

Exhibit B-2

JAN 1 3 2020

Napa County Planning, Building & Environmental Services



January 9, 2020

County of Napa Planning, Building, and Environmental Services 1195 Third Street, Suite 210 Napa, California 94559

RE: Response to Comments (Biology) – Johnson Vineyard Agricultural Erosion Control Plan (ECPA) File No. P19-00220-ECPA; 3363 State Highway 128: APN 017-160-036

To whom it may concern,

This letter provides a response to a request from Napa County for additional information/analysis regarding biological resources for the property located at 3363 State Highway 128 (APN 017-160-036), Calistoga, Napa County, California. The request for additional information is outlined in a letter from the Planning, Building, and Environmental Services Department, *Application Review Determination – Johnson Vineyard Agricultural Erosion Control Plan (ECPA) File #P19-00220-ECPA*. The following addresses the County of Napa's follow-up requests for additional information.

Response to County Request – Letter

The following section directly addresses the comments from the County point-by-point (with text from the County in *italics*).

1. Agricultural Erosion Control Plan Application Completeness Items

b. ECPA Plans and/or Narrative

iii. The location(s) of any Valley oak and ponderosa pine trees located within the project area: these tree species will need to [be] avoided and provided a buffer at least to the trees dripline (also see Item #2.a.i)

Twenty (20) valley oaks (*Quercus lobata*) were identified, measures, and mapped on October 23, 2019 in the proposed vineyard blocks; details are included in Attachment A. There were no ponderosa pine (*Pinus ponderosa*) trees located within the proposed vineyard blocks.

2. Supplemental Environmental Information: . . .

a. Biological Resource Reconnaissance Survey Report: . . .

i. Provided [sic] a listing of trees being removed as part of the project, including species and diameter at breast height (dbh). This information can also be provided as part of the ECPA plans rather than in an Assessment addendum/update. Additionally, any Valley oak trees located with[in] the project area will need to [be] avoided and provided a buffer to at least to the trees dripline (also see Item #1.b.iii):

On October 23, 2019, two biologists traversed the Project Area¹ to perform a survey of those trees within and on the immediate edge of the Project Area (proposed vineyard blocks). As a result there are 163 trees² scheduled for removal as part of the project:

- Thirteen (13) bigleaf maple (*Acer macrophylla*)
- One (1) California buckeye (Aesculus californica)
- Thirty-nine (39) Pacific madrone (Arbutus menziesii)
- One (1) Oregon ash (Fraxinus latifolia)
- Forty-one (41) Douglas fir (Pseudotsuga menziesii)
- Twenty-two (22) coast live oak (*Quercus agrifolia*)
- Fourteen (14) blue oak (Q. douglasii)
- Twelve (12) California black oak (Q. kelloggii)
- Twenty (20) valley oak (*Q. lobata*)

All of these are summarized in Table A-1 attached at the end of this letter. The location and extent of dripline for valley oak trees (*Quercus lobata*) are summarized in Table A-1 and illustrated in Figure A-1.

ii. Provide confirmation that the drainage course located in the central portion of the property (i.e., adjacent to the proposed Vineyard Block D), or portions thereof, is a defend [sic]³ stream pursuant to NCC Section 18.108.030 requiring setbacks pursuant to NCC Section 1.108-205. Additionally, verify the location of the ephemeral drainages and associated top of bank of the drainages identified adjacent to proposed Vineyard Blocks A1 and B. Based on the site inspection channels with defined beds and banks did appear to the be evident in these locations (also se Item #1.b.ii).

The three drainages in question were reviewed during the tree survey and bat assessment. The central drainage does not appear to meet the NCC Section 18.108.030 defined stream. This drainage contains a clear bed-and-bank and ordinary high water mark (OHWM), which means that it is jurisdictional under Section 401 of the Clean Water Act and Section 1600 of the California Fish and Game Code. However, the depth (less than three feet) and width (approximately two feet) of the bed do not meet the qualifications of a defined stream under NCC Section 18.108.030. The upper portion, above the culvert and road crossing, does not have a contiguous bed. The vegetation, soils, and hydrology were sampled in this upper portion, and the "channel" meets the U.S. Army Corps of Engineers definition of wetland. Therefore, the recommended setback of 50 feet should remain for the upper portion as it is considered seasonal wetland, whereas the lower

¹ The Project Area is here intended to reflect the proposed grading limit for the proposed vineyard development.

² Trees and shrubs with a DBH of less than 5 inches were not measured or included in this survey

³ Assumed to read, "defined"

portion should receive a 35 foot setback as it is a jurisdictional stream not meeting the qualifications of a defined stream under Napa County Code.

The two smaller drainages near Vineyard Blocks A1 and B are shorter than initially mapped in 2018. With the clearing of vegetation for post-fire management, the beds and banks were more readily visible.

All three drainages are included in the attached figure.

iii. To adequately assess and disclosed [sic] potential impacts to western pond turtle (WPT) and their habitat, provide an expanded discussion of potential nesting and refugia/dispersal habitat within the project area and parcel, including any recommended buffers from identified habitat.

Western pond turtle (*Emys marmorata*) preferentially nest in south-facing, terrestrial sites near water, typically within 300 feet. Soils at nesting sites are typically friable sands and loams, but can be compacted or hardened substrates. Nesting occurs in late spring to early summer, generally May through July. Aquatic habitat will provide sufficient forage resources and basking sites (Morey 2000, Reese and Welsh 1997).

No turtles were observed during any of the site visits; however, the Study Area's pond ostensibly provides suitable aquatic habitat. Nesting habitat is present on the north side of the pond as there is native vegetation, friable soils, and southern exposure. It is unlikely that turtles would nest on the south side of the pond due to the presence of impermeable surfaces and northern exposure.

Prior to project initiation and before the nesting season, standard silt fencing should be installed on the north side of the pond, between the pond and proposed vineyard block (Figure A-1). This fencing will prevent sediment migration into the pond, while excluding turtles from entering the proposed vineyard block.

iv. Provide an expanded bat habitat assessment that identifies potential bat habitat trees located with[in] the project area and extent of potential bat habitat trees within parcel.

Bats are typically considered during environmental review by Napa County and also protected by California Fish and Game Code, i.e., Sections 86, 2000, 2014, 3007, and 4150, along with Title 14 of California Code of Regulations. Bats are typically considered during environmental review by Napa County and also protected by California Fish and Game Code, i.e., Sections 86, 2000, 2014, 3007, and 4150, along with Title 14 of California Code of Regulations.

<u>Methods</u>

A daytime roost survey was performed on October 23, 2019. The survey assessed all trees and substrates within the proposed vineyard blocks to determine if bat roosting habitat was present. This survey was completed by walking the entire Project Area, and surveying each tree scheduled for removal. During the survey the biologist noted conditions that may be favorable or unfavorable for bat use such as thermal conditions, frequency of disturbance, and evidence of potential predators. All trees were also investigated for fissures, cracks, or hollows that could provide roosting substrate for bats.

Results & Recommendations

All of the trees scheduled for removal have no potential to support bats. The trees are a mix of bigleaf maple (*Acer macrophylla*), California buckeye (*Aesculus californica*), Pacific madrone (*Arbutus menziesii*), Oregon ash (*Fraxinus latifolia*), Douglas fir (*Pseudotsuga menziesii*), coast live oak (*Quercus agrifolia*), blue oak (*Q. douglasii*), California black oak (*Q. kelloggii*), and valley oak (*Q. lobata*).

None of the 163 trees reviewed contain characteristics (e.g., hollows, broken tops) sufficient to support day or maternity roosting bats. Therefore, there are no further recommendations for the protection of special-status and/or non-status bats. The removal of the 163 trees will not constitute an impact to bats.

v. An identification and discussion of any special-status mosses, bryophytes, and lichens known to occur in the area, as identified in the California Natural Diversity Database (CNDDB), including a listing of mosses, bryophytes, and lichen occurring or that may occur in the project area.

Searches of the California Natural Diversity Database (CNDDB; CDFW 2019), California Native Plant Society Electronic Inventory (CNPS 2019), Calflora Electronic Inventory (Calflora 2019), and the Napa County Baseline Data Report (NCBDR; Napa County 2005) result in no documented occurrences of special-status bryophytes or lichens in Napa County. Furthermore, botanical survey guidelines state that it is appropriate to conduct botanical field surveys when special-status plants have been historically identified in a project area and/or the project area contains similar physical and biological properties to know occurrences of special-status in the general vicinity (CDFW 2019).

Please contact us if you have questions or require additional information.

Sincerely,

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Aaron Arthur Associate Plant Biologist Certified California Consulting Botanist #0016 arthur@wra-ca.com

ENCLOSURES: Attachment A – Figure and Table

CITATIONS

- Calflora. 2019. Website: Information on wild California plants for conservation, education, and appreciation. Available at: http://www.calflora.org/. Accessed: October 2019.
- California Department of Fish and Wildlife (CDFW). 2019. California Natural Diversity Database (CNDDB), Wildlife and Habitat Data Analysis Branch. Sacramento, CA. Accessed: October 2019.
- California Native Plant Society (CNPS). 2019. Online Inventory of Rare, Threatened, and Endangered Plants of California. Available at: http://www.rareplants.cnps.org/. Accessed: October 2019.
- Morey, S. 2000. California Wildlife Habitat Relationships System: Western Pond Turtle. California Department of Fish and Wildlife (CDFW), California Interagency Wildlife Task Group. March 2000.

Napa County. 2005. Napa County Baseline Data Report. Available at: http://www.co.napa.us/gov/

Reese, D. A. and H. H. Welsh. 1997. Use of Terrestrial Habitat by Western Pond Turtles, *Clemmys marmorata*: Implications for Management. Proceedings: Conservation, Restoration, and Management of Tortoises and Turtles. An International Conference held in 1997 by the New York Turtle and Tortoise Society. pp. 352-357.



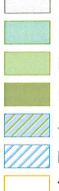
Sources: 2016 DigitalGlobe Aerial, WRA | Prepared By: aarthur, 10/29/2019

Figure A-1. Updated Land Cover and Tree Survey



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Study Area (39.99 ac.) Vineyard Blocks Proposed Silt Fence Valley oak (Quecus lobata) Land Cover Type



Vineyard/Developed (17.38 ac.) Blue Oak Woodland (4.56 ac.) Mixed Oak Woodland (8.67 ac.) Douglas Fir Forest (7.83 ac.) Seasonal Wetland (0.05 ac.) Man-made Pond (1.50 ac.) Top-of-bank



Vineyard Block	Scientific Name	Common Name	Live/ Dead	DBH (in.)	Notes
Block D	Quercus agrifolia	coast live oak	live	11.4	
Block D	Quercus agrifolia	coast live oak	live	10.1	
Block D	Quercus lobata	valley oak	live	10.2	QULO01; 20' diameter crown
Block D	Quercus agrifolia	coast live oak	live	9.2	
Block D	Quercus lobata	valley oak	live	11.0	QULO02; 20' diameter crown
Block D	Quercus lobata	valley oak	live	9.2	QULO03; 15' diameter crown
Block D	Quercus lobata	valley oak	live	7.9	QULO04; 10' diameter crown
Block D	Quercus agrifolia	coast live oak	live	11.6	
Block D	Quercus lobata	valley oak	live	7.1	QULO05; 10' diameter crown
Block D	Quercus lobata	valley oak	live	8.7	QULO06; 10' diameter crown
Block D	Quercus lobata	valley oak	live	18.0	QULO07; 30' diameter crown
Block D	Quercus kelloggii	California black oak	live	10.4	-
Block D	Quercus lobata	valley oak	live	15.0	QULO08; 20' diameter crown
Block D	Quercus lobata	valley oak	live	11.0	QULO09; 20' diameter crown
Block D	Quercus douglasii	blue oak	live	5.7	
Block D	Quercus agrifolia	coast live oak	live	11.7	
Block D	Quercus agrifolia	coast live oak	live	8.9/8.0	
Block D	Quercus douglasii	blue oak	live	6.8	
Block D	Quercus lobata	valley oak	live	16.0	QULO10; 30' diameter crown
Block D	Quercus lobata	valley oak	live	8.8/7.74	QULO11; 20' diameter crown
Block E	Quercus douglasii	blue oak	live	19.3	
Block E	Quercus douglasii	blue oak	dead	8.0	
Block E	Quercus douglasii	blue oak	live	8.6	
Block E	Quercus douglasii	blue oak	live	10.6	
Block E	Quercus lobata	valley oak	live	13.4	QULO12; 30' diameter crown
Block E	Quercus douglasii	blue oak	live	7.5	
Block E	Quercus douglasii	blue oak	live	9.5	
Block E	Quercus douglasii	blue oak	live	14.8	
Block E	Quercus douglasii	blue oak	dead	8.2	

Table A-1. Trees Scheduled for Removal

Vineyard Block	Scientific Name	Common Name	Live/ Dead	DBH (in.)	Notes
Block E	Quercus douglasii	blue oak	live	13.9	
Block E	Quercus agrifolia	coast live oak	live	5.5	
Block E	Quercus douglasii	blue oak	live	10.7	
Block E	Aesculus californica	California buckeye	live	5.3	
Block E	Quercus lobata	valley oak	live	12.2	QULO13; 20' diameter crown
Block E	Quercus lobata	valley oak	live	10.1	QULO14; 15' diameter crown
Block E	Quercus douglasii	blue oak	live	13.5	
Block E	Quercus lobata	valley oak	live	141.2	QULO15; 20' diameter crown
Block E	Pseudotsuga menziesii	Douglas fir	live	9.7	
Block E	Pseudotsuga menziesii	Douglas fir	live	10.3	
Block E	Pseudotsuga menziesii	Douglas fir	live	8.2	
Block E	Pseudotsuga menziesii	Douglas fir	live	10.3	
Block E	Pseudotsuga menziesii	Douglas fir	live	8.3	
Block E	Pseudotsuga menziesii	Douglas fir	live	11.3	
Block E	Pseudotsuga menziesii	Douglas fir	live	7.0	
Block E	Arbutus menziesii	Pacific madrone	live	9.2	
Block E	Arbutus menziesii	Pacific madrone	live	5.8	
Block E	Arbutus menziesii	Pacific madrone	live	7.8	
Block E	Quercus agrifolia	coast live oak	live	8.4	
Block E	Arbutus menziesii	Pacific madrone	dead	6.2	
Block E	Arbutus menziesii	Pacific madrone	live	5.1	
Block E	Pseudotsuga menziesii	Douglas fir	live	5.3	
Block E	Pseudotsuga menziesii	Douglas fir	live	5.1	-
Block E	Arbutus menziesii	Pacific madrone	live	7.1	
Block E	Pseudotsuga menziesii	Douglas fir	live	9.3	
Block E	Arbutus menziesii	Pacific madrone	live	5.0	
Block E	Arbutus menziesii	Pacific madrone	dead	6.2	
Block C	Quercus lobata	valley oak	live	24.0	QULO16; 40' diameter crown
Block C	Quercus douglasii	blue oak	live	16.5	

Vineyard Block	Scientific Name	Common Name	Live/ Dead	DBH (in.)	Notes
Block C	Quercus agrifolia	coast live oak	live	20.6/20.7	
Block C	Quercus agrifolia	coast live oak	live	5.7	
Block C	Quercus agrifolia	coast live oak	live	5.0	
Block C	Quercus lobata	valley oak	live	20.0	QULO17; 40' diameter crown
Block C	Quercus kelloggii	California black oak	live	20.8/22.1	
Block C	Pseudotsuga menziesii	Douglas fir	live	28.2	
Block C	Quercus agrifolia	coast live oak	live	17.6	
Block C	Quercus agrifolia	coast live oak	live	9.0	
Block C	Quercus kelloggii	California black oak	live	19.0/17.3	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	5.8	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	6.2	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	5.3	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	26.8	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	5.8	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	dead	11.1	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	6.3	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	10.8	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	5.0	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	8.1	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	dead	13.0	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	29.0	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	6.0	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	7.5	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	10.3	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	7.0	
Blocks A1, A2, B	Quercus agrifolia	coast live oak	live	19.5	
Blocks A1, A2, B	Quercus kelloggii	California black oak	live	13.0	
Blocks A1, A2, B	Quercus kelloggii	California black oak	live	14.5	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	dead	6.2	

Vineyard Block	Scientific Name	Common Name	Live/ Dead	DBH (in.)	Notes
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	9.3	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	10.3	
Blocks A1, A2, B	Quercus kelloggii	California black oak	live	22.7	
Blocks A1, A2, B	Quercus agrifolia	coast live oak	dead	8.0	
Blocks A1, A2, B	Quercus agrifolia	coast live oak	dead	6.7	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	8.4	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	dead	13.2	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	8.9	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	7.8	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	10.3	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	9.6	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	8.0	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	21.4	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	35.3	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	11.6	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	28.1	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	10.5	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	6.5/5.2	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	dead	14.8	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	6.3	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	31.6	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	6.7	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	8.5	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	7.4	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	7.2	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	5.8	
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	9.9	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	5.1	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	28.7	

Vineyard Block	Scientific Name	Common Name	Live/ Dead	DBH (in.)	Notes
Blocks A1, A2, B	Acer macrophylla	bigleaf maple	live	9.8	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.0	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	5.4	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	11.8	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	6.4	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	9.0	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	6.4	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	10.3	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.9	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	8.5/7.0	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.0	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.8	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.8/6.0	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	7.7/6.9	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	8.7	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	8.4	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.8	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	11.5	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	7.0/6.6	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	dead	5.9	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.5	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	6.9	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	8.4	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	19.1	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	13.0	
Blocks A1, A2, B	Quercus agrifolia	coast live oak	live	6.3	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.1/5.4	
Blocks A1, A2, B	Pseudotsuga menziesii	Douglas fir	live	5.8	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	6.0	

Vineyard Block	Scientific Name	Common Name	Live/ Dead	DBH (in.)	Notes
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.4	
Blocks A1, A2, B	Arbutus menziesii	Pacific madrone	live	5.1/7.3/6.4	
Blocks A1, A2, B	Quercus kelloggii	California black oak	live	18.0	
Blocks A1, A2, B	Quercus kelloggii	California black oak	live	19.5	
Block F	Quercus kelloggii	California black oak	live	16.5	
Block F	Quercus agrifolia	coast live oak	live	13.0	
Block F	Quercus agrifolia	coast live oak	live	14.7	
Block F	Quercus agrifolia	coast live oak	live	7.5	
Block F	Quercus lobata	valley oak	live	22.8	QULO18; 30' diameter crown
Block F	Acer macrophylla	bigleaf maple	live	17.2	
Block F	Quercus lobata	valley oak	live	18.0	QULO19; 20' diameter crown
Block F	Fraxinus latifolia	Oregon ash	live	12.7	
Block F	Quercus lobata	valley oak	live	15.0	QULO20; 30' diameter crown
Block F	Quercus agrifolia	coast live oak	live	12.5/9.3/8.7	
Block F	Quercus agrifolia	coast live oak	live	7.9	
Block F	Quercus kelloggii	California black oak	live	10.1	
Block F	Quercus kelloggii	California black oak	live	12.7/8.4	
Block F	Quercus kelloggii	California black oak	live	10.0	