



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

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March 26, 2020

Governor's Office of Planning & Research

MAR 26 2020

Mr. Donald Barrella
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

STATE CLEARINGHOUSE

Subject: P&M Vineyards Holdings – Mt. Veeder Vineyards, Vineyard Conversion #P19-00080-ECPA, Draft Mitigated Negative Declaration, SCH #2020039030, Napa County

Dear Mr. Barrella:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the draft Mitigated Negative Declaration (MND) for the P&M Vineyards Holdings – Mt. Veeder Vineyards, 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 occur on a 114.9-acre parcel located at 1300 Mt. Veeder Road in Napa County. The property is situated directly to the east of Pickle Canyon, approximately two miles northwest of the City of Napa. Site topography is mostly steep (i.e. 17-30% slopes) west facing slopes with elevations that range from 590 to 970 feet above mean sea level. One unnamed stream bisects the property flowing in a southwesterly direction for approximately 0.75 miles before flowing into Pickle Creek and thence Redwood Creek. A small seasonal wetland exists near the furthest eastern portion of the property where the proposed vineyard Block B will be located, and an approximately 11,000-square-foot pond exists directly to the west of the proposed vineyard Block B and presumably is hydrologically connected to the unnamed tributary on the property when the pond spills over. Vegetation communities on and surrounding the property are predominantly oak woodland and annual grassland interspersed with vineyard development.

Project Description

The Project will develop 18.69 acres of vineyard within 6 vineyard blocks. Block A will be 0.94 acres, Block B 13.88 acres, Block C 0.52 acres, Block D 0.22 acres, Block E 0.55 acres, and Block F 2.58 acres. The vineyard will be developed over two years, with the first year consisting

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of land preparation (i.e. vegetation removal, earthmoving, installation of temporary and permanent erosion control measures) and the second year consisting of planting rootstock. The new vineyard will be irrigated from an existing well on the property. Other Project related improvements include the installation of main irrigation lines, the installation of wildlife exclusion fence, and the establishment of a staging and stockpile area adjacent to vineyard Block C. As a result of the Project, approximately 20 acres of annual grassland will be lost, which includes approximately 0.23 acres of purple needlegrass (*Nassella pulchra*) grassland. Tree removal is not proposed for this Project.

Comments and Concerns

Northern spotted owl (Strix occidentalis caurina; NSO)

The Biological Resources Assessment (BRA) for the Project, prepared by WRA, dated July 2016, correctly states that NSO have been observed approximately 0.25 miles east of the proposed vineyard Block B. However, there also are several marked occurrences of NSO within 0.5 miles southwest of the Project area. CDFW agrees that the vineyard block sites are not likely to provide suitable foraging habitat for NSO but disagrees that the intact oak woodland forest habitat directly adjacent to the Project areas does not provide potentially suitable nesting and foraging habitat. In Napa County, CDFW has seen NSO nesting in habitats that are considered poor to marginal quality (e.g. on the edge of a clearing).

Though the Project will not modify NSO habitat, the Project could disturb nesting individuals within 0.25 miles of Project activities. Project disturbance may reach the level of take when one of the following conditions is met: 1) Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB), 2) Project-generated sound when added to existing ambient conditions exceeds 90 dB, or 3) human activities occur within a visual line of sight distance of 40 meters or less from a nest (U.S. Fish and Wildlife Service (USFWS), 2006). To avoid potentially significant impacts (e.g. take¹) to NSO, CDFW recommends that a qualified biologist conduct at least six complete survey visits of the Project areas and all potentially suitable habitat within 0.25 miles of the Project areas (where property access is permitted) prior to starting Project activities (e.g. earthmoving). Surveys should follow the guidance outlined in the USFWS's *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls* (revised January 9, 2012) for disturbance-only Projects. If NSO are detected during surveys within 0.25 miles of any of the Project areas, CDFW recommends that Project activities be delayed until after the breeding season (i.e. August 1 – March 1). If Project activities must occur during the breeding season and Project-generated sound could reach the level of take (as described above), a CESA Incidental Take Permit (ITP) may be required. 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.

¹ Fish and Game Code section 86: "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill

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Wildlife Movement and Exclusion

The BRA identifies two potential habitat corridors within the Project area: 1) an oak forest corridor, and 2) an agricultural/grassland corridor. Vineyard Block B is proposed to be developed within the agricultural/grassland corridor and surrounded with wildlife exclusion fencing, thus preventing wildlife passage from the forested habitat to the northeast to the forested habitat and riparian corridors to the southwest. A more detailed analysis of the Project site is needed to determine whether the proposed Project could have a significant impact on terrestrial wildlife movement (particularly large mammals, e.g., deer). CDFW recommends that a qualified biologist visit the Project site, particularly the proposed limits of vineyard Block B, and identify any trails (e.g. deer trails) traversing through the site that may be used frequently by wildlife. Any trails observed in the field that appear to be used regularly by wildlife should be mapped on a colored aerial photograph and the Project should be revised to keep such corridors intact with a minimum 50-foot buffer from Project development (i.e. vineyard limits and fencing). To further reduce potential impacts to wildlife movement, CDFW recommends that the Fencing Plan, prepared by Munselle Civil Engineering, dated August 13, 2019, be revised to limit exclusion fencing to only the perimeter of proposed vineyard blocks (i.e. the cluster of new fencing proposed around vineyard Blocks C, E, and F should be removed from the Fencing Plan).

CDFW has seen the negative effects that inadequate wildlife exclusion fencing can have on terrestrial wildlife, particularly deer. CDFW recommends that the following considerations be accounted for when designing deer exclusion fencing: 1) stressed deer (e.g. those being chased by a predator) are capable of jumping higher than non-stressed deer. In most cases, a 7-foot woven wire fence will be tall enough to prevent non-stressed deer from jumping over the fence. CDFW recommends an 8-foot fence for flat ground; however, in rough terrain where steep slopes may decrease the effective height of a fence, a 9- to 11-foot fence is recommended (Kaneene et. al. 2002). 2) Deer will typically try to get through or under poorly constructed fences (Feldhamer et. al. 1986). Research of white-tailed deer suggests that a motivated adult deer may be able to fit through an approximately 9- to 10-inch gap at the bottom of a fence (Falk et. al. 1978, Palmer et. al. 1985, Feldhamer et. al. 1986). Fawns are likely to fit under fence gaps that are much smaller. CDFW recommends that the bottom of exclusion fencing either be stapled to the ground or partially buried. 3) Fences are most likely to be tested by deer the first few weeks after installation (McKillop and Sibly 1988). Regular inspections and maintenance are necessary to successfully exclude deer because they will quickly locate faults in new fencing (Ward 1982, Clevenger et. al. 2001, Conover 2002). CDFW recommends weekly monitoring of wildlife exclusion fencing for the first month after it is installed; and then monthly after that to ensure the fence is maintained to prevent deer from getting into vineyard blocks. 4) Fence placement in relation to habitat should also be considered. Deer may be more likely to try jumping fences adjacent to forested areas than open areas (Puglisi et. al. 1974). Puglisi et. al. (1974) found that as distance from fence to forest habitat increased, the likelihood of deer attempting to jump the fence decreased. CDFW recommends that the Project's Erosion Control Plan be revised to provide a minimum 25-foot buffer between forested habitat and exclusion fencing. 5) CDFW agrees with the Lead Agency's requirement to have exit gates installed at the corners of vineyard blocks, but also recommends that the exit gates be as tall as the height of the exclusion fence. Deer are more likely to go through a larger, taller gate as opposed to a small one. Additionally, exit gates should always be left closed when not in use and should be closed immediately when vineyard workers enter and exit vineyard blocks.

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Erosion Control Devices

Erosion control devices can have a direct impact on wildlife, particularly reptiles and amphibians. CDFW has documented several cases where reptiles and amphibians have become tangled/trapped in erosion control devices containing plastic monofilament (e.g. straw wattles wrapped in black plastic mesh). CDFW recommends that all temporary and permanent erosion control measures be free of plastic monofilament netting.

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 garrett.allen@wildlife.ca.gov, or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

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