



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 7, 2020

Governor's Office of Planning & Research

MAY 08 2020

STATE CLEARINGHOUSE

Jesse Davis, Senior Planner
 County of Mendocino
 Planning and Building Services
 860 North Bush Street
 Ukiah, CA 95482

**Subject: Brutacao Vineyards' Gateway House, State Clearinghouse
 Number 2020040111**

Dear Jesse Davis:

On April 8, 2020, the California Department of Fish and Wildlife (CDFW) received a Notice of Completion for a draft Initial Study (IS) from the County of Mendocino (Lead Agency) for the Brutacao Vineyards' Gateway House (Project), Mendocino County, California. CDFW understands that the Lead Agency will accept comments on the Project through May 11, 2020. CDFW staff conducted a site visit on November 11, 2019 and provided comments to the Lead Agency on the Project on March 4, 2020. As a Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA), California Public Resource Code section 21000 et seq. These comments are intended to assist the Lead Agency in making informed decisions prior to the development of the Project's Mitigated Negative Declaration (MND).

CDFW's primary concern is that the draft IS does not include sufficient detail for the MND to analyze the Project's potential impacts to:

- rare plant populations and Sensitive Natural Communities (SNC)
- oak woodlands,
- wildlife Species of Special Concern and their habitat,
- an established wildlife movement corridor, and
- wetlands and riparian areas

Project Description

The Project site is located approximately 3.1 miles east of Hopland south of Highway 175 and east of Old Toll Road in Mendocino County. The Project site is undeveloped rangeland dominated by grasslands and oak woodlands and is boarded by agricultural land including vineyards. The Project proposes development of a recreational facility with a two-story lodge

Conserving California's Wildlife Since 1870

Jesse Davis, Senior Planner
County of Mendocino
May 7, 2020
Page 2 of 7

and up to 45 semi-permanent micro-cabins placed on the ridges across 90.87-acre site (APNs 048-270-24, 048-270-23, and a portion of 048-270-22). The cabins will sit on pads that include an outdoor picnic area and fire pit; most will have adjacent parking areas, but some will be designated as 'walk-in' with parking located away from the cabin. Each cabin will have water, wastewater disposal, and electric provided by underground utilities. Development will include installation of a well, septic system, and underground utilities, in addition to construction of walking trails, access roads to the cabins, a lodge parking area with secondary site ingress/egress, and widening of an existing road to access the site from Old Toll Road. The yearly average occupancy rate is expected to be 85 percent with the maximum capacity of 110 guests.

Survey Data

A habitat assessment and surveys for rare plants, natural communities, and wildlife species have not yet been conducted and a wetland delineation have not yet been completed. The Project's preliminary biological report states, "*seasonally-appropriate biological surveys and wetland delineation will be completed prior to implementation of the project.*" Because the baseline of environmental setting is uncertain, CDFW, other agencies, and the public do not have a basis from which to assess the potential impacts to biological resources or the significance of these potential impacts. Conducting surveys just before ground disturbance and after the CEQA process is completed does not comport with a substantial mandate of CEQA to disclose a Project's potentially significant impacts and to provide feasible and effective mitigations, as needed. Surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the project.

The MND should be informed by survey results and a habitat assessment to adequately analyze the Project's potential impacts to biological resources. The MND should include effective mitigation to reduce potential impacts to less than significant (**Recommendation 1**).

Rare Plants and Sensitive Natural Communities

The IS does not include sufficient information to determine potential impacts or their significance to rare plant populations or SNCs.

A survey of the Project site was conducted in November 2019 and no rare plant populations were identified. The preliminary biological report indicates at least five rare plant species have the potential to be present on-site. The draft Mitigation and Monitoring Plan (MMP) includes mitigation measure BIO-1, which states "*if special status plant populations are observed and cannot be avoided, consultation with CDFW will be initiated to relocate the plants*" but does not propose compensatory mitigation or performance standards if impacts to the plant populations occur.

Without the results of rare plant surveys, CDFW, the public, and the Lead Agency cannot determine what sensitive plants occur on the project site or to what degree impacts to them will be significant. The proposed mitigation of relocating rare plants if they cannot be avoided, has been demonstrated to have a low likelihood of success. An extensive analysis of the success of rare plant relocation projects, showed that of 53 rare plant transplantation, relocation, or reintroduction attempts reviewed, only 15 percent (eight projects) were considered fully successful (Fiedler 1991). For this reason and given the absence of performance standards and relocation details, CDFW finds the Project's proposed mitigation of relocating rare plants would have an extremely low likelihood of reducing impacts to a less than significant level.

Jesse Davis, Senior Planner
County of Mendocino
May 7, 2020
Page 3 of 7

Additionally, the IS does not identify SNCs on-site but describes several plant species that are diagnostic for at least two SNCs including Valley Oak (*Quercus lobata*) Forest and Woodland and Madrone (*Arbutus menziesii*) Forest with a State ranks of S3 (imperiled). Natural communities with State Ranks of S1-S3 are SNCs and should be addressed in the environmental review processes of CEQA. Valley oak woodland is a SNC with a State rank of S3. Coast live oak woodlands have a number of associations with State ranks of S3, but the IS does not describe natural communities in sufficient detail to determine, which, if any of the oak natural community associations are present on-site or if they may be sensitive.

Lastly, the preliminary biological report described the site as having “*non-native grasslands*” but this report does not describe the dominant plant species comprising the grassland, thus, CDFW cannot determine to what degree the grassland is comprised of native plant species, and thus would be considered a semi-natural plant community. Several native grassland alliances may have a substantial non-native plant component, yet meet the criteria for being SNCs (see <https://wildlife.ca.gov/data/vegcamp/natural-communities#grasslands>).

CDFW recommends surveys for rare plants and SNCs be conducted according to *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. These survey results should be used to analyze potential impacts in the MND; the MND should propose mitigation including performance criteria to reduce any impacts to less than significant (**Recommendation 2**).

Oaks and Oak Woodlands

The IS does not include sufficient information to determine potential impacts to oak woodlands. Pursuant to CEQA section 21083.4(b), “...a county shall determine whether a project with its jurisdiction may result in the conversion of oak woodlands that will have a significant effect on the environment.” The IS describes the Project site as forested with blue oak woodlands and identifies blue oak (*Quercus douglasii*), interior live oak (*Q. wislizeni*), valley oak (*Q. lobata*) and California black oak (*Q. kelloggii*) but does not describe the location, extent of these species on-site, or discuss potential impacts to oak woodlands. The IS states tree and vegetation removal will be restricted to “*the footprints of the micro-cabin RV pads, access roads/trails, lodge facility and parking area, and as required by CalFire for fire suppression.*” Even with restricted trimming and removal, a substantial removal of oak woodlands could result in a significant impact.

Regardless of their natural community status, oak woodlands are extremely valuable wildlife habitat. In California, oak woodlands have the greatest wildlife species richness of any other habitat in the state with over 330 species of amphibians, birds, and mammals relying upon these habitats at some point during their lives (CalPIF 2002). Oak woodlands have experienced ongoing declines due to conversion for agricultural uses, and oak woodlands are also impacted by low recruitment, novel pathogens, competition from invasive species, and fire suppression (Whipple et al. 2011). California has lost approximately 1/3 of its of historic oak woodland habitat statewide (CalPIF 2002). Because oaks are slow-growing trees, the substantial habitat and ecosystem value that mature trees provide is difficult to replace.

The MND should disclose the number, species, and size of oak trees and that cannot be avoided and quantify the loss, degradation, and fragmentation of oak woodlands and propose effective mitigations, if this impact is determined to be significant. This analysis should presume that vegetation will be substantially cleared, and trees removed within 100 feet of all structures, pursuant to current fire-safe buffer standards. In addition, the MND should include a requirement for an Oak MMP to be developed and mitigation should include performance

Jesse Davis, Senior Planner
County of Mendocino
May 7, 2020
Page 4 of 7

standards and protection in perpetuity. To the extent feasible, mitigation should be on-site to recreate and eventually re-establish the oak woodland habitat lost by the Project's implementation.

To reduce the significance of impact to oak woodlands, CDFW recommends the following mitigation ratios:

- <1" dbh replaced at a minimum 1:1 mitigation ratio
- 1-11" dbh replaced at a minimum 6:1 mitigation ratio
- 12-18" dbh replaced at a minimum 8:1 mitigation ratio
- 18" dbh replaced at a minimum 10:1 mitigation ratio

These ratios are consistent with prior CDFW recommendations for projects with oak woodland impacts and may be modified upon further consultation with CDFW (**Recommendation 3**).

Wildlife Species of Special Concern

The IS does not describe the location or extent of suitable habitat for Species of Special Concern and does not include sufficient information to determine potential the direct or indirect impacts to these species or their habitats.

The preliminary biological report identified the potential for seven Species of Concern to be on-site but concludes the site has "*limited*" or "*few suitable*" habitat locations. The report does not include supporting information such as a habitat assessment or surveys beyond the statement "*only ruderal grassland, Class III drainage, and blue oak woodland habitats were found to be present on-site, eliminating many of the sensitive species specific to other types of habitats.*" As discussed above, oak woodlands are extremely valuable habitat to wildlife species.

The IS states, "*tree and vegetation removal will be minimized to the greatest extent feasible in order to protect the forested nature of the Site, which provide suitable habitat for candidate, sensitive, or special status species,*" but does not indicate which species these may be. The draft MMP's provides protocols to mitigate impacts associated with tree trimming and removal by avoiding active bird nests during breeding season but the loss of oak woodland habitat for other wildlife species is not considered.

Surveys should be conducted to develop a biological assessment that describes the location and extent of on-site habitat and the presence of Species of Special Concern including bird species that are year-round residents and that were observed on-site during the November 2019 survey. These species are oak titmouse (*Baeolophus inornatus*), wrentit (*Chamaea fasciata*), and Nuttall's woodpecker (*Picoides nuttallii*) and all have the potential to nest onsite. This information should be used to analyze potential impacts in the MND. If avoidance and minimization is not feasible, effective mitigation should be proposed to reduce impacts to less than significant.

Wildlife Corridors

The IS does not provide adequate information to determine the Project will not interfere substantially with the movement of any native resident or migratory wildlife corridor. The Project site is within a North-South habitat connectivity linkage identified in the California Essential Habitat Connectivity Project (Spencer et al. 2010). The "*uncultivated*" lands of McDowell Valley (the area traced by Old Toll Road and Younce Road south of Highway 175) is an important low

Jesse Davis, Senior Planner
County of Mendocino
May 7, 2020
Page 5 of 7

elevation corridor connecting both sides of the Russian River valley (J. Brashares, personal communication, May 3, 2020). The Project site is also identified as core habitat for many large mammal species in the Northern Mayacamas – Coast Range linkage (Penrod et al. 2013). The Project site is part of an important wildlife corridor connecting large tracks of wildlands and because its undeveloped parcels provide quality wildlife habitat in comparison to the more intensively managed agricultural lands that border the Project site to the north and south.

While the Project proposes to permanently impact less than seven acres across the 90.87-acre site, the permanent installation of micro-cabins, access roads, and sustained human presence has a high potential to impact wildlife movement through this established corridor.

The MND should include mitigation measures to maintain wildlife movement through this established wildlife corridor including the installation of down-cast lighting to reduce light pollution, incorporating wildlife-friendly fencing designs, and solid waste storage practices to reduce human-wildlife interactions. The Project should develop avoidance and minimization measures including reducing the Project's footprint by clustering the locations of the micro-cabins, reducing the amount of new access roads, and reducing the distance between the micro-cabins (**Recommendation 4**).

Wetlands and Riparian Areas

The IS does not include sufficient information including the location or extent of on-site wetland and riparian habitat to determine potential impacts to on-site wetland and riparian areas. Several ephemeral drainages pass through the Project site and during the November 14, 2019 site visit, CDFW staff noted the presence of riparian vegetation including live oak and California buckeye at these dry sites.

The MND should be informed by a wetland delineation and disclose the potential direct and indirect impacts to riparian vegetation that may occur. If potential impacts are identified, the MND should propose effective mitigation and include performance standards. Mitigation ratios of greater than 1:1 should be included to achieve a no-net-loss of wetlands or riparian habitat and should establish a minimum disturbance buffer of 100 feet from these resources (**Recommendation 5**).

Summary of Recommendations

CDFW has several recommendations for the Lead Agency to identify potentially significant impacts and ensure these impacts are reduced to less than significant by proposing effective mitigation in the MND.

1. The Project's MND should be informed by survey results and a habitat assessment to adequately analyze the Project's potential impacts to biological resources including rare plants SNCs, and wildlife Species of Special Concern. The MND should include effective mitigation to reduce potential impacts to less than significant.
2. Surveys for rare plants and SNCs should be conducted according to *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.
3. The MND should quantify the loss, degradation, and fragmentation of oak woodlands and if significant, propose effective mitigation including the development of an Oak MMP.

Jesse Davis, Senior Planner
County of Mendocino
May 7, 2020
Page 6 of 7

4. The MND should include mitigation measures to maintain wildlife movement through this established wildlife corridor and reduce human-wildlife interaction.
5. CDFW recommends the MND analyze the potential impacts to aquatic and riparian habitats, and if these impacts are determined to be significant, propose effective mitigations that include performance standards.

These changes are necessary for CDFW to determine that the Project will have a less than significant impact on biological resources.

Thank you for the opportunity to comment on this draft IS. CDFW staff are available to meet with you to consult with or address the contents of this letter in greater depth. If you have questions on this matter or would like to discuss these recommendations, please contact Senior Environmental Scientist Specialist Jennifer Garrison at (707) 477-7792 or by e-mail at Jennifer.Garrison@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Curt Babcock
974D273FEE784E2...

Curt Babcock
Habitat Conservation Program Manager

References: Page 7

ec: Jesse Davis
County of Mendocino
davisj@mendocinocounty.org

Gil Falcone
North Coast Regional Water Quality Control Board
Gil.Falcone@waterboards.ca.gov

Gordon Leppig, Jennifer Garrison, Dana Mason
California Department of Fish and Wildlife
Gordon.Leppig@wildlife.ca.gov, Jennifer.Garrison@wildlife.ca.gov,
Dana.Mason@wildlife.ca.gov

Jesse Davis, Senior Planner
County of Mendocino
May 7, 2020
Page 7 of 7

References

- CalPIF (California Partners in Flight). 2002. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California. Version 2.0 (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. <http://www.prbo.org/calpif/plans.html>.
- Fiedler, P.L. 1991. Final Report, Mitigation-related translocation, relocation, and reintroduction projects involving endangered and threatened, and rare plant species in California. Submitted to the California Department of Fish and Game, Endangered Plant Program. Sacramento, CA.
- Penrod, K., P. E. Garding, C. Paulman, P. Beier, S. Weiss, N. Schaefer, R. Branciforte and K. Gaffney. 2013. Critical Linkages: Bay Area & Beyond. Produced by Science & Collaboration for Connected Wildlands, Fair Oaks, CA www.scwildlands.org in collaboration with the Bay Area Open Space Council's Conservation Lands Network www.BayAreaLands.org.
- Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.
- Whipple A.A., Grossinger R.M., and Davis F.W. 2011. Shifting baselines in a California oak savanna: nineteenth century data to inform restoration scenarios. *Restoration Ecology* 19 (101):88-101.