

**From:** [Hade, Jason](#)  
**To:** [Fuller, Lashun](#); [Thepkaisone, Cesselea](#)  
**Cc:** [Kazmi, Syed Ahsan](#); [Gallina, Charlene](#); [Smith, Vincent \(PBES\)](#); [Apallas, Chris](#); [dboldford@aol.com](mailto:dboldford@aol.com)  
**Subject:** FW: Bergman Winery Hearing - Response to Caltrans Comments  
**Date:** Monday, December 17, 2018 9:06:56 AM  
**Attachments:** [Bergman Memo 12-14-18.pdf](#)

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Good Morning,

Please forward this to the Commissioners with the Brown Act statement. Thanks!

Jason

**From:** Donna Oldford <[dboldford@aol.com](mailto:dboldford@aol.com)>  
**Sent:** Sunday, December 16, 2018 9:26 PM  
**To:** Hade, Jason <[Jason.Hade@countyofnapa.org](mailto:Jason.Hade@countyofnapa.org)>; [Jake.Freedman@dot.ca.gov](mailto:Jake.Freedman@dot.ca.gov)  
**Cc:** [pjbergman@mac.com](mailto:pjbergman@mac.com); [mike@appliedcivil.com](mailto:mike@appliedcivil.com)  
**Subject:** Bergman Winery Hearing - Response to Caltrans Comments

Hi, Jason,

Please find enclosed information in response to the letter received from Caltrans on the Bergman Winery. We asked traffic planner Mark Crane of Crane Transportation Group to look at the existing intersection of the Bale Grist Mill State Park and Highway 29 as relates to the current Caltrans standards for intersection design. As you can see from enclosed Exhibit 1, the design of this intersection is consistent with the design standards. This is what we would expect with the existence of a State Park that takes its access from a State Highway.

Please see that the Planning Commission receives copies of this letter and exhibit prior to our hearing on the Bergman Winery application on Wednesday, December 19. Thank you.

Best,  
Donna Oldford  
Plans4Wine



# CRANE TRANSPORTATION GROUP

TRAFFIC AND TRANSPORTATION PLANNING AND ENGINEERING

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## MEMORANDUM

**TO:** Donna Oldford ([dboldford@aol.com](mailto:dboldford@aol.com))

**FROM:** Mark D. Crane, P.E.

**DATE:** December 14, 2018

**RE:** **BERGMAN WINERY ACCESS TO SR 29 – DOES DESIGN MEET CALTRANS HIGHWAY DESIGN MANUAL CRITERIA?**

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Hi Donna:

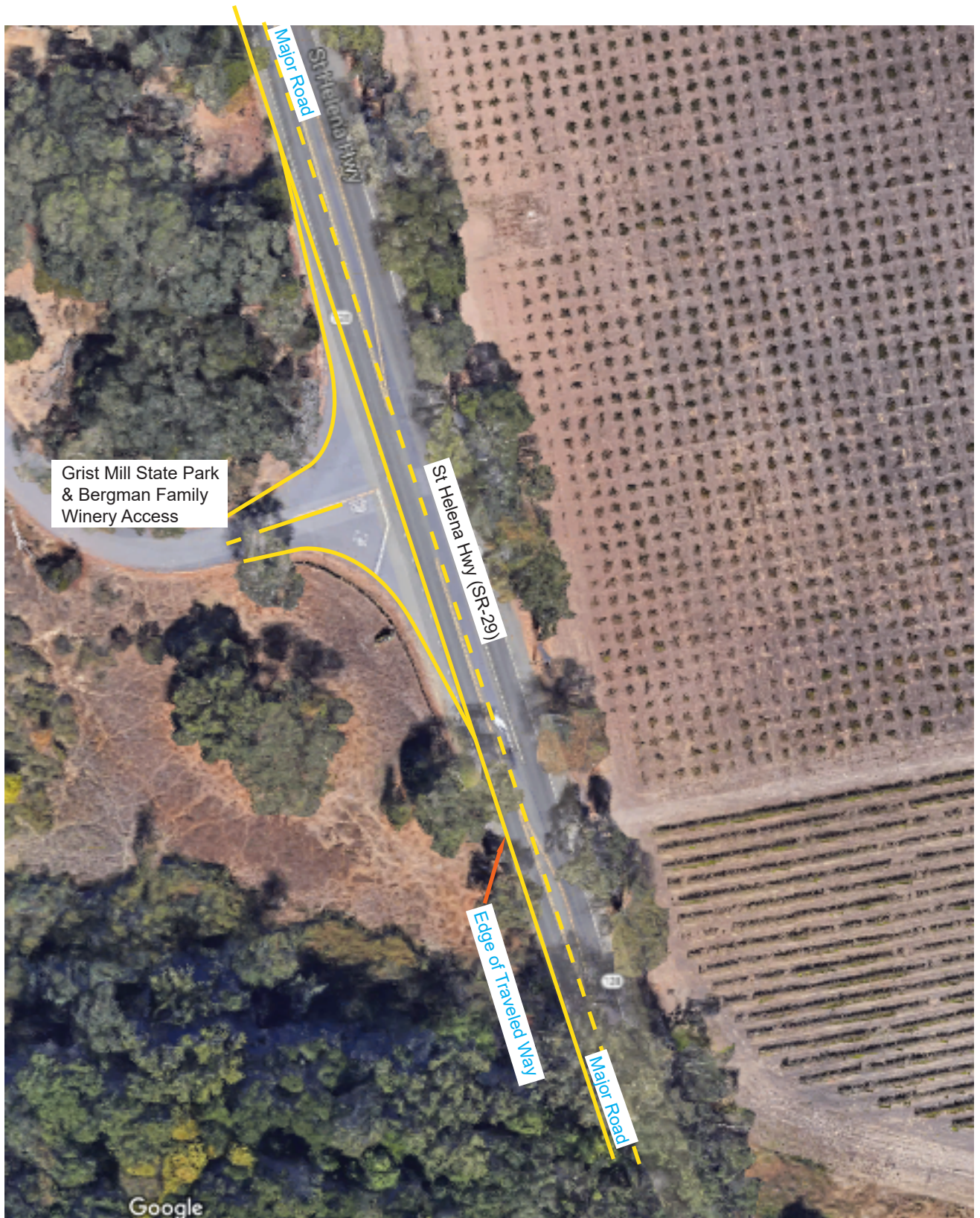
At your request Crane Transportation Group has evaluated whether the Bergman Winery access to SR 29 north of the City of St. Helena in Napa County meets Caltrans Highway Design Manual criteria. The Bergman driveway connects to the Grist Mill State Park access road (on the west side of SR 29) which then provides a connection to the state highway. The state park connection to SR 29 is shown on the attached **Figure 1**. Also shown is a template from **Figure 405-7** in the latest Caltrans Highway Design Manual (December 2018) for public road intersections superimposed on the air photo. As shown, the right turn in and out pavement design at the state park driveway connection meets current design criteria. It should also be noted that a left turn has been provided on the northbound SR 29 intersection approach.

Thank you,

*Mark Crane*

Mark Crane, P.E.





Caltrans Highway Design Manual (Dec 2018) Criteria for  
 Public Road Intersections without a Left turn Lane - Figure 405-7



**Figure 1**  
**Grist Mill State Park and Bergman Family Winery**  
**SR29 Access Intersection Geometrics in Relation to**  
**Caltrans Highway Design Manual Criteria**

## Hade, Jason

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**From:** Allen, Garrett@Wildlife <Garrett.Allen@wildlife.ca.gov>  
**Sent:** Thursday, December 13, 2018 10:29 AM  
**To:** Hade, Jason  
**Subject:** CDFW's Informal Comments on the Bergman Family Winery Mitigated Negative Declaration (SCH#2018112043)

Dear Mr. Hade,

Thank you for giving CDFW the opportunity to review and provide comments on the Mitigated Negative Declaration (MND) for the Bergman Family Winery Use Permit Project (Project). CDFW is submitting the following informal comments to be incorporated into the MND:

### *Northern Spotted Owl:*

**Comment 1:** The project will result in the removal of up to 28 trees located on the edge of suitable foraging habitat for the Northern Spotted Owl (*Strix occidentalis caurina*)(NSO), a threatened species under the California Endangered Species Act. Short-term adverse impacts of Project activities, such as disturbance from elevated sound levels or human presence near nest sites, can lead to temporary displacement or abandonment by the adult of a nest and eggs. USFWS has provided technical guidance for analyzing when sound and visual disturbance reaches a level that may result in take in their document, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated July 26, 2006, stating:

“Disturbance may reach the level of take when at least one of the following conditions is met:

- Project-generated sound exceeds ambient nesting conditions by 20 to 25 decibels (dB);
- Project-generated sound, when added to existing ambient conditions, exceeds 90dB;
- human activities occur within a visual line-of-site distance of 40 meters or less from a nest.”

Please be advised that a CESA Permit must be obtained from CDFW if the project cannot avoid take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

The CNDDDB index listed owl site NAP005 is within 2,570 feet of the project site. Although the most recent survey on record in 2002 produced negative results, without up to date surveys, no conclusions can be made on the state of NSO activity within this area, and these impacts could be significant.

MM BIO-1 provides inadequate NSO protection to reduce impacts to less than significant.

**Recommended Mitigation:** Preconstruction surveys should be conducted by a qualified biologist with documented experience conducting northern spotted owl surveys with positive identifications of NSO. The surveys should follow the procedure outlined in sections 3 and 4 of the US Fish and Wildlife (USFWS) document titled [Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls \(2012\)](#), using guidelines for populations in the California Coast Range (Douglas fir/mixed conifer zone). Local data shows that territorial behavior can begin as early as March 1 with nesting season extending to August 31. Due to species foraging activity within this region, surveys of suitable habitat should be within a 1.3 mile radius of project activity. MM BIO-1 should be changed to reflect these



numbers and the survey timeline outlined in section 4. Survey results should be sent to CDFW by emailing Garrett Allen, Environmental Scientist ([garrett.allen@wildlife.ca.gov](mailto:garrett.allen@wildlife.ca.gov)), prior to the start of construction activities.

**If protocol level surveys are not conducted** or surveys yield a positive result, presence should be presumed and the following measures should be included to reduce impacts:

The MND should address noise and visual disturbance on NSO from Project activities and provide measures to avoid or minimize disturbance to active nest sites near the Project footprint. The measures should include no tree removal during the nesting season to prevent the loss of suitable nesting and foraging habitat, and no construction during nesting season to minimize visual and noise disturbance, unless other measures are identified and approved by CDFW to reduce impacts to less than significant.

#### *Nesting Bird Surveys*

**Comment 2:** CDFW is concerned with potential impacts to nesting birds protected under the Migratory Bird Treaty Act of 1918 and Fish and Game Code.

**Recommended Mitigation:** If construction, grading, vegetation removal, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds January 31 to September 1, a focused survey for active nests of such birds shall be conducted by a qualified biologist within 7 days prior to the beginning of project-related activities. The MND should discuss a range of feasible mitigation measures if a nest is found, such as no disturbance buffers and no work windows for vegetation removal during the nesting bird season.

#### *Special Status Bats:*

**Comment 3:** CDFW is concerned with potential impacts to special status bats, including CNDDDB occurrences of fringed myotis (*Myotis thysanodes*) and the Townsend's big-eared bat (*Corynorhinus townsendii*) located in Bothe Napa State Park adjacent to the project site.

**Recommended Mitigation:** A mitigation measure should be added to reduce potential adverse impacts to less than significant that states the following:

“A qualified bat biologist, with documented experience conducting bat habitat assessments, shall conduct a bat habitat assessment of all trees proposed for removal at least 30 days prior to tree removal activities, to determine if any of the trees contain potential bat roost habitat. If any trees proposed for removal contain potential bat roost habitat, presence of roosting bats shall be presumed. All trees containing potential bat roost habitat shall be removed using a two-day phased removal method as described: On day 1, under the supervision of a qualified bat biologist who has documented experience overseeing tree removal using the two-day phased removal method, branches and small limbs **not** containing potential bat roost habitat (e.g. cavities, crevices, exfoliating bark) shall be removed using chainsaws only. On day 2, the next day, the rest of the tree should be removed.

All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin).”

If you have any questions or need clarification on the above comments, please contact me by phone (707-428-2076) or email.

Regards,

Garrett Allen

*Environmental Scientist (Covering: Napa County, Vallejo, Benecia)*  
*California Department of Fish and Wildlife – Bay Delta Region*  
*Habitat Conservation Program*  
**2825 Cordelia Road, Suite 100**  
**Fairfield, CA 94534**  
**(707) 428-2002 (front desk)**  
**(707) 428-2076 (direct line)**