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Correspondence

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 31, 2024

Wendy Atkins, Planner II
County of Napa
1195 Third Street
Napa, CA 94559
Wendy.Atkins@CountyofNapa.org

Subject: Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the NCRSS, and Use Permit Exception to the Conservation Regulations P23-00239-UP, Mitigated Negative Declaration, SCH No. 2024070222, Napa County

Dear Ms. Atkins:

The California Department of Fish and Wildlife (CDFW) received a Notification of Intent to adopt a Mitigated Negative Declaration (MND) from the County of Napa (County) for the Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the NCRSS, and Use Permit Exception to the Conservation Regulations P23-00239-UP (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife 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 Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Kevin Morrison, Hillwalker Vineyards Winery

Objective: Develop a new winery including the following: 1) conversion of a 1,500-square foot (sq. ft.) residential cave to a commercial cave for wine production and

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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storage; 2) conducting visitation activities in an existing unenclosed 298-sq. ft. covered patio area and allowing on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill); 3) provide on-site parking for 7 vehicles including an accessible parking space and an electric vehicle charging station; and, 4) installation of a 2,500-gallon hold and haul tank for winery process wastewater and 5) modifications to the existing driveway with the construction of 9 turnout shoulders and 3 areas of driveway widening, involving the removal of native trees and vegetation.

Location: The Project is located on approximately 20.46 acres at 1871 Mount Veeder Road, in unincorporated Napa County; and at approximately 38.35265 °N, -122.3983 °W; at Assessor Parcel Number (APN) 034-110-047. Access to the property is through APNs 034- 110-029 and 034-100-020. The driveway follows an unnamed tributary of Pickle Creek.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Northern spotted owl (*Strix occidentalis caurina*), CESA listed as threatened species, as further described below.** Issuance of an 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 an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq. is required for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a

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river, lake or stream. **The Project has potential to impact an unnamed tributary of Pickle Creek and therefore, an LSA Notification may be needed, as further described below.** Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA notification requirements. CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including the below recommendations and those in the Draft Mitigation, Monitoring and Reporting Program (Attachment 1), CDFW concludes that an MND is appropriate for the Project.

Mitigation Measure Related Impact Shortcomings

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

AND

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Northern Spotted Owl

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Issue: Thank you for providing the Northern Spotted Owl (NSO) Habitat Assessment, which concludes on page 5 that while "...there are four activity centers within a 2-mile radius of the project site.", "...the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and dispersal habitat for NSO." Regarding habitat and trees along the driveway, the NSO Habitat Assessment (page 5) states that "The 11 trees proposed for removal average between 1 and 6 inches in diameter at breast height, are adjacent to an existing active driveway, and are too small to provide suitable NSO nesting and/or diurnal roosting habitat." This is inconsistent with the provided Table A of the assessment which includes 12 trees with diameters at breast height ranging from 6 to 12 inches. Furthermore, **this assessment did not analyze or survey for NSO occurrence within a 0.25-mile radius from the Project site** as described in the *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls* (USFWS 2012). NSO can be impacted through visual or auditory disturbance up to 0.25 miles away from a project. Although typically associated with old-growth or mature forests, NSO can utilize a wide variety of forested habitat types. While typical NSO habitat characteristics include a multi-storied structure and high canopy cover (Press et al. 2010), NSO exhibit flexibility in their use of different forested areas for nesting, roosting, and feeding requirements. Finally, 2024 Google Earth satellite imagery suggests that potential habitat, including multi-storied structure and a high canopy, appears to occur within 0.25 miles of Project area, including the areas slated for driveway modifications and development for the winery. Based on this data, there is reasonable potential for NSO nesting habitat to be present within 0.25 miles of the Project.

Specific impacts and why they may occur and be significant: If active NSO nests are not detected within the 0.25-mile range of potential disturbance, NSO could be impacted by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. NSO is CESA listed as a threatened species and is also listed under the federal Endangered Species Act (ESA), and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active NSO nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation: To reduce impacts to NSO to less-than-significant and comply with CESA, CDFW recommends that the MND include an analysis of potential impacts to NSO and add the below mitigation measure.

Mitigation Measure BIO-1 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a

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0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

COMMENT 2: Special-Status Herpetofauna

Issue: Thank you for including in the MND and Biological Habitat Assessment (BHA) a discussion on nearby occurrences and potential for impacts to special-status herpetofauna including California giant salamander (*Dicamptodon ensatus*, CGS), foothill yellow legged frog (*Rana boylei*, FYLF), and western pond turtle (*Actinemys marmorata*, WPT). The MND (page 30) states that "Construction activities could temporarily preclude the movement of some wildlife including small mammals, reptiles, and amphibians. However, after the driveway improvements are constructed, wildlife that may move across the site would be able to continue to do so. In addition, the California giant salamander, Foothill yellow-legged frog, and Western pond turtle are not expected to be within the compacted gravel driveway improvement areas or ephemeral drainage...". However, the MND and Mitigation Measure BIO-2 do not include methodology for the detection and avoidance of these species.

Specific impacts and why they may occur and be significant: The Project could impact stream or upland dispersal habitat or refugia for the above special-status herpetofauna through vegetation removal and construction activities, potentially injuring or killing them. Individual western pond turtles, a Species of Special Concern (SSC) can move more than four miles up or down stream; therefore, the Project site is within the

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mobility range of other western pond turtle California Natural Diversity Database (CNDDDB) documented observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015). Foothill yellow-legged frogs, SSC, have been documented moving up to 500 feet from the wetted channel of a stream across upland habitat (CDFW 2018). Based on the above information, if these special-status herpetofauna occur within the Project area, Project impacts to special-status herpetofauna would be potentially significant.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to special-status plants to less-than-significant, CDFW recommends including the below mitigation measure in the MND.

Mitigation Measure BIO-2 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented. If California red-legged frog is encountered, the Project shall consult with USFWS pursuant to the federal ESA and obtain any required authorization for impacts.

I. Environmental Setting Related Impact Shortcomings

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 3: Special-Status Plants

Issue: The MND (page 9) states that “According to County of Napa Environmental Mapping (CNDDDB layer) there are no Special Species plants on the parcel.” While there may be a lack of documented occurrences on the Project site, CNDDDB is a positive sighting database; information on negative sightings is only included when it pertains to previously documented occurrences. It is important to emphasize that absence of data is not proof of absence. There are areas of the state that have not been surveyed or where data have not been submitted to the CNDDDB program. Just because a species has not been documented in the CNDDDB at a given location does not necessarily mean the species does not occur there. The absence of data in the CNDDDB is NOT proof of absence and does not constitute an adequate basis for determining lack of presence

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(CDFW 2020). CNDDDB shows 11 special-status plant species occurring within 5 miles of the Project area. The MND does not include or discuss impacts to special-status plant species resulting from Project activities including driveway modifications and tree removal, nor was an adequate scientific methodology utilized for a special-status plant assessment.

Specific impacts and why they may occur and be significant: If survey protocols and results for special-status plants are not fully reported, impacts may go undetected, and state listed plants or other plants considered rare per CEQA guidelines section 15380 could be taken. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.).

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to special-status plants listed above to less-than-significant, CDFW recommends incorporating the below mitigation measure.

Mitigation Measure BIO-3 Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

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COMMENT 4: Stream Alteration

Issue: According to the BHA (page 3 and Figure 2), The Project includes installing turnouts and widening sections on a driveway which runs adjacent to and crosses over an unnamed tributary of Pickle Creek at two culverted sections. The BHA also states that “A total of 11 trees have been identified for complete or partial removal as part of the driveway modification project.” It’s not clear that the Project has considered impacts to the stream and riparian habitat resulting from the driveway modifications and tree removal. Please be advised that the stream and adjoining riparian habitat is subject to CDFW jurisdiction and Fish and Game Code 1602 et. seq, notwithstanding seasonality of flows.

Specific impacts and why they may occur and be significant: Construction activities and tree removal pose numerous threats to streams and the habitats they support. Impacts include inputs of deleterious materials, removal of riparian vegetation, obstructions and diversions, equipment staging and operation, and disturbances to riparian corridors, special-status wildlife and their habitats, and nesting birds.

Recommendation: To comply with Fish and Game Code section 1600 et seq., CDFW recommends including the below mitigation measure.

Mitigation Measure BIO-4 Impacts to the Stream and Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Impacts to waters, wetlands, and riparian areas subject to the permitting authority of CDFW shall be mitigated by providing compensatory mitigation at a minimum 3:1 ratio in area for permanent impacts and 1:1 ratio for temporary impacts, unless otherwise approved in writing by CDFW.

Please be advised that an LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make

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subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. 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. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024070222)

REFERENCES

CDFW. 2018. Considerations for Conserving the Foothill Yellow-Legged Frog.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>

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CNDDDB. 2020. California Natural Diversity Database (CNDDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA

Holland, Dan C. 1994. The western pond turtle: habitat and history. Unpublished final report, U. S. Dept. of Energy, Portland, Oregon.

Press, D., D. Adams, H. Jensen, K. Fehring, W. Merkle, M. Koenen, and L. A. Starcevich. 2010. San Francisco Bay Area Network northern spotted owl monitoring protocol: Version 6.4. Natural Resource Report NPS/SFAN/NRR—2010/245. National Park Service, Fort Collins, Colorado.

Purcell, Kathryn L.; McGregor, Eric L.; Calderala, Kathryn. 2017. Effects of drought on western pond turtle survival and movement patterns. *Journal of Fish and Wildlife Management*. 8(1): 15-27.

Zaragoza, George; Rose, Jonathan P.; Purcell, Kathryn.; Todd, Brian. 2015. Terrestrial habitat use by western pond turtles (*Actinemys marmorata*) in the Sierra Foothills. *Journal of Herpetology*. 49(3): 437-441.

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following mitigation measure (MM) language to be incorporated into the MMRP for the Project.

Biological Resources (BR)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BIO-1	<p>MM BIO-1 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW’s written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS <i>Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls</i>, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, <i>Surveys for Disturbance-Only Projects</i>. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW’s written acceptance of the</p>	Prior to Ground Disturbance	Project Applicant

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	<p>qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.</p> <p>Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, <i>Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California</i>, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.</p> <p>If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.</p>		
<p>MM BIO-2</p>	<p>MM BIO-2 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>
<p>MM BIO-3</p>	<p>Mitigation Measure BIO-3: Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate</p>	<p>Prior to Ground Disturbance and continuing over the</p>	<p>Project Applicant</p>

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	<p>blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 <i>Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (See https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.</p>	<p>course of the Project</p>	
<p>MM BIO-4</p>	<p>MM BIO-4: Impacts to the Stream and Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the</p>	<p>Prior to Ground Disturbance and continuing over the</p>	<p>Project Applicant</p>

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	<p>placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed.</p> <p>Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources</p>	course of the Project	
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