



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
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December 5, 2025

Dana Morrison, Supervising Planner
Napa County
1135 Third Street Suite 210
Napa, CA 94559
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Subject: Maxville Vineyard Track 1 Erosion Control Plan Application (ECPA) File
#P23-00130-ECPA, Initial Study/Mitigated Negative Declaration,
SCH No. 2025110234, Napa County

Dear Dana Morrison:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Maxville Vineyard Track 1 Erosion Control Plan Application (ECPA) File #P23-00130-ECPA (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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 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: Koko Nor Corporation, Property Owner

Objective: The Project would include the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures associated with the

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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development of approximately 56.2 gross acres of vineyard with approximately 42 net planted acres in 10 vineyard blocks, located on a 1,025-acre property (Project site). The Project would remove approximately 306 trees greater than six-inch diameter at breast height (DBH), including blue oak (*Quercus douglasii*) and coast live oak (*Quercus agrifolia*). The Project would preserve 32.4 acres of undeveloped habitat on-site in perpetuity. The Project has been designed to avoid impacts to streams on-site.

Location: The Project is located at 4000, 4105, 4128, 4300 and 4321 Chiles Pope Valley Road; Saint Helena, CA 94574; Assessor Parcel Numbers 025-020-023, 025-020-027, and 025,020-02; with the vineyard development area center at approximately Latitude 38.5629, Longitude -122.37794; 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*), CESA 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

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.

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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 and other special-status plant species, despite the Biological Resource Assessment (IS/MND Exhibit B-1) indicating the presence of suitable habitat on the Project site and the IS/MND indicating Clara Hunt's milk-vetch has a moderate to high potential to occur in the Project site. The Biological Resource Assessment states that botanical surveys were completed, however it is unclear if those surveys followed 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>) including, but not limited to if they were accurately timed to detect Clara Hunt's milk-vetch and other special-status plants. The Biological Resource Assessment indicates CDFW protocols were followed, but information outlined in the protocols was not provided, such as several reporting items (see page 9 of the above protocol for information that should be included in botanical survey reports) including information about visiting reference populations for Clara Hunt's milk-vetch and other special-status plants, which is often needed to accurately time surveys for regional blooming periods, particularly for annual plant species such as Clara Hunt's milk-vetch. Regarding survey timing, page 17 of the IS/MND states that botanical surveys were "...timed to correspond to the period sufficient to observe and identify those special-status plants determined to have the potential to occur in the project site..." This statement does not include specific information such as survey dates and reference populations visited.

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 and habitat on-site or adjacent to it through direct or indirect impacts, resulting in a substantial reduction in the number or restriction of the range

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of an endangered species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1). The Project could also damage or remove individuals or habitats of other special-status plant species 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-5: Special Status Plant Surveys. A qualified biologist shall conduct botanical surveys during the appropriate blooming period (or when the species is identifiable) and conditions for Clara Hunt's milk-vetch and other special-status plant species with suitable habitat on-site, unless otherwise approved in writing by CDFW. If the Project believes additional plant surveys are unnecessary, the Project may submit biologically based rationale to CDFW and shall obtain CDFW's written approval of the rationale prior to Project construction.

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 include the information outlined in the above survey protocol reporting section and 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 including, but not limited to habitat compensation requirements. 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 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, unless otherwise approved in writing by CDFW.

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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 California Natural Diversity Database (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. (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:

B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation (SCH No. 2025110234)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

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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-5	<u>Special Status Plant Surveys.</u> A qualified biologist shall conduct botanical surveys during the appropriate blooming period (or when the species is identifiable) and conditions for Clara Hunt's milk-vetch and other special-status plant species with suitable habitat on-site, unless otherwise approved in writing by CDFW. If the Project believes additional plant surveys are unnecessary, the Project may submit biologically based rationale to CDFW and shall obtain CDFW's written approval of the rationale prior to Project construction. 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 include the information outlined in the above survey protocol reporting section and 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 including, but not limited to habitat compensation requirements. 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	Prior to Ground Disturbance	Project Applicant

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	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 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, unless otherwise approved in writing by CDFW.		
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