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January 13, 2026

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 Napa County
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Subject: Diamond Creek Vineyards Use Permit Major Modification P19-00177-MOD, Exception to the Napa County Roads and Street Standards, Initial Study/Mitigated Negative Declaration, SCH No. 2025120440, Napa County

Dear Kelli Cahill:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Diamond Creek Vineyards Use Permit Major Modification P19-00177-MOD, Exception to the Napa County Roads and Street Standards (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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) or Native Plant Protection Act (NPPA), the Lake and Streambed Alteration Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Diamond Mountain Vineyard Company, Inc.

Objective: The Project would include modifying an existing winery use permit and subsequent modifications to recognize and approve items that are out of compliance

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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with the permitted entitlements. The Project would also include expansion beyond existing entitlements such as construction of a new winery building and agricultural storage building, increase in production, number of employees, weekly visitation, on-premises consumption of wine produced on-site, additional parking, number of marketing events, and necessary infrastructure improvements and upgrades to the wastewater system, and conversion of the existing winery building to a single-family residence with parking. The Project would remove approximately 120 trees on-site to complete the above activities, including native trees such as blue oak (*Quercus douglasii*), Douglas fir (*Pseudotsuga menziesii*), and California buckeye (*Aesculus californica*). The Project would also repair an existing bridge crossing an ephemeral stream on-site near Diamond Mountain Road and include an Exception to the Napa County Roads and Street Standards to limit impacts resulting from driveway expansion at areas along the driveway, such as at the bridge.

Location: The Project is located at 500 Diamond Mountain Road, Calistoga, CA 94515; Assessor Parcel Numbers 020-440-004 and 020-400-012; with a Project center at approximately Latitude 38.56494, Latitude -122.57702; Napa County.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Clara Hunt's milk-vetch (*Astragalus claranus*), CESA listed as endangered, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

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.

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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. **It appears the Project bridge repairs would impact an ephemeral stream, therefore an LSA Notification is likely warranted. Thank you for including in the IS/MND a requirement for the Project to obtain all necessary permits from CDFW before conducting bridge repairs, including submitting an LSA Notification.** 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 an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

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.

I. MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

And,

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

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

Issue: The IS/MND does not adequately address potential Project impacts to special-status plants including Clara Hunt's milk-vetch. Thank you for including Mitigation Measure (MM) BIO-2 which requires protocol-level plants surveys to be "...completed during the appropriate time to coincide with blooming periods for species likely to occur onsite" (IS/MND page 14). However, the the Biological Resource Assessment (IS/MND Attachment F) states that "Though the project site provides potentially suitable habitat for a number of the special status plant species known from the

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region, none of the species are likely to occur on the project site" (page 11), and the IS/MND's analysis of potential impacts to special-status plants is limited (page 12). Therefore it's unclear: 1) which special-status plants may be impacted and their level of sensitivity, which should inform the mitigation measures, and 2) how the Project could complete surveys at the appropriate time to detect special-status plants if Attachment F concludes that no special-status plants species are likely to occur on the Project site.

Furthermore, the Project site appears to be suitable for Clara Hunt's milk-vetch, which has been observed approximately 3.6 miles from the Project site, as it contains mixed oak woodland including blue oak (*Quercus douglasii*), manzanita (*Arctostaphylos* spp.), rocky soils derived from volcanic parent materials, and a variable canopy with patches of open areas, which are consistent with habitat conditions where the species has been found (see <https://wildlife.ca.gov/Conservation/Plants/Endangered/Astragalus-claranus>). Therefore, CDFW concludes that Clara Hunt's milk-vetch may occur on or adjacent to the Project site where it could be directly or indirectly impacted by the Project, and MM BIO-2 is inadequate to reduce potential impacts to the species to less-than-significant.

Specific impacts and why they may occur and be significant: Clara Hunt's milk-vetch is State and federally listed as endangered and; therefore, is considered to be an endangered species pursuant to CEQA Guidelines section 15380. If Clara Hunt's milk-vetch is present on or adjacent to the Project site, the Project could damage or remove individuals and habitat on-site or adjacent to it through direct or indirect impacts, resulting in a substantial reduction in the number or restriction of the range 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 replacing MM BIO-2 of IS/MND with the following mitigation measure. **CDFW also recommends that the below mentioned "list of special status plants with the potential to occur within the vegetation and habitat types identified" be included in the IS/MND to establish an adequate environmental setting and formulate adequate mitigation measures for specific special-status plant species.**

Mitigation Measure BIO-2: Special Status Plant Surveys. A qualified biologist shall conduct botanical surveys during the appropriate blooming period (or when the

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species is identifiable) and conditions for Clara Hunt's milk-vetch and other special-status plant species that may occur on-site or adjacent to it and be impacted by the Project, unless otherwise approved in writing by CDFW.

The survey area shall cover the Project site and adjacent areas where the above species could be directly or indirectly impacted, and the survey shall occur prior to the start of Project construction including, but not limited to ground disturbance and tree removal, 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: 1) a list of special-status plants and sensitive natural communities with the potential to occur within the vegetation and habitat types identified, and 2) the information outlined in the above survey protocol reporting section. The survey reports shall be submitted to CDFW, and the Project shall obtain CDFW's written approval of them prior to Project construction. If full avoidance of a State listed species such as Clara Hunt's milk-vetch is not possible, the Project shall consult with CDFW and obtain a CESA ITP prior to Project construction, and shall comply with the ITP 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.

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 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>

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ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist, at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation (SCH No. 2025120440)

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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-2	<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 that may occur on-site or adjacent to it and be impacted by the Project, unless otherwise approved in writing by CDFW.</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 and tree removal, 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: 1) a list of special-status plants and sensitive natural communities with the potential to occur within the vegetation and habitat types identified, and 2) the information outlined in the above survey protocol reporting section. The survey reports shall be submitted to CDFW, and the Project shall obtain CDFW's written approval of them prior to Project construction. If full avoidance of a State listed species such as Clara Hunt's milk-vetch is not possible, the Project shall consult with CDFW and obtain a CESA ITP prior to Project construction, and shall comply with the ITP 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</p>	Prior to Ground Disturbance	Project Applicant

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	<p>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.</p>	
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