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**Planning, Building & Environmental Services**

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**Brian D. Bordona**  
Director

To: Planning Commissioners	From: Matt Ringel, Project Planner
Date: May 2, 2025	Re: PC Agenda 5/7/2025, Harcross Winery/ECPA/Viewshed 6402 Dry Creek Road, Napa, CA 94558 Assessor's Parcel Number 027-530-006

On April 28, 2025, staff received comments from the Department of Fish and Wildlife (CDFW) regarding the proposed Harcross project. Planning staff recommends incorporating CDFW's comments into the proposed project:

CDFW has requested changes to Mitigation Measure BIO-1, regarding the technical requirements for preconstruction Northern Spotted Owl surveys.

Condition of Approval 6.12.

- a. **MM BIO-1:** Minimize potential indirect impacts to Northern Spotted Owls
- Prior to the commencement of Project Construction activities occurring between March 15 and July 31 each year,** ~~Prior to the commencement of vegetation removal and earth-moving activities associated with the project~~ the owner/permittee shall conduct a pre-construction survey for Northern Spotted Owls (NSO). The survey shall be prepared by a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur in the vicinity of the project site) within suitable habitat located within 0.25-miles of project activities. The preconstruction survey shall follow the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012, in accordance with Section 9 (Surveys for Disturbance-Only Projects) of the survey protocol.
  - The preconstruction survey shall **include a one-year, six visit survey that covers all NSO habitat within 0.25 mile from the Project area, unless otherwise approved by CDFW in writing,** ~~be conducted no earlier than 14 days prior to when vegetation removal and ground-disturbing activities are to commence~~ and shall be provided to the Napa County Planning, Building, and Environmental Services (PBES) Department's Planning Division and the CDFW for review prior to commencement of work. Any recommendations provided by CDFW, including but not limited to

establishment of no disturbance buffers, seasonal restrictions on heavy equipment use and operations, or subsequent surveys shall be implemented in accordance with CDFW recommendations.

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

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits and the ECPA with survey recommendations be implemented in conjunction with all construction activities.

Responsible Agency: California Department of Fish and Wildlife

CDFW has requested that the project include a preconstruction bat survey, to occur prior to tree trimming or removal. The Biological Resource Survey completed by Kjeldsen Biological Consulting in September of 2023, reviewed the potential for Pallid Bat and the Townsend's Big-eared Bat. The survey concluded that there was no potential for the Pallid Bat on the property and that there was no potential for roosting habitat on the project site. The survey also concluded that the Townsend's Big-eared Bat may fly over the project site, but there was no roosting habitat on site. No bat species were observed on site during the biologist's field surveys. Due to these factors, there is no potential impact to either species.

To address concerns raised by CDFW, Condition of Approval 6.12.c. is recommended to be incorporated into the proposed project.

#### Condition of Approval 6.12

- c. Bat Tree Habitat Assessment and Surveys. Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming or removal and shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

These changes are also to be incorporated within “Attachment D - ECPA Findings and Conditions of Approval” with the aforementioned edits to BIO-1 within COA 2.a and the addition of the Bat Habitat Assessment as COA 2.c.