



PRUNUSKE CHATHAM, INC.

October 22, 2008

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

Subject: Biological Resources Evaluation
Technology Way and Technology Court (APN 057-210-022)
Napa Valley Gateway Industrial Park
Napa County

Dear Mr. Busby:

Prunuske Chatham, Inc. (PCI) has completed an evaluation of biological resources for your distribution warehouse and office building development at the southwest corner of Technology Way and Technology Court in the Napa Valley Gateway Industrial Park, Napa County (APN 057-210-022). The project consists of constructing an approximately 30,000 sq. ft. industrial building on a 3.4-acre parcel. 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 October 20, 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 on 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 mammals, amphibians, reptiles, and invertebrates.

Setting and Existing Conditions

The project site is located on the southwest corner of Technology Court and Technology Way northeast of the Napa County Airport and on the west side of Highway 12/29 in Napa County. It is located on the Cuttings Wharf USGS Quadrangle (38°13'23"N and 122°16'20"W, NAD83) at approximately 24 feet in elevation. The site is in the Sheehy Creek watershed, and the creek is approximately 0.25 miles north of the site. Sheehy Creek flows in a westerly direction into coastal brackish marsh before entering the Napa River, thence San Pablo Bay. The project site borders roads to the north and east and industrial development to the west and 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 very gently to the northwest. There is a berm approximately four feet high along the southwest edge of the site. The site is on slow-draining clay soils, and may have supported seasonal wetland habitat in the past before the area was developed and drainages altered. Some of the plant species observed during the site visit are facultative wetland species, but the site no longer supports wetland habitat. It was completely dry at the time of the evaluation.

The plant community within the project site consists of nonnative and ruderal grassland. Dominant species identifiable at the time of the site visit were wild oats (*Avena fatua*), canary grass (*Phalaris* sp.), bristly ox-tongue (*Picris echinoides*), curly dock (*Rumex crispus*), and prickly lettuce (*Lactuca serriola*). Additional disturbance-adapted forbs and annual grasses, such as broadleaved pepperweed (*Lepidium latifolium*), cheeseweed (*Malva* sp.), chicory (*Chicorium intybus*), wild radish (*Raphanus sativus*), wild fennel (*Foeniculum vulgare*), Italian thistle (*Carduus pycnocephalus*), and soft chess (*Bromus hordeaceus*) occupy the site. Native species were limited to hayfield tarweed (*Hemizonia congesta* ssp. *luzulifolia*) and several small coyote brush (*Baccharis pilularis*) plants; these occurred on the northern edge of the property. Ornamental plantings of trees and shrubs exist along the western and southern boundaries of the property.

In general, nonnative grassland and ruderal habitats, such of those occurring on the project site, provide limited wildlife habitat¹. In this particular case, the soil is

¹ Wildlife species' common names are used because they are unequivocal.

highly disturbed; however, there was extensive evidence of small mammal tunnels and burrows. The site is likely to support a number of small vertebrates (e.g., deer and harvest mice, voles) and subterranean foragers (e.g., Botta's pocket gopher and California mole). Evidence of large fossorial mammals (e.g., badgers, fox dens) was not observed. Black-tailed jackrabbits are using the bermed area at the southwest edge of the site.

Reptiles commonly occur within these areas, including western fence lizard, alligator lizard, and snakes (e.g., gopher and garter). Ground-foraging birds, such as American robin, western meadowlark, and other resident (e.g., western bluebird, finches) and migratory birds (e.g., sparrows), may utilize the site for feeding. Small invertebrates and vegetation within the habitat are likely to serve as a food source for these birds and small mammals. Predatory hawks, including northern harrier which was observed on site, frequent these areas as well. However, the sparse, low- growing vegetation provides minimal cover and may limit the opportunities for bird nesting.

Wildlife observations within the project area included northern mockingbird, yellow-rumped warbler, Canada goose, western meadowlark, Anna's hummingbird, European starling², western scrub-jay, house finch, northern harrier, turkey vulture, killdeer, California towhee, white-crowned sparrow, Say's phoebe, and black-tailed jackrabbit.

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 (CNDDB) 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

² Non-native species.

2008a). 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, as a result, may not be entirely reliable. The CNDDDB/ Spotted Owl Viewer database was also reviewed for the reported sightings of northern spotted owl within the project area's region (CDFG 2008b). 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, as well as other background literature, were also reviewed for the above-mentioned quadrangles and Napa County (USFWS 2008).

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. Listing statuses of plant and animal species considered during project evaluation are provided in Table 1.

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*), saltmarsh 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 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 were observed during the field survey. One special-status animal species, northern harrier, was observed on the project site. Nesting northern harriers are listed by CDFG as a California Species of Special Concern.

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 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 (tricolored blackbird, burrowing owl, ferruginous hawk, and Swainson's hawk) have potential for occurrence based on the proximity of the site to reported sightings and one species (northern harrier) was observed. 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 species may utilize Sheehy Creek, downstream aquatic habitats, and/or surrounding undisturbed natural communities.

Burrowing owl. According to the CNDDDB, a single occurrence for burrowing owl has been reported within 0.5 miles of the project site (CDFG 2008a). 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 to 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 heavy equipment during construction. Impacts on breeding burrowing owls are unlikely due to the seasonal occurrence of the species within Napa County. The project will result in the loss of marginal winter foraging habitat.

Tricolored blackbird. Tricolored blackbirds have several reported occurrences in the vicinity of the Napa County Airport along freshwater ponds (CDFG 2008a). 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. Blackbirds may utilize surrounding aquatic habitats for breeding and

foraging. Suitable breeding habitat is not present on site. Due to the continued development of the area, blackbirds may be displaced to surrounding undeveloped land. If they are utilizing the area for foraging habitat, they may be discouraged from the site by the presence of heavy equipment during construction. The project will result in the loss of marginal foraging habitat.

Ferruginous hawk. 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 heavy equipment during construction. Impacts on breeding ferruginous hawks are unlikely due to the seasonal occurrence of the species within Napa County. The project will result in the loss of marginal winter foraging habitat.

Swainson's hawk. According to the CNDDDB, breeding Swainson's hawks have been reported within 1.5 miles of the project site along Suscol Creek (CDFG 2008a). 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 surrounded by development. The likelihood of occurrence on site is very low. The proposed development will not result in a loss of suitable breeding habitat; however, it will result in the loss of somewhat poor quality foraging habitat.

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. Marsh habitats are 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.

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. The project site supports marginal breeding habitat; however, a small number of disturbance-adapted ground nesting birds could utilize the project site for breeding. All breeding birds should be protected in accordance with the following recommendations.

Findings and Recommendations

With adherence to Napa County construction practices and environmental standards, significant biological impacts are unlikely to occur as a result of the proposed development. Due to the lack of unique habitat features and plant communities, suitable habitat for special-status plant 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, breeding occurrences of Swainson's hawk and tricolored blackbird, and observed presence of northern harrier, there is a low to moderate potential for these species to be occupying the project area's region. These species may be discouraged from the site by the presence of heavy equipment during construction. 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. However, the project will result in the loss of poor quality habitat for these species and common wildlife. The project site has a low potential to support small, disturbance-adapted ground nesting birds. To ensure impacts on breeding birds are avoided, the following recommendation should be implemented:

1. To avoid potential losses to nesting migratory birds protected under the MBTA, work 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 100 feet for larger birds (e.g., raptors, owls). Keeping the site mowed will limit the opportunities for nesting birds. (See Protected Bird Species section above.)

This concludes PCI's biological resources evaluation of the above-mentioned project. If you have any questions or concerns, please feel free to call us at (707) 824-4600. Thank you for the opportunity to assist with your project.

Sincerely,
PRUNUSKE CHATHAM, INC.

Submitted electronically

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

California Department of Fish and Game (CDFG). 2008b. BIOS – Biogeographic Information and Observation System, CNDDDB/Spotted Owl Viewer. California Department of Fish and Game. Sacramento, CA. Accessed at: <http://bios.dfg.ca.gov/>.

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.

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

| Common Name | Scientific Name | Federal Status | State Status | CNPS |
|---|--|----------------|--------------|------|
| PLANTS | | | | |
| 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>Symphotrichum 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 |
| ANIMALS | | | | |
| green sturgeon | <i>Acipenser medirostris</i> | Threatened | SC | |
| northwestern pond turtle | <i>Actinemys marmorata</i> <i>marmorata</i> | | SC | |
| tricolored blackbird (nesting colony) | <i>Agelaius tricolor</i> | | SC | |
| pallid bat | <i>Antrozous pallidus</i> | | SC | |
| golden eagle | <i>Aquila chrysaetos</i> | | FP | |
| burrowing owl | <i>Athene cunicularia</i> | | SC | |
| Conservancy fairy shrimp | <i>Branchinecta conservatio</i> | Endangered | | |

| Common Name | Scientific Name | Federal Status | State Status | CNPS |
|--|--|----------------|-------------------|------|
| vernal pool fairy shrimp | <i>Branchinecta lynchi</i> | Threatened | | |
| ferruginous hawk | <i>Buteo regalis</i> | | WL | |
| Swainson's hawk | <i>Buteo swainsoni</i> | | Threatened | |
| an isopod | <i>Calasellus californicus</i> | | | |
| western snowy plover | <i>Charadrius alexandrinus nivosus</i> | Threatened | SC | |
| northern harrier (nesting) | <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 and FP | |
| 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 and FP | |
| California red-legged frog | <i>Rana aurora draytonii</i> | Threatened | SC | |
| saltmarsh harvest mouse | <i>Reithrodontomys raviventris</i> | Endangered | Endangered and FP | |
| 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 | SC | |
| California freshwater shrimp | <i>Syncaris pacifica</i> | Endangered | Endangered | |
| American badger | <i>Taxidea taxus</i> | | SC | |