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Special Status Habitat and Species Analysis
Kenzo Estate
P19-00396-MOD

Kenzo Estates

Special Status Habitat and Species Analysis

Project

1119

Zentner Planning and Ecology

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Oakland, CA, 94607

Prepared for:
Kenzo Estates

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Kenzo Estates
Special Status Habitat and Species Analysis

I. INTRODUCTION

A. Purpose

This report is intended to assess the environmental conditions at the Kenzo Estates Wine Cave Expansion and Road Improvement Project Site to determine: (1) the presence or likelihood of occurrence of any special status plant or wildlife species that are listed by State, Federal or local governments; and (2) to identify appropriate mitigation measures for impacts to these resources.

For purposes of this analysis, the Kenzo Estates Wine Cave Expansion and Road Improvement Project constitutes the "proposed project" and the surrounding area constitutes the "project site" or "study area."

B. Methodology

Zentner Planning and Ecology conducted a site analyses and survey, which included reviewing study area for special status species and habitats. The site survey occurred on February 11, 2020. The weather was clear and warm during the survey, which allowed for a thorough review of the site given its nature and condition.

In addition to this field work, the most recent versions of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), United States Fish and Wildlife Service (USFWS) special status species list, and the California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Plants were reviewed during the preparation of this analysis to determine special-status plant and wildlife species potentially occurring in the project vicinity. The databases were searched for the study area and greater project area (*i.e.,* the surrounding 5-mile radius).

C. Project Location

The Kenzo Estates property is located in southcentral Napa County (**Figure 1**). The property is accessed from Wild Horse Valley Road which branches south off of Monticello Road. Though the Kenzo Estates property is expansive, the study area, which is the focus of this report, is comprised of the wine cave and adjacent hillside which is located approximately 1.3 miles from Monticello Road on Wild Horse Valley Road, the approximately 0.5 mile of Wild Horse Valley Road immediately before the wine cave, a short section of the existing shoulder nearer to the intersection with Monticello Road, and the soil deposit site, which is located

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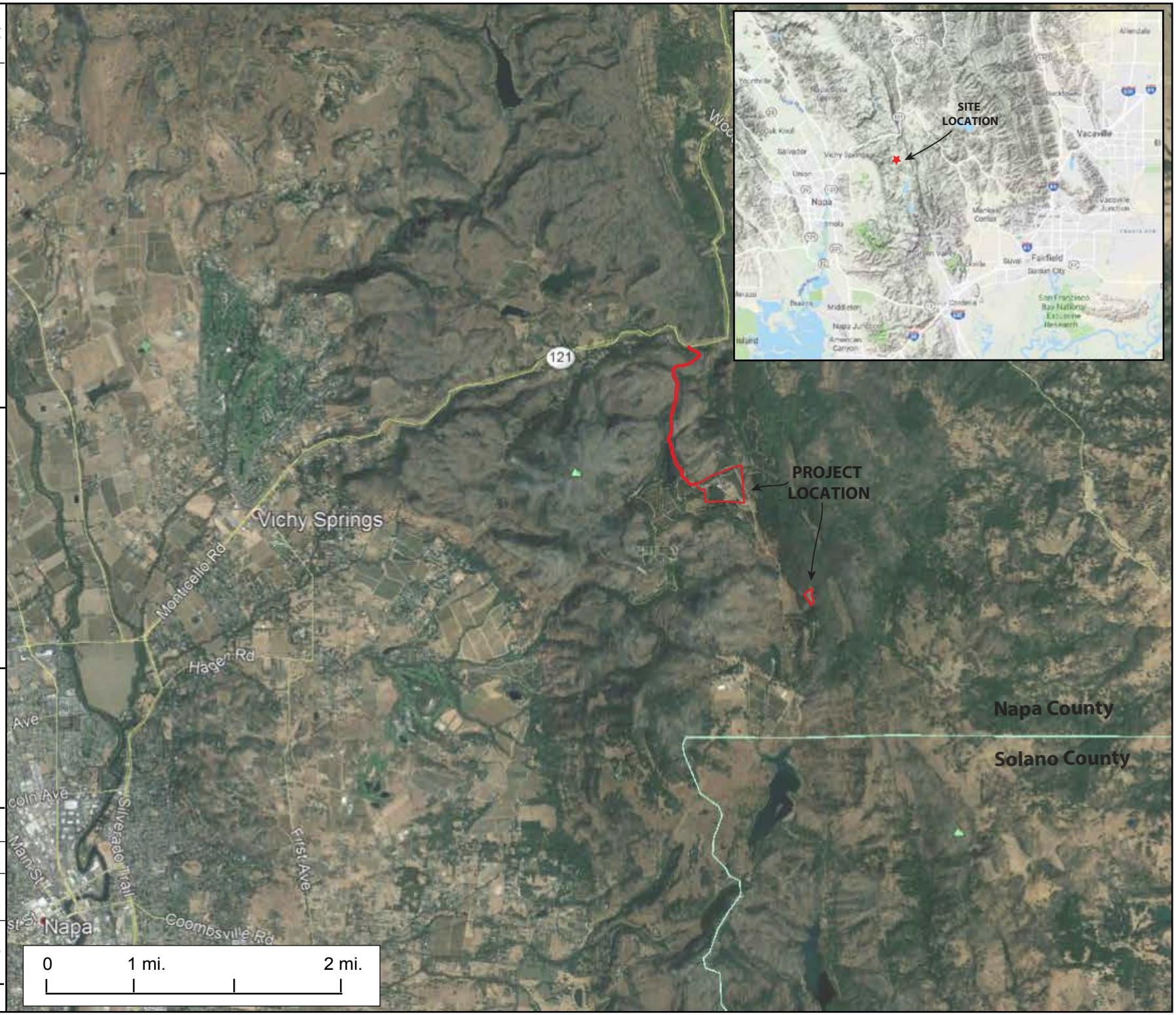
Napa, California

FIGURE 1

LOCATION MAP



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BASE MAP:
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approximately 1 mile southeast of the project site off of Wild Horse Valley Road; see **Appendix A** project plans.

The Kenzo Estates property and study area are located in the Mount George USGS 7.5-minute quadrangle, Township 6 north, Range 3 west. The site is within the Wooden Valley Creek-Frontal Suisun Bay Estuaries Watershed and the Wooden Valley Creek-Suisun Creek sub-watershed.

D. Site Description

As mentioned above, the study area comprises a small portion of the Kenzo Estates winery. The Kenzo Estates winery includes vineyards, a tasting room, vineyard facilities, two small lakes, a number of access roads, and undeveloped open land. The property's undeveloped lands are generally annual grassland, oak woodland, or chaparral habitats. Much of the area around the Kenzo Estates winery burned in 2017 and is still recovering from the fire.

The majority of the study area is comprised of areas that have been heavily disturbed by the vineyard operations and the existing roadway. The wine cave expansion project area is located adjacent to the winemaking facilities and has been heavily modified by construction of the adjacent facilities. As well, routine maintenance such as mowing for fire suppression has modified the habitat in in this area. The road improvement work, will occur in areas directly adjacent to the existing road in areas that often contains road base and have been modified to include rock lined road-side drainage ditches. As well, the soil spoils site is located in an area that is already used for soil and rock deposits and has therefore been heavily modified and disturbed.

Though the majority of the study areas have been heavily modified and impacted, the study area passes by Leoma Lakes and occasionally contains fringes of the neighboring habitats such as chaparral and oak woodland.

E. Project Description

The proposed project is comprised of two components the wine cave expansion and the road improvements. The project plans are included with this assessment as Appendix A. The wine cave expansion will expand an existing subterranean wine cave and construct two new cave entrances. One of the cave entrances will be constructed just south of the existing winery facilities and in-line with the existing wine cave entrances. The second entrance will be constructed southeast of the existing entrances on the east side of the hill which contains the caves. Construction of the new entrances will occur at the surface while the remainder of the project will be completed below ground. Excavated soil will be deposited at an existing soils spoils site that is located just under a mile southeast of the wine cave off of Wild Horse Valley Road. The excavated soil will be added to the existing soils site with a max of 2:1 perimeter slopes.

The road improvement work will be completed along sections of Wild Horse Valley Road from the wine cave expansion area north towards Monticello Road, which total approximately 0.5-miles. A portion of the project adjacent to Leoma Lake was removed from the project, which significantly reduced potential wildlife concerns in that area. The road widening work includes the construction of a drivable AC swale along portions of the road to bring the road to current county requirements. The road widening will take place immediately adjacent to the road in areas that are already generally disturbed.

II. ENVIRONMENTAL SETTING

A. Plant Communities and Associated Wildlife Habitat

The majority of the habitat within the study area has been previously heavily impacted and is comprised predominately of common non-native and ruderal species. However, much of the study area is located adjacent to oak woodland and chaparral habitats and the outer fringes of these habitats falls within the study area in a number of locations. As a result, the study area also contains a diversity of native chaparral and oak woodland species.

In order to describe the habitats within the project components, the study area has been divided up into the following project locations: wine cave expansion work area, soil spoils deposit site, and road improvement area. A full list of plant species observed within each of these project areas is provided in **Appendix B**, as well, the habitats within each of the project areas are discussed in greater detail below.

Nomenclature used for plant names follows *The Jepson Manual*, Second Edition (Baldwin et. al. 2012) and changes made to this manual as published on the Jepson Interchange Project website (http://ucjeps.berkeley.edu/interchange/index.html). Nomenclature for wildlife follows the CDFW's *Complete list of Amphibian, Reptile, Bird, and Mammal Species in California* (2008) and any changes made to specie nomenclature as published in scientific journals since the publication of CDFW's list.

1. Winecave Expansion Work Area

The wine cave expansion will construct two new cave entrances within disturbed annual grassland habitat. The new entrances will be constructed in areas that are mowed frequently to reduce fire hazards and as a result common non-native species are dominant. Common annual grasses including hedgehog dogtail grass (*Cynosurus echinatus*) and soft chess (*Bromus hordeaceus*) as well as more ruderal species including spring vetch (*Vicia sativa*), mustard (*Hirschfeldia incana*), yellow star thistle (*Centaurea solstitialis*) and bristly ox tongue (*Helminthotheca echioides*), which are abundant. In addition to these plants, a scattering of manzanitas are present adjacent to the vineyard facilities and a number of olive trees have also been recently planted in the southeastern cave entrance construction area.

Photo 1: View looking north across one of the future cave entrance locations.
February 2020.

Photo 2: View looking west across one of the future cave entrance locations.
February 2020.

Oak woodland habitat is located just upslope of the wine cave expansion work area. Though this habitat is outside the project limits, a number of native species are present within the disturbed annual grassland. Native species in the area include blue wild rye (*Elymus glaucus*), narrow flowered brome (*Bromus laevipes*), purple needlegrass (*Stipa pulchra*), common snowberry (*Symphoricarpos albus*), sanicle (Sanicula crassicaulis), and honeysuckle (Lonicera hispidula).

2. Soil Spoils Deposit Site

The majority of the spoils site has been heavily disturbed and is predominately stockpiled bare dirt or rock. Occasional non-native grass and other ruderal species are present within the stockpiled materials including ripgut brome (*Bromus diandrus*), Italian ryegrass (*Festuca perennis*) and yellow star thistle.

The outer edges of the spoils site do not contain deposited soils and rocks and are less disturbed than the inner areas. The outer areas are annual grassland that transitions to oak woodland as you move away from the spoil site. The outer edges are also predominately non-native species, though a number of native species including blue wild rye, poison oak (*Toxicodendron diversilobum*) and miner's lettuce (*Claytonia parviflora*) are also present.

Photo 3: View from the access road looking towards the soil spoils site. Less disturbed annual grassland habitat is located left and right outside the photo frame. February 2020.

3. Road Improvement Area

The bulk of the road enhancement project component extends approximately 0.5 miles from the winery facilities north towards Monticello Road. The road enhancement work is located directly adjacent to the existing road in areas already impacted and heavily disturbed by the road. The majority of the work will be completed in existing rocked, roadside drainage ditches where there is little to no vegetation. However, small portions of the road expansion project are vegetated and contain the outer fringes of the adjacent habitats.

Road enhancement work in the area closest to the existing winery facilities contains fringes of annual grassland and oak woodland habitats. Vegetation in this area consists of non-native dogtail grass, ripgut brome, and burclover (*Medicago polymorpha*) as well as native species such as soaproot (*Chlorogalum pomeridianum var. pomeridianum*), sticky monkeyflower (*Diplacus aurantiacus*), and coffeeberry (*Frangula californica*). A number of manzanitas and coast live oaks (*Quercus agrifolia*) are also present in the upper limits. As the road enhancement work area travels away from the winery facilities towards Monticello Road, the

adjacent habitats transition from oak woodland to chaparral and manzanitas, toyon (Heteromeles arbutifolia), and chamise (*Adenostoma fasciculatum*) become increasing abundant.

Photo 4: View looking west along the road improvement work area. The winery facilities are located left and outside the photo frame. February 2020.

Photo 5: View looking north along the road improvement work area. February 2020.

Near the terminus of the road enhancement work in the area to proposed to be excepted from improvements to the road, the road passes Leoma Lakes and a small intermittent tributary. Though both of these lie outside the project limits, fringes of related vegetation such as Himalayan blackberry (*Rubus armeniacus*), California blackberry (*Rubus ursinus*), and arroyo willow (*Salix lasiolepis*) are within the outer limits of the work area.

B. Wildlife

A small number of wildlife species were observed on the Study Area. The observed wildlife included, jackrabbit (*Lepus californicus*), grey squirrel (*Sciurus griseus*), sierra treefrog (*Pseudacris sierra*) and western fence lizard (*Sceloperus occidentalis*). A relatively small number of birds were observed as well, including; turkey vulture (*Cathartes aura),* black phoebe (*Sayornis nigricans*), killdeer (*Charadrius vociferous*), acorn woodpecker (*Melanerpes formicivorus*), and California quail (*Callipepla californica*).

The study area is comprised predominately of, or is adjacent to highly used areas, which has likely limited the amount and diversity of wildlife within the study area to relatively common, suburban and rural wildlife species. Typical mammals likely include coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and lagomorphs (rabbits). Small mammals on the site likely include California vole (*Microtus californicus*) and deer mouse (*Peromyscus maniculatus*), pocket gophers and ground squirrels. These small mammals are also likely preyed upon by predators such as coyotes, California grey (*Urocyon cinereoargenteus californicus*) and red fox (*Vulpes vulpes*), and bobcat (*Lynx rufus*). As well,

numerous predatory birds may forage at the Kenzo Property including red-tailed hawks (*Buteo jamaicensis*), red-shouldered hawks (*Buteo lineatus*), and American kestrels (*Falco sparverius*). The predatory birds that utilize the Kenzo Property for foraging most likely nest in the surrounding area and the Kenzo Proeprty comprises only a small fraction of their foraging grounds and the project limits represent an even small fraction of their potential foraging grounds.

Other birds commonly found in these habitats include, mourning dove (*Zenaida macroura*), western meadowlark (*Sturnella neglecta*) and sparrows (*Spizella sp*.) and other common passerines. Common reptiles that are likely present include, southern alligator lizard (*Gerrhonotus multicarinatus*), gopher snake (*Pituophis melanoleucus*), and western rattle snake (*Crotalus viridis*).

III. SPECIAL-STATUS SPECIES AND HABITATS

A. Special-Status Species

1. Definitions

For the purposes of this assessment, "special-status" refers to those species that meet one or more of the following criteria: Plant and animal species listed by the USFWS or CDFW as Threatened or Endangered; species proposed for listing as Threatened or Endangered; or species that are candidates for listing as Threatened or Endangered. (Fish and Game Code §2050 et seq.; 14 CCR §670.1 et seq.) or the FESA (50 CFR 17.12 for plants; 50 CFR 17.11 for wildlife; various notices in the Federal Register [FR] for proposed species). For candidate species; FESA (50 CFR 17; FR Vol. 64, No. 205, pages 57533-57547, October 25, 1999); and under the CESA (California Fish and Game Code §2068).

Plant and animal species considered as "Endangered, Rare, or Threatened" are defined by Section 15380 of the CEQA Guidelines. Section 15380(b) states that a species of animal or plant is "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species is "rare" when either "(A) although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become Endangered if its environment worsens; or (B) the species is likely to become Endangered within the foreseeable future throughout all or a portion of its range and may be considered 'Threatened' as that term is used in the Federal Endangered Species Act" (ESA). Plants included on Ranks 1, 2, 3, or 4 of the California Native Plant Society (CNPS) or on lists maintained by local chapters of CNPS are also designated as special status species.

Animal species designated as "Fully Protected", "Species of Special Concern," or "Special Animals" by the CDFW have no legal status under the California Endangered Species Act (CESA), but CDFW recommends their protection as their populations are generally declining and they could be listed as Threatened or Endangered (under CESA) in the future or they are species considered by CDFW to the those of the "greatest conservation need" (CDFG 2009; Fish and Game Codes 3511, 4700, 5050, and 5515). "Special Animals" is a relatively recent and broad list developed by CDFW to encompass a number of other Federal, State, Local and Non-governmental Organization (NGO) lists of special status species. It includes, for example, species listed by the US Bureau of Land Management (BLM), species listed by the Western Bat Working Group (WBWG) or the International Union for the Conservation of Nature (IUCN).

Birds designated by the USFWS as "Birds of Conservation Concern" also have no legal status under the ESA, but USFWS recommends their protection as their populations are generally declining, and they could be listed as Threatened or Endangered (under ESA) in the future. More information on special status species, including definitions and abbreviations, is provided in Appendix D.

The Migratory Bird Treaty Act (16 U.S.C. 703-711) makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, kill, attempt to transport (import or export) any migratory bird including any part, nest, or egg of any such bird. Essentially, the law includes all species of birds, not just those typically considered migratory. Rock doves, also known as "pigeons" (*Columba livia*) and European starlings (*Sturnus vulgaris*) are the only birds that are exceptions to this law.

2. Special Status Species Potentially Occurring Within the Study Area

Figure 2 (Special Status Wildlife and Plant Species Occurrences) provides a graphical illustration of the known recorded special-status wildlife and plant species within five miles of the Study Area. According to CDFW's California Natural Diversity Database (CNDDB), a total of 2 special status wildlife species and 11 special status plant species are known to occur in the general region of the project, that is, within a 5-mile buffer surrounding the Study Area, these are shown on Figure 2. The CNDDB species list is provided in **Appendix C** and the definitions for the special status species designations are provided in **Appendix D**.

a. Wildlife

The 2 special status wildlife species that have recorded CNDDB observations in the region around the study are the valley elderberry longhorn beetle (*Desnocerus californicus dimorphus*) and the western pond turtle (*emys marmorata*). **Table 1** provides the regulatory status, habitat requirements, and an evaluation of these species' potential to occur in the Study Area. As well, these species are described in more detail below.

The site also has a potential to support nesting raptor species or other nesting migratory birds. Nesting birds and raptors are protected under the CDFW Code and the Migratory Bird Treaty Act and are also discussed below.

Valley elderberry longhorn beetle (**VELB; *Desmocerus californicus dimorphus*); USFWS:T**

The valley elderberry longhorn beetle (VELB) has been found through the length of the Central Valley, from near Redding in the north, to Caliente Creek in Kern County to the south, up to as high as 2000 feet in the Sierra Nevada foothills, and with western limits assumed to be in the foothills of the Coast Ranges (United States Fish and Wildlife Service [USFWS] draft status report 2001). The species has an elongated, shield-shaped body that is 0.5 to 1 inch in length. The females are slightly larger, but with shorter antennaes. The elytra, or outer wings, of females are dark, metallic green with a bright red border, while the males are bright red with four oblong dark spots.

The VELB is entirely dependent on its host plant, blue elderberry (Sambucus mexicana), which is a common component of the remaining riparian forests and adjacent upland habitats of California's Central Valley. Elderberries are most abundant on riparian high terraces with recent alluvial substrates elevated slightly above cottonwood and willow-dominated

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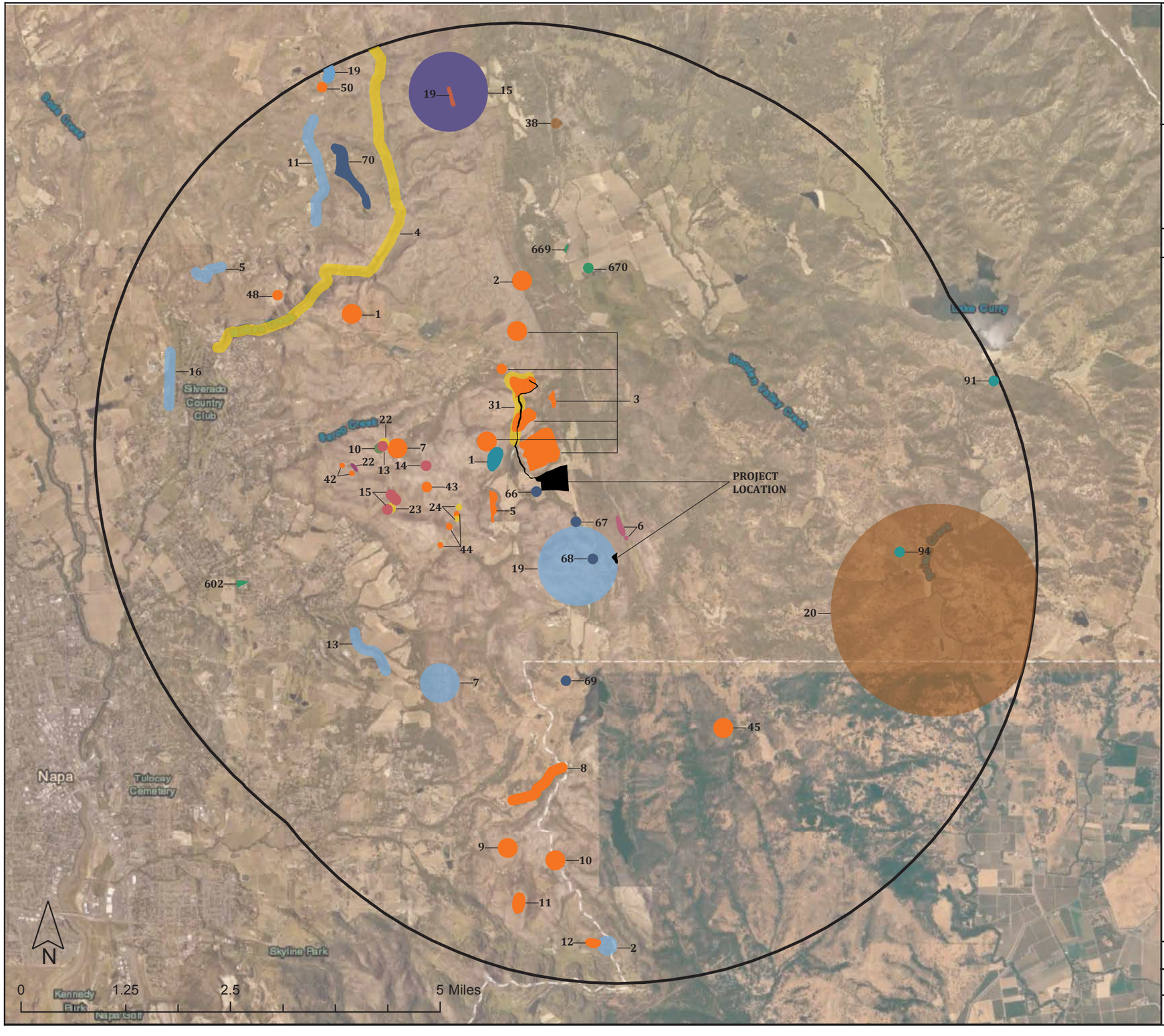
FIGURE 1
CNDDB Special Status Species Occurrences



LEGEND:

- Project Boundary
- 5-Mile Buffer
- *Agrostis hendersonii* — Henderson's bent grass — 22
- *Brodiaea leptandra* — narrow-anthered brodiaea — 4, 22, 23, 24, 31
- *Castilleja ambigua var. meadii* — Mead's owls-clover — 1
- *Ceanothus purpureus* — holly-leaved ceaothus — 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 19, 42, 43, 44, 45, 48, 50
- *Desmocerus californicus dimorphus* — valley elderberry longhorn beetle — 91, 94
- *Downingia pusilla* — dwarf downingia — 66, 67, 68, 69, 70
- *Emys marmorata* — western pond turtle — 602, 669, 670
- *Erigeron greenei* — Greene's narrow-leaved daisy — 13, 14, 15
- *Hesperolinon breweri* — Brewer's western flax — 20, 38
- *Northern Vernal Pool* — Northern Vernal Pool — 15
- *Rhynchospora californica* — California beaked-rush — 10
- *Sidalcea hickmanii ssp. napensis* — Napa checkerbloom — 1
- *Trichostema ruygtii* — Napa bluecurls — 2, 5, 7, 9, 11, 13, 16, 19
- *Viburnum ellipticum* — oval-leaved viburnum — 6

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SOURCE: CNDDB shapefile Feb. 2020, ERSI USGS National Map

Table 1:
Special Status Wildlife Species Occurrences

Scientific name	Common name	Status	Habitat	Potential habitat on-site	Range	Known range/ Critical habitat	Potential for occurrence on-site
Desmocerus californicus dimorphus	valley elderberry longhorn beetle	FT	Occurs only in association with blue elderberry (Sambucuc mexicana), prefers to lay eggs in elderberries 2-8 inches in diameter.	None	California central valley	Yes	None: No host plant present
Emys marmorata	western pond turtle	BLM:S, CSC, IUCN:VU, USFS:S, SA	Aquatic, Artificial flowing waters, Klamath/North coast flowing waters, Klamath/North coast standing waters, Marsh & swamp, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, South coast flowing waters, South coast standing waters, Wetland	Limited	Isolated populations exist in the western half of California from the Sierra Nevada foothills to the Pacific coast, throughout the length of the state.	Yes	Limited: Habitat limited to the pond

floodplain forests (Barr 1991). Most of these terraces have long since been removed by agricultural development (Holstein 1984).

Elderberries can also be found in what is characterized as elderberry savanna. The concept of elderberry savannas was originated by Dr. Glen Holstein, one of this paper's authors, at the California Natural Diversity Data Base (CNDDB) natural community's office in 1979-1981. Elderberry savannas can be found locally in Sacramento County along the American River Parkway between Cal Expo and the river's north bank. Savannas are plant communities characterized by a low woody plant density which may have either a climatic, edaphic, or anthropogenic origin (Walter 1979). Elderberry savannas, however, are anthropogenic since they typically occur in abandoned historically disturbed areas, lack a regular spacing pattern, and often have abundant ground water at a relatively shallow depth. They are typically produced when high terrace riparian vegetation is removed by human activity and the area is subsequently abandoned.

The VELB life cycle takes one or two years to complete. The animal spends most of its life in the larval stage, living within the stems of an elderberry plant. Adult emergence is from late March through June, about the same time as the elderberry produces flowers. After mating, females lay their eggs in crevices in the elderberry bark. In about 10 days, when the eggs hatch, the larvae bore into the pith, where they feed and mature for 1 or 2 years by tunneling through the spongy pith of the large stems, trunks and roots of the elderberry. After pupation, they emerge as brightly colored adults, through distinctive, oval-shaped exit holes they chew through the bark. The adult stage is short-lived and adult beetles are rarely observed. VELB presence is usually noted by the exit holes created by larvae just prior to pupation and emergence as an adult.

There are two CNDDB records of VELB within 5 miles of the project site. The closest record (occurrence no. 94) is located just under four miles east of the project site on Wooden Valley Creek west of the Suisun Creek Confluence and south of Lake Curry. The record describes a row of elderberries growing along a fence near the creek in an area surrounded by vineyards. The other record (occurrence no. 91) is just under five miles east of the project site on Suisun Creek just below Gordon Valley Dam. The record describes an old exit hole found on an isolated elderberry clump.

The study area is unlikely to support the VELB as the site does not contain any elderberry shrubs, which are the species' host plant. As well, the project site does not contain riparian habitat that would typically support and contain elderberry shrubs. The VELB is therefore unlikely to occur within the project site or be impacted by the proposed project.

Western pond turtle *(Emys marmorata)*; USFS:S, BLM:S, DFW:SSC, IUCN:VU

The western pond turtle is a small to medium species growing from 3.5 to 8.5 inches in length. Hatchlings are 1 inch in shell length. They are dark brown, olive brown, or blackish in color with a low, unkeeled carapace. A pattern of darker lines or spots radiate from the

centers of the scutes. The head and legs of the turtle are dark with creamy white or yellow speckling. Males have a light throat with no markings and a low domed carapace, while females have a throat with dark markings and a high-domed carapace.

Once inhabiting an extensive portion of the west, it is now listed as vulnerable do to a decline in its range. It is found along the west coast from the Coast Ranges to the central valley in California, north into Washington and British Columbia. Isolated populations may also occur in Susanville, Ca, the Mojave Desert, and in Nevada in the Truckee, Carson, and East Walker Rivers. They have been found at elevations from sea level to over 5,900 ft.

The species is aquatic and is found in ponds, lakes, rivers, marshes, and irrigation ditches with abundant vegetation within woodlands, grasslands, or forests. They require logs, rocks, or exposed vegetation one which they bask in the sun. In summer droughts or during colder winter months, the turtles bury themselves in soft soil or hibernate in the muddy bottoms of pools. They may also move along creek channels until they find an isolated pool.

Mating occurs in April and May when the turtles reach 8 to 10 years in age. Eggs are laid between April and August along stream or pond margins.

There are three CNDDB records of western pond turtles within 5 miles of the project site. Two of the records are located approximately 2.5 miles north of the project site and the other is approximately 3.75 miles west of the project site. The closest of these records (occurrence #670) describes a 2007 observation on an unnamed tributary to Wooden Valley Creek. The next closest (occurrence #669) describes a number of individuals observed in a farm pond in 2007. The third record (occurrence # 602) describes a juvenile observed in Goose Lake, a man-made reservoir.

Leoma Lakes, which are located on the Kenzo Estates property, lie adjacent to a small portion of the road enhancement project component and provide potentially suitable habitat for the western pond turtle. Leoma Lakes contain open water habitat, aquatic vegetation and basking habitat that could be utilized by the species. Leoma Lakes are, however, the only habitat that could potentially support the western pond turtle on the project site. Though no western pond turtle were observed during the February 2020 site survey and there are no records of the species within 2 miles of the project site, the species has the potential to occur within Leoma Lakes. Therefore, a pre-construction survey for western pond turtles should be completed prior to beginning work in order to ensure that the project does not result in impacts to this species. Additional measures are detailed in Section V.

Nesting raptors (various species)

Nesting raptors of various species are generally protected under the CDFW Code and the Migratory Bird Treaty Act (MBTA). The study area contains a small amount of potential foraging and nesting habitat for raptor species. As well, the study area contains and is adjacent to a number of mature trees that could be utilized for nesting. Accordingly, a

preconstruction survey should be completed to determine the presence/absence of nesting raptors on or in proximity to the project area, prior to the start of construction.

Migratory Nesting Birds; protected by the MBTA

The term "migratory birds" is a general category of birds that essentially includes all species of birds, not just those typically considered migratory. Rock doves, also known as "pigeons" (*Columba livia*) and European starlings (*Sturnus vulgaris*) are the only birds that are not included as part of the Migratory Bird Treaty Act. In general, migratory bird nesting is not tracked by any agency. The project site's trees and shrubs contain potential habitat for nesting migratory birds. Accordingly, a pre-construction survey should be completed to ensure no nests are harmed during construction, should any of these be proposed for trimming or removal as a part of project related work.

b. Plants

A total 11 special status plant species have CNDDB recorded occurrences in the 5-mile radius around the project site. These species are described in **Table 2** along with their regulatory status, habitat requirements, and an evaluation of their potential to occur on the site.

The majority of these species are unlikely to occur in the study area due to the disturbed nature of the area. However, a number of these species have at least some potential to occur in the study area due to the proximity of local occurrence or adjacency to suitable habitats. While, the species discussed below have not been observed in the study area, they have at least some likelihood to occur on site.

Brewer's western flax (*Hesperolinon brewerii*) (CNPS 1B.2)

Brewer's western flax is an annual herb that is native and endemic to California. Its range is limited to Contra Costa, Napa, and Solano Counties. It is found in chaparral, valley grassland, and foothill woodland habitats, often in association with serpentine soil. It occurs on elevations between 65 and 800 meters.

The plant is small and erect, with linear green to purple leaves. The flowers emerge within dense inflorescences and have five bright yellow petals with large, protruding orange-yellow stamens. It blooms from May to July (Hickman 1993).

There are two CNDDB records of Brewer's western flax within 5 miles of the study area. Both are located just under 3.75 miles away. One of the records is based on a Jepsons collection in 1891 and is located southeast of the project site. The other record is located north of the project site and was mapped in 2014 in an area described as "under *Pinus sabiniana* at woodland/pasture border."

The project site contains a small amount of potentially suitable habit for the Brewer's western flax within the grasslands and the fringe of oak woodland and chaparral habitat along the

Table 2
Special Status Plant occurrences

Scientific name	Common name	Status	Habitat	Potential habitat on-site	Range	Known Range	Elevation	Life Form	Potential for Occurrence On-site	Flowering/ Survey Period
Agrostis hendersonii	Henderson's bent grass	CRPR 3.2	Valley and foothill grassland (mesic) and vernal pools	Yes	Butte, Calaveras, Merced, Napa, Shasta, Tehama, Tuolumne	Yes	70-305 meters	annual herb	Potential: Small amount of potential suitable habitat present within project site	April - June
Brodiaea leptandra	Narrow-anthered brodiaea	CRPR 1B:2	Broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest, Valley and foothill grassland	Yes	Lake, Napa, Solano, Sonoma	Yes	30 - 590 meters	perennial bulb	Potential: Small amount of potential suitable habitat present within project site	May - July
Castilleja ambigua var. meadii	Mead's owl-clover	CRPR 1B.1	Gravelly, volcanic, clay, meadows and seeps, vernal pools	Yes	Napa	Yes	450-475 meters	annual herb (hemiparasitic)	Potential: Small amount of potential suitable habitat present within project site	April - May
Ceanothus purpureus	Holly-leaved ceanothus	CRPR 1B.2	Chaparral, cismontane woodland, volcanic and rocky	Yes	Napa, Shasta, Solano, Sonoma, Trinity	Yes	120 - 640 meters	perennial evergreen shrub	Potential: Small amount of potential suitable habitat present within project site	February - June
Downingia pusilla	Dwarf downingia	CRPR 2B.2	Valley and foothill grassland (mesic sites), vernal pools	No	Amador, Fresno, Merced, Napa, Placer, Sacramento, San Joaquin, Solano, Sonoma, Stanislaus, Tehama, Yuba	Yes	1 - 445 meters	annual herb	None: No habitat	March - May
Erigeron greenei	Greene's narrow-leaved daisy	CRPR 1B.2	Chaparral serpentinite or volcanic	Yes	Colusa, Lake, Napa, Sonoma	Yes	80 - 1005 meters	perennial herb	Potential: Small amount of potential suitable habitat present within project site	May - September
Hesperolinon breweri	Brewer's western flax	CRPR 1B.2	Usually serpentinite, chaparral, cismontane woodland, valley and foothill grassland	Yes	Alameda, Contra Costa, Napa, Solano	Yes	30-945 meters	annual herb	Potential: Small amount of potential suitable habitat present within project site	May - July

Table 2
Special Status Plant occurrences

Scientific name	Common name	Status	Habitat	Potential habitat on-site	Range	Known Range	Elevation	Life Form	Potential for Occurrence On-site	Flowering/ Survey Period
Rhynchospora californica	California beaked-rush	CRPR 1B.1	Bogs and fens, lower montane coniferous forest, meadows and seeps, marshes and swamps (freshwater)	No	Butte, Marin, Napa, Sonoma	Yes	45-1010 meters	perennial rhizomatous herb	None: No habitat	May- July
Sidalcea hickmanii ssp. napensis	Napa checkerbloom	CRPR 1B.1	Rhyolitic, chaparral	Yes	Napa, Sonoma	Yes	415-610 meters	perennial herb	Potential: Small amount of potential suitable habitat present within project site	April - June
Trichostema ruygtii	Napa bluecurls	CRPR 1B.2	Cismontane woodland, chaparral, valley and foothill grassland, vernal pools, lower montane coniferous forest	Yes	Napa, Solano	Yes	30 -680 meters	annual herb	Potential: Small amount of potential suitable habitat present within project site	June - October
Viburnum ellipticum	oval-leaved viburnum	CRPR 2B.3	Chaparral, cismontane woodland, lower montane coniferous forest	Yes	Alameda, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Lake, Mendocino, Mariposa, Napa, Placer, Shasta, Solano, Sonoma, Tehama	Yes	215 - 1400 meters	perennial deciduous shrub	Potential: Small amount of potential suitable habitat present within project site	May - June

road improvement work area. Though there is only a small amount of potentially suitable habitat and the species has not previously been observed on or within 2 miles of the project site, there is a limited potential for it to occur on site. Therefore, to ensure the species is not affected by the proposed project, a bloom season survey for this species of the project site should be completed prior to project implementation.

Greene's narrow-leaved daisy (*Erigeron greenei*); (CRPR 1B.2)

Greene's narrow-leaved daisy is a flowering perennial herb in the daisy family. It is endemic to California and occurs in the region north of San Francisco Bay from Sonoma and Napa Counties north to Siskiyou County. It occurs in chaparral habitats with serpentinite or volcanic soils between 80 and 1,005 meters and blooms between May and September.

Greene's narrow-leaved daisy reaches up to 3 feet in height and has a large taproot. The leaves are up to 2.4 inches in length and narrow with a maximum width of 0.08 inches. The plant produces between and five flower heads per stem. Each head contains yellow disc florets.

There are three CNDDB records of Greene's narrow-leaved daisy within 5 miles of the project site. All three records are located between 1.25 and 1.5 miles west of the project site and all three were recorded in 2003. The three records describe populations of between 20 and 70 individuals in habitat described as in crevices on rock outcrops and northwest to west facing slopes. The surrounding habitats are described as a mosaic of chamise chaparral and mixed manzanita/chamise chaparral.

The study area contains a very small amount of marginally suitable habitat that could support the Greene's narrow-leaved daisy. Though the species has not previously been observed on the project site, there is a small potential that it could occur on the site. Therefore, a bloom season survey for the species should be completed to ensure the species is not impacted by the proposed project.

Henderson's bent grass (*Agrostis hendersonii*); (CRPR 3.2)

Henderson's bent grass is an annual grass that is native to California and Oregon. It occurs in mesic valley and foothill grasslands and vernal pools from 70 to 305 meters in elevation. Henderson's bent grass reaches a maximum height of 27 inches with short, narrow leaves, only a few centimeters long. The inflorescence is dense, narrow and cylindrical no longer than 2 inches in length. The inflorescence is comprised of small spikelets with hair like tips and bent awns. It blooms from April to June.

There is one CNDDB record of Henderson's bent grass within 5 miles of the project site. The record is from 2003 and is located approximately two miles west of the project site. The record describes 500+ plants observed on the edge of a small seasonal drainage among

herbaceous vegetation with wet soil and volcanic substrate with rock outcroppings. The area is described as a chaparral community.

The project site contains a small amount of marginally suitable habitat for Henderson's bent grass. Though the species has not been observed on the project site and there is only one locally recorded observation, there is a small potential for the species to occur within the project limits. Therefore, a pre-construction bloom season survey of the project site should be completed to ensure the species is not impacted by the proposed project.

Holly-leaved Ceanothus (*Ceanothus purpureus*); (CRPR 1B.2)

Holly-leaved ceanothus is a shrub that is native and endemic to California. This species occurs in the Inner Coast Ranges, primarily in Napa County, but also in Mendocino, Solano, and Sonoma Counties. There largest population occurs near Mt George in Napa County. It is found in chaparral habitats with dry, rocky, volcanic slopes (Hickman 1993). It occurs between 45 and 640 meters in elevation.

The species grows in an erect and open form, up to 1.5meters in height. The leaves are opposite and evergreen. They are wide obovate to elliptic, shiny, and with hairy veins and 7 to 15 spines. The inflorescence is an umbel-like cluster of dark blue to purple flowers. It blooms between February and April.

There are 17 CNDDB recorded observations of the Holly-leaved ceanothus within five miles of the project site. One of these records, which contains several populations of the ceanothus is on the Kenzo Estate property. Several of these populations lie on a chaparral dominated hills adjacent to the winery access road (occurrence #3) where work is proposed. The other 16 local records are predominately located north and south of the project site in habitat described as chaparral.

Though some portions of the Kenzo property that contain holly leaved ceanothus burned in the 2017 Napa fires, the species is still present and it was easily and readily identified during the February 2020 site review, but was not observed in areas adjacent to the southernmost population of occurrence #3. Additional populations of this species are known from the area near to where the portion of road work that will be completed closer to Monticello Road. However, this work will be confined to an existing shoulder, which is heavily disturbed. Therefore, though the species is unlikely in this disturbed area, a pre-construction bloom season survey of the project site should be completed to ensure the species is not impacted by the proposed project.

Mead's owl-clover (*Castilleja ambigua var. meadii*); (CRPR 1B.1)

Mead's owl-clover is a hemiparasitic annual herb known only from the Atlas Peak area of Napa County. It generally occurs in meadows, seeps, and vernal pools with gravelly, volcanic, and

clay soils between 450 and 475 meters in elevation. It has small yellow to white flowers and blooms from April to May.

There is one record of Mead's owl-clover within 5 miles of the project site. This record is located less than one mile west of the project site and was recorded in 1986. The record is based on a 1986 collection and describes an observation in an open meadow in a chaparral community.

The project site contains a very small amount of potentially suitable habitat for Mead's owl-clover. Though the species is very rare and hasn't been observed on the project property, there is a nearby occurrence and therefore it has some potential to occur on the project site. To ensure that the species is not affected by the proposed project, a pre-construction bloom season survey should be completed of the project site.

Napa bluecurls (*Trichostema ruygtii*); (CRPR 1B.2)

Napa bluecurls is a flowering annual herb in the mint family that is native and endemic to California. The species can be found in chaparral, cismontane woodland, lower montane coniferous forests, valley and foothill grasslands, and vernal pool habitats (CNPS 2019) from elevations 90 to 1,800 feet. It is generally found in open areas with clay soils and possible seasonal saturation (Baldwin et. al. 2012). Napa bluecurls reaches 1.6 feet in height with stems and lanceolate leaves covered in short hairs. The species has small pale lavender flowers and blooms between June and October (CNPS 2019). The species is rare and threated by agriculture and development.

There are eight CNDDB records of Napa blue curls within 5 miles of the study area. The closest record is located just west of the spoils site project component (occurrence #19). This record describes an unknown number of plants recorded in 1992 in an area estimated as 0.9 miles north of Lake Madigan. The record states that a portion of the chaparral habitat supporting the species has since been converted to vineyard. The next closest records are located about 2.5 miles southwest of the project site. One of these records describes a population of between 100 and 125 individuals on a hillside in coast live oak woodland habitat (occurrence #7). The other record approximately 2.5 miles to the southwest has been extirpated and the coast live oak woodland that supported the species has been converted to vineyard (occurrence #13).

The other 5 CNDDB records are located between 4 and 5 miles from the project site; one to the south and the other four to the north. The records describe populations growing in oak woodland, chaparral, and annual grassland that was historically oak woodland.

The study area contains a small amount of potentially suitable habit for Napa bluecurls. As well, the species has been recorded very near to the soil spoils site. Though the species was not observed during the initial site reviews, there is still potential for it to occur on site.

Therefore, a bloom season survey for this species should be completed at the project site to ensure the species is not impacted by the proposed project.

Napa checkerbloom (*Sidalcea hickmanii ssp. napensis*); (CRPR 1B.2)

Napa checkerbloom is a perennial herb. It occurs in chaparral habitats with rhyolitic soils from 415 to 610 meters in elevation and has been observed in Napa and Sonoma Counties. Napa checkerbloom blooms from April to June and has a pale pink flower. The plant generally has a few to several stems with less than 5 leaves per stem.

There is one CNDDB record of Napa checkerbloom within 5 miles of the project site. The record (occurrence #1) is located less than 1 mile west of the project site and west of Leoma Lakes. The record describes approximately 30 individual plants observed in 1992 in open mixed and chemise chaparral habitat.

The project site contains a small amount of habitat that could potentially support the Napa checkerbloom. Though there is very limited potential habitat and species has not been observed on the property, the species has a nearby occurrence. Therefore, to ensure the species is not negatively affected by the proposed project, a pre-construction, bloom season survey should be completed of the project site.

Narrow-anthered brodiaea (*Brodiaea leptandra*); (CRPR 1B.2)

Narrow-anthered brodiaea is a perennial bulberiferous herb that is native and endemic to California. The species has recorded observations in Lake, Napa, and Sonoma Counties. It is generally found in broadleafed upland forests, chaparral, cismontane woodland, and lower montane coniferous forest, and valley and foothill grasslands with volcanic soils between 110 and 915 meters in elevation. Narrow-anthered brodiaea blooms between May and July and has a small blue to purple inflorescence.

There are five CNDDB records of the narrow-anthered brodiaea within 5 miles of the study area. The closest record is located adjacent to the property's access road just north of the road enhancement project component (occurrence #31). The record describes the habitat as on the rocky ridge in open, grassy areas. The other four records are located over two miles west and northwest of the project site in habitats described as dense chaparral, though one of the records (occurrence #4) does not describe the habitat, but states that field work is necessary.

The project site contains small amounts of potentially suitable habitat for the narrow-anthered brodiaea. As well, though outside the project limits the species has been observed along the property's access road. Due to the small size and disturbed nature of the project site it is unlikely that the species will occur within the project limits. However, a pre-construction bloom season survey should be completed to ensure the species is not affected by the project.

Oval-leaved viburnum (*Viburnum ellipticum*); (CRPR 2B.3)

Oval-leaved viburnum is a perennial deciduous shrub that occurs in California, Oregon, and Washington. It occurs in chaparral, cismontane woodland, and lower montane coniferous forests from 215 to 1,400 meters in elevation.

Oval-leaved viburnum has deciduous leaves with oval to rounded blades that are two to 6 centimeters in length. The leaves have three main longitudinal veins and a shallowly toothed edge. It blooms from May to Jun and the inflorescence is a flat-topped cyme of many flowers. The plant's fruit is a drupe approximately 1 centimeter long.

There is one CNDDB of oval-leaved viburnum within 5 miles of the project site. The record is located less than one mile east of the project site and roughly between the wine cave expansion project component and the soil spoils site. The record describes ten to twenty saplings seen in 1987 adjacent to a ranch road. No additional information is provided in the record.

The project site contains a small amount of potentially suitable habitat for the oval-leaved viburnum, though it has not been observed on the project site and as a shrub it would be fairly easy to identify. However, due to the close proximity of the nearest observation and the availability of habitat, a pre-construction bloom season survey of the project site should be completed to ensure the species is not impacted by the project.

3. Conclusion

No special status plants or wildlife species were observed or are known to occur within the study area. The study area consists predominantly of roads and disturbed areas and provides little habitat for plants or wildlife species. However, the project site passes by Leoma Lakes which has a potential to support the Western pond turtle. As well, there is limited potential for a number of special status plant species to occur within the study area. Therefore, a pre-construction survey for the western pond turtle and a pre-construction, bloom season survey for special status plant species should be completed to ensure that these species are not impacted by the proposed project.

B. Special-Status Habitats

1. Wetlands and Waters

a. Jurisdictions

As defined by the Army Corps of Engineers (Corps), "wetlands" are areas periodically or permanently saturated by surface or groundwater and typically support vegetation adapted to life in saturated (hydric) soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and floodwaters, promotion of groundwater recharge, and their water filtration and

purification functions. "Other waters" include tributaries or drainage ditches which exhibit perennial or ephemeral flow to a navigable waterway, wetland, or other significant water feature. Other waters may not necessarily be wetlands.

b. Delineation Methods

Boundaries between jurisdictional areas and uplands were investigated using the routine on-site assessment procedure, Section D, Subsection 2, page 57 of the 1987 "Corps of Engineers Wetlands Delineation Manual" (Environmental Laboratory 1987; hereafter the "Delineation Manual") as modified by the new Interim Arid West Supplement to the Delineation Manual (Environmental Laboratory 2006; hereafter the AWS). Dominant plant species, soil characteristics, and hydrology indicators were examined to distinguish uplands from jurisdictional areas.

c. Results

No jurisdictional wetlands or other waters were identified within the study area. The study area is comprised of non-jurisdictional habitats including annual grasslands and disturbed roadside habitats. These areas are dominated by upland vegetation species and do not contain wetland hydrology or soil indicators.

2. Other Special Status Habitats

There are no other special status habitats on the project site. The CNDDB has one special status habitat, the northern vernal pool, mapped within 5 miles of the project site. Northern vernal pools are a type of temporary wetland that support a diversity of unique native flora and fauna. There are no vernal pools located within the project site.

3. Wildlife Movement Corridors

Wildlife corridors are generally described as pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or human induced factors such as urbanization. The fragmentation of natural habitat creates isolated "islands" of vegetation that may not provide sufficient area or resources to accommodate sustainable populations for a number of species and thus, adversely affecting both genetic and species diversity. Corridors often partially or largely eliminate the adverse effects of fragmentation by 1) allowing wildlife to move between remaining habitats to replenish depleted populations and increase the gene pool available; 2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fire or disease) will result in population or species extinction; and 3) serving as travel paths for individual animals moving throughout their home range in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

The Kenzo property is located within a large swath of open space and is likely part of a north-south wildlife movement corridor. The site is part of a strip of largely undeveloped and agricultural lands that provide relatively easy passage for animals moving within Napa County from the Green Valley region north towards Lake Berryessa.

Though numerous animals likely pass through the Kenzo property there are numerous other paths and corridors in the region. As well, the proposed project will occur in parts of the Kenzo property that are already being heavily used as part of the vineyard operations, i.e. along the main access road and adjacent to the winery facilities. Due to the heavy disturbance and human presence, these areas are the least likely to be utilized as a wildlife corridor. The proposed project will not have any effect on wildlife movement in these corridors.

IV. BIOLOGICAL RESOURCES

A. Regulatory Setting and Federal Framework

1. Federal Endangered Species Act

The Federal Endangered Species Act (FESA) forms the basis for the federal protection of threatened or endangered plants, insects, fish and wildlife. FESA contains four main elements, they are as follows:

1. Section 4 (16 USCA §1533): Species listing, Critical Habitat Designation, and Recovery Planning: outlines the procedure for listing endangered plants and wildlife.

2. Section 7 (§1536): Federal Consultation Requirement: imposes limits on the actions of federal agencies that might impact listed species.

3. Section 9 (§1538): Prohibition on Take: prohibits the "taking" of a listed species by anyone, including private individuals, and State and local agencies.

4. Section 10: Exceptions to the Take Prohibition: non-federal agencies can obtain an incidental take permit through approval of a Habitat Conservation Plan.

In the case of salt water fish and other marine organisms, the requirements of FESA are enforced by the National Marine Fisheries Service (NMFS). The USFWS enforces all other cases. Section 9 of FESA as amended, prohibits the "take" of any fish or wildlife species listed under FESA as endangered. Under Federal regulation, "take" of fish or wildlife species listed as threatened is also prohibited unless otherwise specifically authorized by regulation. "Take," as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." "Harm" includes not only the direct taking of a species itself, but the destruction or modification of the species' habitat resulting in the potential injury of the species. As such, "harm" is further defined to mean "an act which actually kills or injures wildlife; such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR 17.3).

Section 9 applies to any person, corporation, federal agency, or any local or State agency. If "take" of a listed species is necessary to complete an otherwise lawful activity, this triggers the need to obtain an incidental take permit either through a Section 7 Consultation as discussed further below (for federal actions or private actions that are permitted or funded by a federal agency), or requires preparation of a Habitat Conservation Plan (HCP) pursuant to Section 10 of FESA (for state and local agencies, or individuals, and projects without a federal "nexus").

Section 7(a)(2) of the Act requires that each federal agency consult with the USFWS to ensure that any action authorized, funded or carried out by such agency is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of critical habitat for listed species. The Section 7 consultation process applies only to actions taken by federal agencies, or actions by private parties that require federal agency permits, approval, or funding (for example, a private landowner applying to the Corps for a permit). Section 7's consultation process is triggered by a determination of the "action agency" (i.e., the federal agency that is carrying out, funding, or approving a project) that the project "may affect" a listed species or critical habitat. If an action is likely to adversely affect a listed species or designated critical habitat, formal consultation with the USFWS is required.

2. Federal Migratory Bird Treaty Act (FMBTA)

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to "take" (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).

3. Federal Clean Water Act

Section 404

Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into "waters of the United States" (33 CFR Part 320 *et seq.*). This requires project applicants to obtain authorization from the USACE prior to discharging dredged or fill material into any water of the United States. The "waters of the United States" are defined in federal regulations at 33 CFR section 328.3, and may include wetlands, ponds, drainages, creeks, streams, and other types of waterbodies, depending on whether any such aquatic feature meets current jurisdictional standards.

To remain in compliance with Section 404 of the Clean Water Act, project proponents and property owners (applicants) are required to acquire authorization from the USACE prior to discharging or otherwise impacting "waters of the United States." This authorization is typically given by reference to compliance with an existing Nationwide Permit(s) or by issuance of a project-specific Individual Permit.

Section 401

Prior to issuance by a Section 404 authorization by the USACE, Section 401 of the federal Clean Water Act requires the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB) to certify, conditionally certify, or waive certification on the question of whether issuance of the USACE permit will violate water quality standards of the State. This certification (or waiver thereof) applies only to the proposed impacts to the

"waters of the United States" that are at issue in the proposed Section 404 permit. Potential impacts to "waters of the State" that may not be jurisdictional for the USACE are addressed under the RWQCB's Porter-Cologne Water Quality Control Act statutory authority (see below).

B. State Framework

1. California Endangered Species Act

In 1984, the state legislated the California Endangered Species Act (CESA) (Fish and Game Code §2050). The basic policy of CESA is to conserve and enhance endangered species and their habitats.

If proposed projects would result in impacts to a State listed species, an "incidental take" permit pursuant to §2081 of CDFG Code would be necessary (versus a Federal incidental take permit for Federal listed species). No §2081 permit may authorize the take of a species for which the Legislature has imposed strict prohibitions on all forms of "take."

State and federal incidental take permits are typically only authorized if applicants are able to demonstrate that impacts on the listed species in question are unavoidable, and can be mitigated to an extent that the reviewing agency can conclude that the proposed impacts would not jeopardize the continued existence of the listed species under review.

2. California Fish and Game Code

Section 4700

In accordance with California Fish and Game Code, Section 4700, "fully protected" mammals or parts thereof may not be taken or possessed (held in captivity) at any time (a) (1), except as provided in Section 2081.7. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal, and no permits or licenses heretofore issued shall have any force or effect for that purpose. However, subject to certain notice requirements, the department may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species.

Sections 3503, 3503.5, 3511, and 3513

CDFG Code §§ 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of the nest or eggs of any bird. Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered "take." Take of any migratory nongame bird is also prohibited, except in compliance with rules promulgated under the Migratory Bird Treaty Act.

All raptors (that is, hawks, eagles, owls) their nests, eggs, and young are protected under California Fish and Game Code (§3503.5). Additionally, "fully protected" birds, such as the white-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), are protected under

CDFG Code (§3511). “Fully protected” birds may not be taken or possessed (that is, kept in captivity) at any time.

Section 1602
Pursuant to Section 1602 of the Fish and Game Code, CDFG regulates activities that divert, obstruct, or alter stream flow, or substantially modify the bed, channel, or bank of a stream. CDFG's jurisdiction includes the outer extent of any riparian vegetation associated with the stream. Any proposed activity in a natural stream channel that would substantially adversely affect an existing fish and/or wildlife resource, would require entering into a Streambed Alteration Agreement (SBAA) with CDFG prior to commencing work in the stream.

3. Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act, Water Code § 13260, requires that “any person discharging waste, or proposing to discharge waste, that could affect the waters of the State to file a report of discharge” with the RWQCB through an application for waste discharge (Water Code Section 13260(a)(1). The SWRCB and its several RWQCBs have interpreted this authority to extend to proposed fills of "waters of the State" that include all "waters of the United States" that are subject to the jurisdiction of the USACE, and any other "isolated" waters that are beyond the reach of the USACE claim of jurisdiction.

C. Environmental Analysis

1. CEQA Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the proposed project would have significant impacts on biological resources if it would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFG or U.S. Fish and Wildlife Service (USFWS).

2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFG or USFWS.

3. Have a substantial adverse effect on federally protected “wetlands” or “Waters of the U.S.” as defined by Section 404 of the Clean Water Act or “Waters of the State” as defined by the Porter-Cologne Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. POTENTIAL IMPACTS AND MITIGATION MEASURES

A. Less Than Significant Impacts

1.0 Loss of Grassland, Oak Woodland and Chaparral Habitats

The proposed project will result in the loss of marginal amounts annual grassland, oak woodland, and chaparral habitats. Annual grassland habitat loss will primarily occur in the areas adjacent to the vineyard facilities and access road. Marginal loss of oak woodland and chaparral habitat will occur at the outer edge of the soil spoils site and the road improvement work area. The loss of these habitat is not a significant impact as there is an abundance of grassland, oak woodland, and chaparral habitats in the region and the project will result in marginal areas of loss. Similarly, impacts to common wildlife species that may potentially use these habitats areas are not significant as the loss is so small and these species are capable of using adjacent lands which contain a large quantity of both of these habitats.

B. Potentially Significant Impacts Before Mitigation

Special Status Wildlife and Plant Species

1.0 The Study Area contains grassland, oak woodland, and chaparral habitats that contain potentially support nesting habitat for raptors and other birds. Though the work area is small, any tree or shrub removal or other project related activities could have a potentially significant impact on nesting birds, should work be performed in these areas.

Impact Analysis

Suitable potential nesting habitat for raptors, as well as other migratory nesting birds, is present on or adjacent to the Study Area. These birds are protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their nest, eggs, and young are protected under California CDFG Code §§3503, 3503.5, 3800, and 3513. Any project-related impacts on the nesting success of these species would be considered a significant adverse impact. These impacts could be mitigated to a level considered less than significant by Mitigation Measure 1.0-1.

Mitigation Measures

1.0-1 If construction related work would commence in the grassland, oak woodland or chaparral habitats anytime during the nesting/breeding season of raptors or other bird species listed in the Migratory Bird Treaty Act (typically February through September 15), a pre-construction survey of the project vicinity for nesting birds should be conducted. This survey should be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 7 days

prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey should be to determine if active nests are present within or adjacent to the construction zone, that is within approximately 250 feet. The surveys should be timed such that the last survey is concluded no more than one week prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey should be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone should be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

Level of Significance After Mitigation: Less Than Significant

2.0 Development of the project could have a potentially significant impact on western pond turtle

Impact Analysis

Though no western pond turtles have been observed in Leoma Lakes and the Lakes will not be impacted by the proposed project, the lakes could support the western pond turtle and the species could move from the Lakes through the nearby project area. However, the portion of the road near the Lakes is proposed to be excepted from the road improvements. Construction related activities could result in the loss of individual western pond turtles in the

vicinity of Leoma Lakes if any work were to take place in that area. Therefore, the following measures shall be implemented to reduce potential impacts on western pond turtles. These potential impacts could be mitigated to a level considered less than significant by implementing Mitigation Measure 1-1 and 1-2.

Mitigation Measures

2.0 -1 Within 5 days of construction, a qualified biologist shall conduct preconstruction surveys of all areas that would be impacted by construction activities that are within 100 feet of Leoma Lakes. If any western pond turtles or eggs observed within the construction zone, the CDFW should be consulted.

2.0-2 A qualified biologist shall be present during any work activities that occur within 25 feet of the lake that will be conducted between the Lakes and the existing road. For activities outside of this area, the qualified biologist shall train the site foreman or other person that has daily project responsibility as the Biological Monitor for the project, to identify the western pond turtle and the habitats that support the species. The Biological Monitor shall closely monitor all work in the areas within approximately 100 feet of Leoma Lakes for signs of the western pond turtle. If a western pond turtle is identified within the work area, all work in the area shall stop until the species leaves the work area on its own accord.

Level of Significance After Mitigation: Less Than Significant

3.0 The proposed project could have a potentially significant adverse impact on special-status plant species.

Impact Analysis

The study area provides potentially suitable habitat for 9 special status plant species. These plants include: Brewer's western flax (*Hesperolinon brewerii*), Greene's narrow-leaved daisy (*Erigeron greenei*), Henderson's bent grass (*Agrostis hendersonii*), holly-leaved ceanothus (*Ceanothus purpureus*), Mead's owl-clover (*Castillega ambigua var. meadii*), Napa bluecurls (*Trichostema ruygtii*), Napa checkerbloom (*Sidalcea hickmanii ssp. napensis*), narrow-anthered brodiaea (*Brodiaea leptandra*), and oval-leaved viburnum (*Viburnum ellipticum*).

None of these plants have been observed within the project site, however, a late spring/early summer plant survey is needed to ensure the presence/absence of these special status plant species. The project could, therefore, result in the loss of plants of these species if this bloom period survey is not completed. Therefore, the following measures shall be implemented to reduce potential impacts to these special status species.

Mitigation Measures

3.0-1 A qualified biologist shall complete a late May-early June survey for special-status plant species prior to initiation of project activities. The survey shall be completed during the appropriate blooming period for the species likely to occur on site. These surveys shall be in compliance with all CDFW (2009), USFWS (1996), and CNPS (2001) published survey guidelines.

If the survey finds that there are no special-status plants on the property that would be impacted or within the proposed project site, then there would be no further mitigation and the project may proceed, provided all other applicable permits and authorizations are obtained for the project.

If special-status plant species are found, populations will be mapped and enumerated. If any populations are found within the proposed work area, they shall be flagged and project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures shall be implemented as detailed below.

A qualified biologist shall complete an inventory and analysis of the on-site population(s) of the species within and outside of the work area to determine the extent and significance of the potential impacts that will occur as a result of the project. This analysis shall be presented to the County as part of their review of the project. If a significant impact will occur as a result of the project work then a mitigation plan shall be developed and approved by the County for implementation of the following measures prior to site disturbance. The mitigation plan shall include the following elements:

1. Prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and top soils, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plantable portion of all plants shall be collected at the appropriate time of the year.

2. At least 2/3 of the seeds, propagules, or other plantable portion of all plants shall be planted at the appropriate time of year (late-fall months). Half of the seeds and top soils collected shall be appropriately stored and propagated at a native plant nursery to ensure germination. This material will be planted at an approved and protected area during the appropriate season. Planting location, timing, collection methods etc… will be detailed in the mitigation plan required by Measure B above.

3. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a five-year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting efforts. These reports shall be submitted to the City no later than December 31st each monitoring year.

4. These steps shall be implemented prior to site disturbance.

A CNDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the project site.

In lieu of the above prescribed mitigation, as allowed in writing by the County, mitigation requirements may be satisfied via the purchase of qualified mitigation credits or the preservation of offsite habitat.

When implemented, these measures would reduce potentially significant adverse impacts on special-status plant species to a level considered less than significant.

Level of Significance After Mitigation: Less Than Significant

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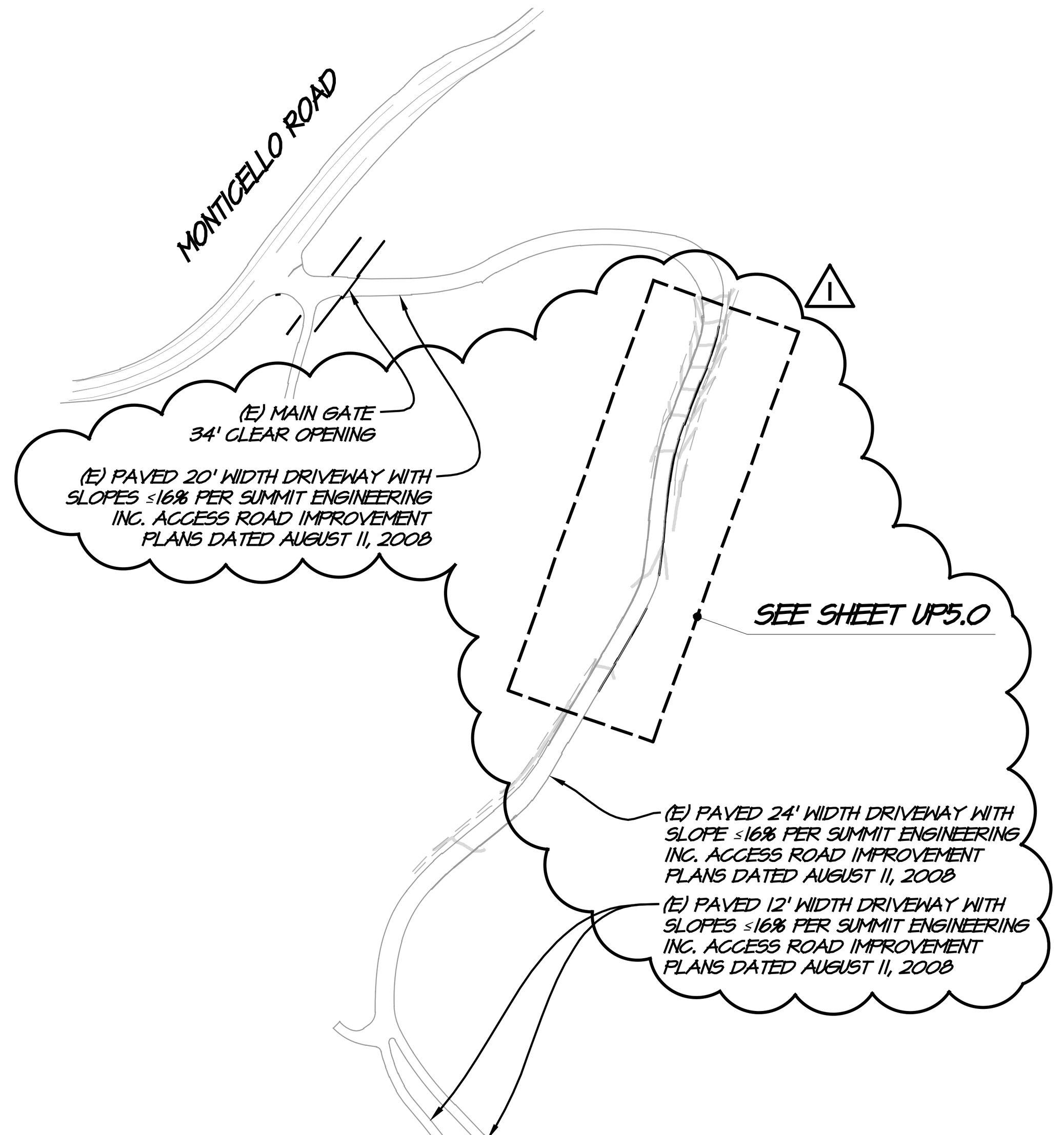
APPENDIX A

Project Plans

KENZO ESTATES
USE PERMIT MODIFICATION

NAPA COUNTY CALIFORNIA



SYMBOL LEGEND

EXISTING

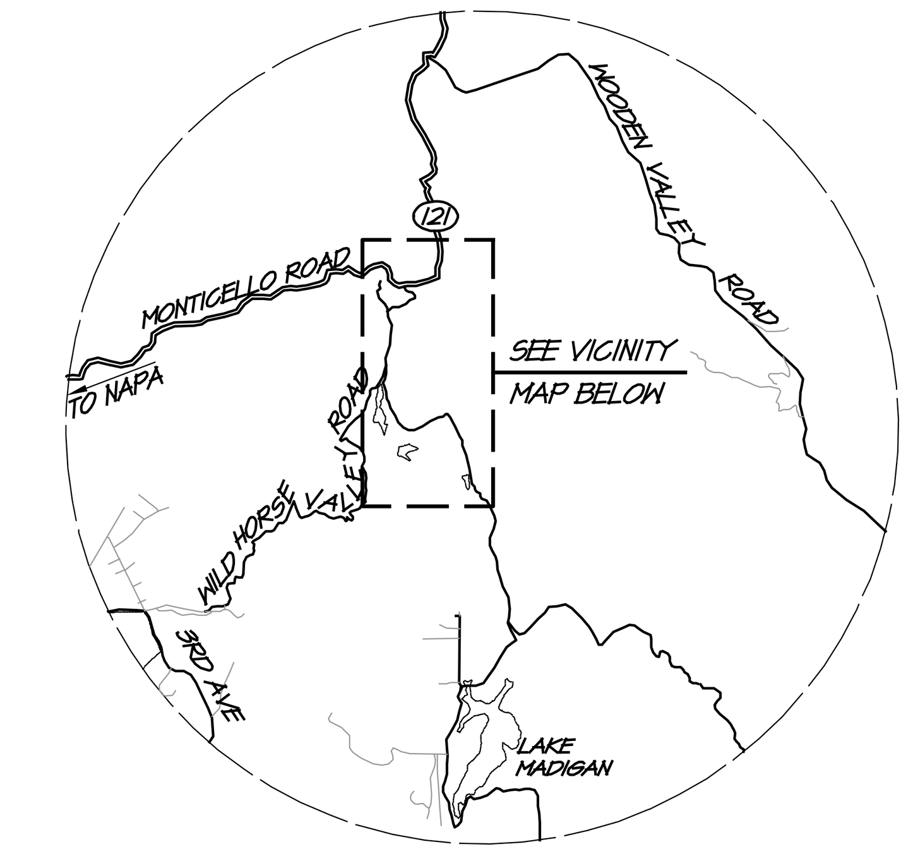
Symbol	Description
	ROCK LINED SWALE
	WOOD FENCE
	TOE OF SLOPE
	TOP OF SLOPE
	TOP OF RIVER BANK
	GRADEBREAK
	EDGE OF GRAVEL
	CONCRETE SURFACE
	CHAINLINK FENCE
	STORM DRAIN LINES
OH	OVERHEAD UTILITY LINES
	SIGN
	LIGHT
	GUY POLE
	GUY WIRE
	GAS VALVE
	HOSE BIBB
	SEWER MANHOLE
TREE	TREE (AS NOTED)
SSCO	SEWER CLEANOUT
	STORM DRAIN MANHOLE
	UTILITY POLE (AS NOTED)
ICV	IRRIGATION CONTROL VALVE
	SURVEY CONTROL STATION (AS NOTED)

PROPOSED

Symbol	Description
SD	STORM DRAIN LINE
SS	SANITARY SEWER LINE
DW	DOMESTIC WATER LINE
FW	FIRE WATER LINE
	CURB AND GUTTER
	VERTICAL CURB
	FLOW LINE
SSCO	SANITARY SEWER CLEANOUT
WV	WATER VALVE
DI	DROP INLET
SDCO	STORM DRAIN CLEANOUT
	RIGHT OF WAY / PROPERTY LINE
	EASEMENT LINE
GB	GRADE BREAK LINE
FD	FLOOR DRAIN
DCV	DETECTOR CHECK VALVE
	VEGETATED SWALE
FDC	FIRE DEPARTMENT CONNECTION
CV	CONTROL VALVE

SYMBOLS AND ABBREVIATIONS

@	AT	HP	HIGH POINT
AB	AGGREGATE BASE	INV	INVERT
AC	ASPHALT CONCRETE	IRR	IRRIGATION
AD	AREA DRAIN	JB	JUNCTION BOX
ARCH	ARCHITECT	JP	JOINT POLE
APN	ASSESSORS PARCEL NUMBER	LF	LINEAL FOOT / FEET
ARV	AIR RELEASE VALVE	LP	LOW POINT
BLDG	BUILDING	LT	LEFT
BM	BENCHMARK	MH	MANHOLE
BR	BIO-RETENTION	MON	MONUMENT
BSW	BACK OF SIDEWALK	N	NORTH
BO	BLOW OFF	(N)	NEW
BVC	VERTICAL CURVE	OH	OVER HEAD
CB	CATCH BASIN	POC	POINT OF CONNECTION
C	COMPACT PARKING	POH	PARKING OVERHANG
C&G	CURB AND GUTTER	PRKG	PARKING
CO	CLEANOUT	PL	PROPERTY LINE
CL, CL	CENTER LINE	PA	PLANTING AREA SLAD
CONC	CONCRETE	(P)	PROPOSED
CONN	CONNECTION	R.C.	RELATIVE COMPACTION
CV	CHECK VALVE	ROW	RIGHT OF WAY
CONF	CONFORM	RWL	RAIN WATER LEADER
DCV	DOUBLE CHECK VALVE	RW	RETAINING WALL
DI	DROP INLET / DRAIN INLET	S	SOUTH
DS	DOWN SPOUT	S=	SLOPE EQUALS
DW	DOMESTIC WATER	SAD	SEE ARCHITECTURAL DRAWINGS
DWG	DRAWING	SD	STORM DRAIN
DWY	DRIVEWAY	SDMH	STORM DRAIN MANHOLE
E	EAST	SED	SEE ELECTRICAL DRAWINGS
(E), EX	EXISTING	SF	SQUARE FOOT
ELEC	ELECTRICAL	SLD	SEE LANDSCAPE DRAWINGS
ENGR	ENGINEER	SMD	SEE MECHANICAL DRAWINGS
E.O.R.	ENGINEER OF RECORD	SPD	SEE PLUMBING DRAWINGS
EP	EDGE OF PAVEMENT	SSD	SEE STRUCTURAL DRAWINGS
ESMT	EASEMENT	SPR	SPRINKLER
EV	ELECTRIC VEHICLE	SS	SANITARY SEWER
FDC	FIRE DEPT CONNECTION	SSCO	SANITARY SEWER CLEANOUT
FF	FINISH FLOOR	SSMH	SANITARY SEWER MANHOLE
FG	FINISH GRADE	STD	STANDARD
FH	FIRE HYDRANT	SWK	SIDEWALK
FL	FLOW LINE	TC	TOP OF CURB
FS	FIRE SERVICE	TOB	TOP OF BANK
FSS	FORCED SANITARY SEWER	TOP	TOP OF PIPE
FT	FOOT / FEET	TOS	TOE OF SLOPE
FW	FIRE WATER LINE	TOW	TOP OF WALL
GB	GRADE BREAK	TYP	TYPICAL
GV	GATE VALVE	W	WATER
		WM	WATER METER
		WV	WATER VALVE



LOCATION MAP

NO SCALE

PROJECT INFORMATION

OWNER:	KENZO ESTATE INC.
SITE ADDRESS:	3200 MONTICELLO ROAD NAPA, CA 94558
CIVIL ENGINEER:	RSA+ 1515 FOURTH STREET NAPA, CA 94559
APN:	033-110-075
PARCEL AREA:	36.13 ACRES
EXISTING USE:	WINERY AND VINEYARD
EXISTING ZONING:	AW

SURVEY NOTES

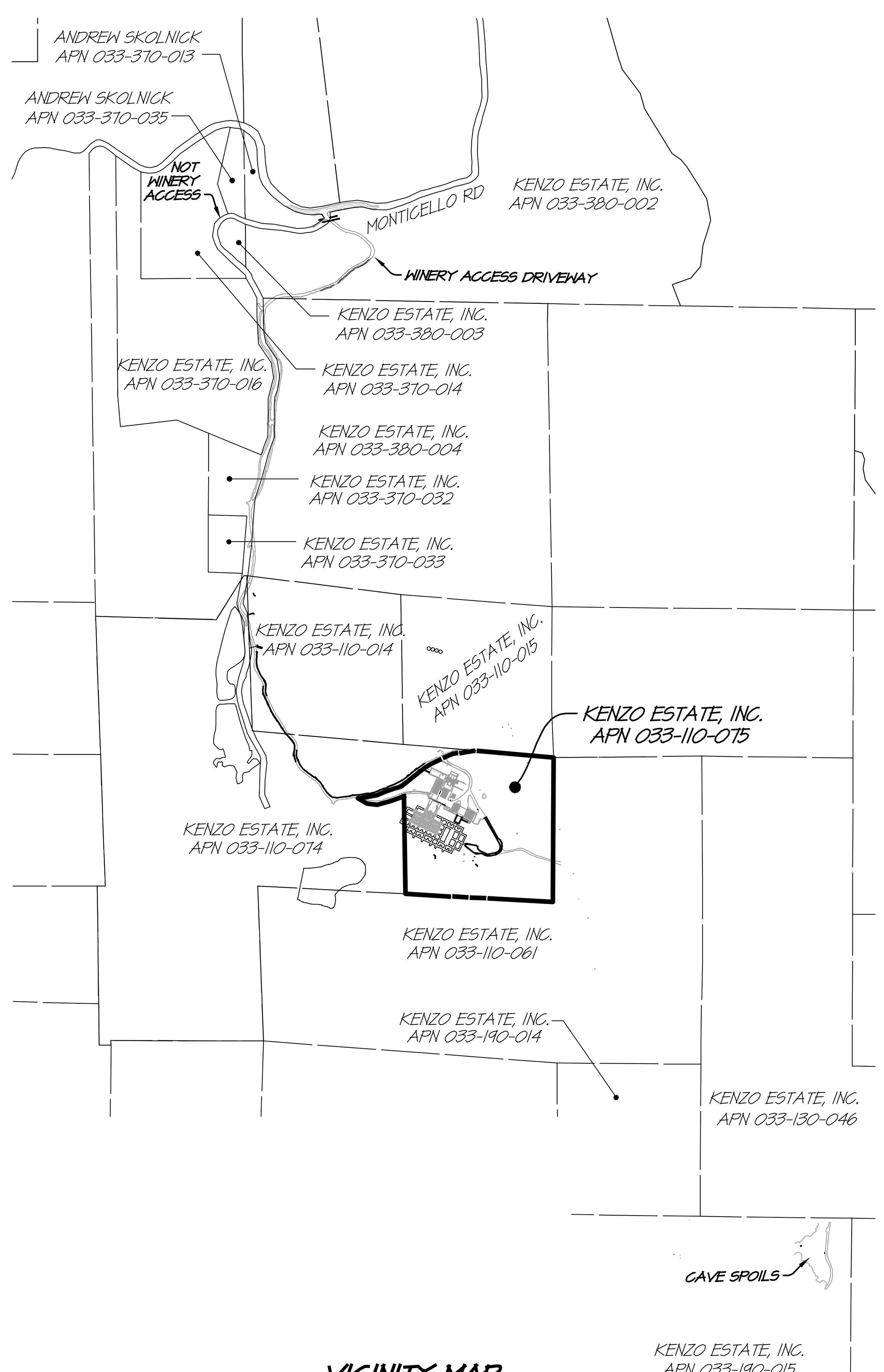
1. DRIVEWAY TOPOGRAPHIC SURVEY MAP PREPARED BY RSA+ DATED JUNE, 2019.
2. HILLTOP SURVEY MAP PREPARED BY MICHAEL W. BROOKS AND ASSOCIATES, INC. DATED SEPTEMBER, 2007. AND SUPPLEMENTAL SURVEY DATED SEPTEMBER, 2017.
3. EXISTING WHITE WINERY BUILDING LOCATIONS FROM MH ARCHITECTS CONSTRUCTION DRAWINGS.
4. REMAINING TOPOGRAPHIC SURVEY MAP PREPARED BY REICHERS SPENCE & ASSOCIATES DATED NOVEMBER 2011. AND SUPPLEMENTAL SURVEY DATED NOVEMBER, 2016

BOUNDARY NOTE

THE BOUNDARIES SHOWN HEREIN ARE BASED UPON ASSESSOR PARCEL MAPS, THE INFORMATION SHOULD BE CONSIDERED APPROXIMATE.

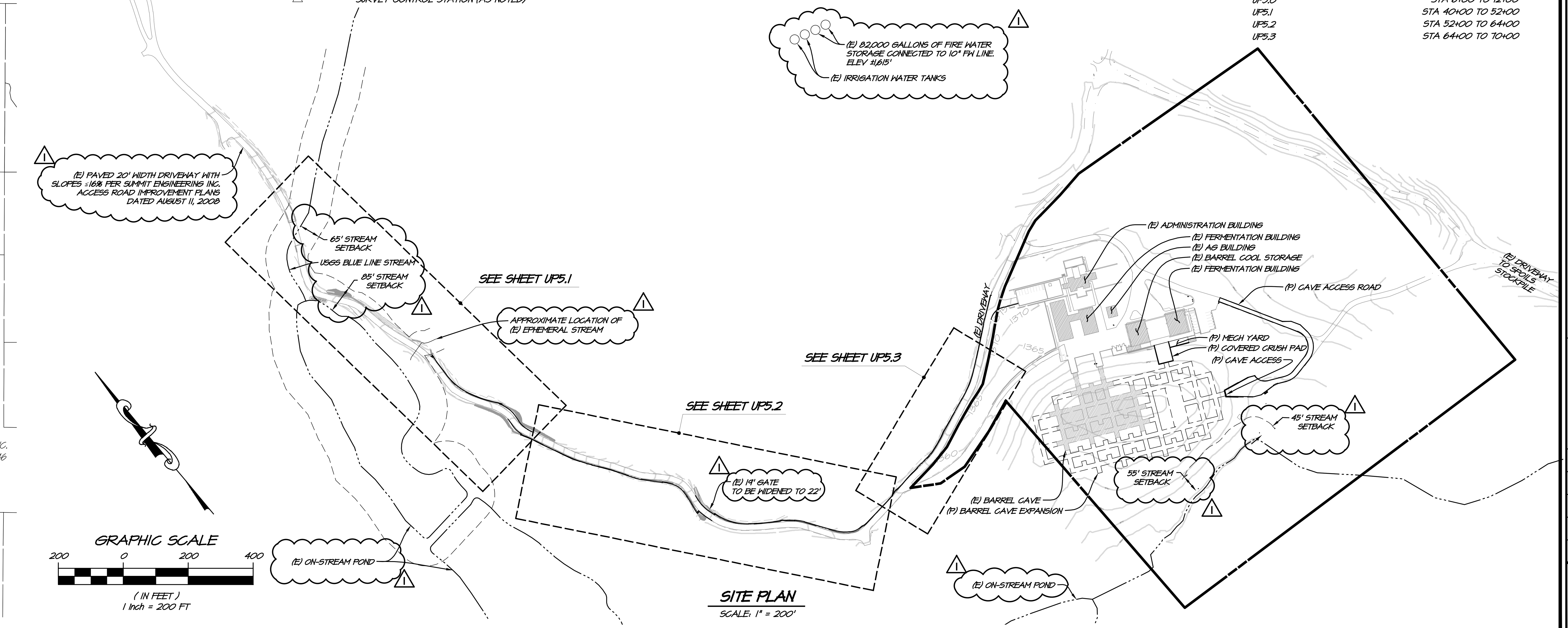
SHEET INDEX

UP1.0	COVER SHEET
UP2.0	CAVE PORTAL PLAN
UP3.0	CAVE SPOILS GRADING PLAN
UP4.0	COVERAGE AND DEVELOPMENT PLAN
UP5.0	STA 6+00 TO 12+00
UP5.1	STA 40+00 TO 52+00
UP5.2	STA 52+00 TO 64+00
UP5.3	STA 64+00 TO 70+00



VICINITY MAP

SCALE: 1" = 1,000'



GRAPHIC SCALE

200 0 200 400

(IN FEET)
1 inch = 200 FT

SITE PLAN

SCALE: 1" = 200'

NO.	DATE	REVISIONS	BY	APPD
0	09/30/2019	FIRST SUBMITTAL	JFW	BWF
1	02/21/2020	RESPONSE TO COMMENTS	DCB	BWF

RSA+
1515 FOURTH STREET
NAPA, CALIF. 94559
OFFICE|707|252.3301
+ www.RSAcivil.com +
RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + est. 1980

KENZO ESTATES COVER SHEET

NAPA COUNTY CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER BRUCE WILLIAM FLEMMER No. 77859 Exp. 6-30-21 CIVIL ENGINEER STATE OF CALIFORNIA

DATE	FEB 21, 2020
DRAWN	DB/JFW
DESIGNED	EBV/JCK
CHECKED	EBV/BWF
JOB NO.	4119018.0

SHEET NO.

UP1.0

1 OF 8 SHEETS

PRELIMINARY - NOT FOR CONSTRUCTION

APPENDIX B
Plant Species Observed

Wine Cave Expansion Work Area		Native?
Baccharis pilularis	coyote bush	Yes
Bromus laevipes	narrow flowered brome	Yes
Calochortus sp.	fairy lantern sp.	Yes
purple clarkia	clarkia purpurea	Yes
Croton setiger	turkey-mullein	Yes
Elymus glaucus	blue wild rye	Yes
Eschscholzia californica	California poppy	Yes
Heteromeles arbutifolia	toyon	Yes
Lonicera hispidula	honeysuckle	Yes
lupinus bicolor	lupine	Yes
Luzula parviflora	small flowered wood rush	Yes
Arctostaphylos canescens ssp. canescens	hoary manzanita	Yes
Arctostaphylos crustacea ssp. crustacea	brittle leaf manzanita	Yes
Quercus agrifolia	coast live oak	Yes
Quercus douglasii	blue oak	Yes
Stipa pulchra	purple needlegrass	Yes
Symphoricarpos albus	common snowberry	Yes
Bromus hordeaceus	soft chess	-
Centaurea solstitialis	yellow star thistle	-
Cynosurus echinatus	hedgehog dogtail grass	-
Helminthotheca echioides	bristly ox-tongue	-
Hirschfeldia incana	perennial mustard	-
Hordeum murinum	foxtail barley	-
Hypochaeris glabra	cats ear	-
Olea europaea	olive - horticultural	-
Phalaris aquatica	Harding grass	-
Plantago lanceolata	ribwort	-
Sanicula crassicaulis	Pacific sanicle	Yes
Sanicula bipinnata	poison sanicle	Yes
Vicia sativa	spring vetch	-
Soil Spoils Deposit Site		-
Baccharis pilularis	coyote bush	Yes
Elymus glaucus	blue wild rye	Yes
Gnaphalium palustre	sowland cudweed	Yes
lupinus bicolor	dove Lupine	Yes
Pteridium aquilinum var. pubescens	Western bracken fern	Yes
Toxicodendron diversilobum	poison oak	Yes
Bromus diandrus	ripgut brome	-
Centaurea solstitialis	yellow star thistle	-
Stellaria media	chickweed	-
Claytonia parviflora	miner's lettuce	Yes
Cynosurus echinatus	hedgehog dogtail grass	-

Festuca perennis	Italian rye grass	-
Hirschfeldia incana	mustard	-
Hordeum marinum	seaside barley	-
Arbutus menziesii	madrone	Yes
Phalaris aquatica	Harding grass	-
Plantago lanceolata	ribwort	-
Torilis arvensis	field hedge parsley	-
		-
Road Improvement Area		-
Acacia sp.	acacia	-
Baccharis pilularis	coyote bush	Yes
Chlorogalum pomeridianum var. pomeridianum	common soaproot	Yes
Cyperus eragristus	tall cyperus	Yes
Diplacus aurantiacus	sticky monkeyflower	Yes
Elymus glaucus	blue wild rye	Yes
Eriodictyon californicum	yerba santa	Yes
Festuca californica	California fescue	Yes
Frangula californica	California coffeeberry	Yes
Gnaphalium palustre	lowland cudweed	Yes
Heteromeles arbutifolia	toyon	Yes
Lonicera hispidula	honeysuckle	Yes
Arbutus menziesii	madrone	Yes
Arctostaphylos stanfordiana ssp. stanfordiana	Stanfords manzanita	Yes
Pseudotsuga menziesii	Douglas fir	Yes
Pteridium aquilinum var. pubescens	Western bracken fern	Yes
Quercus agrifolia	xoast live oak	Yes
Rosa californica	California rose	Yes
Rubus ursinus	California blackberry	Yes
Salix lasiolepis	arroyo willow	Yes
Sisyrinchium bellum	blue eyed grass	Yes
stipa lepida	foothill needle grass	Yes
Stipa pulchra	purple needle grass	Yes
Symphoricarpos albus	snowberry	Yes
Toxicodendron diversilobum	poison oak	Yes
Umbellularia californica	California bay	Yes
Cynoglossum grande	houndstongue	Yes
Bromus diandrus	ripgut brome	-
Adenostoma fasciculatum	chamise	Yes
Senecio vulgaris	common groundsel	-
Cynosurus echinatus	hedgehog dogtail grass	-
Dittrichia graveolens	stinkwort	-
Erodium cicutarium	coastal heron's bill	-
Festuca sp.	turf fescue (horticultural)	-
Galium aparine	cleavers	-
Helminthotheca echioides	bristly ox-tongue	-

Juncus effusus	common bog rush	Yes
Kickxia elatine	sharp point fluellin	-
Lysimachia arvensis	scarlet pimpernel	-
Medicago polymorpha	California burclover	-
Phalaris aquatica	Harding grass	-
Rubus armeniacus	Himalayan blackberry	-
Rumex crispus	curly dock	-
Trifolium subterraneum	subterranean clover	Yes
Vinca major	periwinkle	-

APPENDIX C

Special Status Species Lists

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Imported file selection

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agrostis hendersonii Henderson's bent grass	PMPOA040K0	None	None	G2Q	S2	3.2
Brodiaea leptandra narrow-anthered brodiaea	PMLIL0C022	None	None	G3?	S3?	1B.2
Castilleja ambigua var. meadii Mead's owls-clover	PDSCR0D404	None	None	G4T1	S1	1B.1
Ceanothus purpureus holly-leaved ceanothus	PDRHA04160	None	None	G2	S2	1B.2
Desmocerus californicus dimorphus valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
Downingia pusilla dwarf downingia	PDCAM060C0	None	None	GU	S2	2B.2
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Erigeron greenei Greene's narrow-leaved daisy	PDAST3M5G0	None	None	G3	S3	1B.2
Hesperolinon breweri Brewer's western flax	PDLIN01030	None	None	G2	S2	1B.2
Northern Vernal Pool Northern Vernal Pool	CTT44100CA	None	None	G2	S2.1	
Rhynchospora californica California beaked-rush	PMCYP0N060	None	None	G1	S1	1B.1
Sidalcea hickmanii ssp. napensis Napa checkerbloom	PDMAL110A6	None	None	G3T1	S1	1B.1
Trichostema ruygtii Napa bluecurls	PDLAM220H0	None	None	G1G2	S1S2	1B.2
Viburnum ellipticum oval-leaved viburnum	PDCPR07080	None	None	G4G5	S3?	2B.3

Record Count: 14

APPENDIX D

Definitions for
Special Status Species Designations

DEFINITIONS FOR SPECIAL STATUS SPECIES DESIGNATIONS

Federal Endangered Species Act

The following are the standard definitions for the status designations under the federal Endangered Species Act (ESA), implementing regulations and relevant notices (as published in the Federal Register). The ESA is administered by the U.S. Fish and Wildlife Service (USFWS).

Endangered – A species that is in danger of extinction throughout all or a significant portion of its range.

Threatened – A species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Proposed for Listing – Taxa formally noticed as being under review to determine whether listing as threatened or endangered is warranted.

Candidate – Taxa for which USFWS has on file sufficient information on biological vulnerability and threat to support a proposed rule to list the species as endangered or threatened. Proposals to list have not yet been issued because this action is precluded by other listing activity. Species in this category are assigned a listing priority in order to assist the FWS in determining those species most in need of protection.

[Note: As of February 1996, the USFWS eliminated the differing categories of candidate species and now has only one category of candidate species as defined above.]

California Endangered Species Act

The following are the standard definitions for the status classifications under the California Endangered Species Act (CESA), administered by the California Department of Fish and Game (CDFG), now renamed the California Department of Fish and Wildlife (CDFW).

Endangered species – A native California bird, mammal, fish, amphibian, reptile or plant (species or subspecies) is endangered when it is in serious danger of becoming extinct throughout all, or a significant portion of, its range due to one or more causes, including loss of habitat, change of habitat, over-exploitation, predation, competition or disease (CDFW Code, Section 2062).

Threatened species – A native bird, mammal, fish, amphibian, reptile or plant (subspecies or species) is threatened when, although not presently threatened with extinction, it is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts. Any animal listed as "rare" by the Commission on or before January 1, 1985, is a threatened species (CDFW Code, Section 2067).

Candidate species – A native California species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant is a candidate when the Fish and Wildlife Commission (Commission) has formally noticed it as being under review by the CDFW to determine whether listing as threatened or endangered is warranted, or when it is the subject of a proposed rulemaking by the Commission to list as threatened or endangered (CDFW Code, Section 2068).

California Department of Fish and Wildlife

Fully Protected – Fully Protected species may not be taken or possessed without a permit from the Fish and Wildlife Commission. Information of Fully Protected species can be found in the CDFW Code, (birds at §3511, mammals at §4700, reptiles and amphibians at §5050, and fish at §5515). Additional information on Fully Protected fish can be found in the California Code of Regulations, Title 14, Division 1, Subdivision 1, Chapter 2, Article 4, §5.93. The category of Protected Amphibians and reptiles in Title 14 has been repealed.

Species of Special Concern – A California species of special concern is a plant or animal species or subspecies that is possibly declining or is vulnerable to extirpation and may be considered for listing or for special management and protection measures. These species, although not legally protected under the CESA, are monitored by the CDFW.

It is the goal and responsibility of the CDFW to maintain viable populations of all native species. To this end, the CDFW has designated certain species as “Species of Special Concern” because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating species as “Species of Special Concern” is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long term viability. Not all “Species of Special Concern” have declined equally; some species may be just starting to decline, while others may have already reached the point where they meet the criteria for listing as a “Threatened” or “Endangered” species under the State and/ or Federal Endangered Species Acts.

California Native Plant Protection Act

The California Native Plant Protection Act (CNPPA), administered by the CDFW, protects "rare" plant species.

Rare – A native California plant (species, subspecies or variety) is rare when, although not presently threatened with extinction, it is in such small numbers throughout its range that it may become endangered if its present environment worsens (CDFW Code, Section 1901).

California Native Plant Society (CNPS) List of Rare, Threatened and Endangered Vascular Plants of California

The CNPS maintains a list of rare, threatened and endangered vascular plants of California which summarizes the distribution, rarity, endangerment, and ecology of these plants. CNPS updates this list approximately every four years. The most recent edition (8th ed.) was published in December 2010. The CNPS listing designations are as follows:

California Rare Plant Rank (CRPR) 1A – The plants Ranked as 1A are presumed extinct because they have not been seen or collected in the wild in California for many years. All of the List 1A plants meet the definitions of "rare", "endangered", or "threatened" contained in Fish and Game Code Section 1901 (Native Plant Protection Act), and Sections 2062 and 2067 (CESA).

CRPR 1B – The plants Ranked as 1B are rare throughout their range, and all but a few are endemic to California. List 1B plants are considered vulnerable under present circumstances or have a high potential for becoming so because of their limited or vulnerable habitat, low numbers of individuals per population, or their limited number of populations. As with List 1A plants, all of the 1B plants meet the definitions of "rare", "endangered", or "threatened" contained in Sections 1901, 2062 and 2067 of the Fish and Game Code.

CRPR 2 – Except for being common outside California, Rank 2 plants are defined similarly to List 1B plants.

CRPR 3 – Rank 3 contains plants about which more information is needed to assign them to one of the other lists or reject them. Some List 3 plants meet the definitions of "rare", "endangered", or "threatened" contained in Sections 1901, 2062 and 2067 of the Fish and Game Code.

CRPR 4 – The plants in Rank 4 are of limited distribution or infrequent throughout a broader area in California, and their susceptibility to threat appears low at this time. These plants are uncommon enough that their status should be monitored regularly. Very few List 4 plants meet the definitions of "rare", "endangered", or "threatened" contained in Sections 1901, 2062 and 2067 of the Fish and Game Code, and few, if any, are eligible for state listing.

CNPS Threat Code extensions and their meanings:

.1 – Seriously endangered in California

.2 – Fairly endangered in California

.3 – Not very endangered in California

CNPS Local Listings (Alameda and Contra Costa Counties)

***A1** or ***A2** – Species in Alameda and Contra Costa Counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state level of CNPS.

A1x – Species previously known from Alameda or Contra Costa Counties, but now presumed extirpated here.

A1 – Species currently known from two or less regions in Alameda and Contra Costa Counties.

A2 – Species currently known from three to five regions in the two counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

A1? – Species with taxonomic or distribution problems that make it unclear if they actually occur here.

Special Animals

California Department of Fish and Wildlife (CDFW)

Special Animals – Special animals is a general term that refers to all of the taxa that the California Natural Diversity Database (CNDDB) is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of "species at risk" or "special status species". The CDFW considers the taxa on this list to be those of greatest conservation need and were used in the development of California's Wildlife Action Plan (CDFG 2009). Special animals includes a broad list of agency designations.
For more information see: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/SPAnimals.pdf

Watch List – The Watch List consists of taxa that were previously Species of Special Concern (SSC's) but no longer merit SSC status or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

Other "Special Animal" Status Codes:

The status of species on the Special Animals List according to other conservation organizations is provided. Taxa on these lists are reviewed for inclusion in the CNDDB Special Animals List, but are not automatically included. For example, taxa that are regionally rare within a portion of California may not be included, because they may be of lesser conservation concern across their full range in California.

These species, which are also tracked regardless of their legal or protection status, are provided below.

U.S Fish and Wildlife Service (USFWS)

Birds of Conservation Concern – The goal of the Birds of Conservation Concern report is to accurately identify the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent the US Fish and Wildlife Service's highest conservation priorities and draw attention to species in need of conservation action.

National Marine Fisheries Service (NMFS) also known as NOAA Fisheries

Species of Concern – NOAA Fisheries is responsible for the management, conservation, and protection of living marine resources within the United States Exclusive Economic Zone. Species of Concern are those species about which we have some concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the Endangered Species Act (ESA). Though NMFS wishes to draw proactive attention and conservation action to these species, "Species of concern" status does not carry any procedural or substantive protections under the ESA.

Bureau of Land Management

Sensitive – According to BLM Manual 6840, a Bureau Sensitive Species must meet the following criteria to be considered for sensitive species listing:

- They must be native species found on BLM-administrated lands for which BLM has the capability to significantly affect the conservation status of the species through management.
- Information is available that a species has recently undergone, is undergoing, or is predicted to undergo a downward trend such that the viability of the species or a distinct population segment of the species is at risk across all or a significant portion of the species range.

- The species depends on ecological refugia or specialized or unique habitats on BLM-administrated lands, and there is evidence that such areas are threatened with alteration such that the continued viability of the species in that area would be at risk.
- All federally designated candidate species, proposed species, and delisted species in the 5 years following their delisting shall be conserved as Bureau Sensitive Species.

Once a species is declared sensitive by the BLM, it is their obligation to determine its distribution and manage the species' habitat.

California Dept. of Forestry & Fire Protection

CDF Sensitive **–** California Department of Forestry and Fire Protection classifies "sensitive species" as those species that warrant special protection during timber operations. The list of "sensitive species" is given in §895.1 (Definitions) of the California Forest Practice Rules.

International Union for Conservation of Nature (IUCN)

IUCN List **–** The IUCN assesses, on a global scale, the conservation status of species, subspecies, varieties and even selected subpopulations in order to highlight taxa threatened with extinction, and therefore promote their conservation. Detailed information on the IUCN and the Red List is available at: http://www.iucnredlist.org

Marine Mammal Commission

Species of Special Concern **–** Section 202 of the Marine Mammal Protection Act directs the Marine Mammal Commission, in consultation with its Committee of Scientific Advisors, to make recommendations to the Department of Commerce, the Department of the Interior, and other federal agencies on research and management actions needed to conserve species of marine mammals. To meet this charge, the Commission devotes special attention to particular species and populations that are vulnerable to various types of human-related activities, impacts, and contaminants. Such species may include marine mammals listed as Endangered or Threatened under the Endangered Species Act or as depleted under the Marine Mammal Protection Act. In addition, the Commission often directs special attention to other species or populations of marine mammals not so listed whenever special conservation challenges arise that may affect them.

More information on the Marine Mammal Protection Act and the Marine Mammal Species of Special Concern list is available at: http://www.mmc.gov/species/welcome.shtml

U.S Forest Service

Sensitive – USDA Forest Service defines sensitive species as plant and animal species identified by a regional forester that are not listed or proposed for listing under the Federal Endangered Species Act for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution. Regional Foresters identify sensitive species occurring within each region. California is the Pacific Southwest Region (Region 5).
More information is available at: http://www.fs.usda.gov/main/r5/plants-animals and at:
http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5435266.xlsx

North American Bird Conservation Initiative (NABCI)

North American Bird Conservation Initiative Watchlist – The North American Bird Conservation Initiative is a coalition of private organization and government agencies. They work to ensure the long-term health of North America's native bird populations and publish an annual State of the Birds report. The annual State of the Bird report includes a watch list of bird species in need of conservation help and classifies the birds as either Red Watch List or Yellow Watch List species. Species on the Red Watch List have extremely high vulnerability, and Yellow Watch List species are species that may be range restricted or may be widespread but with declines and high threats. More information is available at http://stateofthebirds.org.

American Fisheries Society (AFS)

AFS List – Designations for freshwater and diadromous species were taken from the paper: Jelks,.L., S.J. Walsh, N.M. Burkhead, S.Contreras-Balderas, E. Díaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick, J.S. Nelson, S.P. Platania, B.A. Porter, C.B. Renaud, J. J. Schmitter-Soto, E.B. Taylor, and M.L. Warren, Jr. 2008. Conservation status of imperiled North American freshwater and diadromous fishes. Fisheries 33(8):372-407. Available at:
http://www.fisheries.org/afs/docs/fisheries/fisheries_3308.pdf
Designations for marineand estuarine species were taken from the paper: Musick, J.T. et al. 2000. "Marine, Estuarine, and Diadromous Fish Stocks at Risk of Extinction in North America (Exclusive of Pacific Salmonids). Fisheries 25(11):6-30. Available at:
http://www.flmnh.ufl.edu/fish/sharks/sawfish/Reprint1390.pdf

Western Bat Working Group (WBWG)

WBWG List – The WBWG is comprised of agencies, organizations and individuals interested in bat research, management and conservation from the 13 western states and provinces. The goals are (1) to facilitate communication among interested parties and reduce risks of species decline or extinction; (2) to provide a mechanism by which current information on bat ecology, distribution and research techniques can be readily accessed; and (3) to develop a forum to discuss conservation strategies, provide technical assistance and encourage education programs. Species are ranked as High, Medium, or Low Priority in each of 10 regions in western North America. Because California includes multiple regions where a species may have different WBWG Priority ranks, the CNNDB includes categories for Medium-High, and Low-Medium Priority. The CNDDB tracks bat species that are at least Low-Medium Priority in California. More information is available at: http://www.wbwg.org

The Xerces Society

Red List – The Xerces Society is an international non-profit organization dedicated to protecting biological diversity through invertebrate conservation. The Society advocates for invertebrates and their habitatsby working with scientists, land managers, educators, and citizens on conservation and education projects. Their core programs focus on endangered species, native pollinators, and watershed health. More information on the Red List is available at:
http://www.xerces.org

Special Status Species Abbreviations

Federal Endangered Species Act

FE	Federally-listed as endangered
FT	Federally-listed as threatened
FPE	Federally proposed for listing as endangered or threatened
FC	Federal candidate for listing as endangered or threatened

State Endangered Species Act

SE	State-listed as endangered
ST	State-listed as threatened
SC	State candidate for listing as endangered or threatened

California Department of Fish and Wildlife

FP	Fully protected
SSC	California species of special concern
WL	Watch List

California Native Plant Protection Act

CNPPA: Rare	Rare plant

California Native Plant Society

CRPR	California Rare Plant Rank

SPECIAL ANIMALS (SA)

California Department of Fish and Wildlife

CDFW: WL Watch list

CDFW: SA Special Animal

US Fish and Wildlife Service

USFWS:BCC Birds of Conservation Concern

NMFS (NOAA Fisheries)

NMFS: SC Species of Concern

Bureau of Land Management

BLM:S Sensitive

California Dept. of Forestry & Fire Protection

CDFS:S Sensitive

International Union for Conservation of Nature

IUCN:CD Conservation Dependent

IUCN:CR Critically Endangered

IUCN:DD Data Deficient

IUCN:EN Endangered

IUCN:EW Extinct in the Wild

IUCN:EX Extinct

IUCN:LC Least Concern

IUCN:NE Not evaluated

IUCN:NT Near Threatened

IUCN:VU Vulnerable

Marine Mammal Commission

MMC:SSC Species of Special Concern

National Marine Fisheries Service

NMFS:SC Species of Special Concern

U.S Forest Service

USFS:S Sensitive

Western Bat Working Group

WBWG: H High priority

WBWG: LM low-medium priority

WBWG: M medium priority

WBWG: MH medium-high priority

Xerces Society Red List

X: CI Critically imperiled

X: DD Data deficient

X: IM Imperiled

X: VU Vulnerable

North American Bird Conservation Initiative

NABCI: RWL Red watch list

NABCI: YWL Yellow watch list

American Fisheries Society

AMS: EN Endangered

AMS: TH Threatened

AMS: VU Vulnerable

ZENTNER
Planning & Ecology

June 2, 2020

Marc Nanes
Kenzo Estate
3200 Monticello Road
Napa, CA 94558

RE: Kenzo Estate
Spring Botanical Survey Results

Dear Mr. Nanes:

Zentner Planning and Ecology completed a Special Status Habitat and Species Analysis (Zentner Biological Report) on March 2020, which included botanical surveys of the property. However, the botanical surveys were completed prior to the blooming period of nine special status plant species. Therefore, a follow-up survey of the project site and environs for this and other spring blooming plant species was completed.

Sean Micallef, Partner and Chief Ecologist at Zentner Planning and Ecology and Emily Mathews, Biologist at Zentner Plannign and Ecology conducted the survey. The survey was conducted on June 1, 2020, in order to capture the blooming period of these species and when the species would be most recognizable. During the survey, the entire project area and directly adjacent areas were walked, while ensuring that areas with potential habitat were carefully examined.

No special status plant species were observed within the project area. Both holly-leaved ceanothus (*Ceanothus purpureus*) and narrow-anthered brodiaea (*Brodiaea leptandra*) were identified on the property within areas of known populations of these species. These areas are well outside of the project site. A list of plant species that were observed in addition to those noted in the Zentner Biological Report are provided in **Table 1** below.

Consequently, all botanical surveys of the site have been completed and no special status plant species have been observed or are likely to occur within the project site and no additional measures are required.

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Table 1
Vegetation Observed on 6/1/20 Botanical Survey

Common Name	Botanical Name	Native
Chilean birds-foot trefoil	*Acmispon wrangelianus*	Yes
Hall's bent grass	*Agrostis hallii*	Yes
mayweed	*Anthemus cotula*	–
narrow anthered brodiaea	*Brodiaea leptandra*	Yes
California brome	*Bromus carinatus*	Yes
red brome	*Bromus madritensis ssp. rubens*	–
Diogenes' lantern	*Calichortus amabilis*	Yes
yellow mariposa lilly	*Calichortus luteus*	Yes
tocalote, Maltese starthistle	*Centaurea melitensis*	–
California oatgrass	*Danthonia californica*	Yes
little squirreltail	*Elymus elymoides*	Yes
small fescue	*Festuca microstachys*	Yes
western fescue	*Festuca occidentalis*	Yes
red fescue	*Festuca rubra*	Yes
Nevada helianthella	*Helianthella californica var. nevadensis*	Yes
St. John's wort	*Hypericum perforatum*	–
hawkbit	*Leontodon saxatilis ssp. Longirostris*	–
pale flax	*Linum bienne*	–
madia	*Madia gracilis*	Yes
torrey melic	*Melica torreyena*	Yes
chaparral pea	*Pickeringia montana var. montana*	Yes
one-sided bluegrass	*Poa secunda*	Yes
rose clover	*Trifolium hirtum*	–
tall false-oat	*Trisetum canescens*	Yes
Itherials spear	*Triteleia laxa*	Yes

Please let me know if you have any questions regarding these survey results.

Sincerely,

Sean Micallef

CC: Joshua Devore, Thomas Adams; DPF Law

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