



December 1, 2020

Trevor Hawkes  
Napa County Planning, Building and Environmental Services  
1195 Third Street, Room 210  
Napa, CA 94559

**RE: Kenzo Estate Inc.; Use Permit Mod P19-00396  
Memorandum in Response to California Department of Fish and Wildlife (CDFW)  
Comments**

Dear Mr. Hawkes:

On November 25, 2020, the California Department of Fish and Wildlife (CDFW) submitted a comment letter regarding the Use Permit Modification P19-00396 for Kenzo Estate. This firm prepared the biological resources studies and analysis (Biological Report) used to evaluate potential impacts of the above-referenced project. This letter summarizes and responds to the comments provided in the above referenced letter.

### **Oak Woodland Removal**

The CDFW letter notes that the project will involve “marginal loss of annual grassland, oak woodland and chaparral habitats.” However, the project involves work only along the existing driveway and at the existing cave adjacent to the existing winery building. The CDFW letter presumes that trees will be removed as a result of the project; however, as shown in the submitted plans for the project at sheets UP2.0 and UP5.0-5.3, all significant trees in the project vicinity have been noted on the plans, and none will be removed. In short, there is no “tree removal” proposed as part of the project. The only notable vegetation removal is of recently planted, immature and unproductive olive trees within a developed ornamental orchard shown on Sheet A2.2, not subject to any tree retention policies.

## **Rare Plants**

The CDFW letter requests that surveys covering all project areas during each of the species blooming period be conducted. This is in agreement with the Biological Report, which states that additional plant species surveys are to be conducted to cover the blooming period of all plant species with the potential to occur in the region. This follow-up survey, in addition to the one noted within the Biological Report, was conducted on June 1, 2020 and a letter report along with a list of additional plant species observed was completed on June 2, 2020. No special status plant species were observed and therefore, are likely to occur on or adjacent to the project site. These surveys fulfill the requirements set out in the Biological Report and the CDFW letter and, therefore, no further measures are necessary.

Current requirements by the CDFW and other agency staff require that the surveys be conducted by a Biologist that is qualified and knowledgeable with the appropriate education, experience, and abilities to conduct the plant surveys. There is no requirement that a botanist conduct these surveys, though they would also be acceptable according to existing survey requirements, as long as they had the appropriate qualifications. Sean Micallef of Zentner Planning and Ecology, who has extensive experience conducting botanical surveys and has been approved to conduct these surveys throughout the San Francisco Bay Area including Napa County, conducted the plantsurveys.

## **Nesting Birds and Raptors**

The CDFW requests that the preconstruction bird surveys include all suitable nesting habitat within 500 feet of the project and that additional surveys take place if a lapse of 7 days or more in project related work. We concur with these measures as they are a not a significant addition to the originally proposed mitigation measures as described in the Biological Report.

## **Lake or Streambed Alteration Agreement**

The CDFW recommended that the permittee notify the CDFW of this project to see whether an LSA is necessary. As a component of the project, and specifically to avoid any impacts on the Leoma Lakes, a Road and Street Standard Exception was proposed and designed to avoid impacts on the Lakes and nearby unnamed stream. The project biologist reviewed the project impacts to ensure that project impacts were outside of CDFW jurisdiction. Therefore, the project is not expected to encroach into these areas or within CDFW jurisdiction. As such, we believe a LSA is not necessary.

### **Spoils Stockpile Area – Invasive Plants**

The CDFW recommended that the spoils stockpile area be monitored for the presence of invasive plants that could spread to other areas. However, the cave areas where the spoils will be derived were inspected by the biologists as part of the Biological Report. These areas were found to be relatively undisturbed and dominated by native plant species. The spoils area, in contrast, is an area that has been disturbed over a relatively long period of time, without the spread of non-native species into adjacent areas. In addition, the cave spoils will be deposited on a nearby parcel within the same Kenzo Estate land holdings. As such, we do not believe moving any cave spoils solely within the landholdings could involve introduction of “invasive” plants in the nearby and connected habitats.

### **Erosion Control Devices**

We agree with CDFW’s observation regarding the risks of monofilament netting of erosion control.

Thank you for the opportunity to respond to these comments. Please do not hesitate to contact us if you have any further questions.

Sincerely,

Sean Micallef  
Partner/Chief Ecologist