



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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June 2, 2026

Donald A Barrella, Principal Planner  
Napa County  
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**Subject: Keller Yountville Vineyard Conversion Application (ECPA) File #P25-00080-ECPA, Mitigated Negative Declaration, SCH No. 2026050212, Napa County**

Dear Donald A Barrella:

The California Department of Fish and Wildlife (CDFW) received an Mitigated Negative Declaration from Napa County (County) for the Keller Yountville Vineyard Conversion Application (ECPA) File #P25-00080-ECPA (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 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:** Keller Yountville Vineyard LLC Care of: James Keller

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

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<sup>1</sup> 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 16.7 gross acres of vineyard (i.e., proposed development area or project area) with approximately 14.0 net planted acres in three vineyard blocks (Blocks A through C), located on an approximately 152.6-acre property (i.e., Project site). The vegetation types in the Project site include chamise chaparral, scrub oak chaparral, blue gum grove, vineyard and developed. The development area comprises 9.2, 6.0, and 1.5 acres of chamise (*Adenostoma fasciculatum*) chaparral, scrub oak (*Quercus berberidifolia*) chaparral, and developed areas. The estimated quantity of grading is approximately 5,000 cubic yards of cut and 5,000 cubic yards of fill. Rock removed during vineyard development would be used for downslope vineyard avenues or would be buried. There would be no transportation of spoils off-site.

The proposed vineyard would be irrigated with water from an existing on-site well with an anticipated water demand for irrigation and heat protection of approximately 10.5 acre-feet per year (AF/yr). Irrigation pipelines would be located in roads, vineyards and vineyard avenues, and/or within the proposed development area (Exhibits A-1 and A-2). The Project would include the placement of new wildlife exclusion fencing around proposed vineyard Blocks B and C which would connect to existing wildlife exclusion fencing on-site.

**Location:** The Project would occur in Napa County, State of California, with an approximate centroid of 38.45944° Latitude, -122.33861° 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, 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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## 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,

**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 Project has identified 26 special-status plants (outlined in IS Exhibit B-1 Appendix C) with the potential to occur in the Study Area, but does not adequately evaluate potential impacts to them. For example, the Biological Resources Reconnaissance Survey (BRRS; IS Exhibit B-1, Appendix C, p. C-2) indicates moderate potential for Clara Hunt's milk-vetch to occur, having "exposed shoulders with thin volcanic soils in chaparral" located on the Project site. According to California Natural Diversity Database (CNDDDB) and aerial image review, the nearest Clara Hunt's milk-vetch observations are within 3.75 miles of the Project site, with 60-150 plants documented in 2018 and 27 plants documented in 2019, which provides further evidence for the potential presence of suitable habitat. This species is just one example of special-status plants that could be impacted. Additionally, based on review of the Project location from current and past years using Google Earth Pro, it appears that significant clearing and grading of the Study Area which covers and extends beyond the Project site occurred in 2023 and may have impacted special-status plants. The BRRS indicates that protocol level botanical surveys were completed, however it is unclear if the surveys occurred after the clearing and grading in 2023 and if they 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. Specific information outlined in the

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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 all special-status plants with potential to occur in the Study Area and be directly or indirectly impacted**, which is often needed to accurately time surveys for regional blooming periods, particularly for annual plant species such as Clara Hunt's milk-vetch. For example, the BRRS indicates that plant surveys occurred on May 12, May 19, June 8, and June 27, 2023, however the optimal time to survey for Clara Hunt's milkvetch is approximately March 20 to April 10 based on CDFW staff experience.

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. Additionally, CDFW recommends that the County review the clearing and grading that occurred in 2023 to determine if special-status plants or other sensitive biological resources may have been impacted and if any such impacts were appropriately mitigated.

Mitigation Measure BIO-1: Special-Status Plant Surveys. A qualified biologist shall conduct botanical surveys during the appropriate blooming/identifiable period for all potentially occurring special-status plant species. 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 special-status plant species could be directly or indirectly impacted, and all necessary surveys shall be completed and a botanical survey report submitted to CDFW at least 30 days 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)

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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 implement the MND's Mitigation Measure BIO-1a and 1b for those species except that a conservation easement that does not allow activities incompatible with special-status plant conservation shall be required.

## **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](mailto:Jessa.Ehlinger@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).

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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. 2026050212

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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</b>	<b>Description</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>None</b>	<p><u>Review 2023 Impacts.</u> CDFW recommends that the County review the clearing and grading of the Study Area that occurred in 2023 to determine if special-status plants or other sensitive biological resources may have been impacted and if any such impacts were appropriately mitigated.</p>	Prior to Final Project MND	County
<b>BIO-1</b>	<p><u>Special-Status Plant Surveys.</u> A qualified biologist shall conduct botanical surveys during the appropriate blooming/identifiable period for all potentially occurring special-status plant species. 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 special-status plant species could be directly or indirectly impacted, and all necessary surveys shall be completed and a botanical survey report submitted to CDFW at least 30 days 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 (<a href="https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants">https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants</a>) 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</p>	Prior to Ground Disturbance	Project Applicant

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	<p>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 implement the MND's Mitigation Measure BIO-1a and 1b for those species except that a conservation easement that does not allow activities incompatible with special-status plant conservation shall be required.</p>		
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