

Pro-Gas



ALLIED PROPANE SERVICE, INC.



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July 9, 2020

Napa Planning Commission
1195 Third Street, Suite 305
Napa, CA 94558

i.e.: Nova Business Park

Planning Commissioners,

Allied Propane Service, Inc has reviewed, approves and supports the plans for the Nova Business Park South project. This project is located on Devlin Road perpendicular to our property. We look forward to this addition to our area and we believe this project will be a tremendous complement to our county.

Sincerely,

Stanley Teaderman
President
Allied Propane Service



July 10, 2020

Jason Hade
Principal Planner
Napa County
1195 Third Street, Second Floor
Napa, CA 94559

**RE: Nova Business Park South, Tentative Parcel Map, Draft Mitigated Negative Declaration
Memorandum in Response to California Department of Fish and Wildlife (CDFW) Comments**

Dear Mr. Hade:

On July 3, 2020, the California Department of Fish and Wildlife (CDFW) submitted a comment letter regarding the draft Mitigated Negative Declaration (MND) for the Nova Business Park South project in Napa County. The focus of the letter was primarily related to Swainson's hawk (SWHA) which, though they are relatively new to the region, are now known from the general vicinity of the project site. Because of this, the CDFW requested 1:1 mitigation for the loss of foraging habitat as a result of the project.

The mitigation measures that the CDFW referenced in their letter are taken from the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFW 1994). As noted in the title, this report pertains to SWHA populations in California's Central Valley. This distinction is important because the population center of SWHA and nearly all SWHA observations are in the Central Valley, which once constituted the entire range of this species. Furthermore, the Central Valley is very different in terms of habitats, land use, and economics from the Napa Valley. The studies, species behavior, and planning, that went into determining the mitigation measures for the Central Valley are not necessarily directly applicable to the Napa Valley.

Studies of Swainson's hawks have shown that nesting birds can forage up to 18 miles from their nest (Estep, 1989, Babcock, 1993) or approximately 1,018 square miles of foraging habitat per nest. The SWHA breed throughout the western United States in the spring and migrate to Mexico, Central America, and South America in the fall (Airola et. al. 2019). Thousands of the birds were killed due to pesticide spraying practices that went on for decades in their fall roosting habitats in South America. However, once that practice stopped over a decade ago, the populations in the United States, including California experienced a significant rebound. Due to the successes with the recovery of this species in the Central Valley, SWHA is now foraging and nesting in the Napa Valley, which was not previously known to support this species until relatively recently. Its range has been expanding in other parts of California as well. This recovery success and expansion of SWHA range has been well-documented in other environmental documents from projects in the region, which have not been required to provide SWHA mitigation for foraging habitat.

A great deal of work and careful thought went into crafting the County's General Plan. A primary objective of the Plan was to ensure that there is plenty of open space and a good portion of land with low density development. As a result, areas of well-planned development, such as the Airport Area, within the Napa Valley Business Park Specific Plan, are surrounded by large quantities of lands that are available as nesting and foraging habitat for SWHA. The SR 29/221 Soscol Junction Improvement Project EA/EIR (Caltrans 2015), which is directly north of the project site, concluded that 23.66 acres of Swainson's hawk foraging habitat accounted for just 0.16% of their potential foraging habitat and that loss of this small amount of vegetation relative to their territory size would not have a substantial adverse effect, either directly or indirectly, on the Swainson's hawk or its habitat, nor would it substantially reduce the number or restrict the range of that species. The proposed Nova Business Park project would affect a smaller potential foraging area (21.79 acres), than that considered in the Soscol Junction project. Additionally, the project would not directly impact any potential nesting or roosting habitat. The project is primarily impacting non-native grassland. A relatively small amount (0.15 acres) of native grassland will be impacted by the project and the project will mitigate for those impacts onsite at 1:1 ratio. Therefore, the project will not result in the loss of any native grassland foraging habitat.

In short, SWHA forage up to 18 miles from their nesting sites and the available nesting and foraging land surrounding the project is extensive. The attached figure (**Figure 1**), which is taken from the Soscol Junction Improvement EA/EIR, shows the project site relative to local observations, the SWHA foraging radius, and just a portion of the Central Valley observations to the east. The available foraging land on the project site is negligible and would not significantly contribute to an overall cumulative loss of regional foraging habitat for this species. As well, the species is recovering well in its core habitat in the Central Valley and is now expanding its habitat in areas not previously known to contain this species. Nesting bird surveys will be completed prior to project construction activities to ensure that no nesting birds are impacted by the development. The project will preserve an open space corridor along the

Devlin Road

Napa, California

FIGURE 1

Swainson's Hawk Observations and Potential Foraging Radius

BY: JPE

PROJECT: 1053

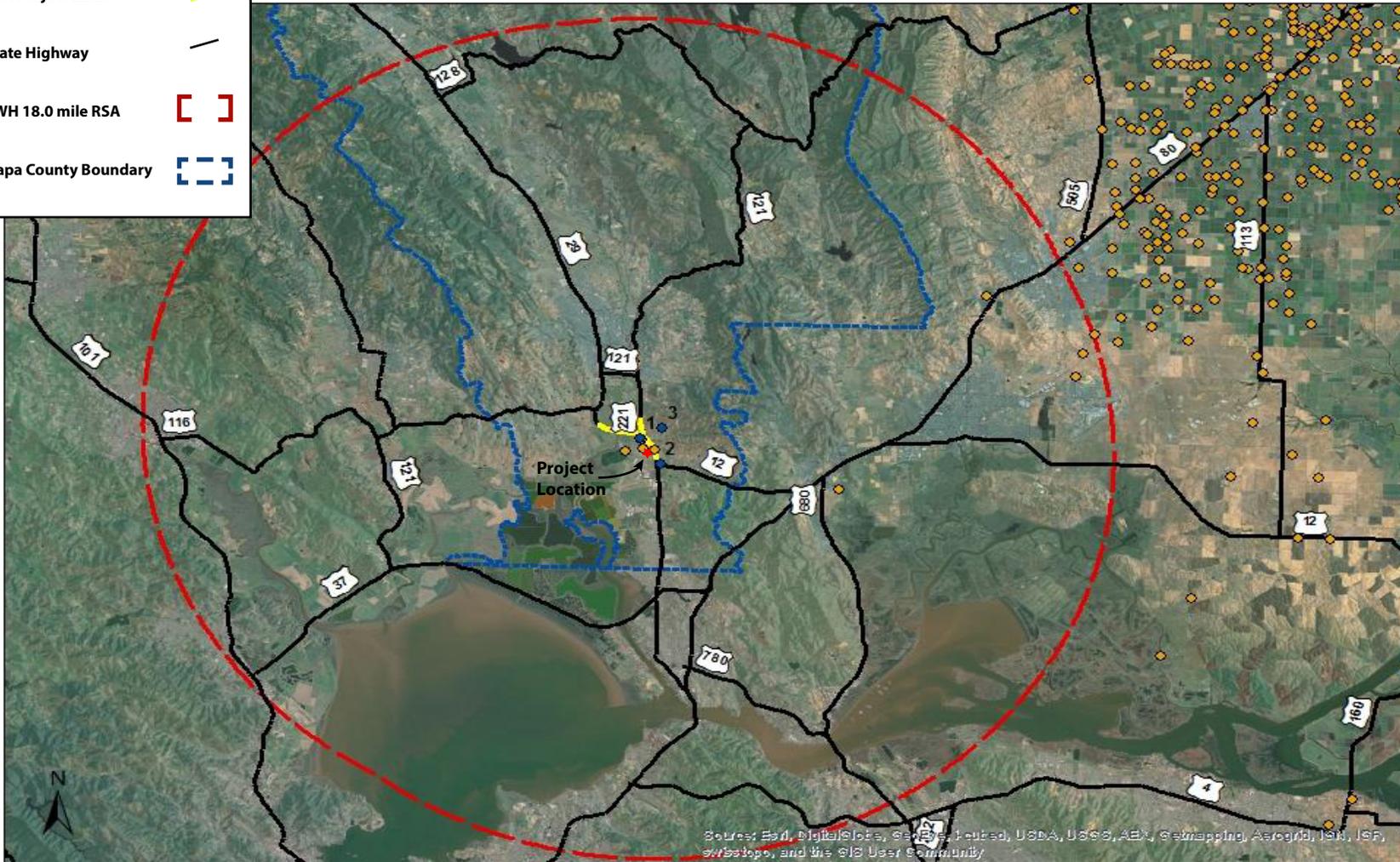
BASE MAP:
EIR_EA_Soscol_Junction_Project

FILE: D:\Graphic Designer\My Documents\PROJECTS\1000-1099\1053\Adobe\SWHMap.pdf

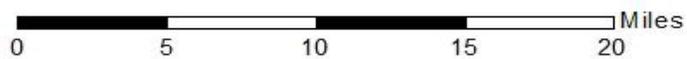
DATE: 07/09/2020, 10:00 AM

Legend

- Soscol Area Projects ●
- SWH Occurrence ○
- RSA Project Limit —
- State Highway —
- SWH 18.0 mile RSA []
- Napa County Boundary []



Source: Esri, DigitalGlobe, GeoEye, Earthstar (United States), USDA, USGS, AeroGRID, IGN, IGP, Swisstopo, and the GIS User Community



channel that runs through the center of the site, which will provide potential nesting habitat and native grassland for a wide range of bird species, including birds of prey such as the SWHA.

The Nova Business Park South project was previously approved and is in keeping with other approved projects in the Airport Area. We look forward to answering any questions that you may have on this project at the Planning Commission Meeting on July 15.

Sincerely,

Sean Micallef
Partner/Chief Ecologist

References:

Babcock, K.W. 1993. Home range and habitat analysis of Swainson's hawks in West Sacramento. Michael Brandman Associates report prepared for the Southport Property Owner's Group, City of West Sacramento, CA. 21pp.

Caltrans 2015. SR 29/221 Solscol Junction Improvement Project; Draft Environmental Impact Report/Environmental Assessment. March 2015.

California Department of Fish and Game, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California.

Daniel A. Airola, James A. Estep, David E. Krolick, Richard L. Anderson, and Jason R. Peters. "Wintering Areas and Migration Characteristics of Swainson's Hawks That Breed in the Central Valley of California", *Journal of Raptor Research* 53(3) 237-252. August 13, 2019. <https://doi.org/10.3356/JRR-18-49>.

Estep, J.A. 1989. Biology, movements, and habitat relationships of the Swainson's Hawk in the Central Valley of California, 1986-1987. California Department of Fish and Game, Nongame Bird and Mammal Section, Sacramento, CA.