



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

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**GAVIN NEWSOM, Governor**

**CHARLTON H. BONHAM, Director**



September 30, 2024

Ryder Dilley, Associate Planner

Napa County

1195 Third Street

Napa, CA 94559

[RDilley@cityofnapa.org](mailto:RDilley@cityofnapa.org)

Subject: The Grange Campground, Initial Study/Mitigated Negative Declaration,  
SCH No. 2024090150, Napa County

Dear Mr. Dilley:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for The Grange Campground (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the IS/MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

## **CDFW ROLE**

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Parry Murray

**Objective:** The Project would construct a permitted "glamping" campground with up to five permanent buildings, up to 100 fixed recreational lodging units, a recreational activity space, and a pervious parking area. An ancillary structure, the Main Office, would consist of guest check-in, a gathering space, and a small market, totaling approximately 4,418 square feet. Building 2, the Meeting Room, would provide approximately 1,440 square feet of indoor/outdoor meeting space. Buildings 1 and 2 outdoor space would include an outdoor lounge area with a permanent deck (8,000 square feet) and pool area (3,500 square feet, including the pool and pool deck).

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Buildings 3 through 5 would consist of back-of-house and administration/maintenance space (up to 640 square feet each). The 100 fixed recreational lodging units could be a mix of tent spaces, canvas tents on platforms (yurts), and stationary camper trailers.

The Project would impact 4.54 acres of coast live oak (*Quercus agrifolia*) woodland, 3.14 acres of non-native grassland, 0.62 acres of vernal marsh, 0.01 acres of non-vegetated channel, and 0.10 acres of developed land. Milliken Creek, a tributary to the Napa River, runs along the western side of the Project site.

**Location:** The 12.5-acre Project site is located on an undeveloped parcel within the City of Napa, adjacent to and on the west side of SR-121/Silverado Trail between Stonecrest Drive and Hagen Road, Napa, CA 94558, Napa County; APN 052-010-011; and at approximately 38.31833°N and -122.27444°W.

## REGULATORY REQUIREMENTS

### California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA either during construction or over the life of the Project. **The Project has the potential to impact Swainson’s hawk (*Buteo swainsoni*), CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

### Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., is required for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a

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subsurface flow, and floodplains are subject to LSA Notification requirements. **The Project has the potential to impact Milliken Creek, and a “non-vegetated channel,” therefore an LSA Notification may be required as further described below.** CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project’s avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and included in **Attachment 1** Draft Mitigation Monitoring and Reporting Program, CDFW concludes that an MND is appropriate for the Project.

### I. Environmental Setting and Mitigation Measure Related Impact Shortcomings

***MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?***

#### COMMENT 1: Swainson’s Hawk

**Issue:** The IS/MND does not adequately evaluate and mitigate potential impacts to nesting Swainson’s hawk. This species is documented in the California Natural Diversity Database (CNDDDB) to nest along the Napa River north and south of the Project site.

**Specific impacts and why they may occur and be significant:** The Project has the potential to impact nesting Swainson’s hawk through auditory or visual disturbances above ambient levels within 0.5 miles of Project activities, or through direct removal of an active nest site. Disturbances from Project activities may result in Swainson’s hawk nest abandonment and loss of eggs or reduced health and vigor and loss of young. The Project may also result in the removal of Swainson’s hawk foraging habitat. Swainson’s hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active Swainson’s hawk nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

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**Recommended Mitigation Measure:** To reduce potential impacts to Swainson's hawk to less-than-significant and comply with CESA, CDFW recommends including the below mitigation measure.

Mitigation Measure BIO-8: Swainson's Hawk Surveys and Avoidance Buffer, and Foraging Habitat Credits: If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities, unless otherwise approved in writing by CDFW. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved in writing by CDFW. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

If nesting Swainson's hawk are detected within 0.5 miles of the Project site, the Project shall purchase Swainson's hawk foraging habitat credits from a CDFW-approved mitigation bank at a 1:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written approval of the type and amount of credits prior to purchasing the credits and provide the Bill of Sale for the credit purchase to the lead agency and CDFW prior to construction start.

***Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or the U.S. Fish and Wildlife Service?***

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## **COMMENT 2: Stream Alteration**

**Issue:** The Project site is near Milliken Creek and will impact a “non-vegetated channel.” Page 42 of the IS/MND states that “Milliken Creek occurs outside of the project site and project impact area, and no impacts would occur.” However, page 45 of the IS/MND states that “Permanent indirect impacts to riparian habitats and other sensitive natural communities from development of the project would be potentially significant.” It’s unclear if the Project would occur within the riparian zone. Figure 6 of the IS/MND shows the Project site boundary overlapping the approximate midline of numerous riparian tree crowns. It appears that Project activities could encroach upon and impact the riparian corridor of Milliken Creek.

Furthermore, Mitigation Measure BIO-6 of the IS/MND does not clearly specify that impacts to the riparian zone of Milliken Creek are subject to CDFW LSA Notification requirements.

**Specific impacts and why they may occur and be significant:** Project activities including land clearing, tree removal, and construction can result in impacts to streams and the habitats they support. Impacts could include inputs of deleterious materials, obstructions and diversions, riparian habitat removal, equipment staging and operation, and disturbances to riparian corridors, special status wildlife and their habitats, and nesting birds. Due to the ecological importance and sensitivity of stream habitat, the above impacts would be *potentially significant*.

**Recommended Mitigation Measure:** To reduce impacts to streams to less-than-significant and comply with Fish and Game Code section 1600 et seq., CDFW recommends adding the below mitigation measure to Mitigation Measure BIO-6.

MM BIO-6: Impacts to Streams and Riparian Areas. Prior to the commencement of Project activities, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat including, but not limited to, impacts resulting from tree removal, vegetation removal, land clearing, and construction activities. If impacts to the bed, bank, channel, or riparian area of the streams cannot be avoided, the Project shall notify CDFW for potential Project impacts to the streams. More information for the Notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the Streambed Alteration Agreement (SAA), if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Impacts to the streams and riparian habitat shall be mitigated by restoring a minimum 3:1 ratio in area and linear feet for permanent impacts, all temporary impact areas shall be restored, and trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An SAA, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources.

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## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist, at (707) 815-4166 or [Nicholas.Magnuson@wildlife.ca.gov](mailto:Nicholas.Magnuson@wildlife.ca.gov); or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Erin Chappell*

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Erin Chappell  
Regional Manager  
Bay Delta Region

**Attachment 1:** Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse No. 2024090150

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**ATTACHMENT 1**

**Draft Mitigation Monitoring and Reporting Program (MMRP)**

CDFW provides the following language to be incorporated into the MMRP for the Project.

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM)</b>	<b>Description</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>MM BIO-6</b>	<p><b><i>CDFW recommends adding the below mitigation measure to Mitigation Measure BIO-6.</i></b></p> <p><u>MM BIO-6: Impacts to Streams and Riparian Areas.</u> Prior to the commencement of Project, activities, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat including but not limited to impacts resulting from tree removal, vineyard development and native vegetation replanting. If impacts to the bed, bank, channel, or riparian area of the streams cannot be avoided, the Project shall notify CDFW for potential Project impacts to the streams. More information for the Notification process is available at <a href="https://wildlife.ca.gov/Conservation/Environmental-Review/LSA">https://wildlife.ca.gov/Conservation/Environmental-Review/LSA</a>. The Project shall comply with all measures of the Streambed Alteration Agreement (SAA), if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Impacts to the streams and riparian habitat shall be mitigated by restoring a minimum 3:1 ratio in area and linear feet for permanent impacts, all temporary impact areas shall be restored, and trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An SAA, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources.</p>	Prior to Ground Disturbance	Project Applicant
<b>MM BIO-8</b>	<p><u>Mitigation Measure BIO-8: Swainson’s Hawk Surveys and Avoidance Buffer, and Foraging Habitat Credits.</u> If Project activities are scheduled during the nesting season for Swainson’s hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys</i></p>	Prior to Ground Disturbance	Project Applicant

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	<p><i>in California's Central Valley</i> (<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&amp;inline</a>) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities, unless otherwise approved in writing by CDFW. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved in writing by CDFW. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.</p> <p>If nesting Swainson's hawk are detected within 0.5 miles of the Project site, the Project shall purchase Swainson's hawk foraging habitat credits from a CDFW-approved mitigation bank at a 1:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written approval of the type and amount of credits prior to purchasing the credits and provide the Bill of Sale for the credit purchase to the lead agency and CDFW prior to construction start.</p>		
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