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Environmental Response Memorandum
to Comments Received at the March 1,
2017, Public Hearing on the Palmaz
Private Helipad and Hangar Project
Final Environmental Impact Report

Memo



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Sacramento, CA 95814
916.444-7301

Date: March 27, 2017

To: Dana Ayers, Napa County Planning, Building, and Environmental Services Department

From: Amanda Olekszulin and Sarah Henningsen, Ascent Environmental

Subject: **Comments Received on the Palmaz Private Helipad and Hangar Project Final EIR**

Napa County prepared an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA) to assess the potential environmental effects of the proposed Palmaz Private Helipad and Hangar Project. The EIR includes a draft EIR (DEIR) released in April 2016 and a final EIR (FEIR) released in February 2017. The County, which serves as the lead agency under CEQA, received multiple comment letters about the project, outside of the comment period on the DEIR and after release of the FEIR. Additionally, verbal comments were received at the FEIR public hearing on March 1, 2017. Although the CEQA regulations do not require responses to comments received outside of the DEIR comment period or following the release of the FEIR, the County has prepared brief responses to some of the comments to add additional clarification to the analysis and information presented in the EIR and to provide context for the Napa County Planning Commission as it considers EIR certification.

A table of commenters is provided at the end of this memo, followed by copies of the written comments.

Comments to Which No Additional Response is Provided

For various reasons listed below, some of the comments received since release of the FEIR are not provided additional responses. Although these comments are important to the overall planning process and will be considered by the Planning Commission, additional clarification related to the FEIR is not warranted. Comments and comment letters included in this category generally fall into one or more of the following types:

- ▲ comments that provide an opinion on the project, but do not comment on the content, analysis, or conclusions in the EIR;
- ▲ comments that provide an opinion on the applicant's integrity as it relates to adhering to the conditions of project approval;
- ▲ comments that are addressed elsewhere (i.e., in the DEIR, FEIR, or errata);
- ▲ resubmission of comments provided on the DEIR, to which responses were previously provided in the FEIR;
- ▲ comments that do not provide new information;

- ▲ comments that express disagreement among experts where there is sufficient substantial evidence supporting the expert opinion presented in the EIR;
- ▲ submittal of copies of newspaper articles, studies, or other materials for consideration by the decision-making body; or
- ▲ requests to the decision-making body to make a particular decision on the project use permit request.

Responses to Comments on the Final EIR

Development of Agricultural Land

Comments were received concerning the construction of a helipad in an area designated for Agriculture, Watershed, and Open Space per the County's General Plan. This issue is addressed in the DEIR (see Impact 3.2-1 on pages 3.2-10 and 3.2-11). The DEIR concludes that the environmental impact would be less than significant because the project would be consistent with relevant policies and measures of the General Plan, Zoning Ordinance, and Airport Land Use Compatibility Plan. Additionally, the FEIR addresses this issue in response to comment 01-9.

Mt. George Foote Botanical Preserve

Comments were received pertaining to the Mt. George Foote Botanical Preserve and the potential for impacts to plants and wildlife located therein if the Mt. George Alternative was approved. The potential for special-status plant and animal species to occur on the project and alternative sites is evaluated in the DEIR in Table 3.3-3 and 3.3-4, respectively. These tables were compiled based on data from the California Department of Fish and Wildlife (via the California Natural Diversity Database), the California Native Plant Society, and the U.S. Fish and Wildlife Service. Additionally, the following biological surveys were conducted for the project: (1) January 2016 reconnaissance survey of the project site, (2) June 2016 focused surveys of the project and alternative sites, and (3) February 2017 survey of the extended road improvements north of the alternative site. The DEIR impact analysis evaluates the potential for the project or alternative to result in adverse impacts to biological resources with the potential to occur on the project or alternative sites (based on the above-described data review and surveys). Mitigation measures are recommended to reduce potentially significant impacts, which for this project include impacts to special-status plants (Impact 3.3-4) and oak woodlands (Impact 3.3-5).

The FEIR describes the results of the biological surveys, including the presence of the special-status plant holly-leaved ceanothus on and near the alternative site (see Section 2.2). The Foote Botanical Preserve is specifically mentioned on page 2-3 of the FEIR as an area near the alternative site that likely contains additional populations of this species, but the Preserve is outside the area of potential ground disturbance associated with either the project or alternative sites. Further, regarding the project's direct and indirect impacts, Mitigation Measure 3.3-4 in the DEIR (and reproduced in the FEIR) would reduce impacts on special-status plant species because it would ensure that the project would not result in the loss of habitat or individuals, and it would provide replacement habitat, if needed.

Great Blue Heron Rookery

Comments were received pertaining to the project site's proximity to the great blue heron rookery on Hagen Road, which is approximately 1.4 miles west of the project site (specifically, the location of the proposed helipad) and over 2.4 miles from the Mt. George Alternative site. This is substantially distant from the landing and takeoff areas. At this distance, when passing over the rookery, the helicopter would be at its cruising altitude of 1,500 feet or more if it makes a straight path towards the rookery. However, as described on page 3.4-14 of the DEIR, Mitigation Measure 3.4-2, for the project would limit the flight path to the southeastern approach (also see Exhibit 2-5). As a result, the helicopter would not be flying directly over the rookery for approach or departure. Further, the Mt. George Alternative site would limit flight paths to the

northwest and the northeast (see Exhibit 6-5 of the DEIR). Therefore, potential direct hazards with birds from the rookery would be minimal. Other hazards such as bird strikes, are addressed below.

The potential for great blue heron to occur on the project and alternative sites is evaluated in the DEIR in Table 3.3-4. Notwithstanding the presence of the rookery on Hagen Road, nesting and foraging habitat is not present on or immediately adjacent to the project or alternative sites. Also, see responses to comments I7-4 in the FEIR regarding the great blue heron rookery, I7-5 regarding noise effects on wildlife, including birds, and I61-16 regarding bird strikes and the Federal Aviation Administration's [FAA] recommendation that airports be at least 10,000 feet away from a hazardous wildlife attractant (e.g., irrigation pond).

Bird Strikes

Comments were received pertaining to hazardous wildlife attractants (e.g., irrigation ponds), specifically their proximity to the project site and the project's potential to result in bird strikes. This issue is addressed in the DEIR (see Impact 3.3-1 on page 3.3-25). The DEIR concludes that the impact would be less than significant because the risk is very low, given the proposed flight elevation and existing literature about risks of encountering birds and bats while in flight. Additionally, the FEIR addresses this issue in responses to comments I7-4, I7-21, I24-7 through I24-9, I25-11, I6-5, I6-6, I6-8, and I76-11. Compliance with FAA's Advisory Circular about hazardous attractants and wildlife strikes is discussed in response to comment I61-16.

Migratory Bird Treaty Act

A comment was received pertaining to the project's compliance with the Migratory Bird Treaty Act (MBTA). This issue is addressed in the DEIR on page 3.3-24. The FEIR includes a revision to the DEIR's discussion of this issue. See FEIR response to comment O1-18. The revision is intended to clarify that no substantial removal of vegetation is included in the project, and therefore, the project is not likely to result in loss of bird nests that are protected by the MBTA.

Deferred Mitigation

A comment was received pertaining to Mitigation Measure 3.3-4 (see pages 3.3-28 and 3.3-29 of the DEIR), which requires that a qualified botanist conduct pre-construction surveys for special-status plants at the project (and alternative) site. The commenter states that this constitutes deferred mitigation. Section 2.2 of the FEIR describes the supplemental biological surveys that were conducted for the project (between issuance of the DEIR and FEIR), including the fact that during the February 2017 survey, not all of the special-status plants with potential to occur in the project area were blooming (this will be remedied in June 2017).

Mitigation Measure 3.3-4 states that the project applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine appropriate measures to avoid or minimize impacts to special-status species, if they are found, including holly-leaved ceanothus. Further, Mitigation Measure 3.3-4 requires that an Avoidance and Mitigation Plan shall be created and CDFW shall be consulted to address potential impacts during project construction. A mitigation plan for holly-leaved ceanothus has not been developed yet, in part because the County has not made a determination regarding project approval (including whether the project or alternative will be approved). In addition, the construction-level design details have not been developed yet, which means that specific locations of ground disturbance are still unknown and it cannot be concluded if direct or indirect impacts could be avoided, or which areas would require transplanting or compensation. Mitigation Measure 3.3-4 discusses the details of what would be included in the mitigation plan, including development of performance standards. The final plan would be developed in coordination with CDFW. The EIR did not defer analysis of the potential impact as the commenter suggests. Rather, the EIR evaluated the project's and alternative's potential to affect these species (i.e., disclosed the potential impacts to decision-makers) and recommended mitigation to conduct focused surveys at the appropriate time and mitigate where impacts are found. CEQA requires that when the specific details of a mitigation measure cannot be reasonably known, an EIR must describe why and provide a description of the actions to be implemented,

timing, and the performance standards to be achieved. The agency must commit to and fully enforce implementation of the mitigation. Mitigation Measure 3.3-4 meets all of these requirements: it states that if the species is found, the applicant shall consult with CDFW and shall develop an Avoidance and Mitigation Plan. The plan, at a minimum, would require (i.e., fully enforce) implementation of mitigation that would be required to achieve the no net loss of individuals or occupied habitat (i.e., performance standard). The mitigation also describes the type of mitigation and actions that could be required to meet this objective (i.e., description of the actions). Therefore, the mitigation provided in the DEIR fully meets the intention of mitigation requirements outlined in CEQA Guidelines Section 15126.4. Also, see FEIR response to comment O1-14 for further discussion regarding this issue.

Public Safety

Comments were received pertaining to concerns about public safety during helicopter operations. This issue is addressed in the DEIR (see Impact 3.7-1 on page 3.7-6). The DEIR concludes that this impact would be less than significant based on the proposed location of the heliport, the design of the facility, information about pilot training and other standard operating procedures, and the proposed flight paths (which would limit low flights over nearby residences and other sensitive uses and avoid the airspace over the Olive Hill rural area also known as the No Fly Zone). Additionally, the FEIR addresses this issue in responses to comments O1-19 (helicopter crashes), O1-20 (helicopter maintenance activities), O1-21 (wildland fire), and I35-39 and I84-11 (jet fuel storage).

Property Values

Comments were received pertaining to the project's potential to affect neighboring property values, as well as a possible requirement for neighbors wishing to sell their properties to disclose the nearby presence of a heliport. As discussed in the FEIR, financial issues such as these are not a physical environmental effect under CEQA and are not required to be analyzed in an EIR or other CEQA analysis. The County is not financially liable for changes to property value resulting from land use decisions, but would see lower property tax revenues if that were to occur.

Commenter	Date
Beckham, Josh (Helimax Aviation, Inc.)	5/14/16
Beharry, Ginna	5/6/15
Booth, Steve	2/27/17
Brown, Deborah	5/8/15
Caloyannidis, George	2/1/16
Caloyannidis, George	2/19/16
Caloyannidis, George	2/19/16
Caloyannidis, George	2/28/17
Caloyannidis, George	3/19/16
Caloyannidis, George	4/16/16
Caloyannidis, George	4/29/16
Caloyannidis, George	5/16/15
Caloyannidis, George	7/25/16
Campbell, Fiona	2/27/17
Carpenter, Theresa and Hugh	2/22/17
Chiarella, Victor	7/1/15
Cohen, Henrietta	2/27/17
Court, Lisa and Goldman, David	11/3/15
Davidovic, David and Erica	2/19/17
Davis, Jeff	7/20/16
Decius, Lois	2/23/17

Commenter	Date
Decius, Lois	11/3/15
Delmonico, Sanna	5/8/15
Donahue, Ron and Anni	2/27/17
Donoviel, Stephen	2/26/17
Donoviel, Stephen	7/17/16
Elk, Mary	5/9/15
Farella, Tom	5/6/15
Ferrey, Gilbert	2/26/17
Fitch, Jerry	2/18/17
Fitch, Jerry	5/8/15
Frost, Steven	2/27/17
Galbraith, Sara Dunlap	5/8/15
Grasso, Fran	2/27/17
Gridley, Paul	2/27/17
Holley, Deborah	2/27/17
Honer, Bob and Irene	1/5/16
Hurley, Arthur	6/26/15
Lee, Terri	11/3/15
Lees, Anita	2/20/17
Leggett, Harold	2/27/17
Lew, Leslie	5/8/15
Lewis, Marjorie	2/21/17
Manzer, Norm and Linda	2/28/17
Marum, Georgia and Doug	2/27/16
McDowell, John	5/8/15
McGee, Tom	2/28/17
Minteer, Amy	2/27/17
Morgan, Morgan	2/28/17
Mufson, Daniel	2/28/17
Murray, Jacqueline	2/28/17
Nance, Bob	2/28/17
Napa Vision 2050	2/27/17
Parker, Tracy Lunne	2/28/17
Rae, Stephen	2/28/17
Ringsdale, Glen	2/26/17
Rasmussen, Laurence	2/14/17
Russell, Brian	2/27/17
Russell, Brian	5/11/15
Ryan, Wayne	2/27/17
Salmon, Steve	2/26/17
Shaeffer, John	2/27/17
Snyder, Robert and Dianne	2/5/16
Stevens, William	1/12/16
Tapper, Ron and Carolyn	2/21/17
Tapper, Ron and Carolyn	12/30/15
Wahle, Tim	11/03/15
Walker, Todd	2/28/17
Winiarski, Stephen	2/3/15

Commenter	Date
Winiarski, Warren	4/20/16
Woodruff, Gary	2/27/17