Diamond Creek Winery Expansion Project

Biological Resources Assessment

Project
1187

Zentner Planning and Ecology
Walnut Creek

Prepared for:
Diamond Creek Vineyards
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Table of Contents

I. INTRODUCTION 1
- A. Purpose 1
- B. Methodology 1
- C. Project Location 1
- D. Project Description 2

II. ENVIRONMENTAL SETTING 3
- A. Site Description 3
- B. Habitats 4
- C. Wildlife 6

III. SPECIAL-STATUS SPECIES AND HABITATS 7
- A. Special-Status Species 7
  - 1. Definitions 7
  - 2. Special Status Species Potentially Occurring on the Property 8
  - 3. Conclusion 12
- B. Special-Status Habitats 12
  - 1. Wetlands and Waters 12
  - 2. Other Special-Status Habitats 12
  - 3. Wildlife Movement Corridors 13

IV. BIOLOGICAL RESOURCES 14
- A. Regulatory Setting and Federal Framework 14
  - 1. Federal Endangered Species Act 14
  - 2. Federal Migratory Bird Treaty Act (FMBTA) 15
  - 3. Federal Clean Water Act 15
- B. State Framework 16
  - 1. California Endangered Species Act 16
  - 2. California Fish and Game Code 16
  - 3. Porter-Cologne Water Quality Act 17
- C. Environmental Analysis 17
  - 1. CEQA Thresholds of Significance 17

V. POTENTIAL IMPACTS AND MITIGATION MEASURES 19
- A. Less Than Significant Impacts 19
- B. Potentially Significant Impacts Before Mitigation 19

VI. REFERENCES 24

Diamond Creek Winery Expansion Project

Biological Resources Assessment

I. INTRODUCTION

A. Purpose

This report is intended to assess the environmental conditions of the Diamond Creek Winery Expansion Project site. For purposes of this report Diamond Creek Winery Expansion Project is hereafter referred to as the project, property, or the site.

This report will evaluate the presence or likelihood of occurrence of any special status plant or wildlife species that are listed by State, Federal, or local governments, identify the sensitive habitats that occur on the site and, recommend appropriate measures to be incorporated into the proposed project to avoid any potential impacts to special status species and to mitigate for impacts to special status habitats.

B. Methodology

Zentner Planning and Ecology conducted a desktop analysis of the project site, which included reviewing the site and surrounding areas for special status species and habitats based on database and literature reviews, as well as surrounding aerial photography. Zentner staff also completed a site reconnaissance survey and assessment on September 17, 2025.

The most recent versions of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), United States Fish and Wildlife Service (USFWS) special status species list, and the California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Plants were reviewed. These resources were used during the preparation of this analysis to determine special-status plant and wildlife species potentially occurring in the vicinity of the Property. The databases were searched for the Property, environs, and greater area (*i.e.,* the surrounding 5-mile radius).

C. Project Location

The project is located at 1500 Diamond Mountain Road in an unincorporated area of Napa County near the City of Calistoga (**Figure 1**). The project site is found within the Calistoga USGS 7.5-minute quadrangle and within the Napa River Watershed (HUC – 18050002).

The proposed expansion project will be constructed at the property, which itself consists of two parcels totaling approximately 78.12 acres. The site can be accessed via Highway 29 near the City of Calistoga from Diamond Mountain Road. Specifically, the site is located at 1500



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

1500 Diamond Mountain Rd
Calistoga,
Napa County, California

DATE: 10/14/2025

SOURCE: D:\Graphic Designer\My Documents \ PROJECTS\1100-1199\1187 Diamond Creek Vineyard BRA\Adobe\Fig1_Lo-

FIGURE 1
LOCATION MAP

ZENTNER Planning & Ecology
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Diamond Mountain Rd, which is approximately half a mile northwest of its intersection with Hwy 29. Access to the site is via gate just off the road, which leads approximately a quarter mile to the site.

The project site is located within a residential, agricultural area, surrounded by multiple other vineyards located immediately to the south and east (**Figure 2**). The Napa River is located approximately 0.80 miles to the northeast of the property, and an unnamed, intermittent tributary is located approximately 200 feet south of the expansion boundary in some areas, down a steep embankment.

D. Project Description

The proposed project includes construction of a new winery with associated outbuildings, as well as the conversion of the existing winery into a primary residence located on the northern portion of the property. Access improvements would be made by widening and extending sections of the roadway along the northeastern side of the site to serve the new facilities. Additional parking areas would be developed just south of the new winery building.

Existing development within the project area currently consists of a winery facility, employee parking, and paved roadways. The project would increase the developed area from approximately 34,122 square feet to 59,008 square feet. Four bioretention basins are also proposed around the new winery building to manage stormwater runoff. The project will also remove approximately 120 trees in order to provide sufficient space for these improvements. The project had preliminarily identified 132 trees for removal, including primarily Douglas fir (*Pseudotsuga menziesii*) and oak (*Quercus sp.*). However, at least 12 of these trees have already been removed by PG&E or are hazard trees that are dead, dying, or downed and, therefore, are not part of this project.

II. ENVIRONMENTAL SETTING

A. Site Description

The subject property consists largely of rural, agricultural land (vineyard), similar to much of the landscape and residences in and/or around the City of Calistoga (**Photo 1**). A pre-existing winery (soon-to-be a primary residence) is present on the northern side of the property, with another residence also present just east.

Much of the surrounding vegetation in the area, outside of the vineyard itself, consists of a mixed oak woodland with species that are common to the area. Some planted, ornamental vegetation is present near existing roadways and the winery facility. An unnamed tributary to the Napa River is present along the northern side of the property; steep slopes are present in the area surrounding the creek in the areas closest to the project boundary. Additionally, the development areas in these locations consist of roadway expansion where the road itself is already partially developed and is regularly disturbed.



Photo 1: Pre-existing vineyard on the property, northeast of any planned development.

B. Habitats

The project site contains two habitat types: mixed oak woodland and ruderal/developed. Mixed oak woodland is the dominant habitat type within the project area, with surrounding areas composed of existing structures, paved roads, etc.

Each of these habitats and the associated plant communities are discussed below and a full list of the plant species observed on the project area is provided in **Appendix A**.

Nomenclature used for plant names follow *The Jepson Manual*, Second Edition (Baldwin et. al. 2012) and changes made to this manual as published on the Jepson Interchange Project website (http://ucjeps.berkeley.edu/interchange/index.html).

1. Mixed Oak Woodland

Mixed oak woodland habitat is the dominant vegetation present in the surrounding area, aside from the areas that were previously developed (**Photo 2**). Vegetation in this area is dominated largely by oak species including California black oak (*Quercus kelloggii*), coastal live oak (*Quercus agrifolia*), blue oak (*Quercus douglasii*), and Oregon white oak (*Quercus garryana*). Other large overstory vegetation in the area includes douglas fir (*Pseudotsuga menziesii*), California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), and big leaf maple (*Acer macrophyllum*)



Photo 2: Mixed oak woodland overstory present within the project boundary. A variety of oak species are present throughout the area, along with species such as Douglas fir (*Pseudotsuga menziesii*).

Understory vegetation consists of a variety of species such as coyote bush (*Bachharis pilularis*), coffeeberry (*Frangula californica*), and honeysuckle (*Lonicera hispidula*) and non-native, annual grassland species such as wild oats (*Avena fatua*), ripgut brome (*Bromus diandrus*), and sock destroyer (*Torilis arvensis*).

2. Ruderal/Developed

Much of the project site contains previously developed areas such as the existing winery and roadside expansion area (**Photo 3**). Some grassland species, many of which are also present in the mixed oak woodland understory, area also present marginally around the roadside. These include species such as wild oats and Mediterranean brome (*Bromus madritensis*). Areas just outside the boundary in some areas are also agricultural and consist of vineyard grape vines (*Vitis sp.*).



Photo 3: Area where road expansion will be occurring. Mixed oak woodland surrounds the existing road in most areas.

C. Wildlife

Wildlife within the Property consists of common suburban/rural species. Mammals would include coyote (*Canis latrans*), mule deer (*Odocoileus hemionus*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and lagomorphs (rabbits) such as black-tailed jackrabbit (*Lepus californicus*). Small mammals on the Property likely include California vole (*Microtus californicus*) and deer mouse (*Peromyscus maniculatus*). These small mammals are likely preyed upon by predators such as coyotes, red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo lineatus*).

Birds commonly found in these types of habitats include mourning dove (*Zenaida macroura*), turkey vulture (*Cathartes aura*), red-winged black bird (*Agelaius phoeniceus*), oak titmouse (*Baeolophus inornatus*), western bluebird (*Sialia mexicana*), and tree swallow (*Tachycineta bicolor).* Common reptiles likely present include western fence lizard (*Sceloperus occidentalis*), southern alligator lizard (*Gerrhonotus multicarinatus*), gopher snake (*Pituophis melanoleucus*), western rattle snake (*Crotalus viridis*), and California king snake (*Lampropeltis californiae*).

Nomenclature for wildlife follows the CDFW's *Complete list of Amphibian, Reptile, Bird, and Mammal Species in California* (2016) and any changes made to species nomenclature as published in scientific journals since the publication of CDFW's list. A complete list of vertebrate species observed on-site during the September 17, 2025 field visit is provided in **Appendix B**.

III. SPECIAL-STATUS SPECIES AND HABITATS

A. Special-Status Species

1. Definitions

For the purposes of this assessment, "special-status" refers to those species that meet one or more of the following criteria: Plant and animal species listed by the USFWS or CDFW as Threatened or Endangered; species proposed for listing as Threatened or Endangered; or species that are candidates for listing as Threatened or Endangered. (Fish and Game Code §2050 et seq.; 14 CCR §670.1 et seq.) or the FESA (50 CFR 17.12 for plants; 50 CFR 17.11 for wildlife; various notices in the Federal Register [FR] for proposed species). For candidate species; FESA (50 CFR 17; FR Vol. 64, No. 205, pages 57533-57547, October 25, 1999); and under the CESA (California Fish and Game Code §2068).

Plant and animal species considered as "Endangered, Rare, or Threatened" are defined by Section 15380 of the CEQA Guidelines. Section 15380(b) states that a species of animal or plant is "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species is "rare" when either "(A) although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become Endangered if its environment worsens; or (B) the species is likely to become Endangered within the foreseeable future throughout all or a portion of its range and may be considered 'Threatened' as that term is used in the Federal Endangered Species Act" (ESA). Plants included on Ranks 1 or 2 of the California Native Plant Society (CNPS) or on lists maintained by local chapters of CNPS are also designated as special status species.

Animal species designated as "Fully Protected", "Species of Special Concern," or "Special Animals" by the CDFW have no legal status under the California Endangered Species Act (CESA), but CDFW recommends their protection as their populations are generally declining and they could be listed as Threatened or Endangered (under CESA) in the future or they are species considered by CDFW to the those of the "greatest conservation need" (CDFG 2009; Fish and Game Codes 3511, 4700, 5050, and 5515). "Special Animals" is a relatively recent and broad list developed by CDFW to encompass a number of other Federal, State, Local and Non-Governmental Organization (NGO) lists of special status species. It includes, for example, species listed by the US Bureau of Land Management (BLM), species listed by the Western Bat Working Group (WBWG) or the International Union for the Conservation of Nature (IUCN).

Birds designated by the USFWS as "Birds of Conservation Concern" also have no legal status under the ESA, but USFWS recommends their protection as their populations are generally declining, and they could be listed as Threatened or Endangered (under ESA) in the future. More information on special status species, including definitions and abbreviations, is provided in Appendix D.

The Migratory Bird Treaty Act (16 U.S.C. 703-711) makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, kill, attempt to transport (import or export) any migratory bird including any part, nest, or egg of any such bird. Essentially, the law includes all species of birds, not just those typically considered migratory. Invasive bird species such as rock doves, also known as "pigeons" (*Columba livia*), European starlings (*Sturnus vulgaris*), and house sparrows (*Passer domesticus*) are exceptions to this law.

2. Special Status Species Potentially Occurring on the Property

According to CDFW's California Natural Diversity Database (CNDDB), a total of 15 special status wildlife species and 23 special status plant species are known to occur in the general region around the project area, that is, within a 5-mile buffer surrounding the project area. CNDDB occurrences within the nine United States Geological Survey quadrangles surrounding the project site were also examined. However, because habitat types varied significantly from the Property outside of a 5-mile radius, a 5-mile radius was determined to be the appropriate buffer for this assessment.

The USFWS's Information for Planning and Consultation (IPaC) resource lists for the project Site include 5 special status wildlife species and 3 special status plant species known from the region. The California Native Plant Society (CNPS) list for the project site includes 36 special-status plant species. These species lists are provided in **Appendix C** and the definitions for the special status species designations are provided in **Appendix D**.

The special status species that have the potential to occur on the project site are described in more detail below. The majority of the species that were reviewed are highly unlikely to occur onsite due to a variety of reasons including; the lack of suitable habitat onsite, the lack of local occurrences, and lack of suitable range for the species. The following species have some potential, or have relevant occurrences within CNDDB, to nest on-site at some time, move through the site, or otherwise depend on the site for some function given the presence of potentially suitable habitat and known occurrences in the surrounding area.

a. Wildlife

The majority of the special status wildlife species that have recorded CNDDB observations, or that are listed in the iPaC resource lists, in the region around the Property are unlikely to occur in the project area due to the absence of suitable habitat. No special status wildlife species have been observed on or within the project site or adjacent areas.

The project area also has potential to support nesting raptor species or other nesting migratory birds. Several small bird boxes were observed within the vineyard rows, likely for use by species such as western bluebird (*Sialia mexicana*) or tree swallows (*Tachycineta bicolor*). Nesting birds and raptors are protected under the CDFW Code, and the Migratory Bird Treaty Act.

Special Status Roosting Bats

California has twenty-five bat species, eighteen of which are considered rare or a Species of Special Concern by the California Department of Fish and Wildlife. The bats that are known from the region utilize trees, tree cavities, snags, exfoliating bark on trees, leaf litter, Spanish moss, squirrel nests, woodpecker holes, trucks of trees, cracks in the ground, hollows within snags, buildings, caves, crevices in rock faces and mine shafts for roosting and breeding. There are several bat species that are known from the region around the project site.

Pallid Bat (*Antrozous pallidus*) (USFS:S, DFW:SSC, IUCN:LC, BLM_S, WBWG_H)

The pallid bat is a large, long-eared vespertilionid bat. There are six subspecies of the pallid bat. Three are found in California, including *A. p. pacificus*, *A. p. pallidus*, and *A. p. minor*. This species is easily distinguished from other bat species with its large size, eyes, and ears, light tan coloration, pig-like snout, and distinctive skunk odor. Its color varies dependent on location and is blond in desert locations and tan along the coast and farther north. Pallid bat scat commonly contains the remains of insects like scorpions, Jerusalem crickets, sphinx moths, and/or long-horned beetles.

In California, the species occurs throughout the state in a variety of habitats including low desert, oak woodland and coastal redwood forests, extending up to 3,000 m elevation in the Sierra Nevada. Of the three present subspecies, A. *p. pacificus*, the largest subspecies, occurs along the coast and in the Coast Ranges west of the Central Valley. *A. p. minor*, the smallest subspecies, occurs in the Colorado River basin and adjacent mountain ranges. *A. p. pallidus* occurs throughout the rest of the state (including western San Diego County, the Central Valley, all of the Sierra Nevada and areas east of the crest, and, farther north, all areas east of the coast ranges) (Martin and Schmidly 1982).

The pallid bat is colonial with colonies forming in March to May and remaining until October (Barbour and Davis 1969). They are primarily a crevice roosting species and seek out rock crevices, old buildings, bridges, caves, mines and hollow trees (Barbour and Davis 1969). Breeding occurs in the spring and one to two young are born in the early summer. They remain dependent on their mothers for a minimum of 6 weeks.

There are three records of pallid bat being present within the vicinity of the project area, according to CNDDB records. Two of these records are 70 years old, and the third record was observed in 2017 near the Napa River.

A pre-construction roosting bat survey and a two-step removal process should be completed, as described in the mitigation measures section, and should be followed when removing trees as part of the proposed project. These measures will ensure that the pallid bat is not adversely impacted by the proposed project.

Townsend's big-eared bat (*Corynorhinus townsendii townsendii*) (USFWS:SSC, USFS:S, DFW:SSC, IUCN:VU)

The Townsend's big-eared bat is one of five subspecies that occur across western North America, from British Columbia to the Mexican highlands, with isolated populations reaching east to the Ozarks and Appalachia. Two subspecies are found in the western United States including *C. t. townsendii* and *C. t. pallescens*. The species can be distinguished from other species in its genera by prominent, bilateral nose lumps and large, rabbit-like ears.

Townsend's big-eared bats take advantage of caves and cave-like roosting habitat, including abandoned mines, buildings, bridges, rock crevices, and hollow trees. The species is colonial with colony size ranging from a few individuals to several hundred. Males are typically solitary during mating season. Maternity colonies are formed between March and June with a single pup born between May and July. They forage in areas adjacent to wooded habitats and streams for primarily lepidopterans (butterflies and moths).

There are five occurrences of Townsend's big-eared bat in CNDDB within a five-mile radius of the project area. All of these records appear to be over 60 years old, some of which are mapped generally within the area. Fecal evidence for one occurrence was determined in 2012; however, no evidence of Townsend's was determined at the time.

A pre-construction roosting bat survey and a two-step removal process should be completed, as described in the mitigation measures section, and should be followed when removing trees as part of the proposed project. These measures will ensure that Townsend's big-eared bat is not adversely impacted by the proposed project.

Special-Status Bumble Bee Species

California has 25 bumble bee species, 4 of which are considered special-status: Franklin's bumble bee (*Bombus franklini*), Crotch's bumble bee (*Bombus crotchii*), Suckley's cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis*). All four of these species are candidate endangered species under the California Endangered Species Act. Franklin's bumble bee is the only species listed as federally endangered, while Suckley's cuckoo bumble bee is also federally proposed threatened under the Endangered Species Act.

There is one record of a western bumble bee (*Bombus occidentalis*) observation listed within CNDDB. This record was generally mapped within the City of Calistoga and is dated over 70 years ago. No other records of special-status bumble bee species were noted within CNDDB within five miles of the project area.

The project area contains a lack of flowering resources typically associated with foraging ranges and/or nesting sites of bumble bee species. Additionally, much of the project area has been previously developed and/or exists in a disturbed area. No bumble bees were observed on-site during the field visit, nor are any expected to be present during construction. Therefore, no impacts are expected to any special-status bumble bee species.

Nesting raptors (various species), generally protected under the CDFW Code and the Migratory Bird Treaty Act (MBTA).

The site supports foraging and/or nesting habitat for raptors. Due to the presence of trees throughout the project boundary, including marginally around the roadside, the site provides suitable nesting habitat for raptor species. A preconstruction survey should be conducted to ensure that project work does not impact nesting raptors.

Migratory Nesting Birds; protected by the MBTA

The term "migratory birds" is a general category of birds that essentially includes all species of birds, not just those typically considered migratory. Rock doves, also known as "pigeons" (*Columba livia*), European starlings (*Sturnus vulgaris*), and house sparrows (*Passer domesticus*) are the only birds that are not included as part of the Migratory Bird Treaty Act. In general, migratory bird nesting is not tracked by any agency.

The site provides suitable habitat for nesting birds protected by the MBTA. As noted above, there are a number of trees and shrubs, both within the project area and marginally around the roadside, that could support nesting birds. Therefore, a preconstruction nesting bird survey should be completed.

b. Plants

A total of 23 special-status plant species have CNDDB recorded occurrences in the 5-mile radius around the property. An additional 15 plants were recorded as being potentially present within the Calistoga 7.5-minute USGS quadrangle by CNPS.

Zentner Planning and Ecology staff completed a botanical survey of the project area during a site visit on September 17, 2025. All botanical surveys were completed under guidelines and methodology recommended by CDFW's Protocol's for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2018) for species that were flowering or that could be identified during this time period.

The survey was completed by walking over the entire project site, and each of the project site habitats, and noting all the plant taxa observed. Parallel survey transects were also walked to ensure thorough coverage of all survey areas and plant taxa present.

Though the project site provides potentially suitable habitat for a number of the special status plant species known from the region, none of the species are likely to occur on the project site. No special status plant species were observed within the project site or environs during the site botanical survey. However, as the site was surveyed outside of the blooming period of many species, follow-up botanical surveys should be conducted during the spring flowering season for any potential special-status species to ensure lack of presence.

3. Conclusion

No special status wildlife or plant species were observed on or are known to occur within the project area. Although it is unlikely that any special-status plant species would occur on the property, the project site was surveyed at a time past the inflorescence for many special-status plant species, follow-up surveys should be conducted during the late March-early April blooming season to confirm the absence of any sensitive plant species.

The project site contains potentially suitable habitats for special status species bats, as well as for potential habitat for nesting raptors and nesting migratory birds. Therefore, pre-construction surveys for these species should be completed to ensure that they are not adversely impacted by the proposed project.

B. Special-Status Habitats

1. Wetlands and Waters

a. Jurisdictions

As defined by the Army Corps of Engineers (Corps), "wetlands" are areas periodically or permanently saturated by surface or groundwater and typically support vegetation adapted to life in saturated (hydric) soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and floodwaters, promotion of groundwater recharge, and their water filtration and purification functions. "Other waters" include tributaries or drainage ditches which exhibit perennial or ephemeral flow to a navigable waterway, wetland, or other significant water feature. Other waters may not necessarily be wetlands.

The CDFW also regulates alterations to lakes, rivers, and streams under Sections 1600 – 1616 of the California Fish and Game Code. Lakes, rivers, and streams are defined as having at least intermittent water flow and having bed and bank. The RWQCB also regulates discharges into Waters of the State under Section 401 of the Clean Water Act. Except in unique circumstances, Waters of the State are typically the same as those within Corps jurisdiction.

No wetlands or other waters, jurisdictional or otherwise, were identified and/or observed within the project site during the September 17, 2025, field visit.

2. Other Special-Status Habitats

CNDDB lists one special-status habitat as being potentially present within the project area: coastal and valley freshwater marsh. As the project lacks any coastal boundaries or significant aquatic features, including any marsh habitat, no impacts are expected to coastal and valley freshwater marsh.

3. Wildlife Movement Corridors

Wildlife corridors are generally described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or human induced factors such as urbanization. The fragmentation of natural habitat creates isolated "islands" of vegetation that may not provide sufficient area or resources to accommodate sustainable populations for a number of species and thus, adversely affecting both genetic and species diversity. Corridors often partially or largely eliminate the adverse effects of fragmentation by 1) allowing animals to move between remaining habitats to replenish depleted populations and increase the gene pool available; 2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) will result in population or species extinction; and 3) serving as travel paths for individual animals moving throughout their home range in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

The project could result in short-term disruption of local wildlife use within the project area, however, there are large areas adjacent to the project area that wildlife can use as alternatives. The project is not expected to have long-term impacts on wildlife connectivity or broader movement patterns or corridors.

IV. BIOLOGICAL RESOURCES

A. Regulatory Setting and Federal Framework

1. Federal Endangered Species Act

The Federal Endangered Species Act (FESA) forms the basis for the federal protection of threatened or endangered plants, insects, fish and wildlife. FESA contains four main elements, they are as follows:

1. Section 4 (16 USCA §1533): Species listing, Critical Habitat Designation, and Recovery Planning: outlines the procedure for listing endangered plants and wildlife.
2. Section 7 (§1536): Federal Consultation Requirement: imposes limits on the actions of federal agencies that might impact listed species.
3. Section 9 (§1538): Prohibition on Take: prohibits the "taking" of a listed species by anyone, including private individuals, and State and local agencies.
4. Section 10: Exceptions to the Take Prohibition: non-federal agencies can obtain an incidental take permit through approval of a Habitat Conservation Plan.

In the case of saltwater fish and other marine organisms, the requirements of FESA are enforced by the National Marine Fisheries Service (NMFS). The USFWS enforces all other cases.

Section 9 of FESA as amended, prohibits the "take" of any fish or wildlife species listed under FESA as endangered. Under Federal regulation, "take" of fish or wildlife species listed as threatened is also prohibited unless otherwise specifically authorized by regulation. "Take," as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." "Harm" includes not only the direct taking of a species itself, but the destruction or modification of the species' habitat resulting in the potential injury of the species. As such, "harm" is further defined to mean "an act which actually kills or injures wildlife; such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR 17.3).

Section 9 applies to any person, corporation, federal agency, or any local or State agency. If "take" of a listed species is necessary to complete an otherwise lawful activity, this triggers the need to obtain an incidental take permit either through a Section 7 Consultation as discussed further below (for federal actions or private actions that are permitted or funded by a federal agency), or requires preparation of a Habitat Conservation Plan (HCP) pursuant to Section 10 of FESA (for state and local agencies, or individuals, and projects without a federal "nexus").

Section 7(a)(2) of the Act requires that each federal agency consult with the USFWS to ensure that any action authorized, funded or carried out by such agency is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of critical habitat for listed species. The Section 7 consultation process applies only to actions taken by federal agencies, or actions by private parties that require federal agency permits, approval, or funding (for example, a private landowner applying to the Corps for a permit). Section 7's consultation process is triggered by a

determination of the "action agency" (i.e., the federal agency that is carrying out, funding, or approving a project) that the project "may affect" a listed species or critical habitat. If an action is likely to adversely affect a listed species or designated critical habitat, formal consultation with the USFWS is required.

2. Federal Migratory Bird Treaty Act (FMBTA)

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to "take" (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).

3. Federal Clean Water Act

Section 404

Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into "waters of the United States" (33 CFR Part 320 *et seq.*). This requires project applicants to obtain authorization from the USACE prior to discharging dredged or fill material into any water of the United States. The "waters of the United States" are defined in federal regulations at 33 CFR section 328.3, and may include wetlands, ponds, drainages, creeks, streams, and other types of waterbodies, depending on whether any such aquatic feature meets current jurisdictional standards.

To remain in compliance with Section 404 of the Clean Water Act, project proponents and property owners (applicants) are required to acquire authorization from the USACE prior to discharging or otherwise impacting "waters of the United States." This authorization is typically given by reference to compliance with an existing Nationwide Permit(s) or by issuance of a project-specific Individual Permit.

Section 401

Prior to issuance by a Section 404 authorization by the USACE, Section 401 of the federal Clean Water Act requires the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB) to certify, conditionally certify, or waive certification on the question of whether issuance of the USACE permit will violate water quality standards of the State. This certification (or waiver thereof) applies only to the proposed impacts to the "waters of the United States" that are at issue in the proposed Section 404 permit. Potential impacts to "waters of the State" that may not be jurisdictional for the USACE are addressed under the RWQCB's Porter-Cologne Water Quality Control Act statutory authority (see below).

B. State Framework

1. California Endangered Species Act

In 1984, the state legislated the California Endangered Species Act (CESA) (Fish and Game Code §2050). The basic policy of CESA is to conserve and enhance endangered species and their habitats.

If proposed projects would result in impacts to a State listed species, an "incidental take" permit pursuant to §2081 of CDFG Code would be necessary (versus a Federal incidental take permit for Federal listed species). No §2081 permit may authorize the take of a species for which the Legislature has imposed strict prohibitions on all forms of "take."

State and federal incidental take permits are typically only authorized if applicants are able to demonstrate that impacts on the listed species in question are unavoidable and can be mitigated to an extent that the reviewing agency can conclude that the proposed impacts would not jeopardize the continued existence of the listed species under review.

2. California Fish and Game Code

Section 4700

In accordance with California Fish and Game Code, Section 4700, "fully protected" mammals or parts thereof may not be taken or possessed (held in captivity) at any time (a) (1), except as provided in Section 2081.7. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal, and no permits or licenses heretofore issued shall have any force or effect for that purpose. However, subject to certain notice requirements, the department may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species.

Sections 3503, 3503.5, 3511, and 3513

CDFG Code §§ 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of the nest or eggs of any bird. Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered "take." Take of any migratory nongame bird is also prohibited, except in compliance with rules promulgated under the Migratory Bird Treaty Act.

All raptors (that is, hawks, eagles, owls) their nests, eggs, and young are protected under California Fish and Game Code (§3503.5). Additionally, "fully protected" birds, such as the white-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), are protected under CDFG Code (§3511). "Fully protected" birds may not be taken or possessed (that is, kept in captivity) at any time.

Section 1602

Pursuant to Section 1602 of the Fish and Game Code, CDFG regulates activities that divert, obstruct, or alter stream flow, or substantially modify the bed, channel, or bank of a stream. CDFG's jurisdiction includes the outer extent of any riparian vegetation associated with the stream. Any proposed activity in a natural stream channel that would substantially adversely affect an existing fish and/or wildlife resource, would require entering into a Streambed Alteration Agreement (SBAA) with CDFG prior to commencing work in the stream.

3. Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act, Water Code § 13260, requires that "any person discharging waste, or proposing to discharge waste, that could affect the waters of the State to file a report of discharge" with the RWQCB through an application for waste discharge (Water Code Section 13260(a)(1). The SWRCB and its several RWQCBs have interpreted this authority to extend to proposed fills of "waters of the State" that include all "waters of the United States" that are subject to the jurisdiction of the USACE, and any other "isolated" waters that are beyond the reach of the USACE claim of jurisdiction.

C. Environmental Analysis

1. CEQA Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the proposed project would have significant impacts on biological resources if it would:

1. 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 the California Department of Fish and Game or U.S. Fish and Wildlife Service (USFWS).
2. 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.
3. Have a substantial adverse effect on state or federally protected "wetlands" as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. POTENTIAL IMPACTS AND MITIGATION MEASURES

A. Less Than Significant Impacts

1.0 Temporary Impacts to Wildlife Movement

The project could disrupt wildlife movement within the project area. However, any potential impacts to relatively common wildlife species that may potentially use this site are not significant as the loss is small on a regional scale and, moreover, these species are capable of using adjacent lands which contain a large quantity of this habitat. Therefore, the project is not expected to result in significant impacts to wildlife movement during project construction.

B. Potentially Significant Impacts Before Mitigation

2.0 The proposed project could have a significant impact on mixed oak woodland overstory in the area.

Impact Analysis

The proposed project will result in the removal of 120 trees within the mixed oak woodland, including a number of oak trees as well as other trees within the footprint of the project. These trees are a part of the mixed oak woodland habitat, which provides suitable habitat for a number of species, including nesting birds. The following measure should be taken to mitigate for and replace the loss of oak woodland trees and canopy and reduce impacts to a level that is less than significant.

Mitigation Measures

2.0-1 The trees that are removed as a part of this project should be replaced following the Napa County code provisions for tree removal. Napa County code Section 18.108.020 under General Provisions D calls for a 3:1 onsite preservation or replacement of comparable vegetation canopy. Mitigation can include replacement of the trees proposed for removal or locking up a comparable amount of canopy onsite in a Deed Restricted area.

Level of Significance After Mitigation: Less Than Significant

2.1 The proposed project could have a potentially significant adverse impact on special-status plant species.

Impact Analysis

Though the property provides marginal habitat for special-status plant species, and they are unlikely to be found at the site, a late March-early April blooming season survey should be

conducted to verify the presence/absence of any potential special-status species when they are the most detectable.

The project could result in the loss of plants of these species if this bloom period survey is not completed. Therefore, the following measures shall be implemented to reduce potential impacts to these special status species.

Mitigation Measures

2.1-1 A qualified biologist shall complete a spring survey for special-status plant species prior to initiation of project activities. The survey shall be completed during the appropriate blooming period for the species likely to occur on site. These surveys shall be in compliance with CDFW's Protocol's for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2018).

If the survey finds that there are no special-status plants within the proposed project site that would be impacted by the project, then there would be no further mitigation necessary and the project may proceed, provided all other applicable permits and authorizations are obtained for the project.

2.1-2 If special-status plant species are found, populations will be mapped and enumerated. If any populations are found within the proposed work area, they shall be flagged, and project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures shall be implemented as detailed below.

2.1-3 A qualified biologist shall complete an inventory and analysis of the on-site population(s) of the species within and outside of the work area to determine the extent and significance of the potential impacts that will occur as a result of the project. This analysis shall be presented to the County as part of their review of the project. If a significant impact will occur as a result of the project work, then a mitigation plan shall be developed and approved by the County for implementation of the following measures prior to site disturbance. The mitigation plan shall include the following elements:

1. Prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and topsoil, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plant-able portions of all plants shall be collected at the appropriate time of the year.

2. At least 2/3 of the seeds, propagules, or other plant-able portion of all plants shall be planted at the appropriate time of year (late-fall months). Half of the seeds and topsoil collected shall be appropriately stored and propagated at a native plant nursery to ensure germination. This material will be planted at an approved and protected area during the appropriate season. Planting location, timing, collection methods etc. will be detailed in a mitigation plan.

3. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a three-year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting efforts. These reports shall be submitted to the County no later than December 31st each monitoring year.
4. A CNDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the Property.

In lieu of the above prescribed mitigation, as allowed in writing by the County, mitigation requirements may be satisfied via the purchase of qualified mitigation credits or the preservation of offsite habitat.

Level of Significance After Mitigation: Less Than Significant

2.2 Development of the project could have a potentially significant impact on nesting raptors and other migratory nesting birds.

Impact Analysis

The project site contains and is adjacent to trees that provide potential nesting habitat for raptors as well as migratory birds. These birds are protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their nest, eggs, and young are protected under California CDFG Code §§3503, 3503.5, 3800, and 3513. Any project-related impacts on the nesting success of these species would be considered a significant adverse impact. Mitigation Measure 2.0-1, which requires pre-construction surveys, would ensure that potential impacts to nesting raptors and other migratory nesting birds are avoided so that the potential impacts are considered less than significant.

Mitigation Measures

2.2-1 If construction related work would commence anytime during the nesting/breeding season of raptors or other bird species listed in the Migratory Bird Treaty Act (typically February through September 15), a pre-construction survey of the Property for nesting birds should be conducted. This survey should be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 7 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey should be to determine if active nests are present within or adjacent to the construction zone, that is within approximately 250 feet of the work areas. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey should be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone should be created around active nests during the breeding season or until a qualified biologist determines that all young have

fledged. The size of the buffer zones and types of construction activities restricted within them, should be determined taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

When the nesting bird species occurs on CDFW's Special Animals List, CDFW shall be consulted to ensure that an appropriate buffer is utilized.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

Level of Significance After Mitigation: Less Than Significant

2.3 The proposed project could have a potentially significant adverse impact on special-status bat species.

Impact Analysis

The oak woodland habitat on the Property could provide potentially suitable roosting habitat for the pallid bat and other bat species that are protected as non-game mammals under Section 4150 of the California Fish and Game Code. Also, maternity roosting sites, which are relatively unlikely to occur, are considered wildlife nurseries that are afforded additional special protections. Therefore, the removal of any mature trees from the Project Site could have a potentially significant impact on special status bat species. The following mitigation measures shall be implemented to reduce potential impacts to special status bat species to a level considered less than significant.

Mitigation Measures

2.3-1 For construction activities between October 16 and August 14: Prior to the commencement of construction activities, a qualified biologist shall conduct a focused survey to determine the presence/absence of any special status bat species roosting within vegetation or structures that would be impacted by the project. If bats are found roosting in areas that would be impacted by the project, then a plan for removal or exclusion between October 16 and August 14 will be developed by a qualified biologist and in consultation with CDFW.

For construction activities between August 15 and October 15: At a minimum, a survey for roosting bats shall be completed prior to removing any vegetation or completing any demolition within potentially suitable roosting habitat. If a maternity colony is identified, CDFW shall be consulted to develop a plan prior to removing any vegetation or completing any demolition. If no maternity colonies are identified during the survey, trees and structures may be trimmed and removed in a two-phased system conducted over two consecutive days under the supervision of a qualified biologist to ensure the absence of roosting bats or nonvolant/flightless young bats. The first day (afternoon), limbs, branches and trunks without cavities, crevices and deep bark fissures are removed by chainsaw. Limbs and trunks with cavities, crevices and bark fissures would be avoided. On the second day, the remainder of the tree may be removed.

Level of Significance After Mitigation: Less Than Significant

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APPENDIX A

Plant Species Observed

Diamond Creek Vineyards
September 2025 Plant List

Common Name	***Botanical Name***	**Native**
big leaf maple	*Acer macrophyllum*	X
Spanish lotus	*Acmispon americanus var. americanus*	X
maidenhair fern	*Adiantum jordanii*	X
jointed goat grass	*Aegilops cylindrica*	
California buckeye	*Aesculus californica*	X
silver hairgrass	*Aira caryophyllea*	
tumble pigweed	*Amaranthus albus*	
Pacific madrone	*Arbutus menziesii*	X
wild oats	*Avena fatua*	
coyote bush	*Bachharis pilularis*	X
purple falsebrome	*Brachypodium distachyon*	
rescue grass	*Bromus catharticus*	
ripgut brome	*Bromus diandrus*	
soft chess	*Bromus hordeaceus*	
nodding brome	*Bromus laevipes*	X
Mediterranean brome	*Bromus madritensis ssp. madritensis*	
western spicebush	*Calycanthus occidentalis*	X
Italian thistle	*Carduus pycnocephalus*	
white goosefoot	*Chenopodium album*	
soap root	*Chlorogalum pomeridianum*	X
western hazelnut	*Corylis cornuta*	X
hedgehog dogtail grass	*Cynusurus echinatus*	
Queen Anne's lace	*Daucus carota*	
parched willow herb	*Epilobium brachycarpum*	X
brome fescue	*Festuca bromoides*	
California fescue	*Festuca californica*	X
Italian ryegrass	*Festuca perennis*	
coffeeberry	*Frangula californica*	X
Oregon ash	*Fraxinus latifolia*	X
nit grass	*Gastridium pheloides*	
French broom	*Genista monspessulana*	
English ivy	*Hedera helix*	
summer mustard	*Herschfeldia incana*	
toyon	*Heteromeles arbutifolia*	X
hare barley	*Hordeum murinum*	
sharp leaf cancer wort	*Kickxia elantine*	

honeysuckle	*Lonicera hispidula*	X
bull mallow	*Malva nicaeensis*	
black medic	*Medicago lupulina*	
California oniongrass	*Melica californica*	X
small flowered melica	*Melica imperfecta*	X
European olive	*Olea europaea*	
goldenback fern	*Pentagramma triangularis*	X
English plantain	*Plantago lanceolata*	
knotweed	*Polygonum aviculare*	
cherry plum	*Prunus sp.*	
Douglas fir	*Pseudotsuga menziesii*	X
coast live oak	*Quercus agrifolia*	X
blue oak	*Quercus douglasii*	X
Oregon oak	*Quercus garryana*	X
black oak	*Quercus kelloggii*	X
Himalayan blackberry	*Rubus armeniacus*	
Russian thistle	*Salsola tragus*	
Pacific sanicle	*Sanicula crassicaulis*	X
smilo grass	*Stipa miliacea*	
snowberry	*Symphoricarpus albus*	X
common dandelion	*Taraxacum officinale*	
sock destroyer	*Torilis arvensis*	
poison oak	*Toxicodendron diversilobum*	X
rose clover	*Trifolium hirtum*	
California bay laurel	*Umbellularia californica*	X
American vetch	*Vicia americana*	X
spring vetch	*Vicia sativa*	
large periwinkle	*Vinca major*	

APPENDIX B

Vertebrate Species Observed

Diamond Creek Vineyards
Vertebrate Species Observed

	Common Name	***Species***
Wildlife	northern mockingbird	*Mimus polyglottos*
	acorn woodpecker	*Melanerpes formicivorus*
	American crow	*Corvus brachyrhynchos*
	turkey vulture	*Cathartes aura*
	mourning dove	*Zenaida macroura*
	house sparrow	*Passer domesticus*
	oak titmouse	*Baeolophus inornatus*
	California scrub jay	*Aphelocoma californica*
	American robin	*Turdus migratorius*
	western toad	*Anaxyrus boreas*
	alligator lizard	*Elgaria multicarinata*
	western fence lizard	*Sceloporus occidentalis*

APPENDIX C

Special Status Species Lists

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: BIOS selection

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
American peregrine falcon *Falco peregrinus anatum*	ABNKD06071	Delisted	Delisted	G4T4	S3S4	
Baker's navarretia *Navarretia leucocephala ssp. bakeri*	PDPLM0C0E1	None	None	G4T2	S2	1B.1
Burke's goldfields *Lasthenia burkei*	PDAST5L010	Endangered	Endangered	G1	S1	1B.1
California alkali grass *Puccinellia simplex*	PMPOA53110	None	None	G2	S2	1B.2
California freshwater shrimp *Syncaris pacifica*	ICMAL27010	Endangered	Endangered	G2	S2	
California giant salamander *Dicamptodon ensatus*	AAAAH01020	None	None	G2G3	S2S3	SSC
California red-legged frog *Rana draytonii*	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Calistoga ceanothus *Ceanothus divergens*	PDRHA04240	None	None	G2	S2	1B.2
Calistoga popcornflower *Plagiobothrys strictus*	PDBOR0V120	Endangered	Threatened	G1	S1	1B.1
Clara Hunt's milk-vetch *Astragalus claranus*	PDFAB0F240	Endangered	Endangered	G1	S1	1B.1
Coastal and Valley Freshwater Marsh *Coastal and Valley Freshwater Marsh*	CTT52410CA	None	None	G3	S2.1	
Cobb Mountain lupine *Lupinus sericatus*	PDFAB2B3J0	None	None	G2?	S2?	1B.2
coho salmon - central California coast ESU *Oncorhynchus kisutch pop. 4*	AFCHA02034	Endangered	Endangered	G5T2Q	S2	
Colusa layia *Layia septentrionalis*	PDAST5N0F0	None	None	G2	S2	1B.2
foothill yellow-legged frog - north coast DPS *Rana boylii pop. 1*	AAABH01051	None	None	G3T4	S4	SSC
fringed myotis *Myotis thysanodes*	AMACC01090	None	None	G4	S3	
Jepson's leptosiphon *Leptosiphon jepsonii*	PDPLM09140	None	None	G2G3	S2S3	1B.2
Loch Lomond button-celery *Eryngium constancei*	PDAPI0Z0W0	Endangered	Endangered	G1	S1	1B.1
long-styled sand-spurrey *Spergularia macrotheca var. longistyla*	PDCAR0W062	None	None	G5T2	S2	1B.2
Napa blue grass *Poa napensis*	PMPOA4Z1R0	Endangered	Endangered	G1	S1	1B.1

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Napa checkerbloom *Sidalcea hickmanii ssp. napensis*	PDMAL110A6	None	None	G2T1	S1	1B.1
Napa false indigo *Amorpha californica var. napensis*	PDFAB08012	None	None	G4T2	S2	1B.2
narrow-anthered brodiaea *Brodiaea leptandra*	PMLIL0C022	None	None	G3?	S3?	1B.2
northwestern pond turtle *Actinemys marmorata*	ARAAD02031	Proposed Threatened	None	G2	SNR	SSC
pallid bat *Antrozous pallidus*	AMACC10010	None	None	G4	S3	SSC
pappose tarplant *Centromadia parryi ssp. parryi*	PDAST4R0P2	None	None	G3T2	S2	1B.2
prairie falcon *Falco mexicanus*	ABNKD06090	None	None	G5	S4	WL
red-bellied newt *Taricha rivularis*	AAAAF02020	None	None	G2	S2	SSC
Rincon Ridge ceanothus *Ceanothus confusus*	PDRHA04220	None	None	G1	S1	1B.1
Rincon Ridge manzanita *Arctostaphylos stanfordiana ssp. decumbens*	PDERI041G4	None	None	G3T1	S1	1B.1
saline clover *Trifolium hydrophilum*	PDFAB400R5	None	None	G2	S2	1B.2
Sebastopol meadowfoam *Limnanthes vinculans*	PDLIM02090	Endangered	Endangered	G1	S1	1B.1
sharp-shinned hawk *Accipiter striatus*	ABNKC12020	None	None	G5	S4	WL
Sonoma beardtongue *Penstemon newberryi var. sonomensis*	PDSCR1L483	None	None	G4T3	S3	1B.3
Sonoma ceanothus *Ceanothus sonomensis*	PDRHA04420	None	None	G2	S2	1B.2
Townsend's big-eared bat *Corynorhinus townsendii*	AMACC08010	None	None	G4	S2	SSC
western bumble bee *Bombus occidentalis*	IIHYM24252	None	Candidate Endangered	G3	S1	
woolly meadowfoam *Limnanthes floccosa ssp. floccosa*	PDLIM02043	None	None	G4T4	S3	4.2
Yuma myotis *Myotis yumanensis*	AMACC01020	None	None	G5	S4	

Record Count: 39

APPENDIX D

Definitions for

Special Status Species Designations

DEFINITIONS FOR SPECIAL STATUS SPECIES DESIGNATIONS

Federal Endangered Species Act

The following are the standard definitions for the status designations under the federal Endangered Species Act (ESA), implementing regulations and relevant notices (as published in the Federal Register). The ESA is administered by the U.S. Fish and Wildlife Service (USFWS).

Endangered – A species that is in danger of extinction throughout all or a significant portion of its range.

Threatened – A species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Proposed for Listing – Taxa formally noticed as being under review to determine whether listing as threatened or endangered is warranted.

Candidate – Taxa for which USFWS has on file sufficient information on biological vulnerability and threat to support a proposed rule to list the species as endangered or threatened. Proposals to list have not yet been issued because this action is precluded by other listing activity. Species in this category are assigned a listing priority in order to assist the FWS in determining those species most in need of protection.

[Note: As of February 1996, the USFWS eliminated the differing categories of candidate species and now has only one category of candidate species as defined above.]

California Endangered Species Act

The following are the standard definitions for the status classifications under the California Endangered Species Act (CESA), administered by the California Department of Fish and Game (CDFG), now renamed the California Department of Fish and Wildlife (CDFW).

Endangered species – A native California bird, mammal, fish, amphibian, reptile or plant (species or subspecies) is endangered when it is in serious danger of becoming extinct throughout all, or a significant portion of, its range due to one or more causes, including loss of habitat, change of habitat, over-exploitation, predation, competition or disease (CDFW Code, Section 2062).

Threatened species – A native bird, mammal, fish, amphibian, reptile or plant (subspecies or species) is threatened when, although not presently threatened with extinction, it is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts. Any animal listed as "rare" by the Commission on or before January 1, 1985, is a threatened species (CDFW Code, Section 2067).

Candidate species – A native California species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant is a candidate when the Fish and Wildlife Commission (Commission) has formally noticed it as being under review by the CDFW to determine whether listing as threatened or endangered is warranted, or when it is the subject of a proposed rulemaking by the Commission to list as threatened or endangered (CDFW Code, Section 2068).

California Department of Fish and Wildlife

Fully Protected – Fully Protected species may not be taken or possessed without a permit from the Fish and Wildlife Commission. Information of Fully Protected species can be found in the CDFW Code, (birds at §3511, mammals at §4700, reptiles and amphibians at §5050, and fish at §5515). Additional information on Fully Protected fish can be found in the California Code of Regulations, Title 14, Division 1, Subdivision 1, Chapter 2, Article 4, §5.93. The category of Protected Amphibians and reptiles in Title 14 has been repealed.

Species of Special Concern – A California species of special concern is a plant or animal species or subspecies that is possibly declining or is vulnerable to extirpation and may be considered for listing or for special management and protection measures. These species, although not legally protected under the CESA, are monitored by the CDFW.

It is the goal and responsibility of the CDFW to maintain viable populations of all native species. To this end, the CDFW has designated certain species as "Species of Special Concern" because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as "Species of Special Concern" is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long term viability. Not all "Species of Special Concern" have declined equally; some species may be just starting to decline, while others may have already reached the point where they meet the criteria for listing as a "Threatened" or "Endangered" species under the State and/ or Federal Endangered Species Acts.

California Native Plant Protection Act

The California Native Plant Protection Act (CNPPA), administered by the CDFW, protects "rare" plant species.

Rare – A native California plant (species, subspecies or variety) is rare when, although not presently threatened with extinction, it is in such small numbers throughout its range that it may become endangered if its present environment worsens (CDFW Code, Section 1901).

California Native Plant Society (CNPS) List of Rare, Threatened and Endangered Vascular Plants of California

The CNPS maintains a list of rare, threatened and endangered vascular plants of California which summarizes the distribution, rarity, endangerment, and ecology of these plants. CNPS updates this list approximately every four years. The most recent edition (8th ed.) was published in December 2010. The CNPS listing designations are as follows:

California Rare Plant Rank (CRPR) 1A – The plants Ranked as 1A are presumed extinct because they have not been seen or collected in the wild in California for many years. All of the List 1A plants meet the definitions of "rare", "endangered", or "threatened" contained in Fish and Game Code Section 1901 (Native Plant Protection Act), and Sections 2062 and 2067 (CESA).

CRPR 1B – The plants Ranked as 1B are rare throughout their range, and all but a few are endemic to California. List 1B plants are considered vulnerable under present circumstances or have a high potential for becoming so because of their limited or vulnerable habitat, low numbers of individuals per population, or their limited number of populations. As with List 1A plants, all of the 1B plants meet the definitions of "rare", "endangered", or "threatened" contained in Sections 1901, 2062 and 2067 of the Fish and Game Code.

CRPR 2 – Except for being common outside California, Rank 2 plants are defined similarly to List 1B plants.

CRPR 3 – Rank 3 contains plants about which more information is needed to assign them to one of the other lists or reject them. Some List 3 plants meet the definitions of "rare", "endangered", or "threatened" contained in Sections 1901, 2062 and 2067 of the Fish and Game Code.

CRPR 4 – The plants in Rank 4 are of limited distribution or infrequent throughout a broader area in California, and their susceptibility to threat appears low at this time. These plants are uncommon enough that their status should be monitored regularly. Very few List 4 plants meet the definitions of "rare", "endangered", or "threatened" contained in Sections 1901, 2062 and 2067 of the Fish and Game Code, and few, if any, are eligible for state listing.

CNPS Threat Code extensions and their meanings:

.1 – Seriously endangered in California

.2 – Fairly endangered in California

.3 – Not very endangered in California

CNPS Local Listings (Alameda and Contra Costa Counties)

***A1** or ***A2** – Species in Alameda and Contra Costa Counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state level of CNPS.

A1x – Species previously known from Alameda or Contra Costa Counties, but now presumed extirpated here.

A1 – Species currently known from two or less regions in Alameda and Contra Costa Counties.

A2 – Species currently known from three to five regions in the two counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

A1? – Species with taxonomic or distribution problems that make it unclear if they actually occur here.

Special Animals

California Department of Fish and Wildlife (CDFW)

Special Animals – Special animals is a general term that refers to all of the taxa that the California Natural Diversity Database (CNDDB) is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of "species at risk" or "special status species". The CDFW considers the taxa on this list to be those of greatest conservation need and were used in the development of California's Wildlife Action Plan (CDFG 2009). Special animals includes a broad list of agency designations.
For more information see: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/SPAnimals.pdf

Watch List – The Watch List consists of taxa that were previously Species of Special Concern (SSC's) but no longer merit SSC status or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

Other "Special Animal" Status Codes:

The status of species on the Special Animals List according to other conservation organizations is provided. Taxa on these lists are reviewed for inclusion in the CNDDB Special Animals List, but are not automatically included. For example, taxa that are regionally rare within a portion of California may not be included, because they may be of lesser conservation concern across their full range in California.

These species, which are also tracked regardless of their legal or protection status, are provided below.

U.S Fish and Wildlife Service (USFWS)

Birds of Conservation Concern – The goal of the Birds of Conservation Concern report is to accurately identify the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent the US Fish and Wildlife Service's highest conservation priorities and draw attention to species in need of conservation action.

National Marine Fisheries Service (NMFS) also known as NOAA Fisheries

Species of Concern – NOAA Fisheries is responsible for the management, conservation, and protection of living marine resources within the United States Exclusive Economic Zone. Species of Concern are those species about which we have some concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the Endangered Species Act (ESA). Though NMFS wishes to draw proactive attention and conservation action to these species, "Species of concern" status does not carry any procedural or substantive protections under the ESA.

Bureau of Land Management

Sensitive – According to BLM Manual 6840, a Bureau Sensitive Species must meet the following criteria to be considered for sensitive species listing:

- They must be native species found on BLM-administrated lands for which BLM has the capability to significantly affect the conservation status of the species through management.
- Information is available that a species has recently undergone, is undergoing, or is predicted to undergo a downward trend such that the viability of the species or a distinct population segment of the species is at risk across all or a significant portion of the species range.

- The species depends on ecological refugia or specialized or unique habitats on BLM-administrated lands, and there is evidence that such areas are threatened with alteration such that the continued viability of the species in that area would be at risk.
- All federally designated candidate species, proposed species, and delisted species in the 5 years following their delisting shall be conserved as Bureau Sensitive Species.

Once a species is declared sensitive by the BLM, it is their obligation to determine its distribution and manage the species' habitat.

California Dept. of Forestry & Fire Protection

CDF Sensitive **–** California Department of Forestry and Fire Protection classifies "sensitive species" as those species that warrant special protection during timber operations. The list of "sensitive species" is given in §895.1 (Definitions) of the California Forest Practice Rules.

International Union for Conservation of Nature (IUCN)

IUCN List **–** The IUCN assesses, on a global scale, the conservation status of species, subspecies, varieties and even selected subpopulations in order to highlight taxa threatened with extinction, and therefore promote their conservation. Detailed information on the IUCN and the Red List is available at: http://www.iucnredlist.org

Marine Mammal Commission

Species of Special Concern **–** Section 202 of the Marine Mammal Protection Act directs the Marine Mammal Commission, in consultation with its Committee of Scientific Advisors, to make recommendations to the Department of Commerce, the Department of the Interior, and other federal agencies on research and management actions needed to conserve species of marine mammals. To meet this charge, the Commission devotes special attention to particular species and populations that are vulnerable to various types of human-related activities, impacts, and contaminants. Such species may include marine mammals listed as Endangered or Threatened under the Endangered Species Act or as depleted under the Marine Mammal Protection Act. In addition, the Commission often directs special attention to other species or populations of marine mammals not so listed whenever special conservation challenges arise that may affect them.

More information on the Marine Mammal Protection Act and the Marine Mammal Species of Special Concern list is available at: http://www.mmc.gov/species/welcome.shtml

U.S Forest Service

Sensitive **–** USDA Forest Service defines sensitive species as plant and animal species identified by a regional forester that are not listed or proposed for listing under the Federal Endangered Species Act for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution. Regional Foresters identify sensitive species occurring within each region. California is the Pacific Southwest Region (Region 5).
More information is available at: http://www.fs.usda.gov/main/r5/plants-animals and at:
http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5435266.xlsx

North American Bird Conservation Initiative (NABCI)

North American Bird Conservation Initiative Watchlist **–** The North American Bird Conservation Initiative is a coalition of private organization and government agencies. They work to ensure the long-term health of North America's native bird populations and publish an annual State of the Birds report. The annual State of the Bird report includes a watch list of bird species in need of conservation help and classifies the birds as either Red Watch List or Yellow Watch List species. Species on the Red Watch List have extremely high vulnerability, and Yellow Watch List species are species that may be range restricted or may be widespread but with declines and high threats. More information is available at http://stateofthebirds.org.

American Fisheries Society (AFS)

AFS List **–** Designations for freshwater and diadromous species were taken from the paper: Jelks,.L., S.J. Walsh, N.M. Burkhead, S.Contreras-Balderas, E. Díaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick, J.S. Nelson, S.P. Platania, B.A. Porter, C.B. Renaud, J. J. Schmitter-Soto, E.B. Taylor, and M.L. Warren, Jr. 2008. Conservation status of imperiled North American freshwater and diadromous fishes. Fisheries 33(8):372-407. Available at:
http://www.fisheries.org/afs/docs/fisheries/fisheries_3308.pdf
Designations for marineand estuarine species were taken from the paper: Musick, J.T. et al. 2000. "Marine, Estuarine, and Diadromous Fish Stocks at Risk of Extinction in North America (Exclusive of Pacific Salmonids). Fisheries 25(11):6-30. Available at:
http://www.flmnh.ufl.edu/fish/sharks/sawfish/Reprint1390.pdf

Western Bat Working Group (WBWG)

WBWG List – The WBWG is comprised of agencies, organizations and individuals interested in bat research, management and conservation from the 13 western states and provinces. The goals are (1) to facilitate communication among interested parties and reduce risks of species decline or extinction; (2) to provide a mechanism by which current information on bat ecology, distribution and research techniques can be readily accessed; and (3) to develop a forum to discuss conservation strategies, provide technical assistance and encourage education programs. Species are ranked as High, Medium, or Low Priority in each of 10 regions in western North America. Because California includes multiple regions where a species may have different WBWG Priority ranks, the CNNDB includes categories for Medium-High, and Low-Medium Priority. The CNDDB tracks bat species that are at least Low-Medium Priority in California. More information is available at: http://www.wbwg.org

The Xerces Society

Red List – The Xerces Society is an international non-profit organization dedicated to protecting biological diversity through invertebrate conservation. The Society advocates for invertebrates and their habitatsby working with scientists, land managers, educators, and citizens on conservation and education projects. Their core programs focus on endangered species, native pollinators, and watershed health. More information on the Red List is available at:
http://www.xerces.org

Special Status Species Abbreviations

Federal Endangered Species Act

FE	Federally-listed as endangered
FT	Federally-listed as threatened
FPE	Federally proposed for listing as endangered or threatened
FC	Federal candidate for listing as endangered or threatened

State Endangered Species Act

SE	State-listed as endangered
ST	State-listed as threatened
SC	State candidate for listing as endangered or threatened

California Department of Fish and Wildlife

FP	Fully protected
SSC	California species of special concern
WL	Watch List

California Native Plant Protection Act

CNPPA: Rare	Rare plant

California Native Plant Society

CRPR	California Rare Plant Rank

SPECIAL ANIMALS (SA)

California Department of Fish and Wildlife

CDFW: WL Watch list

CDFW: SA Special Animal

US Fish and Wildlife Service

USFWS:BCC Birds of Conservation Concern

NMFS (NOAA Fisheries)

NMFS: SC Species of Concern

Bureau of Land Management

BLM:S Sensitive

California Dept. of Forestry & Fire Protection

CDFS:S Sensitive

International Union for Conservation of Nature

IUCN:CD Conservation Dependent

IUCN:CR Critically Endangered

IUCN:DD Data Deficient

IUCN:EN Endangered

IUCN:EW Extinct in the Wild

IUCN:EX Extinct

IUCN:LC Least Concern

IUCN:NE Not evaluated

IUCN:NT Near Threatened

IUCN:VU Vulnerable

Marine Mammal Commission

MMC:SSC Species of Special Concern

National Marine Fisheries Service

NMFS:SC Species of Special Concern

U.S Forest Service

USFS:S Sensitive

Western Bat Working Group

WBWG: H High priority

WBWG: LM low-medium priority

WBWG: M medium priority

WBWG: MH medium-high priority

Xerces Society Red List

X: CI Critically imperiled

X: DD Data deficient

X: IM Imperiled

X: VU Vulnerable

North American Bird Conservation Initiative

NABCI: RWL Red watch list

NABCI: YWL Yellow watch list

American Fisheries Society

AMS: EN Endangered

AMS: TH Threatened

AMS: VU Vulnerable