

“L”

PUBLIC COMMENTS

Tesseron Winery P22-00309
Planning Commission Hearing Date
July 2, 2025

From: [MeetingClerk](#)
To: [Morrison, Dana](#)
Subject: FW: Napa County Notice of Planning Commission Hearing & Notice of Intent to Adopt a Mitigated Negative Declaration
Date: Thursday, March 13, 2025 11:20:09 AM

Please see below.

From: RICHARD W SVENDSEN <rsvensen@sbcglobal.net>
Sent: Thursday, March 13, 2025 11:13 AM
To: MeetingClerk <MeetingClerk@countyofnapa.org>
Subject: Re: Napa County Notice of Planning Commission Hearing & Notice of Intent to Adopt a Mitigated Negative Declaration

[External Email - Use Caution]

Vote NO please
Sent from my iPhone

On Mar 13, 2025, at 9:31 AM, MeetingClerk <MeetingClerk@countyofnapa.org> wrote:

TESSERON NEW WINERY USE PERMIT #P22-00309

Kind Regards,

<image001.png>

Napa County – Meeting Clerk - AV
Planning, Building, & Environmental Services
Napa County
Phone: 707-253-4417
Email: meetingclerk@countyofnapa.org
1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

<P22-00309 Tesseron New Winery.pdf>

From: cherise moueix <ch.moueix@orange.fr>
Subject: Support for the Tesseron Winery Permit Application
Date: March 25, 2025 at 2:05:36 PM GMT+1
To: Christian Moueix <cmoueix@jpmoueix.com>

Napa County Planning Department
1195 Third Street
Suite 210
Napa, California 94559

Dear Napa County Planning Commissioners:

With regards to the Tesseron Vineyards, I am writing to express my strong support for their winery permit application presently under consideration.

As the owner of Dominus Estate in Yountville, Ulysses Vineyard in Oakville as well as eight châteaux in Pomerol and Saint-Émilion, I have personally known Alfred Tesseron for over fifty years. Château Pontet-Canet in Pauillac is renowned for its exceptional wines as well as for their early adoption of bio-dynamic viticulture. I am pleased to note that my company, Ets. Jean-Pierre Moueix in Libourne has distributed their wines throughout the world for decades.

In Napa Valley, I have closely followed Pym-Rae in Mount Veeder. Here, too, Alfred Tesseron and his family have engaged in the long-term practice of bio-dynamic farming. Their years of producing some of Pauillac's most iconic wines has brought to Napa Valley a wealth of knowledge. An example of this savoir-faire, the Pym-Rae wines are exceptional. I heartily support their application for a winery and am available for any queries you may have.

With best regards,

Christian Moueix
cmoueix@jpmoueix.com

David Ochoa
Vine & Valley Farm Labor
1754 2nd Street
Napa, CA 94559

March 26, 2025

Napa County Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

RE: Letter of Support for Tesseron Vineyards Winery Permit Application

Dear Napa County Planning Commissioners:

I am writing to provide my wholehearted support for the Tesseron Vineyards winery permit application. Over the past few years, my team at Vine & Valley Farm Labor has worked directly with the Tesseron team, and I can personally attest to their exceptional commitment to sustainable farming and land stewardship.

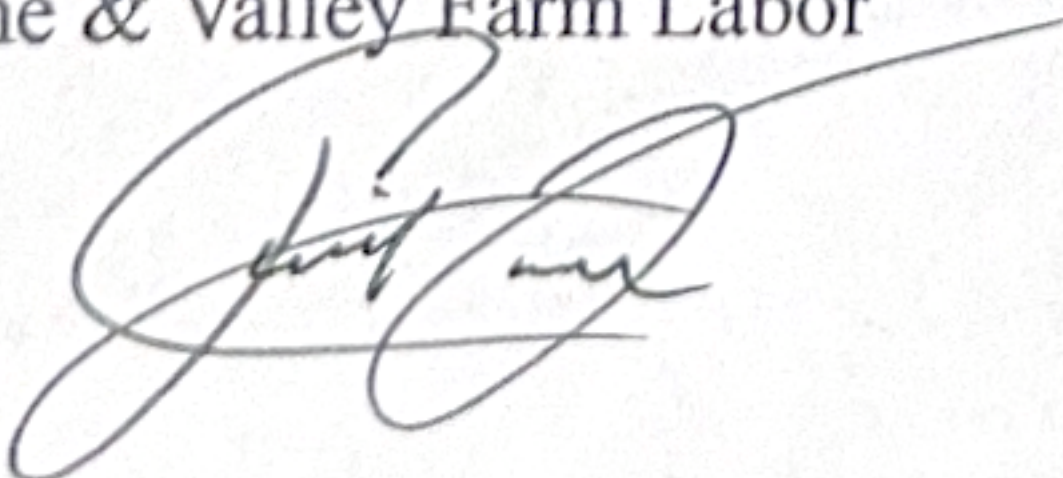
Having worked closely with them season after season, we have seen firsthand their remarkable approach to vineyard management. I have been consistently impressed by their sustainable farming methods, from dry farming to organic and biodynamic practices. The Tesserons are not simply landowners, but true custodians who approach viticulture with an uncommon depth of care and precision. Their sustainable farming practices go far beyond standard requirements, demonstrating a genuine commitment to preserving and enhancing the natural ecosystem of their estate.

The Tesserons bring a multigenerational perspective from their Bordeaux roots, but they have adapted their knowledge brilliantly to Napa Valley's terroir. They understand that sustainable farming is not just about current production, but about preserving the land for future generations. The new winery would allow them to keep production on the same estate where their grapes are grown, cutting down the commute for the entire team and the traffic on Wall Road.

I strongly urge the Planning Commission to approve the Tesseron Vineyards permit application. Should you require any additional information, I am available to provide further details.

Sincerely,

David Ochoa Owner,
Vine & Valley Farm Labor

A handwritten signature in black ink, appearing to read 'David Ochoa', written over a horizontal line.

Jason Price
Winemaker, Robert Craig Winery

Napa County Planning Department
1195 Third Street, Suite 210 Napa, CA 94559

RE: Support for Tesserón Vineyards Winery Permit Application

Dear Napa County Planning Commissioners:

I am writing to express my strong support for the Tesserón Vineyards winery permit application. As a Wall Road neighbor and the winemaker at Robert Craig Winery, I recently had the opportunity to visit Tesserón estate to learn more about the winery project from their team.

From a winemaker's perspective, I was particularly impressed by the Tesserón family's commitment to sustainable winegrowing practices. Their implementation of dry farming techniques demonstrates both environmental consciousness and a sophisticated understanding of how to develop deep root systems that express the unique terroir of their site. Their organic and biodynamic farming practices further exemplify their dedication to soil health and ecosystem balance.

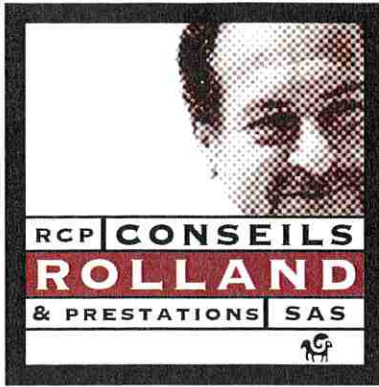
Their proposal to build a winery on the same property where they grow their grapes is not only logistically sensible but environmentally responsible. As someone who understands the winemaking process intimately, I can attest to the significant benefits of processing fruit immediately after harvest. This integration reduces transportation needs, minimizes the carbon footprint of wine production, and preserves the integrity and quality of the fruit – all while reducing traffic impact on Wall Road and the surrounding community.

I encourage the Planning Commission to approve this permit application. The Tesserón project will be an asset to the Wall Road neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Jason Price". The signature is written in a cursive, flowing style.

Jason Price
Winemaker, Robert Craig Winery



2025, March 27th

Dear Napa county planning commissioners,

I am Michel Rolland, a wine consultant for many years. I live in Bordeaux and have visited Napa frequently over the past 30 years. I have witnessed this region develop significantly into a place known for producing exceptional wines.

In Bordeaux, I have been advising Château Pontet Canet for over 25 years. This estate has been one of the most recognized in the last 20 years thanks to the hard work of the Tesseron family.

It was logical for them, in their drive, to embark on producing a great wine in the wonderful Napa Valley. It has been accomplished, and after only a few vintages, Pym-Rae is now among the reference wines of Napa.

The culmination, of course, will involve creating a Winery that meets the expectations of this young brand ; it is essential to complete the work undertaken.

For this reason, I would like to express my support for this property as well as the Tesseron family.

Michel Rolland

ROLLAND CONSEILS ET PRESTATIONS

SAS AU CAPITAL DE 1440 EUROS - SIRET : 49492460800016 - APE : 7490 B - FR 74494924608 - RCS LIBOURNE : 494 924 608
5 CATUSSEAU 33500 POMEROL - FRANCE - TÉL : +33 (0)5 57 51 23 05 / FAX : +33 (0)5 57 51 66 08
VIGNOBLES@ROLLANDCONSEILS.COM

Scott Becker
Realm Cellars
5795 Silverado Trail
Napa, CA 94558

March 25, 2025

Napa County Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

RE: Tesseron Vineyards Permit Application - Letter of Support

Dear Napa County Planning Commissioners:

I am writing to offer my support for the Tesseron Vineyards permit application. As a fellow vintner, I have known the Tesseron family for over a decade and can attest to their exceptional contributions to the global wine community.

The Tesseron family are respected world-wide for their commitment to quality and sustainability. They bring a rich legacy from their renowned Bordeaux estate Pontet Canet, which has been in the family for generations. They were among the first chateaus in Bordeaux to convert to organic and Biodynamic farming and have brought these practices, as well as dry farming, to their vineyard here in Napa.

Their track record of excellence, commitment to sustainability, and profound respect for agricultural traditions make them an invaluable addition to Napa County's wine community.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Becker', with a stylized, overlapping loop structure.

Scott Becker

CEO, Realm Cellars

Ashley Jambois
2610 Summit Lake Dr,
Angwin, CA 94508

March 31, 2025

Napa County Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

RE: Letter of Support for Tesseron Vineyards Permit Application

Dear Napa County Planning Commissioners:

I am writing to express my support for Tesseron Vineyards' permit application currently under consideration by the Napa County Planning Department.

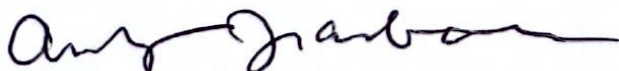
As the owner of Black Sears Winery, I have of leased my property to the Tesseron family for the past decade. During this extensive period, I have witnessed firsthand their exceptional commitment to quality winemaking, community values, and environmental stewardship.

The Tesseron family brings with them generations of winemaking expertise from their prestigious estates in Bordeaux, France. Their deep understanding of viticulture and winemaking, honed over generations in one of the world's most renowned wine regions, has been thoughtfully adapted to honor and enhance Napa's unique terroir. Their dedication to crafting exceptional wines while preserving the integrity of the land exemplifies the values that Napa County seeks to uphold.

What has particularly impressed me is their unwavering commitment to sustainability. They have implemented numerous environmentally friendly practices including dry farming, certified organic and biodynamic farming methods. These efforts not only minimize their environmental impact but enhance the long-term viability of our agricultural resources.

I respectfully ask the Planning Commission to approve this permit application. Should you require any additional information regarding my experience with Tesseron Vineyards, please do not hesitate to contact me.

Sincerely,



Ashley Jambois
Owner, Black Sears Winery

John Thacher

2482 Spring Mountain Rd.

St. Helena, CA 94574

April 10, 2024

Napa County Planning Department

1195 Third Street, Suite 210

Napa, CA 94559

RE: Support for Tesseron Vineyards Winery Permit Application

Dear Members of the Planning Commission:

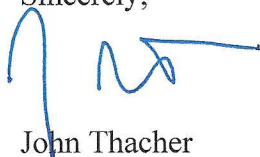
I am writing to express my support for the Tesseron Vineyards winery permit application. As a neighbor and resident of our community, I have been notified about the project and reviewed the information with close interest.

I believe their proposal is very reasonable and well-considered. The scope of the project is modest and appropriate for the property, demonstrating their commitment to quality winemaking that respects the surrounding neighborhood and environment.

I write to you today primarily as a neighbor who believes strongly that agriculture is the foundation of Napa Valley. Our community thrives when we support thoughtful, sustainable agricultural projects like the one proposed by the Tesseron family. Their plan to create a winery on the same property where they grow their grapes represents exactly the kind of integrated, environmentally sound approach we should encourage.

The agricultural character of Napa Valley depends on supporting reasonable projects that allow winegrowers to create value from their land while preserving its rural character. The Tesseron proposal exemplifies this balanced approach and deserves your approval.

Sincerely,



John Thacher

David Artale & Michelle James
675 Wall Road
Napa, CA 94558

April 5, 2025

Napa County Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

RE: Our Support for Tesseron Vineyards Winery Permit Application

Dear Members of the Planning Commission:

We are writing as residents of Wall Road to express our support for the Tesseron Vineyards winery permit application. We are next door neighbors on the south side of the Tesseron property and have an excellent relationship with them. We do not hesitate in supporting their permit application.

Jerome Leddit, Estate Manager, in particular, is a very helpful, respectful neighbor not only to us but other residents on Wall Road. He and his crew help clear downed trees and small mudslides from narrow Wall Road saving the County the cost. And, he personally extinguished a small fire on our property resulting from a rare lightning strike at a time when we were off property.

We appreciate that Jerome reached out to us to inform us of the winery plans and took the time to discuss the project in detail. We feel this project will ultimately benefit Wall Road residents since they will no longer transport truckloads of grapes out of the property to an offsite winery saving wear and tear on County maintained Wall Road.

This project is thoughtfully integrated into their biodynamic dry farming methods and keeps the entire process onsite which is an environmentally responsible approach we appreciate.

We encourage the Planning Commission to approve this project.

Sincerely,

Handwritten signatures of David Artale and Michelle James in black ink. The signature of David Artale is on the left, and the signature of Michelle James is on the right, written in a cursive style.

David Artale & Michelle James



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



April 7, 2025

Dana Morrison, Supervising Planner
Napa County
1195 Third Street
Napa, CA 94559
Dana.Morrison@countyofnapa.org

Subject: Tesseron Vineyards Winery, Use Permit #P22-00309-UP, Initial
Study/Mitigated Negative Declaration, SCH No. 2025030568, Napa County

Dear Ms. Morrison:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Tesseron Vineyards Winery, Use Permit #P22-00309-UP (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: Alfred Tesseron, Tesseron Vineyards

Objective: The Project involves the construction of a new winery facility with a 14,729 square-foot cut and cover Type I cave with a 2,750-square-foot (sf) covered crush pad and a 348-sf covered mechanical equipment area with an enclosed trash/recycling area, parking facilities; as well as use changes, new water tank, and driveway improvements to meet standards. Approximately 20,000 cubic yards of spoils associated with the cave and construction of structure pads will be excavated on-site, and all of the spoils will be distributed within the subject parcel or neighboring parcels under the same ownership.

Dana Morrison
Napa County
April 7, 2025
Page 2

Removal of 15 native trees will occur, with replanting and permanent preservation of 45 trees on-site.

Location: The Project is located on Assessor's Parcel Numbers 051-200-016, 027-060-020 and 027-060-022; the winery facility will be located at approximately 38.43401°N, - 122.48875°W, at 1000 Wall Road, St. Helena, CA 94574, with Project activities occurring in both Napa and Sonoma Counties.

REGULATORY REQUIREMENTS

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. The Project would impact unnamed ephemeral streams, as further described below, and an LSA Notification is likely required. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA notification requirements. CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue

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 well as Swainson's hawk (*Buteo swainsoni*) and northern spotted owl (*Strix occidentalis caurina*), both State listed as threatened; and Crotch's bumblebee (*Bombus crotchii*) which is State listed as candidate endangered. The Project should notify CDFW immediately if take of a CESA listed species cannot be avoided and should consult with CDFW to obtain an ITP.** 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).

Dana Morrison
Napa County
April 7, 2025
Page 3

The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

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.

Environmental Setting Related Impact Shortcomings

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 U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Stream Alteration

Issue: Page 3 of the IS/MND states that "There are no County designated Significant Streams located on the main project parcel (027-060-022-000) on which the future winery is proposed, however, there are a number of ephemeral drainages located on the parcel and there is an identified blue line stream, as well as ephemeral, on the adjacent parcels under the same ownership (027-060-020 and -023). The County GIS layers show an ephemeral stream as running through the proposed location of the new winery; however, staff was able to confirm during the November 2022 site visit that there was no channelization or riparian vegetation associated with this "identified" ephemeral and therefore did not meet the definition." It's unclear if the County-designated Significant Streams determination made on-site would prevent impacts to a stream pursuant to Fish and Game Code section 1600 et seq.

Dana Morrison
Napa County
April 7, 2025
Page 4

Specific impacts and why they may occur and be significant: The installation of the winery facility could directly impact the ephemeral stream and the streams receiving its flows. Impacts could include inputs of deleterious materials; removal and trampling of vegetation; obstructions and diversions of stream; and indirect impacts to neighboring streams. Project impacts to sensitive stream and associated riparian habitat would be potentially significant.

Recommendation: To comply with Fish and Game Code section 1600 et seq. and reduce impacts to riparian habitat to less-than-significant, CDFW recommends that the IS/MND incorporate the following mitigation measure.

Impacts to the Stream. Prior to the commencement of Project activities, a qualified biologist shall conduct a thorough assessment of potential impacts to the stream and riparian habitat resulting from Project activities including construction of the winery facility. If impacts to the bed, bank, channel, or riparian area of the stream cannot be avoided, the Project shall notify CDFW for Project impacts to the stream. 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. Restoration shall include a qualified biologist preparing and implementing a restoration plan, success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria.

Please be advised that a SAA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

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 USFWS?

COMMENT 2: Clara Hunt's Milk-vetch

Issue: The IS/MND does not provide a suitable survey design to address the potential for Clara Hunt's milk-vetch to occur on the Project site. Table 2 of the Biological Resources Assessment (page 16) states that "Annual grasslands within the Study Area provide suitable habitat for this species but is outside the documented elevation range for this species. This species was not observed during the October 2023 reconnaissance survey; however, the survey was conducted outside the typical blooming season for this species." Furthermore, the IS/MND includes targeted special-

Dana Morrison
Napa County
April 7, 2025
Page 5

status plants surveys to detect five special-status plant species: (1) bendflowered fiddleneck, (2) narrow-anthered brodiaea, (3) congested-head tarweed, (4) Jepson's leptosiphon, and (5) Cobb Mountain lupine.

Specific impacts and why they may occur and be significant: Surveys targeted at the blooming periods of the above five species could potentially overlook or miss Clara Hunt's milk-vetch during its blooming period which could lead to the Project causing 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).

Recommended Mitigation Measure: To reduce impacts to Clara Hunt's milk-vetch to less-than-significant, CDFW recommends that the MND incorporate the following mitigation measure.

Special-Status Plant Surveys. A Qualified Biologist shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur at the Project site, including but not limited to Clara Hunt's milk-vetch (*Astragalus claranus*), and adjacent to it where plants could be indirectly impacted, prior to the start of construction, unless otherwise approved in writing by CDFW. More than one year of surveys may be necessary. 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 target special-status plant species, unless otherwise approved in writing by CDFW. Survey reports shall be submitted to CDFW for written approval prior to the start of construction. If full avoidance of a State listed species is not possible, the Project shall consult with CDFW and seek to obtain an ITP prior to Project commencement.

Mitigation Measure Related Impact Shortcomings

COMMENT 3: Swainson's Hawk

Issue: Mitigation Measure BIO-4 of the IS/MND specifies the nesting season for Swainson's hawk from March 31 to August 31. This is inconsistent with the commonly accepted nesting season of March 31 to September 15.

Specific impacts and why they may occur and be significant: If the full nesting period of Swainson's hawk is not utilized in the avoidance measure of the IS/MND, the Project could have the potential to impact nesting Swainson's hawk through auditory or visual disturbances above ambient levels. Disturbances from Project activities may result in Swainson's hawk nest abandonment and loss of eggs or reduced health and

Dana Morrison
 Napa County
 April 7, 2025
 Page 6

vigor and loss of young. 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).

Recommended Mitigation Measure: To reduce potential impacts to Swainson's hawk to less-than-significant and comply with CESA, CDFW recommends substituting Mitigation Measure BIO-4 with the following:

Mitigation Measure BIO-4: Swainson's Hawk Surveys and Avoidance Buffer: 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. 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 by CDFW in writing. 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.

COMMENT 4: Northern Spotted Owl

Issue: Section 1 and Section 2 of Mitigation Measure BIO-7 of the IS/MND (page 20) include dates that are not consistent with the guidance provided by CDFW to the County during early coordination efforts for this Project. Section 1 states that "If project

Dana Morrison
Napa County
April 7, 2025
Page 7

implementation occurs between February 1 and July 9 then no mitigation is required.” This time window is not appropriate for avoiding northern spotted owl.

Specific impacts and why they may occur and be significant: If Project activities commence during the northern spotted owl nesting season, northern spotted owl could be impacted, resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. Northern spotted owl is CESA listed as a threatened species and is also listed under the federal Endangered Species Act (ESA) and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active northern spotted owl 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).

Recommendation: To reduce impacts to northern spotted owl to less-than-significant and comply with CESA, CDFW recommends that Mitigation Measure BIO-7 be substituted with the following:

MM BIO-7 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential northern spotted owl nesting habitat within the Project area 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 northern spotted owl nesting habitat is present, then no Project activities within 0.25 miles of potential northern spotted owl nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts northern spotted owl surveys following the U.S. Fish and Wildlife Service (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 northern spotted owl are detected during surveys, 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 March 15 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.

Dana Morrison
Napa County
April 7, 2025
Page 8

If take of northern spotted owl 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.

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 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. (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; 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

Dana Morrison
Napa County
April 7, 2025
Page 9

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse No. 2025030568

Dana Morrison
 Napa County
 April 7, 2025
 Page 10

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 (MM)	Description	Timing	Responsible Party
Measure number to be determined by Lead Agency	<p><u>Impacts to the Stream.</u> Prior to the commencement of Project activities, a qualified biologist shall conduct a thorough assessment of potential impacts to the stream and riparian habitat resulting from Project activities including construction of the winery facility. If impacts to the bed, bank, channel, or riparian area of the stream cannot be avoided, the Project shall notify CDFW for Project impacts to the stream. 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 SAA, if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed.. Restoration shall include a qualified biologist preparing and implementing a restoration plan, success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria.</p> <p>Please be advised that a SAA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.</p>	Prior to Ground Disturbance	Project Applicant
Measure number to be determined by Lead Agency	<p><u>Special-Status Plant Surveys.</u> A Qualified Biologist shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur at the Project site, and adjacent to it where plants could be indirectly impacted, prior to the start of construction, including but not limited to Clara Hunt's milk-vetch (<i>Astragalus claranus</i>), unless otherwise approved in writing by CDFW. More than one year of surveys may be necessary. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</p>	Prior to Ground Disturbance	Project Applicant

Dana Morrison
Napa County
April 7, 2025
Page 11

	<p>(https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and include checking reference sites for target special-status plant species, unless otherwise approved in writing by CDFW. Survey reports shall be submitted to CDFW for written approval prior to the start of construction. If full avoidance of a State listed species is not possible, the Project shall consult with CDFW and seek to obtain an ITP prior to Project commencement.</p>		
MM BIO-4	<p>Mitigation Measure BIO-4: Swainson's Hawk Surveys and Avoidance Buffer: 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. 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 by CDFW in writing. 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</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

Dana Morrison
 Napa County
 April 7, 2025
 Page 12

	consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.		
MM BIO-7	<p><u>MM BIO-7 Northern Spotted Owl Surveys</u>: A qualified biologist shall provide an assessment of potential northern spotted owl nesting habitat within the Project area 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 northern spotted owl nesting habitat is present, then no Project activities within 0.25 miles of potential northern spotted owl nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts northern spotted owl surveys following the U.S. Fish and Wildlife Service (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 northern spotted owl are detected during surveys, 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 March 15 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 northern spotted owl 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>	Prior to Ground Disturbance	Project Applicant

From: [Magnuson, Nicholas@Wildlife](mailto:Magnuson,Nicholas@Wildlife)
To: [Morrison, Dana](mailto:Morrison,Dana)
Subject: RE: Tesseron Vineyards Winery, Use Permit #P22-00309-UP-SCH2025030568
Date: Tuesday, April 22, 2025 10:44:00 AM
Attachments: [image001.png](#)

[External Email - Use Caution]

Hi Danna, sorry for the delay –

The LSA language below can be used as a mitigation measure.

The revisions to plant survey measure to focus on Clara Hunt's Milk-vetch is fine, however, the results should be submitted to CDFW for approval before start of construction, see **highlighted** below.

Thanks,
Nick

Nicholas Magnuson
Environmental Scientist
California Department of Fish and Wildlife
Bay Delta Region (R3)
(707) 815-4166

From: Morrison, Dana <dana.morrison@countyofnapa.org>
Sent: Friday, April 11, 2025 2:01 PM
To: Magnuson, Nicholas@Wildlife <Nicholas.Magnuson@Wildlife.ca.gov>
Subject: FW: Tesseron Vineyards Winery, Use Permit #P22-00309-UP-SCH2025030568

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hey Nick,
The applicant was hoping that CDFW would be supportive of some revisions to the LSA and Clara Milk-Vetch. See their edits and comments below. I would be happy to jump on a call or teams meeting to discuss sometime in the next few weeks, and we can arrange a later meeting with the applicant...if you are amenable.
Let me know!
Cheers,

Dana Morrison (she | her | hers)
Supervising Planner - Conservation



A Tradition of Stewardship
A Commitment to Service

Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559

www.countyofnapa.org

From: Rob Anglin <anglin@htralaw.com>

Sent: Friday, April 11, 2025 1:53 PM

To: Morrison, Dana <dana.morrison@countyofnapa.org>

Cc: Jon Webb <jwebb@albionsurveys.com>; Bonnie Peterson <bpeterson@madroneeco.com>

Subject: Re: Tesseron Vineyards Winery, Use Permit #P22-00309-UP-SCH2025030568

[External Email - Use Caution]

Dana,

Thank for your time this afternoon. Here are the changes we think might be helpful to implement CDFW's comments.

Streams

CDFW's language seems open-ended to us. Could we use this condition language as a mitigation measure?

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 trail clearing, earth moving, and vegetation removal. 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 riparian habitat at a minimum 3:1 mitigation to impact 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.

Clara Hunt's Milk-vetch

We understand the desire to survey for this species prior to construction. The CDFW draft language would go further than that and could be duplicative of other mitigation measures directed at other plant species. We'd propose targeting this mitigation measure to Clara Hunt's Milk-vetch. Proposed revisions are in underline and strikethrough below.

Clara Hunt's milk-vetch ~~Special-Status Plant~~ Surveys. A Qualified Biologist shall conduct botanical surveys during the appropriate blooming period and conditions for Clara Hunt's milk-vetch (*Astragalus claranus*) ~~all special-status plants that have the potential to occur~~ at the Project site, and adjacent to it where plants could be indirectly impacted, prior to the start of construction, ~~including but not limited to Clara Hunt's milk-vetch (*Astragalus claranus*), unless otherwise approved in writing by CDFW. More than one year of surveys may be necessary.~~ 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 target special-status plant species, unless otherwise approved in writing by CDFW. Survey reports shall be submitted to CDFW **for written approval** prior to the start of construction. If full avoidance of a State listed species is not possible, the Project shall consult with CDFW and seek to obtain an ITP prior to Project commencement.

If it helps to get on a call with CDFW, we're happy to do that. Thanks and have a great weekend.

Rob Anglin
Holman Teague Roche Anglin, LLP
1455 First Street, Suite 217
Napa, California 94559
707.927.4280 (main)
707.927.4274 (direct)
anglin@htralaw.com

On Apr 9, 2025, at 9:47 AM, Morrison, Dana
<dana.morrison@countyofnapa.org> wrote:

Morning Jon, Rob and Bonnie,
CDFW provided a Draft MMRP at the end of their document, I do have one drafted but typically I release that with the Agenda Packet (so I can hopefully incorporate any changes resulting from CDFW comments if we receive before release). Please find a copy of the draft MMRP attached. This would be the draft that we update with CDFW comments and release with the Staff Report which would include the IS/MND and all of the exhibits which would include the MMRP
Please let me know if you have any additional questions.
Cheers,

<image001.png>

Dana Morrison (she | her | hers)
Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

From: Jon Webb <jwebb@albionsurveys.com>
Sent: Wednesday, April 9, 2025 9:36 AM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Cc: Rob Anglin <anglin@htralaw.com>; Bonnie Peterson <bpeterson@madroneeco.com>
Subject: RE: Tesseron Vineyards Winery, Use Permit #P22-00309-UP-SCH2025030568

[External Email - Use Caution]

Dana
Our bio-consultant(Bonnie Peterson) does not recollect seeing the original MMRP mentioned by CDFW, have you seen it?

Thank You

Jon M Webb, PLS 6709
Albion Surveys, Inc.
1113 Hunt Avenue

Saint Helena, CA 94574
707-963-1217, ext 117
707-963-1829(facsimile)
jwebb@albionsurveys.com

Electronic Data User Agreement

The Electronic Data User Agreement is a legal agreement between the user of the attached files and Albion Surveys, Inc. (ASI). You do not need to sign or acknowledge this Agreement in order for it to take effect.

By opening, installing, copying, or otherwise using the attached files you are agreeing to be bound by the terms described below. If you do not agree to the terms of this agreement, ASI is unwilling to allow the use of these files to you. In such event, you must not open these files and must return them promptly to ASI.

The documentation and all ideas, aesthetics and designs incorporated herein are instruments of service and as such are the registered property of ASI, and cannot be lawfully used without permission. The recipient is granted a license for use, but only in the execution of "the project". Use of these materials for modification, extension, alteration or expansion of this project or on any other project, unless under the direction of ASI is prohibited and neither ASI nor its consultants assume any liability for such usage. ASI makes no representation concerning the accuracy of this documentation and is not responsible for any errors and/or omissions that may be incorporated herein.

Because data stored in electronic media can be altered, either intentionally or unintentionally, by transcription, computer error, environmental factors, or by operator error, it is agreed that by opening, installing, copying or otherwise using the attached files, you are also agreeing to save, indemnify, defend and hold harmless ASI and its consultants from and against any and all claims, liabilities, losses, damages and costs, including but not necessarily limited to costs of defense, arising out of use, changes or modifications to the electronic media outside the license granted by this agreement.

Please be advised that, in the case of existing construction, the documents requested are reproductions of documentation on file and do not necessarily represent as-built or existing conditions. ASI does not warrant, in any way, the accuracy of this information and shall not be responsible for any discrepancy between this documentation and the existing conditions. In the case of projects that are currently being designed and/or under construction, the electronic documentation are reproductions of the documentation on file and may be subject to change due to Owner, field and/or coordination revisions. ASI shall not be responsible for reissuing files that may be revised after issuance of these requested files and shall not be responsible for advising other parties as to the status of document revisions.

Warning: This file is furnished without guarantee of compatibility with recipient's hardware or software and may contain undetected viruses or other harmful material. It is recommended that this file be checked prior to use. ASI assumes no responsibility for damage to user's property as a result of using this file and/or its contents.

From: Morrison, Dana <dana.morrison@countyofnapa.org>

Sent: Tuesday, April 8, 2025 11:21 AM

To: Jon Webb <jwebb@albionsurveys.com>

Cc: Rob Anglin <anglin@htralaw.com>

Subject: FW: Tesseron Vineyards Winery, Use Permit #P22-00309-UP-SCH2025030568

Good morning Jon and Rob,

We received the following comment from CDFW. Jon, please ensure that the Biologist includes Clara's Hunt Milk-Vetch in their surveys for the rest of the season. Most of the other comments relate to changes in the survey dates for the

Swainson's hawk and NSO. And CDFW is also recommending that the LSA Condition of Approval be a Mitigation Measure. These can be incorporated into the Final COAs and Final MMRP.

If you have any questions, please do not hesitate to reach out.

Cheers,

<image001.png>

Dana Morrison (she | her | hers)

Supervising Planner - Conservation
Planning, Building, & Environmental Services
Napa County

Phone: 707-253-4437

1195 Third Street, Suite 210
Napa, CA 94559

www.countyofnapa.org

From: Limon, Jessica@Wildlife <Jessica.Limon@Wildlife.ca.gov>

Sent: Tuesday, April 8, 2025 10:38 AM

To: Morrison, Dana <dana.morrison@countyofnapa.org>

Cc: Magnuson, Nicholas@Wildlife <Nicholas.Magnuson@Wildlife.ca.gov>; Day, Melanie@Wildlife <Melanie.Day@wildlife.ca.gov>; Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; Hansen, James@Wildlife <James.Hansen@Wildlife.ca.gov>

Subject: Tesseron Vineyards Winery, Use Permit #P22-00309-UP-SCH2025030568

[External Email - Use Caution]

Good morning,

Please see the attached letter for your records. If you have any questions, contact Nicholas Magnuson, cc'd above.

Thank you,

Jessica Limon

Staff Services Analyst/ Administrative Support Analyst
California Department of Fish and Wildlife – Bay Delta Region

2109 Arch Airport Rd., Stockton, CA 95206

<image002.png> 209-616-6011

<image003.png> jessica.limon@wildlife.ca.gov

<MMRP_Tesseron Vineyard_P22-00309.docx>