impacts to narrow-anthered brodiaea. Impacts to coast live oak woodland will be reduced to 2.12 acres, chamise chaparral to 7.51 acres, and interior live oak chaparral to 2.76 acres. CDFW recommends revising the Special-Status Plant section, MM-BR-1 and Figure 4, to more clearly reflect project impacts and mitigation. For example, the Mitigated Proposed Vineyard Blocks in Table 5 is 12.39 acres, yet in Figure 4 it states 12.36 acres, and it is unclear where the remaining acres of preservation will occur. CDFW is available to assist in clarifying these sections.

CDFW believes the measure outlines preserving parcels with chamise chaparral and coast live woodland over a total of 14.5 acres, of which 4.25 acres will be coast live oak woodland. Additionally, a 6.48-acre preservation area would be established immediately adjacent to the revised vineyard Block A; however, Figure 4 only shows a 4.78-acre mitigation area. CDFW believes these areas also contain populations of green monardella, Greene's narrow-leaved

daisy, and nodding harmonia. Please clarify whether the Project is proposing to preserve 20.98 acres or 19.28 acres.

While CDFW agrees with MM BR-1 reducing the Project impacts and preserving land, it is unclear the location of the plants within the preserved areas. Table 4 outlines impacts to 3.56 acres of hollyleaf ceanothus and 0.15 acres of Sharsmith's western flax. CDFW recommends clearly outlining preservation of these two plant species at a minimum 2:1 ratio. If the areas proposed for preservation in MM BR-1 do not meet a 2:1 ratio for mitigation goals, approximately 7.12 acres of hollyleaf ceanothus and 0.3 acres of Sharsmith's western flax, CDFW recommends enhancing preserved habitat or nearby habitat to mitigate for impacts. Enhancement could be removal of invasive species in appropriate habitat for the special-status plant species and/or additional plantings. Specifically, CDFW recommends the following language be added to MM BR-1 in order to reduce impacts to a less-than-significant level:

The owner/Permittee shall consult with a qualified botanist to identify land containing special-status plant habitat, in-kind to what will be impacted by the Project, to preserve impacted species at a 2:1 mitigation ratio, which may include habitat enhancement activities. The qualified botanist shall prepare a Habitat Enhancement Mitigation and Monitoring Plan (Plan) to be reviewed and approved by CDFW prior to Project implementation. The Plan shall, at a minimum, include preserving or enhancing like habitat (i.e. similar in quality to what will be lost as a result of the Project) at a minimum 2:1 mitigation to impacts acreage ratio either on-site or off-site, or combination thereof. The Plan shall clearly describe the location of land(s) where habitat exists and enhancement activities will occur. The Plan shall describe activities that will be implemented in order to improve habitat conditions and shall provide specific success criteria to ensure habitat enhancement activities are effective. All habitat preservation land(s) shall be preserved in perpetuity under the form of a conservation easement and shall be monitored for a minimum of 5 years to ensure specific success criteria are met.

Streambed Alteration

Exhibit A-1 of the draft MND, the Project's Erosion Control Plan (ECP), shows the installation of three new culverts in a drainage that flows directly adjacent to and parallel with Long Ranch Road at the base of the slope of the proposed vineyard Block A. CDFW requires an entity to notify CDFW before starting any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed. Ephemeral and/or intermittent streams and drainages (that are dry for periods of time or only flow during periods of rainfall) are also subject to Fish and Game Code section 1602. CDFW recommends that the owner/Permittee contact CDFW to schedule a site visit so that CDFW can determine if the roadside drainage is a stream. If CDFW determines that the roadside drainage is a stream, the owner/Permittee should notify CDFW of their Project (i.e. installation of 3 culverts in the roadside drainage) by submitting an LSA Notification to CDFW's Bay Delta Regional Office to see if an LSA Agreement is needed.

Issuance of an LSA Agreement is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. The CEQA document should identify the potential impacts to the stream or riparian resources and provide adequate avoidance,

Mr. Donald Barrella
Napa County
February 4, 2020
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mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/conservation/lsa>.

Filing Fees

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and 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 MND 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 (707) 428-2076 or garrett.allen@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 428-2090 or karen.weiss@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

1.2 cont.
1.3