

Exhibit B-2



June 19, 2024

Attn: Don Barrella, Planner III

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

Subject: Meka Vineyard Conversion, Napa County ECP – Response to Napa County comments on biological resources (File #P24-00065-ECPA)

Don:

This letter provides a response to a request from Napa County (County) for additional information/analysis regarding biological resources for the property located at 4473 Atlas Peak Road (Study Area; APN 032-540-034) in unincorporated Napa County, California. The request is outlined in a letter from the Planning, Building, and Environmental Services Department, *Application Completeness Determination – Meka Vineyard Conversion Agricultural Erosion Control Plan (ECPA) File #P24-00065-ECPA*, and made in the context of a previous Biological Resources Reconnaissance Survey (BRRS) report covering the site/project by WRA, Inc. (WRA) dated February 2024. This letter accompanies a revised (final) version of the BRRS report dated June 2024.

The proposed project is the installation of new vineyard blocks and an associated access road on the property, resulting in approximately 26 acres of total disturbance limits (Project Area).

RESPONSE TO COUNTY REQUEST

The section below directly addresses the comments from the County point-by-point (with text from the County in *italics*); the relevant pages from the County's letter are included as Attachment A.

Application Completeness Items...

4. Biological Resource Information: Please provide an addendum or update to the [Feb. 2024 BRRS report] that:

a. Clarifies and confirms the number of springs in the study area...Additionally confirm that there are no potential wetlands in the study or project area. While it appears the [BRRS report] concludes there are no wetlands within the property Appendix C specific to Henderson's bent grass it is indicated that "The Study Area contains seasonal wetland seeps that may support this species." This confirming information from the subject matter



expert will also be beneficial in the CEQA disclosures and assessment, in that other project studies/documents (i.e. WAA, Cultural Resources Report, Geologic Study, and Narrative) note springs and wetlands within the property and project area.

As described in the BRRS report, WRA observed two developed springs in the eastern portion of the Study Area. During initial site visits, adjacent soils were saturated and hydrophytic vegetation was present immediately downslope of the springs. However, these conditions were assessed to be the result of artificial hydrology, i.e., an overflowing/leaking livestock trough and a leaking pipe, respectively. Soils did not meet U.S. Army Corps of Engineers wetland criteria when investigated in December 2023. Furthermore, the hydrological sources of localized saturation have been repaired and observable surface hydrology indicators are certain to be eliminated. A third developed spring (in proximity to the others) is also present and now mapped in the revised BRRS report; during WRA's site visits, this feature was visually obscured by ruderal vegetation that has since been thinned. No seasonal wetlands as defined by the Corps and considered sensitive by the County of Napa were observed by WRA within the Study Area, including the Project Area.

Additionally, the portion of the Study Area mapped as "Freshwater Emergent Wetland" and "Pond and Associated Vegetation" in the National Wetlands Inventory (NWI; USFWS 2024) and California Aquatic Resources Inventory (CARI; SFEI 2024), respectively, does not meet any of the three wetland parameters and therefore is not a wetland or other aquatic feature.^{1,2}

Although the developed springs do not meet the regulatory criteria of wetlands and are reverting to xeric conditions following their repair, the potential presence of Henderson's bent grass (*Agrostis hendersonii*) at the time of our initial investigations was contingent on the extended presence of surface hydrology that was (temporarily) altering the plant community. This plant is an annual that could plausibly colonize a wet area such as a leaking developed spring. Language specific to "seasonal wetlands" in Appendix C should have reflected the nature of the features in question, i.e., "developed springs", but is rather an artifact of template language that has been corrected in the revised BRRS report. Regardless, this species was among those specifically searched for during botanical surveys in 2021 and was not observed.

b. [sic] An assessment of the quality, in terms of biological value, of the various Land Cover[s] (or habitat types) occurring on the property and project area, in particular the oak woodlands.

For context, land covers within the Study Area burned in October 2020 and remained impacted during WRA's primary site visits and mapping in 2021. The non-native annual grassland is dominated by many of the expected non-native (and invasive) grass species typical of such environments throughout much of California, with a mix of native and non-native species (e.g., forbs) also present. The toyon chaparral was in a state of post-

¹ (USFWS) U.S. Fish and Wildlife Service. 2024. National Wetlands Inventory. Available at: <http://www.fws.gov/wetlands/index.html>. Accessed: February 2024.

² (SFEI) San Francisco Estuary Institute. 2024. California Aquatic Resource Inventory (CARI). Available at: <http://www.sfei.org/cari#sthash.Mzz93W9i.dpbs>. Accessed: February 2024.



fire regeneration in 2021, with a relatively sparse layer of both regenerating and dead shrubs, and an understory dominated by non-native grasses and forbs. Once recovered, the chaparral will presumably provide habitat for a variety of common wildlife species including chaparral/scrub-associated birds, black-tailed deer (*Odocoileus hemionus columbianus*), and others. No special-status plants were observed within the chaparral during botanical surveys in 2021, including fire-adapted species with the potential to exhibit relatively high recruitment following burning. Otherwise, the chaparral is presumably of a similar habitat quality to that found elsewhere in the greater region.

On-site black oak forest was also recovering from fire in 2021, with most trees damaged (many severely) but alive. Oaks within the stand (various species), both within and outside of the Project Area, are relatively uniform in height and structure. Relatively few bird species were observed within the oak forest in 2021, though this may have been at least partially a result of limited foliage following the fire. Once regenerated, the on-site oak forest will likely host a variety of common wildlife species affiliated with oaks and a denser vegetative understory. Overall, the stand was of average quality for black oak-dominated woodland/forest in the region; this assessment is applicable to both trees scheduled for removal (within the Project Area) and those to be retained. As with the toyon chaparral, no special-status plants (including fire-adapted species) were observed by WRA during dedicated surveys in 2021.

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

Sincerely,



Jason Yakich
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Enclosures:

Attachment A – Excerpt pages from County letter



EXHIBIT A
APPLICATION COMPLETENESS DETERMINATION – INFORMATION REQUEST
Mika Vineyard #P24-00065-ECPA: 4473 Atlas Peak Road; APN 032-540-034

Application Completeness Items: This information is necessary to clearly define and describe the full extent of the proposed project, adequately disclose and assess potential impacts of the project pursuant to CEQA, assess the project's compliance with applicable General Plan Goals and Policies and the County Conservation Regulations, and complete the ECPA application.

1. Project Description:

- a. Slide Repair: Thank you for confirming that the project includes the slide repair as identified in the plans. The project narrative should be revised to clearly indicated the project includes the slide repair, currently the narrative indicates that ... *'either be avoided with a 30' buffer all around the feature or will be re-graded to a stable condition in accordance with the procedures specified by RGH.'*. Also please clarify anticipated grading amounts: the Application indicates 2000cy of cut and fill and the Narrative indicates 1000cy of cut and fill.
- b. Access Road: Thank you for confirming that the area/acreage of the access road from Atlas Peak Road to proposed Vineyard Block C is included in the project acreage calculations. As discussed, please provide details and cross sections of any anticipated improvements necessary to provide adequate vineyard construction and operational access, including maintenance best management practices.
- c. Outsloped Vineyard Avenue at Bottom of Block with Rock Bench: As discussed, the plans and narrative should include a notation that this feature may be used at various locations depending on the amount of rock generated through vineyard development, including a general idea of where they may be installed (e.g. the northern periphery of Block C, etc.).
- d. Water Tanks: Provide details of the two proposed irrigation tanks including capacity, dimensions, and construction materials.

2. Oak Woodland Removal Avoidance - Infeasibility Justification: Because oak woodland is proposed to be removed as part of the project, justification as to why it is infeasible to avoid oak woodland is necessary pursuant to General Plan Policy CON-24.c. This policy requires the preservation of comparable or better oak woodland habitat when avoidance is found to be infeasible. Alternatively, the project could be redesigned to avoid oak woodland removal.

3. Water Availability Analysis (WAA). Provide an update or addendum to the Project WAA that clarifies and confirms the number of spring (developed and natural) occurring on the property. The WAA indicates there are three springs, two developed and one natural, while the project biological report indicates only two developed springs (also see item #4). Based on the site inspection it appears that Spring #2 may be the natural spring identified. If a natural spring is located within 1,500-feet of any of the project wells a spring interference analysis prepared in accordance with the County Water Availability Analysis Guidance Document will be necessary (May 2015: [Water-Availability-Analysis-Adopted-Policy---12-May-2015 \(countyofnapa.org\)](https://www.countyofnapa.org/Portals/0/Planning/2015%20Water%20Availability%20Analysis%20Adopted%20Policy%2012%20May%202015.pdf)). Per the Guidance, because springs originate as groundwater, springs are eligible for WAA Tier 2 analysis, and it is required that any proposed project wells within 1,500 feet of natural springs be evaluated to assess potential connectivity between the part of the aquifer system from which groundwater is planned to be produced and the spring(s).

4. **Biological Resource Information:** Please provide an addendum or update to the Project Biological Resource Reconnaissance Survey prepared by WRA Inc., (February 2024) that:
- Clarifies and confirms the number of springs in the study area (also see item #3). Additionally confirm that there are no potential wetlands in the study or project area. While it appears the Survey concludes there are no wetlands within the property Appendix C specific to Henderson's bent grass it is indicated that *"The Study Area contains seasonal wetland seeps that may support this species."* This confirming information from the subject matter expert will also be beneficial in the CEQA disclosures and assessment, in that other project studies/documents (i.e. WAA, Cultural Resources Report, Geologic Study, and Narrative) note springs and wetlands within the property and project area.
 - An assessment of the quality, in terms of biological value, of the various Land Cover (or habitat types) occurring on the property and project area, in particular the oak woodlands.
5. **Geologic Study:** Please provide an update or addendum to the Study prepared by RGH Consultants (December 2022) that includes an opinion on the effects on slope stability due to the proposed ECPA related to increased infiltration due to proposed ripping depths. The report should also provide ground preparation recommendations to maintain slope stability as applicable.
6. **Vegetation Canopy Cover Retention and Removal Calculations:**
- Provide Vegetation Clearing and Retention Exhibit/Analysis pursuant to NCC Section 18.108.027(B) for the portion of the project located within the Milliken Reservoir Domestic Watershed to support the calculations provided in the supplemental information form.
 - Provide a standalone Vegetation Canopy Cover (VCC) Removal and Retention Exhibit/Calculations pursuant to NCC Section 18.108.020(C). The Exhibit/Calculations will need to differentiate oak woodland canopy acreage located on slopes of 30% or less and outside of stream setbacks; on slopes between 30% and 50% and outside of stream setbacks; and, on slopes over 50% and within stream setbacks. This VCC Exhibit will also be utilized to assess and disclose potential Greenhouse Gas emissions and sequestration loss.
7. **Vineyard Development and Operations Traffic and Practice:** In addition to the information provided in Application *Attachment A*, please provide anticipated truck and vehicle trips (or vehicle miles travelled), equipment necessary, and number of employees necessary for, land preparation, erosion control plan installation (including importation of, soil amendments or other materials), vineyard installation, and ongoing vineyard operations. This information is necessary to disclose and assess potential traffic, air quality, and climate change impacts associated with project development and operational activities.
8. **Notification Information/Listing:** A listing of the current owners of all the properties located within 1,000 feet of the project site/holding will be necessary pursuant to Section 603 of the County's Local Procedures for Implementing CEQA to circulate the document for public review and comment. The notification information shall include the property owner's names, their addresses, and the assessor's parcel numbers of the property owned. Also see the enclosed *Adjoining Property Owner List Requirements*. You will be advised when the notification information will need to be provided.