



**PRUNUSKE CHATHAM, INC.**

February 14, 2008

David Busby  
Busby Enterprises, Inc.  
455 Technology Way  
Napa, CA 94558

Subject: Biological Resources Evaluation  
Sheehy Court – Napa Valley Gateway Industrial Park  
Napa County

Dear Mr. Busby:

Prunuske Chatham, Inc. (PCI) has completed an evaluation of biological resources for your warehouse and office building development at Sheehy Court in the Napa Valley Gateway Industrial Park, Napa County (APN 059-250-009). The project consists of constructing industrial condominiums on a 2.40-acre parcel adjacent to Sheehy Creek. The County of Napa has requested a biological evaluation of the project site as part of a Use Permit application. This letter serves as a summary of the on-site investigation, addresses potential project impacts, and provides recommendations for mitigating on-site impacts.

**Field Survey Methodology**

A field survey of the project site was conducted on February 6, 2008. The purpose of the survey was to characterize biological communities within the project site and to determine whether or not suitable habitat for special-status species is present. The potential presence of and impacts to special-status species were determined based on a comparison of existing habitat conditions and presence of unique habitat features, proximity of the site to reported occurrences, and geographic range of subject species.

The field survey consisted of evaluating all areas of potential disturbance plus a buffer around the impact areas. During the survey, an inventory of all plant and animal species observed was compiled. The survey was conducted with the aid of binoculars. Visual cues, calls, and songs were used to identify bird species. Unique habitat features (e.g., woody debris, water sources, etc.) and other plant materials were examined for presence of fish, mammals, amphibians, reptiles, and invertebrates.

**Setting and Existing Conditions**

The project site is located at the corner of Sheehy Court and Delvin Road on the west side of Highway 12/29 in Napa County. It is located on the Cuttings Wharf USGS Quadrangle (38°13'38"N and 122°15'40"W, NAD83) at 44 feet in elevation. The site is adjacent to Sheehy Creek, a blue-lined stream on the USGS quad, and it serves as the southern property boundary. Sheehy Creek flows west into

coastal brackish marsh before entering the Napa River, thence San Pablo Bay. The project site borders local roadways to the north and east, a vacant lot to the west, and, as noted above, Sheehy Creek to the south. Land uses in the area are primarily commercial development, open space, local airport, and state highway.

The site is a relatively flat parcel that has been extensively graded. It slopes gently to the north and east, and all surface water flows away from the creek. There are a few irregularities in the grading along the eastern property boundary as indicated by tracks caused from heavy equipment and subsequent shallow depressions. The site was relatively dry at the time of the evaluation, given recent heavy rains, with the exception of shallow puddles along the eastern boundary. Imported gravel has been spread out on portions of the site. There is a conservation easement setback along the length of Sheehy Creek (southern property boundary), as indicated on the Topographic Survey by Gilbert A. Fitch and Associates, Inc. dated January 15, 2008.

Plant communities within and adjacent to the project site include nonnative and ruderal grassland and narrow riparian woodland associated with stream corridors. Nonnative grassland and ruderal habitat occurs within the development envelope. It is dominated by disturbance-adapted forbs and annual grasses such as common plantain (*Plantago major*), wild radish (*Raphanus sativus*), black mustard (*Brassica nigra*), Italian thistle (*Carduus pycnocephalus*), rough cat's ear (*Hypochaeris radicata*), canary grass (*Phalaris* sp.), sheep sorrel (*Rumex acetosella*), lotus (*Lotus* sp.), clover (*Trifolium* sp.), bristly ox-tongue (*Picris echioides*), sweet fennel (*Foeniculum vulgare*), geranium (*Geranium* sp.), and miscellaneous annual grasses not identifiable at the time of the survey. A few native coyote brush (*Baccharis pilularis*) saplings occur on the periphery of the site.

The banks of Sheehy Creek comprise a mix of native riparian and planted species. The plantings appear to be restricted to the upper banks and include coyote brush, California wild rose (*Rosa californica*), coast live oak (*Quercus agrifolia*), and coffeberry (*Rhamnus californica*). Along the channel, willow (*Salix* sp.) is the dominant tree species. The channel bottom is lined with broadleaf cattail (*Typha latifolia*) that is relatively dense.

In general, nonnative grassland and ruderal habitats, such of those occurring on the project site, provide limited wildlife habitat<sup>1</sup>. In this particular case, the soils are highly compacted, and there is very little evidence of fossorial activity. The site is not likely to support a large number of small vertebrates (e.g., deer and harvest mice, voles) or subterranean foragers (e.g., Botta's pocket gopher and California mole) due to unfavorable soil conditions. Likewise, habitat for reptiles commonly occurring within these areas including western fence lizard, alligator lizard, and snakes (e.g., gopher and garter) is limited as well. Ground foraging birds such as American robin, western meadowlark, and other resident (e.g.,

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<sup>1</sup> Wildlife species' common names are used because they are unequivocal.

western bluebird, finches) and migratory birds (e.g., sparrows) may utilize the site for foraging. However, the sparse, low growing vegetation provides minimal cover and may limit the opportunities for bird nesting.

Adjacent to the proposed development, Sheehy Creek provides habitat for a variety of terrestrial and aquatic species in the form of nesting opportunities, food, shelter, and as a corridor during migration. It also serves as a water source and provides microclimate conditions required by many species. Riparian vegetation provides foraging and nesting opportunities for migrant and resident birds. Small mammals, such as those noted above, may occur within this habitat type. Common bat species also forage over this and surrounding habitats. The stream channel itself is an important community for a variety of aquatic organisms. Due to its intermittent nature, it is not likely to support fish beyond the wet season. Amphibians (e.g., tree frogs, California red-legged frogs), northwestern pond turtles, and other species may rely on it for seasonal habitat. Due to existing habitat conditions, size and topography of the watershed, and lack of historic sightings, Sheehy Creek does not appear to support salmonids (e.g., steelhead).

Wildlife observations within the project area were limited to yellow-rumped warbler, ruby-crowned kinglet, American robin, red-winged blackbird, common crow, western meadowlark, killdeer, and Anna's hummingbird.

#### **Rare, Threatened, and Endangered Plants and Animals**

Special-status species are taxa listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS), NOAA's National Marine Fisheries Service (NOAA Fisheries Service), or California Department of Fish and Game (CDFG); taxa designated as candidates for listing; or any species of concern or local concern. In addition, the California Native Plant Society (CNPS) has compiled a list of plant species that are considered rare, threatened, or endangered. Consideration of these plants must be included during project evaluation in order to comply with the California Environmental Quality Act (CEQA) Guidelines concerning special-status species.

The most recent data available from the CDFG Natural Diversity Data Base (CNDDDB) were obtained for the Napa, Cuttings Wharf, and surrounding USGS quads and reviewed to determine potentially occurring rare, threatened, or endangered animal and plant species within the project area's region (CDFG 2008). The CNDDDB reports occurrences of special-status species that have been entered into the database and does not generally include inventories of more common animals or plants. The absence of a species from the database does not necessarily mean that they do not occur in the area, only that no sightings have been reported. In addition, sightings are subject to observer judgment and may not be entirely reliable as a result. The CNDDDB/ Spotted Owl Viewer database was also reviewed for the reported sightings of northern spotted owl within the project area's region (CDFG 2008). The CNPS Inventory of Rare and Endangered Vascular Plants of California on-line inventory was reviewed for potentially

occurring special-status plants (CNPS 2008). USFWS online species lists of special-status species potentially occurring within the project area's region were also reviewed for the above-mentioned quadrangles and Napa County (USFWS 2008) as well as other background literature.

### Special-status Plants and Animals

The CNDDDB, USFWS, and CNPS records and background literature identified the potential presence of 16 special-status plants and 29 special-status animals within the project area's region.<sup>2</sup>

Plants included alkali milk-vetch (*Astragalus tener* var. *tener*), San Joaquin spearscale (*Atriplex joaquiniana*), soft bird's-beak (*Cordylanthus mollis* ssp. *mollis*), dwarf downingia (*Downingia pusilla*), (Greene's) narrow-leaved daisy (*Erigeron angustatus*), northern California black walnut (*Juglans hindsii*), Contra Costa goldfields (*Lasthenia conjugens*), Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*), legenere (*Legenere limosa*), Jepson's leptosiphon (*Leptosiphon jepsonii*), woolly-headed lessingia (*Lessingia hololeuca*), Mason's lilaeopsis (*Lilaeopsis masonii*), Marin knotweed (*Polygonum marinense*), Suisun Marsh aster (*Symphotrichum lentum*), showy Indian (two-fork) clover (*Trifolium amoenum*), and saline clover (*T. depauperatum* var. *hydrophilum*).

Animals included green sturgeon (*Acipenser medirostris*), northwestern pond turtle (*Actinemys marmorata marmorata*), tricolored blackbird (*Agelaius tricolor*), pallid bat (*Antrozous pallidus*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), Conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool fairy shrimp (*B. lynchi*), ferruginous hawk (*Buteo regalis*), Swainson's hawk (*B. swainsoni*), an isopod (*Calasellus californicus*), western snowy plover (*Charadrius alexandrinus nivosus*), northern harrier (*Circus cyaneus*), tidewater goby (*Eucyclogobius newberryi*), salt marsh common yellowthroat (*Geothlypis trichas sinuosa*), Delta smelt (*Hypomesus transpacificus*), California black rail (*Laterallus jamaicensis coturniculus*), San Pablo song sparrow (*Melospiza melodia samuelis*), steelhead-central California coast ESU (*Oncorhynchus mykiss irideus*), Sacramento splittail (*Pogonichthys macrolepidotus*), California clapper rail (*Rallus longirostris obsoletus*), California red-legged frog (*Rana aurora draytonii*), salt marsh harvest mouse (*Reithrodontomys raviventris*), callippe silverspot butterfly (*Speyeria callippe callippe*), Suisun shrew (*Sorex ornatus sinuosus*), Caspian tern (*Sterna caspia*), northern spotted owl (*Strix occidentalis*), California freshwater shrimp (*Syncaris pacifica*), and American badger (*Taxidea taxus*).

Based on the suitability of habitat within the project site and immediate vicinity and proximity of recorded sightings, the above-listed species were evaluated for potential occurrence within the project area's region (CDFG 2008). Special-status plants and animals were evaluated based on observed presence of suitable habitat within the project site, reported sightings within close proximity to the

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<sup>2</sup> Listing statuses of plant and animal species considered during project evaluation are provided in Table 1.

project site, and/or life history characteristics. The remaining species do not occur in habitat types found within the project site, and/or they have no local occurrences and are not likely to be impacted by project activities. No special-status plants or animals were observed during the field survey.

#### Plants

According to the background literature review, there are a number of reported occurrences for special-status plants within the project area's region. A majority of these sightings occur in vernal pools to the north at Suscol Ridge and in downstream aquatic habitats. The species reported within these areas (e.g., alkali milk-vetch, saline clover, Contra Costa goldfields, legenere, Delta tule pea, Mason's lilaeopsis, Marin knotweed, soft bird's-beak, etc.) typically occur in valley and foothill grasslands, vernal pools, and freshwater, brackish, and coastal salt marshes, habitat types not found within the project site. There is a single sighting of dwarf downingia within one mile of the site between Suscol and Sheehy Creeks along Highway 12/29. This species typically occurs in vernal pools.

The field survey occurred during the winter, which is not the optimal time for plant identification; however, unique habitat features and plant communities that would typically support special-status plants are not present. Current conditions would preclude special-status plants from occupying the site, and suitable habitat is absent. Special-status plants are not likely to be impacted as a result of the proposed development.

#### Animals

According to the background literature review, there are a number of reported occurrences for special-status animals within the immediate project area. Based on the literature review, four species have potential for occurrence based on the proximity of the site to reported sightings. These include tricolored blackbird, burrowing owl, ferruginous hawk, and Swainson's hawk. Additional sightings of species occurring within aquatic habitats (e.g., northwestern pond turtle, California red-legged frog), emergent wetlands (e.g., salt marsh harvest mouse), and herbaceous habitats with friable soils (e.g., American badger) are reported for the surrounding areas (greater than 1.0 mile). They are not described here as the project site currently does not support habitat for these species, and they are not likely to be impacted as a result of the proposed development. As a note, special-status aquatic species may utilize adjacent Sheehy Creek and/or downstream aquatic habitats. However, a conservation easement is in place to avoid impacts to the riparian habitat and aquatic resources.

According to the CNDDB, a single occurrence for burrowing owl has been reported within 0.1 mile of the project site (CDFG 2008). It was reported in flat, ruderal habitat along Delvin Road, north of Sheehy Court. The observation was made on October 31, 2006, of a wintering adult. No burrows were present on site where the observation was made; however, the owl was flushed from a utility box covered with plywood that may have served as temporary cover. The habitat

descriptions for this sighting are very similar to the current site conditions present at the project site. The site currently does not support breeding habitat for burrowing owls and provides little foraging habitat due unfavorable soil and site conditions. Due to the continued development of the area, it is possible wintering burrowing owls may be displaced to surrounding undeveloped land. However, if they are still utilizing the area for winter foraging habitat, owls may be discouraged from the site by the presence of construction equipment. Impacts to breeding burrowing owls are unlikely due to the seasonal occurrence of the species within Napa County; however, all birds should be protected in accordance with the following recommendations.

Tricolored blackbirds have several reported occurrences in the vicinity of the Napa airport along freshwater ponds (CDFG 2008). These sightings occurred in the early 1990s at three separate locations. According to Berner, et al. (2003), there are reported occurrences of tricolored blackbirds within the vicinity of the project site as well. It is uncertain if these are the same sightings. There are no recently reported sightings of breeding colonies in the literature. If blackbirds are currently breeding in surrounding and downstream marsh habitat, there is a moderate possibility that they may utilize adjacent Sheehy Creek for foraging habitat. Impacts to blackbirds are unlikely as work will occur outside of the conservation easement setback from the creek. However, all birds should be protected in accordance with the following recommendations.

In the late 1980s, there were several winter occurrences of ferruginous hawks within a bound area in which the project site is contained (CDFG 2008). For several years, one to three individuals were observed wintering in the area. There are no reported breeding occurrences for this species or recently reported winter observations. The records indicate that the area was to become an industrial park in 1989. Due to the lack of recent sightings and continued development of the area, it is possible wintering ferruginous hawks may have been displaced to surrounding undeveloped land. However, if they are still utilizing the area for winter foraging habitat, ferruginous hawks may be discouraged from the site by the presence of construction equipment. Impacts to breeding ferruginous hawks are unlikely due to the seasonal occurrence of the species within Napa County; however, all birds should be protected in accordance with the following recommendations.

According to the CNDDDB, breeding Swainson's hawks have been reported approximately one mile from the site along Suscol Creek (CDFG 2008). Nesting was suspected in 2003 and 2005. Suitable breeding habitat for Swainson's hawk is not present within the project site. They may forage over adjacent habitats; however, the project site is highly disturbed and not likely to support foraging habitat. Impacts to this species are unlikely.

#### **Special-status Communities**

CNDDDB records indicate the occurrence of three special-status plant communities: coastal brackish marsh, northern coastal salt marsh, and northern

vernal pool within the project area's region (CDFG 2008). Northern vernal pool is reported to the north along Highway 12/29 but is not present within the site. Coastal brackish marsh is reported downstream of the site along the Napa River. Special-status communities are not likely to be impacted as a result of the proposed project. (removed last part of sentence)

### **Protected Bird Species**

Under the Migratory Bird Treaty Act (MBTA), it is unlawful to take, kill, and/or possess migratory birds at any time or in any manner, unless the appropriate permits are obtained. Protections extend to active nests, eggs, and young birds still in the nest. Most bird species, with a few specific exceptions, are protected under this act. Construction activities (in work areas with suitable breeding habitat) during the breeding period, typically mid-March to mid-August in this region (RHJV 2004), could result in losses to these and other native wildlife species. All breeding birds should be protected in accordance with the following recommendations.

### **Findings and Recommendations**

Construction activities at the project site will involve working adjacent to a sensitive biological resource area, Sheehy Creek. As per county regulations, a conservation easement is in place along the creek to protect biological resources. Due to the lack of unique habitat features and plant communities, suitable habitat for special-status species is absent from the project site, and they are not likely to be impacted as a result of the proposed development. Due to reported occurrences of wintering burrowing owls and ferruginous hawks, there is a low to moderate potential for these species to be occupying the project area's region during the winter months. They may be discouraged from the site by the presence of construction equipment. In addition, due to the continued development of the industrial park, they are likely to be utilizing adjacent undeveloped land rather than partially developed parcels. To ensure impacts to special-status species and sensitive resources are avoided or minimized, the following recommendations should be implemented:

1. Temporary construction fencing should be installed along the conservation easement setback adjacent to Sheehy Creek. The fencing should remain in place for the duration of construction.
2. To avoid potential losses to nesting migratory birds protected under the MBTA, work adjacent to Sheehy Creek should occur outside of the critical breeding period (mid-March to mid-August). If activities must occur during the normal breeding season, work areas should be surveyed by a qualified biologist prior to commencing. If active nests are encountered, those areas plus a buffer area designated by the biologist should be avoided until the nests have been vacated. The buffer area should be 50 feet for small songbirds (e.g., warblers, sparrows) and 75 feet for larger birds (e.g., raptors, owls). (See Protected Bird Species section.)

This concludes PCI's biological resources evaluation of the above-mentioned project. If you have any questions or concerns, please feel free to call me directly at (707) 824-4601, ext. 108. Thank you for the opportunity to assist with your project.

Sincerely,  
PRUNUSKE CHATHAM, INC.

*Submitted electronically*

Jennifer Michaud  
Senior Biologist

#### **References**

Berner, M., B. Grummer, R. Leong, and M. Rippey. 2003. Breeding Birds of Napa County, California. Napa-Solano Audubon Society, Vallejo, CA.

California Department of Fish and Game (CDFG). 2008. California Natural Diversity Database, RareFind Version 3.1.0. California Department of Fish and Game. Sacramento, California.

California Native Plant Society (CNPS). 2008. Inventory of Rare and Endangered Plants (online edition, v6-05b). California Native Plant Society. Sacramento, CA. Accessed at: <http://www.cnps.org/inventory>.

Riparian Habitat Joint Venture (RHJV). 2004. Version 2.0. The Riparian Bird Conservation Plan: A Strategy for Reversing the Decline of Riparian Associated Birds in California. California Partners in Flight. Accessed at: <http://www.prbo.org/calpif/plans.html>.

U.S. Fish and Wildlife Service (USFWS). 2008. On-line endangered species lists. Accessed at: [http://www.fws.gov/sacramento/es/spp\\_list.htm](http://www.fws.gov/sacramento/es/spp_list.htm).



**Table 1. Special-Status Plants and Animals Considered in Project Evaluation**

Common Name	Scientific Name	Federal Status	State Status	CNPS
<b>PLANTS</b>				
alkali milk-vetch	<i>Astragalus tener</i> var. <i>tener</i>			1B
San Joaquin spearscale	<i>Atriplex joaquiniana</i>			1B
soft bird's-beak	<i>Cordylanthus mollis</i> ssp. <i>mollis</i>	Endangered	Rare	1B
dwarf downingia	<i>Downingia pusilla</i>			2
Greene's narrow-leaved daisy	<i>Erigeron angustatus</i>			1B
northern California black walnut	<i>Juglans hindsii</i>			1B
Contra Costa goldfields	<i>Lasthenia conjugens</i>	Endangered		1B
Delta tule pea	<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>			1B
legenere	<i>Legenere limosa</i>			1B
Jepson's leptosiphon	<i>Leptosiphon jepsonii</i>			1B
woolly-headed lessingia	<i>Lessingia hololeuca</i>			3
Mason's lilaeopsis	<i>Lilaeopsis masonii</i>		Rare	1B
Marin knotweed	<i>Polygonum marinense</i>			3
Suisun Marsh aster	<i>Symphyotrichum lentum</i>			1B
showy Indian (two-fork) clover	<i>Trifolium amoenum</i>	Endangered		1B
saline clover	<i>Trifolium depauperatum</i> var. <i>hydrophilum</i>			1B
<b>ANIMALS</b>				
green sturgeon	<i>Acipenser medirostris</i>	Threatened	SC	
northwestern pond turtle	<i>Actinemys marmorata marmorata</i>		SC	
tricolored blackbird	<i>Agelaius tricolor</i>		SC	
pallid bat	<i>Antrozous pallidus</i>		SC	
golden eagle	<i>Aquila chrysaetos</i>		SC	
burrowing owl	<i>Athene cunicularia</i>		SC	
Conservancy fairy shrimp	<i>Branchinecta conservatio</i>	Endangered		
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Threatened		
ferruginous hawk	<i>Buteo regalis</i>		SC	
Swainson's hawk	<i>Buteo swainsoni</i>		Threatened	
an isopod	<i>Calasellus californicus</i>			
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	Threatened	SC	

Common Name	Scientific Name	Federal Status	State Status	CNPS
northern harrier	<i>Circus cyaneus</i>		SC	
tidewater goby	<i>Eucyclogobius newberryi</i>	Endangered	SC	
saltmarsh common yellowthroat	<i>Geothlypis trichas sinuosa</i>		SC	
Delta smelt	<i>Hypomesus transpacificus</i>	Threatened	Threatened	
California black rail	<i>Laterallus jamaicensis coturniculus</i>		Threatened	
San Pablo song sparrow	<i>Melospiza melodia samuelis</i>		SC	
steelhead - central California coast ESU	<i>Oncorhynchus mykiss irideus</i>	Threatened		
Sacramento splittail	<i>Pogonichthys macrolepidotus</i>		SC	
California clapper rail	<i>Rallus longirostris obsoletus</i>	Endangered	Endangered	
California red- legged frog	<i>Rana aurora draytonii</i>	Threatened	SC	
saltmarsh harvest mouse	<i>Reithrodontomys raviventris</i>	Endangered	Endangered	
Suisun shrew	<i>Sorex ornatus sinuosus</i>		SC	
callippe silverspot butterfly	<i>Speyeria callippe callippe</i>	Endangered		
Caspian tern	<i>Sterna caspia</i>			
northern spotted owl	<i>Strix occidentalis</i>	Threatened		
California freshwater shrimp	<i>Syncaris pacifica</i>	Endangered	Endangered	
American badger	<i>Taxidea taxus</i>		SC	

Federal

Endangered – Listed as endangered.

Threatened – Listed as threatened.

State

Endangered – Listed as endangered.

Threatened – Listed as threatened.

Rare – Listed as rare.

SC – California Special Concern species.

CNPS

1B – Rare or endangered in California and elsewhere.

2 – Rare or endangered in California, more common elsewhere.

3 – Plants for which we need more information.