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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

November 25, 2025

Pamela Arifian
Napa County
1135 Third Street Suite 210
Napa, CA 94559
Pamela.Arifian@countyofnapa.org

Subject: Schramsberg Vineyards Agricultural Erosion Control Plan #P23-00360-ECPA, Initial Study/Mitigated Negative Declaration, SCH No. 2025101322, Napa County

Dear Mr. Arifian:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Schramsberg Vineyards Agricultural Erosion Control Plan (ECPA) #P23-00360-ECPA (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

After receiving a one-week extension from the County, 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) Program, 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: Hugh Davies, Property Co-owner

Objective: The Project would include the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the development of approximately 14.1 gross acres of vineyard with approximately 11.0 net planted acres (including 1.2 acres of existing vineyard installed without benefit of a permit) in seven vineyard blocks, located on four separate parcels under same ownership and totaling 162.56 acres (i.e., Project site), including areas that were burned in the 2020 Glass Fire. The Project would result in the conversion to vineyard of

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approximately 12.9 acres of pre-fire tree canopy, including 11.4 acres of Douglas fir forest and 1.5-acre of coast live oak woodland (163 trees greater than 6-inch diameter at breast height [DBH]). The Project would preserve 39.4 acres of vegetation canopy cover, including 6.9 acres of pre-fire oak woodland and 32.5 acres of pre-fire coniferous forest. All temporary debris, vegetation, soil and soil amendment stockpiles and storage areas, if needed, will be located within the proposed vineyard Project site. No long-term stockpiles of rock or soil are anticipated. No new roads are required to access the Project site. Access is via the existing driveways and access roads. Access to a majority of the Project site is via a paved private road (Schramsberg Road) off State Route 29 and existing gravel and dirt vineyard access roads that serve the existing winery, vineyard and residential uses. All irrigation water for the existing and proposed vineyard would be supplied by existing developed groundwater resources. No other new wells or other water sources are planned as part of the Project. Irrigation pipelines would be located in existing roads, vineyards and vineyard avenues, and within the Project site.

Location: The Project is located at 1400 Schramsberg Road, Calistoga, CA 94515; Assessor Parcel Numbers 020-300-014 and -015, and 020-390-007, -008, -011 & -020; with a Project site center at approximately Latitude 38.55135, Longitude -122.53942; Napa County.

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 Clara Hunt's milk-vetch (*Astragalus claranus*), state listed as endangered, 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.

COMMENTS AND RECOMMENDATIONS

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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. 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?

And,

Would the Project 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 CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Clara Hunt's Milk-vetch and other Special-Status Plants, Environmental Setting and Related Impact Shortcoming

Issue: The IS/MND does not adequately evaluate potential impacts to Clara Hunt's milk-vetch, despite the Biological Resource Reconnaissance Survey (IS/MND Exhibit B-1, Attachment 2) indicating a high likelihood of potential habitat occurring on the Project site. According to pages 21 and 22 of the Exhibit B-1, a rating of "high" means "All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site." However, neither the IS/MND nor exhibits include further investigation into the potential for Clara Hunt's milk-vetch to be impacted by the Project. For example, it appears that the plant survey did not include reference site visits for Clara Hunt's milkvetch, based on the species' absence from page 21 of Exhibit B-1 which lists plant species for which the Project conducted reference site visits. Therefore, it is unclear whether the plant surveys conducted in 2022 at the Project site were adequate and appropriately timed to detect Clara Hunt's milk-vetch.

It is also unclear why the target special-status plant species list was narrowed from 28 to 10 species (see page 27 of Exhibit B-1), as it was determined that 28 special-status plant species have a high potential to occur. Exhibit B-1 indicates this is due to only 10 of the species previously documented within the Biological Resources Evaluation Area, however lack of documentation in the Project area does not necessarily indicate that the remaining 18 species do not have a high potential to occur. The target list should also include special-status plant species with a *moderate* potential to occur. Therefore, it is unclear whether the plant surveys conducted in 2022 at the Project site were adequate

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and appropriately timed to detect all special-status plant species determined to have a moderate or high potential to occur.

Specific impacts and why they may occur and be significant: Clara Hunt's milk-vetch is state and federally listed as endangered, and therefore is considered to be an endangered species pursuant to CEQA Guidelines section 15380. If Clara Hunt's milk-vetch is present on or adjacent to the Project site, the Project could damage or remove individuals on-site or adjacent to it through direct or indirect impacts, resulting in a substantial reduction in the number of an endangered species, which is considered a *Mandatory Finding of Significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Additionally, if other special-status plant species that were determined to have a moderate or high potential to occur, but were not considered target species during 2022 plant surveys, are present on or adjacent to the Project site, the Project could damage or remove individuals on-site or adjacent to it through direct or indirect impacts, resulting in *potentially significant impacts*.

Recommended Mitigation Measure: To reduce impacts to Clara Hunt's milk-vetch and other special-status plants to less-than-significant and comply with CESA, CDFW recommends including the below mitigation measure in the IS/MND.

Mitigation Measure BIO-9: Special-Status Plant Surveys. A qualified biologist shall conduct botanical surveys during the appropriate blooming period/when the species is identifiable and conditions for Clara Hunt's milk-vetch and other special-status plant species determined to have a high or moderate potential to occur but not considered target species during year 2022 plant surveys, unless otherwise approved in writing by CDFW. The survey area shall cover the Project site and adjacent areas where the above species could be directly or indirectly impacted, and the survey shall occur prior to the start of Project construction including, but not limited to ground disturbance, tree removal, and vineyard development, unless otherwise approved in writing by CDFW. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and include checking reference sites for Clara Hunt's milk-vetch and other target special-status plant species, unless otherwise approved in writing by CDFW. More than one year of surveys may be necessary according to the above protocol survey methodology. The survey report(s) shall be submitted to CDFW and the Project shall obtain CDFW's written approval of them prior to Project construction. If full avoidance of a State listed species such as Clara Hunt's milk-vetch is not possible, the Project shall consult with CDFW and obtain a CESA ITP prior to Project construction, and shall comply with the ITP. The Project shall also consult with USFWS for potential impacts to federally listed plant species. If full avoidance of other special-status (non-CESA listed) plant species is not possible, the Project shall submit a mitigation plan (plan) to CDFW and obtain CDFW's

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written approval of the plan prior to Project construction, and the plan shall include but not be limited to transplanting, seed collection and broadcasting, habitat enhancement, and/or habitat compensation at a minimum 3:1 mitigation to impact ratio including a conservation easement and long term funding and implementation of a management plan, appropriate to the species.

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 California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/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. (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; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

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Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation (SCH No.2025101322)

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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.

Biological Resources (BIO)			
Mitigation Measure	**Description**	**Timing**	**Responsible Party**
BIO-9	Special-Status Plant Surveys. A qualified biologist shall conduct botanical surveys during the appropriate blooming period/when the species is identifiable and conditions for Clara Hunt's milk-vetch and other special-status plant species determined to have a high or moderate potential to occur but not considered target species during year 2022 plant surveys, unless otherwise approved in writing by CDFW. The survey area shall cover the Project site and adjacent areas where the above species could be directly or indirectly impacted, and the survey shall occur prior to the start of Project construction including, but not limited to ground disturbance, tree removal, and vineyard development, unless otherwise approved in writing by CDFW. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and include checking reference sites for Clara Hunt's milk-vetch and other target special-status plant species, unless otherwise approved in writing by CDFW. More than one year of surveys may be necessary according to the above protocol survey methodology. The survey report(s) shall be submitted to CDFW and the Project shall obtain CDFW's written approval of them prior to Project construction. If full avoidance of a State listed species such as Clara Hunt's milk-vetch is not possible, the Project shall consult with CDFW and obtain a CESA ITP prior to Project construction, and shall comply with the ITP. The Project shall also consult with USFWS for potential impacts to federally listed plant species. If full avoidance of other special-status (non-CESA listed) plant species is not possible, the Project shall submit a mitigation plan (plan) to CDFW and obtain CDFW's written approval of the plan prior to Project construction, and the plan shall include but not be limited to transplanting, seed collection and broadcasting, habitat	Prior to Ground Disturbance	Project Applicant

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	enhancement, and/or habitat compensation at a minimum 3:1 mitigation to impact ratio including a conservation easement and long term funding and implementation of a management plan, appropriate to the species.		