



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
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Bay Delta Region
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May 26, 2026

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Napa County
1195 Third Street, Suite 210
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Subject: B&F Farms Vineyard Conversion Application (ECPA) File #P25-00029-ECPA, Mitigated Negative Declaration, SCH No. 2026041308, Napa County

Dear Donald A. Barrella:

The California Department of Fish and Wildlife (CDFW) received an Mitigated Negative Declaration (MND) from Napa County (County) for the B&F Farms Vineyard Conversion Application (ECPA) File #P25-00029-ECPA (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the 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), a 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: Mike Hawkins c/o Roberta Damele, Trustee ETAL Property Owner

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

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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the development of approximately 10.7 gross acres of vineyard, with approximately 7.8 net planted acres in eight vineyard blocks, located on an approximately 120-acre property (Project site). Vegetation proposed for removal consists of non-native annual grassland, coyote brush (*Baccharis pilularis*) scrub, coast live oak (*Quercus agrifolia*) woodland, knobcone pine (*Pinus attenuate*) forest, and ruderal or otherwise disturbed land. The Project would remove approximately 365 trees greater than 6 inches diameter at breast height. Vineyard irrigation would be supplied by two existing on-site groundwater wells with an anticipated total water demand of approximately 5.6 acre-feet per year. Rock generated during vineyard development would be stored within a designated 0.2-acre rock storage area near Vineyard Block 2 and may also be used on-site for erosion control and runoff management features. No spoils would be transported off-site. Wildlife exclusion fencing (deer fencing) would enclose Vineyard Blocks 1–5 as one unit, Blocks 7–8 as one unit, and Block 9 as a separate unit. New main irrigation pipelines would be installed within existing roads and within proposed development areas. Existing drainage diversion ditches and culverts would be repaired and maintained as needed.

Location: The Project would occur in Napa County, State of California, with an approximate centroid of 38.381806° Latitude, -122.389189° Longitude.

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, and northern spotted owl (*Strix occidentalis caurina*), CESA listed as threatened, 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.

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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 may 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 subsurface flow, and floodplains are subject to notification requirements. **The MND indicates streams would be avoided, however it also states existing drainage diversion ditches and culverts would be repaired and maintained as needed, indicating streams may be impacted. CDFW recommends that the MND include a mitigation measure requiring the Project to submit an LSA notification to CDFW and comply with the LSA Agreement, if issued, for impacts to streams related to drainage diversion ditch and culvert repair and maintenance or other activities.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

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.

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,

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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, specific impacts, and why they may occur and be potentially significant: The MND does not adequately evaluate potential impacts to Clara Hunt's milk-vetch and other special-status plant species, despite the Biological Resources Reconnaissance Survey (MND Exhibit B-1) indicating the presence of suitable habitat on the Project site and the MND indicating Clara Hunt's milk-vetch has a moderate to high potential to occur in the Project site. The Biological Resources Reconnaissance Survey 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>) (protocol surveys) 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 the above protocol surveys 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.

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 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 MND.

Mitigation Measure BIO-1: 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

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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.

COMMENT 2: Northern Spotted Owl, Environmental Setting and Related Impact Shortcoming

Issue, specific impacts, why they may occur and be potentially significant: The Project may impact northern spotted owl (NSO) due to auditory or visual disturbance up to 0.25 miles away from the Project site, the distance at which NSO can be disturbed during nesting season. According to the California Natural Diversity Database (CNDDDB) and review of aerial imagery and Napa County, the Project is located within the yearlong range of the NSO and directly adjacent to potentially suitable nesting habitat. According to Press et al. 2010, although typically associated with old-growth or mature forests, NSO can utilize a wide variety of forested habitat types. They exhibit flexibility in their use of different forested areas for nesting, roosting, and feeding requirements. Typical habitat characteristics include a multi-storied structure and high canopy cover. In Marin County, for example, NSOs reside in second growth Douglas-fir (*Pseudotsuga menziesii*), second growth coast redwood (*Sequoia*

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sempervirens), bishop pine (*Pinus muricata*), mixed conifer-hardwood, mixed evergreen hardwood forests, and remnant old-growth stands of coast redwood and Douglas-fir. If NSO nests within the 0.25-mile range of potential audio or visual disturbance go undetected, NSO could be impacted by Project activities resulting in nest abandonment and loss of eggs, or reduced health and vigor and loss of young. NSO is State and federally listed as a threatened and, therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active NSO 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).

Recommended Mitigation Measure: To reduce potential impacts to NSO to less-than-significant and comply with CESA, CDFW recommends including the following mitigation measure in the MND.

Mitigation Measure BIO-2: Northern Spotted Owl Habitat Assessment and Surveys. A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project site and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS' *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal Endangered Species Act (ESA).

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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. (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 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 Jessa Ehlinger, Environmental Scientist, at (707) 428-2002 or Jessa.Ehlinger@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
B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation, State Clearinghouse No. 2026041308
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

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REFERENCE

Press, D., D. Adams, H. Jensen, K. Fehring, W. Merkle, M. Koenen, and L. A. Starcevich. 2010. San Francisco Bay Area Network northern spotted owl monitoring protocol: Version 6.4. Natural Resource Report NPS/SFAN/NRR—2010/245. National Park Service, Fort Collins, Colorado.

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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-1	<p><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.</p> <p>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</p>	Prior to Ground Disturbance	Project Applicant

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	<p>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.</p>		
<p>BIO-2</p>	<p><u>Northern Spotted Owl Habitat Assessment and Surveys.</u> A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project site and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS' <i>Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls</i>, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, <i>Surveys for Disturbance-Only Projects</i>. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year.</p> <p>Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, <i>Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California</i>, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.</p> <p>If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal ESA.</p>	<p>Prior to Ground Disturbance and for the Duration of the Project</p>	<p>Project Applicant</p>