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Public Comments



YOCHA DEHE
CULTURAL RESOURCES

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JUL 05 2016

Napa County Planning, Building
& Environmental Services

June 30, 2016

Wyntress Balcher, Planner
Napa County
Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

RE: Soscol Ferry Road Project

Dear Ms. Balcher:

Thank you for your project notification letter dated, June 17, 2016, regarding cultural information on or near the proposed Soscol Ferry Road project, Napa, Napa County, CA. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact undiscovered archaeological deposits. We would like more information on your project. Please send us the following information:

- Approximate Date of Project
- Approximate depths the project would be excavating
- Mitigation measures
- Research Design component

Additionally, Yocha Dehe Wintun Nation requests a site visit to the project area to evaluate our cultural concerns.

Please contact the following individual to coordinate a date and time for the site visit.

Mr. James Sarmiento
Cultural Resources Manager
Yocha Dehe Wintun Nation
Office: (530) 723-0452, Email: jsarmiento@yochadehe-nsn.gov



YOCHA DEHE
CULTURAL RESOURCES

Please refer to identification number YD - 06242016-02 in any correspondences concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JK', written in a cursive style.

James Kinter
Tribal Secretary
Tribal Historic Preservation Officer



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Edmund G. Brown Jr.
Governor

July 5, 2016

Ms. Wyntress Balcher
County of Napa
Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, California 94558
Wyntress.balcher@countyofnapa.org

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Napa County Planning, Building
& Environmental Services

NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT TRANSMITTAL AND INITIAL STUDY FOR NAPA VAULT STORAGE FACILITY USE PERMIT #P14-00296 AND TENTATIVE PARCEL MAP #P-15-00298, NAPA, CALIFORNIA

Dear Ms. Balcher:

Thank you for the opportunity to comment on the Notice of Completion & Environmental Document Transmittal with Initial Study Checklist for the Napa Vault Storage project. The California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project pursuant to the California Environmental Quality Act (CEQA) adequately addresses any remediation activities which may be required to address any hazardous substances release on the project site.

The Notice of Completion and Initial Study Checklist do not include a thorough description of the property's historical uses. Without this information we are unable to determine whether hazardous substances may have been released into the soil at the project site. DTSC recommends that a historical assessment of past uses in the project site be conducted. Based on that information, sampling may need to be conducted to determine whether there is an issue which will need to be addressed in the CEQA compliance document. If hazardous substances have been released, they will need to be addressed as part of this project.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels

Ms. Wyntress Balcher
July 5, 2016
Page 2 of 2

and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

On March 1, 2005, DTSC, the State Water Resources Control Board (State Board), and the Regional Water Quality Control Boards (Regional Boards) signed a Memorandum of Agreement (MOA) aimed to avoid duplication of efforts and improve coordination among the agencies in their regulatory oversight of investigation and cleanup activities at brownfield sites. Brownfield sites are generally those that are contaminated and potentially contaminated where some type of development or redevelopment is planned.

Under the MOA, anyone requesting oversight from DTSC or a Regional Board must submit an application to initiate the process to assign the appropriate oversight agency. The completed application and site information may be submitted to either DTSC or Regional Board office in your geographical area. The Brownfields Coordinators in those agencies will contact the other agency or reply with the name and contact information for the selected oversight agency. Enclosed is the Request for Regulatory Oversight Application and site information form.

If you have any questions or comments, please contact me at (510) 540-3840 or remedios.sunga@dtsc.ca.gov.

Sincerely,



Remedios V. Sunga
Project Manager
Brownfields and Environmental Restoration Program

Enclosure

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

CEQA Tracking Center
Department of Toxic Substances Control
PO Box 806
Sacramento, California 95812-0806



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



July 13, 2016

Ms. Wyntress Balcher
County of Napa
Conservation, Development and Planning Department
1195 Third Street, Room 210
Napa, CA 94559

Dear Ms. Balcher:

Subject: Napa Vault Storage Facility Use Permit #P14-00296 and Tentative Parcel Map #P15-00298, Initial Study/Mitigated Negative Declaration, SCH #2016062041, Napa County

The California Department of Fish and Wildlife (CDFW) has reviewed draft Mitigated Negative Declaration (MND) for the Napa Vault Storage Facility Use Permit and Tentative Parcel Map (Project). CDFW is providing comments on the draft MND as a Trustee Agency and Responsible Agency.

As Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. CDFW also acts as a Responsible Agency pursuant to the (California Environmental Quality Act (CEQA) Section 15381 if a project requires discretionary approval, such as issuance of a California Endangered Species Act (CESA) Incidental Take Permit (ITP) (Fish and Game Code section 2080 *et seq.*), or Lake and Streambed Alteration Agreement (LSAA) (Fish and Game Code section 1600 *et seq.*). Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the proposed Project.

Project Location and Description

The 10.32-acre Project site is located at 1055 Soscol Ferry Road, in unincorporated Napa County, on the south side of Soscol Ferry Road, approximately 1,400 feet west of the intersection with Napa-Vallejo Highway. The Project proposes to construct 130 industrial storage units within 11 buildings, where 128 units are to be sold as individual condominiums.

Habitat Assessment

In order for CDFW to adequately assess the Project's potential impacts on biological resources, the draft MND should include an accurate assessment of existing biological conditions. For example, a biological survey was conducted in January 2014; however, it is not clear if protocol level plant surveys were performed. The MND states that background literature suggests a high number of sensitive plant occurrences within the project region; however, a single day botanical inventory survey performed in 2007 found no sensitive plant species.

Please note, the most current protocol level surveys conducted at the Project site and discussed in the MND (page 8) are over nine years old and may no longer be considered accurate. The MND should outline all special-status plant surveys that have been and will be performed according to current protocols to ensure that potential impacts are considered. CDFW-

Ms. Wyntress Balcher
July 13, 2016
Page 2

recommended survey and monitoring protocols are available on CDFW's website at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html. Additional species-specific guidance may be obtained through CDFW's Bay Delta Regional office.

Swainson's Hawk

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 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). Fully Protected Species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

The Biological Resources section of the draft MND indicates potential impacts to habitat for Swainson's hawk (*Buteo swainsoni*), listed as a state threatened species. Swainson's hawk breeds in the western United States and Canada, and this species is adapted to forage in open grasslands and agricultural fields. Swainson's hawks often nest peripheral to riparian systems. They will also use lone trees in agricultural fields or pastures and roadside trees when available and adjacent to suitable foraging habitat. As important foraging and breeding areas are developed, the aptitude for the landscape to support breeding pairs decreases, and construction in close proximity to a known nest site may eventually lead to nest abandonment. Swainson's hawks are threatened due to loss of nesting and foraging habitat, and CDFW considers impacts to Swainson's hawk foraging habitat to be a potentially significant impact that should be mitigated. CDFW records show several documented Swainson's hawk nest sites within five miles of the Project area, where the nearest and most current occurrence is documented immediately adjacent to the Project site. Project implementation would therefore result in the permanent loss of nesting habitat and approximately 10 acres of foraging habitat for the hawk as well as for other raptor species.

Mitigation Measure IV.a.2

Mitigation Measure IV.a.2 is to mitigate for impacts due to the removal/disturbance of active raptor nests and requires a pre-construction breeding season survey and establish buffers to avoid impacts to nesting birds in consultation with CDFW. The MND should specify that protocol-level surveys for Swainson's hawk will be conducted during nesting season which is generally from March 1 until September 15. Swainson's hawk surveys should be conducted following the Swainson's hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (available at http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). Surveys should be conducted within a minimum 0.25-mile radius of the proposed Project area, and should be completed for at least the two survey periods immediately prior to initiating any Project-related construction work. Raptor nests may be very difficult to locate during egg-laying or incubation, or chick brooding periods (late April to early June) if earlier surveys have not been conducted.

In order to avoid "take" or adverse impacts to Swainson's hawk in the event that an active nest is found during surveys, CDFW recommends avoiding all Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of a nesting

Swainson's hawk during the nesting season. Please refer to the CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (1994) regarding take avoidance, minimization and mitigation measures.

The draft MND includes a letter attachment dated August 28, 2015, which indicates an active Swainson's hawk nest on Soscol Creek immediately adjacent to the Project site. Due to the documented presence of a Swainson's hawk nest immediately adjacent to the project site, CDFW encourages protection of this nest and adjacent vegetation necessary to maintain the nesting habitat micro-climate. If the nesting habitat cannot be adequately protected, the MND should include an analysis of potentially significant impacts based on how many suitable nest trees are in the project footprint, how many of those trees would be avoided, and whether the Project will significantly alter existing nesting habitat conditions.

Mitigation Measure IV.a.1

To mitigate for impacts due to conversion of grassland habitat, Mitigation Measure IV.a.1 of the draft MND requires pre-construction nesting surveys and avoidance measures if project activities occur "typically February through August." The MND document should also include measures to avoid or minimize loss of Swainson's hawk foraging habitat that may result from implementation of the Project. Any permanent loss of Swainson's hawk foraging habitat should be appropriately mitigated due to ongoing and cumulative loss of this habitat type in the south Napa Valley area.

To mitigate for the loss of Swainson's hawk foraging habitat in a method consistent with the CDFW Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (1994), CDFW recommends the MND update Mitigation Measure IV.a.1 to specify the following language:

- For projects within one-mile of an active nest tree (the Swainson's hawk Staff Report defines an active nest as used during one or more of the last five years), provide one-acre of land for each acre of development authorized (1:1 ratio).
- For projects within five miles of an active nest tree, but greater than one-mile from the nest tree, provide 0.75 acres of land for each acre of development authorized (0.75:1 ratio).
- For projects within 10 miles of an active nest tree, but greater than 5 miles from an active nest tree, provide 0.5 acres of land for each acre of development authorized (0.5:1 ratio).

Mitigation lands should be protected in perpetuity under a conservation easement, and include an endowment fund for long-term resource management for raptor habitat. CDFW is available to work with the applicant to develop a mitigation plan that reduces impacts to less-than-significant.

California Endangered Species Act

If "take" or adverse impacts to Swainson's hawk or any other species listed under CESA cannot be avoided either during Project activities or over the life of the Project, please be advised that a CESA permit must be obtained (pursuant to Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is

Ms. Wynntress Balcher
July 13, 2016
Page 4

encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

Stream Resources and Aquatic Habitat

Soscol Creek is located immediately adjacent to the proposed Project site. Mitigation Measure IV.a.3 requires any work within the channel to be performed consistent with CDFW protocols. The MND should also address riparian impacts and specific measures to conclude that impacts have been mitigated to less-than-significant. Mitigation Measure IV.a.3 should be revised to address both permanent and temporary riparian impacts.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require an LSAA, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

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)]. Due to the documented active Swainson's hawk nest on Soscol Creek immediately adjacent to the Project site, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

CDFW appreciates the opportunity to provide comments on the draft MND for the proposed Project. If you have any questions, please contact Ms. Suzanne Gilmore, Environmental Scientist, at (707) 944-5536; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 944-5525.

Sincerely,



Scott Wilson
Regional Manager
Bay Delta Region

cc: State Clearinghouse