



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



August 21, 2025

Andrew Amelung, Planner II  
Napa County  
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Subject: Schlatter Family Estate, Micro-Winery Use Permit P24-00217-UP, Initial Study/Mitigated Negative Declaration, SCH No. 2025071092, Napa County

Dear Mr. Amelung:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Schlatter Family Estate, Micro-Winery Use Permit P24-00217-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) 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:** Rene Schlatter, Owner

**Objective:** The Project would construct a new 5,000 gallon per year winery in a 4,998 square-foot Type III cave, with 3,798 square feet of production area and 1,200 square feet of hospitality and accessory area. The Project would also be requesting an exception to the Napa County Road and Street Standards for sections of the driveway constrained by steep slopes and an existing ephemeral watercourse. The existing driveway would be improved from Conn Valley Road to the new cave portal to accommodate emergency vehicle access and turnaround, including two new turnouts,

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one ADA parking space (339 square feet), two additional parking spaces, and the use of an existing gravel area for additional parking. Two coast live oaks (*Quercus agrifolia*) would be removed along sections of the driveway to accommodate horizontal clearance for emergency vehicles.

**Location:** The Project is located at an approximately 35.82-acre parcel at 1111 Conn Valley Road, St. Helena, CA 94574; Assessor Parcel Numbers: 025-180-083-000 (Project Site) and 025-180-082-000 (Access & Adjacent Vineyards); at approximately 38.50734°N, -122.4142°W; 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*), State 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. 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 may impact an ephemeral stream, therefore an LSA Notification may be warranted as further described below.** 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

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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?***

**COMMENT 1:** Clara Hunt's Milk-vetch, Environmental Setting and Related Impact Shortcoming

**Issue:** The IS/MND does not evaluate impacts to Clara Hunt's milk-vetch. There is a record of this species approximately 0.3 miles southwest of the Project site, according to the California Natural Diversity Database (CNDDDB). Furthermore, Clara Hunt's milk-vetch is known to occur on thin rocky clay soils derived from volcanic or serpentine materials in openings of chaparral and oak woodlands (CDFW 2000-2004), which appears to be consistent with conditions on the Project site. According to the CDFW Napa County Vegetation GIS layer (ds2899), the portions of the Project site proposed for driveway improvement includes woodland comprised of blue oak (*Quercus douglasii*) and xeric serpentine shrubland comprised of white leaf manzanita (*Arctostaphylos viscida*), leather oak (*Quercus durata*), chamise (*Adenostoma fasciculatum*), ceanothus (*Ceanothus* spp.), and foothill pine (*Pinus sabiniana*). Finally, the soil composition of the driveway improvement area near the junction to Conn Valley Road appears to include thin, gravelly, clay soils derived from serpentine parent materials, according to the U.S. Department of Agriculture Web Soil Survey tool (<https://websoilsurvey.nrcs.usda.gov/app/>). Thus, there may be suitable habitat for Clara Hunt's milk-vetch within or adjacent to the Project site.

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**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 on-site or adjacent to it through indirect impacts, resulting in a 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 and comply with CESA, CDFW recommends including the below mitigation measure in the IS/MND.

Mitigation Measure BIO-3: Special Status Plant Habitat Assessment and Surveys. A qualified biologist shall complete a habitat suitability assessment for Clara Hunt's milk-vetch on the Project site and adjacent to it where indirect impacts to the species could occur, for example from altering hydrological conditions off-site. If suitable habitat for Clara Hunt's milk-vetch is present where the species could be impacted, a qualified biologist shall conduct botanical surveys during the appropriate blooming period and conditions for Clara Hunt's milk-vetch on-site and adjacent to it where the species could be indirectly impacted, prior to the start of Project construction including, but not limited to 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 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 habitat assessment and survey reports, if surveys are necessary as described above, shall be submitted to CDFW for written approval prior to the start of construction and the Project shall obtain CDFW's written approval of the habitat assessment and survey report(s) prior to Project construction. If full avoidance of a State listed species is not possible, the Project shall consult with CDFW and obtain an ITP prior to Project construction.

## ***II. Stream Alteration***

### **COMMENT 2: Stream Alteration**

**Issue:** According to page 2 of the IS/MND, an ephemeral stream exists within the forested area approximately 80 feet north of the winery cave development site. According to aerial imagery, topographic maps, and the California Aquatic Resources Inventory, this ephemeral stream or riparian vegetation appears to be intersected by the driveway proposed for widening. It is unclear if widening the driveway would impact the stream or riparian vegetation.

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**Recommended Mitigation Measure:** To comply with Fish and Game Code section 1600 et seq., CDFW recommends including the below mitigation measure in the IS/MND.

Mitigation Measure BIO-4: Impacts to 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. All streams including ephemeral streams within the Project parcel shall be delineated and mapped to illustrate proximity to Project activities. If impacts to the bed, bank, channel, or riparian area of any 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 LSA Agreement, if issued, and shall not commence activities with the potential to impact the stream until the LSA Agreement process is completed. Restoration to mitigate impacts to any stream 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, unless otherwise approved in writing by CDFW.

Please be advised that a Streambed Alteration Agreement (SSA), 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.

## **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>.

## **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.

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(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](mailto:Nicholas.Magnuson@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).

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. 2025071092)

## REFERENCE

CDFW. The Status of Rare, Threatened, and Endangered Plants of California from 2000-2004 (PDF). Pages 26-27. Accessed at:  
<https://wildlife.ca.gov/Conservation/Plants/Special-Status>

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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-3	<p><u>Special Status Plant Habitat Assessment and Surveys.</u></p> <p>A qualified biologist shall complete a habitat suitability assessment for Clara Hunt's milk-vetch on the Project site and adjacent to it where indirect impacts to the species could occur, for example from altering hydrological conditions off-site. If suitable habitat for Clara Hunt's milk-vetch is present where the species could be impacted, a qualified biologist shall conduct botanical surveys during the appropriate blooming period and conditions for Clara Hunt's milk-vetch on-site and adjacent to it where the species could be indirectly impacted, prior to the start of Project construction including, but not limited to 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 (<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 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 habitat assessment and survey reports, if surveys are necessary as described above, shall be submitted to CDFW for written approval prior to the start of construction and the Project shall obtain CDFW's written approval of the habitat assessment and survey report(s) prior to Project construction. If full avoidance of a State listed species is not possible, the Project shall consult with CDFW and obtain an ITP prior to Project construction.</p>	Prior to Ground Disturbance	Project Applicant

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<b>BIO-4</b>	<p><u>Impacts to 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. All streams including ephemeral streams within the Project parcel shall be delineated and mapped to illustrate proximity to Project activities. If impacts to the bed, bank, channel, or riparian area of any stream cannot be avoided, the Project shall notify CDFW for Project impacts to the stream. More information for the notification process is available at <a href="https://wildlife.ca.gov/Conservation/Environmental-Review/LSA">https://wildlife.ca.gov/Conservation/Environmental-Review/LSA</a>. The Project shall comply with all measures of the Lake and Streambed Alteration (LSA) Agreement, if issued, and shall not commence activities with the potential to impact the stream until the LSA Agreement process is completed. Restoration to mitigate impacts to any stream 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, unless otherwise approved in writing by CDFW.</p> <p>Please be advised that a SSA, 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 and for Duration of Project	Project Applicant
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