

Comments and Responses to Comments

During the public review period (September 5, 2024, to October 5, 2024) of the Initial Study/Mitigated Negative Declaration (IS/MND) for The Grange Campground (project), the City of Napa (City) received two comment letters. These letters and the city's responses to them are attached. The responses to the comments are based on the California Environmental Quality Act (CEQA) Guidelines, Section 15088(c), Evaluation of and Response to Comments, which states the following:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

The comment letters and responses are indexed below.

Letter	Commenter	Address	Comment Page(s)	Response Page(s)
A	California Department of Fish and Wildlife, Erin Chappell	2825 Cordelia Road, Suite 100 Fairfield, California 94534	3 - 10	14
B	California Department of Transportation, Yunsheng Luo	P.O. Box 23660, MS-10D Oakland, California 94623	11 - 13	19

The City appreciates the commenters' participation in the review of the IS/MND for the project. Each comment letter and the City's responses to them will be included in the administrative record for the project.

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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



Letter A

September 30, 2024

Ryder Dilley, Associate Planner
Napa County
1195 Third Street
Napa, CA 94559
RDilley@cityofnapa.org

Subject: The Grange Campground, Initial Study/Mitigated Negative Declaration,
SCH No. 2024090150, Napa County

Dear Mr. Dilley:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for The Grange Campground (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: Parry Murray

Objective: The Project would construct a permitted “glamping” campground with up to five permanent buildings, up to 100 fixed recreational lodging units, a recreational activity space, and a pervious parking area. An ancillary structure, the Main Office, would consist of guest check-in, a gathering space, and a small market, totaling approximately 4,418 square feet. Building 2, the Meeting Room, would provide approximately 1,440 square feet of indoor/outdoor meeting space. Buildings 1 and 2 outdoor space would include an outdoor lounge area with a permanent deck (8,000 square feet) and pool area (3,500 square feet, including the pool and pool deck).

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Buildings 3 through 5 would consist of back-of-house and administration/maintenance space (up to 640 square feet each). The 100 fixed recreational lodging units could be a mix of tent spaces, canvas tents on platforms (yurts), and stationary camper trailers.

The Project would impact 4.54 acres of coast live oak (*Quercus agrifolia*) woodland, 3.14 acres of non-native grassland, 0.62 acres of vernal marsh, 0.01 acres of non-vegetated channel, and 0.10 acres of developed land. Milliken Creek, a tributary to the Napa River, runs along the western side of the Project site.

Location: The 12.5-acre Project site is located on an undeveloped parcel within the City of Napa, adjacent to and on the west side of SR-121/Silverado Trail between Stonecrest Drive and Hagen Road, Napa, CA 94558, Napa County; APN 052-010-011; and at approximately 38.31833°N and -122.27444°W.

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 Swainson’s hawk (*Buteo swainsoni*), CESA listed as threatened species, 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. Work within ephemeral streams, washes, watercourses with a

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subsurface flow, and floodplains are subject to LSA Notification requirements. **The Project has the potential to impact Milliken Creek, and a “non-vegetated channel,” therefore an LSA Notification may be required as further described below.** 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. Environmental Setting and Mitigation Measure Related Impact Shortcomings

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?

COMMENT 1: Swainson's Hawk

Issue: The IS/MND does not adequately evaluate and mitigate potential impacts to nesting Swainson's hawk. This species is documented in the California Natural Diversity Database (CNDDDB) to nest along the Napa River north and south of the Project site.

Specific impacts and why they may occur and be significant: The Project has the potential to impact nesting Swainson's hawk through auditory or visual disturbances above ambient levels within 0.5 miles of Project activities, or through direct removal of an active nest site. Disturbances from Project activities may result in Swainson's hawk nest abandonment and loss of eggs or reduced health and vigor and loss of young. The Project may also result in the removal of Swainson's hawk foraging habitat. Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. 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).

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Recommended Mitigation Measure: To reduce potential impacts to Swainson's hawk to less-than-significant and comply with CESA, CDFW recommends including the below mitigation measure.

Mitigation Measure BIO-8: Swainson's Hawk Surveys and Avoidance Buffer, and Foraging Habitat Credits: 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, unless otherwise approved in writing by CDFW. 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 in writing by CDFW. 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.

If nesting Swainson's hawk are detected within 0.5 miles of the Project site, the Project shall purchase Swainson's hawk foraging habitat credits from a CDFW-approved mitigation bank at a 1:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written approval of the type and amount of credits prior to purchasing the credits and provide the Bill of Sale for the credit purchase to the lead agency and CDFW prior to construction start.

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 the U.S. Fish and Wildlife Service?

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COMMENT 2: Stream Alteration

Issue: The Project site is near Milliken Creek and will impact a “non-vegetated channel.” Page 42 of the IS/MND states that “Milliken Creek occurs outside of the project site and project impact area, and no impacts would occur.” However, page 45 of the IS/MND states that “Permanent indirect impacts to riparian habitats and other sensitive natural communities from development of the project would be potentially significant.” It’s unclear if the Project would occur within the riparian zone. Figure 6 of the IS/MND shows the Project site boundary overlapping the approximate midline of numerous riparian tree crowns. It appears that Project activities could encroach upon and impact the riparian corridor of Milliken Creek.

Furthermore, Mitigation Measure BIO-6 of the IS/MND does not clearly specify that impacts to the riparian zone of Milliken Creek are subject to CDFW LSA Notification requirements.

Specific impacts and why they may occur and be significant: Project activities including land clearing, tree removal, and construction can result in impacts to streams and the habitats they support. Impacts could include inputs of deleterious materials, obstructions and diversions, riparian habitat removal, equipment staging and operation, and disturbances to riparian corridors, special status wildlife and their habitats, and nesting birds. Due to the ecological importance and sensitivity of stream habitat, the above impacts would be *potentially significant*.

Recommended Mitigation Measure: To reduce impacts to streams to less-than-significant and comply with Fish and Game Code section 1600 et seq., CDFW recommends adding the below mitigation measure to Mitigation Measure BIO-6.

MM BIO-6: Impacts to Streams and Riparian Areas. 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 from tree removal, vegetation removal, land clearing, and construction activities. 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 a minimum 3:1 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.

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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 the 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

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse No. 2024090150

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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 (MM)	Description	Timing	Responsible Party
MM BIO-6	<p><i>CDFW recommends adding the below mitigation measure to Mitigation Measure BIO-6.</i></p> <p><u>MM BIO-6: Impacts to Streams and Riparian Areas.</u> 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 from tree removal, vineyard development and native vegetation replanting. 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 a minimum 3:1 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.</p>	Prior to Ground Disturbance	Project Applicant
MM BIO-8	<p><u>Mitigation Measure BIO-8: Swainson’s Hawk Surveys and Avoidance Buffer, and Foraging Habitat Credits.</u> 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 <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys</i></p>	Prior to Ground Disturbance	Project Applicant

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	<p><i>in California's Central Valley</i> (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, unless otherwise approved in writing by CDFW. 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 in writing by CDFW. 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.</p> <p>If nesting Swainson's hawk are detected within 0.5 miles of the Project site, the Project shall purchase Swainson's hawk foraging habitat credits from a CDFW-approved mitigation bank at a 1:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written approval of the type and amount of credits prior to purchasing the credits and provide the Bill of Sale for the credit purchase to the lead agency and CDFW prior to construction start.</p>		
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California Department of Transportation

Letter B

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



October 4, 2024

SCH #: 2024090150
GTS #: 04-NAP-2024-00446
GTS ID: 32554
Co/Rt/Pm: NAP/121/8.7

Ryder Dilley, Associate Planner
City of Napa
1600 First Street
Napa, CA 94559

Re: The Grange Campground Project – Mitigated Negative Declaration (MND)

Dear Ryder Dilley:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Grange Campground Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the September 2024 MND.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The project would construct a permitted campground adjacent to State Route (SR) 121 with up to five permanent buildings, up to 100 fixed recreational lodging units, a recreational activity space, and a pervious parking area.

Travel Demand Analysis

The project vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT thresholds. Per the MND, this project is found to have a less than significant VMT impact.

Hydraulics

Please confirm if the City of Napa has approved the project work within the floodway. Caltrans recommends hydrologic analysis be performed during design rather than construction to determine if additional detention is needed.

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Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right of Way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Lisel Ayon, Associate Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

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Sincerely,

A handwritten signature in black ink, appearing to read "Luo Yunsheng". The signature is fluid and cursive, with the first name "Luo" being more prominent and the last name "Yunsheng" following in a similar style.

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

Responses to Comments

Letter A – California Department of Fish and Wildlife, Erin Chappell

A-1: This comment introduces the letter and discusses the role of the California Department of Fish and Wildlife (CDFW) as a trustee agency and a responsible agency.

Response: This comment is introductory and does not address the adequacy or accuracy of information provided in the Initial Study/Mitigated Negative Declaration (IS/MND). No further response is required.

A-2: This comment provides a summary of the IS/MND project description and project location. It also provides the biological setting of The Grange Campground (project), biological impacts from the project, and proposed mitigation as stated in the Biological Report prepared for the project by Harris & Associates (2024) and included as Appendix B to the IS/MND.

Response: This comment summarizes the IS/MND project description and the results of Section 2.4.4, Biological Resources, in the IS/MND. No further response is required.

A-3: This comment describes the requirements for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) and associated CEQA requirements if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. The comment also states that the project has the potential to impact Swainson's hawk (*Buteo swainsoni*).

Response: This comment provides a summary of the comment discussed further in A-6. Please refer to responses to comments A-6. No further response is required.

A-4: This comment describes the requirements for Lake and Streambed Alteration (LSA) Notification and states that the project has the potential to impact Milliken Creek and a non-vegetated channel.

Response: This comment provides a summary of the comment discussed further in A-7. Please refer to responses to comments A-7. No further response is required.

A-5: This comment provides an introduction of CDFW's comments and recommendations for revisions to the biological impacts and mitigation measures identified in the IS/MND for the project.

Response: This comment introduces the comments provided in A-6 and A-7. Please refer to responses to comments A-6 and A-7. No further response is required.

A-6: This comment states that the IS/MND does not adequately evaluate and mitigate potential impacts to nesting Swainson's hawk given documentation of the species along the Napa River north and south of the project site. This comment describes potential project impacts to the species and provides a recommended mitigation measure to address these potential impacts. The recommended mitigation includes surveys, an avoidance buffer, and foraging habitat credits.

Response: The Biological Resources Survey conducted for the Biological Resources Technical Report prepared for the project (Appendix B of the IS/MND) included a search for any sensitive species identified by the California Natural Diversity Database (CNDDDB) within a 1-mile radius of the project site. The search was rerun following receipt of this comment, and it should be noted that the nearest data point for Swainson's hawk identified on the CNDDDB is located 4.1 miles from the project site, which is outside the 1-mile CNDDDB search radius for the project. Upon further coordination with CDFW, environmental scientist Nicholas Magnuson stated in an email dated October 11, 2024 that a closer data point for Swainson's hawk was not identified, but that the comment addresses potential for impacts to Swainson's hawk nesting and foraging habitat as the species occurs in Napa County and uses habitat similar to the project site. Therefore, the CDFW recommended mitigation for Swainson's hawk has been incorporated into the existing mitigation measure for nesting birds (Mitigation Measure BIO-3) in the IS/MND and Mitigation Monitoring and Reporting Program (MMRP) for the proposed project, as follows (strikethrough text denote deletions and underline text denote additions).

BIO-3: General Bird Breeding Season Surveys and Swainson's Hawk Avoidance and Protection. No grubbing, trimming, or clearing of vegetation from the project site shall occur during the raptor and bird breeding season (January 15 through September 1). If grubbing, trimming, or clearing of vegetation cannot feasibly occur outside the general bird breeding season, a qualified biologist shall perform a pre-construction nesting bird survey no more than 72 hours prior to the start of vegetation grubbing, trimming, or clearing to determine if active bird nests are present in the project site. 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. 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, unless otherwise approved in writing by CDFW. Surveys shall occur annually for the duration of construction. The project applicant shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. 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 qualified biologist 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 in writing by CDFW, or unless other alternatives for on-site mitigation are identified subject to the written approval of CDFW. Should an active bird nest of other species be located, the qualified biologist shall establish a buffer and direct vegetation clearing or other construction activities away from the nest until it has been determined that the young have fledged or the nest has failed. If no nesting birds (including nest building or other breeding or nesting behavior) are in the construction area, grubbing, trimming, or clearing shall proceed.

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 applicant shall consult with CDFW pursuant to the California Endangered Species Act and obtain an Incidental Take Permit before project activities may commence.

If nesting Swainson's hawk are detected within 0.5 miles of the project site, the project applicant shall purchase Swainson's hawk foraging habitat credits from a CDFW-approved mitigation bank at a 1:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW. The project applicant shall obtain CDFW's written approval of the type and amount of credits prior to purchasing the credits and provide the Bill of Sale for the credit purchase to the lead agency and CDFW prior to construction start.

Nicholas noted in his October 11, 2024 email that the recommended mitigation for Swainson's hawk would allow the project to avoid or mitigate impacts to the special status species. Although this species was not identified during field surveys or on any available databases, the City has elected to revise Mitigation Measure BIO-3 to more effectively address the potential for project impacts to nesting birds, such as Swainson's hawk, in response to the written comment. Based on this comment, Mitigation Measure BIO-3 was revised with an equal or more effective mitigation measure. Therefore, none of the conditions for recirculation pursuant to CEQA Guidelines Section 15073.5 have occurred.

A-7: This comment describes potential project impacts to the riparian corridor of Milliken Creek and provides a recommended mitigation measure to address these potential impacts. The recommended mitigation includes a pre-construction assessment for potential impacts to streams and riparian habitat, with notification to CDFW if these impacts cannot be avoided. The mitigation also includes restoration for permanent and temporary impacts and replacement of trees.

Response: As noted by Nicholas Magnuson in his email correspondence, dated October 11, 2024, CDFW does not have a standard definition for delineating the extent of riparian habitat because it varies case-by-case. The IS/MND includes discussion of potential project impacts to sensitive vegetation communities and jurisdictional aquatic resources in Section 2.4.4, Biological Resources. As noted in Section 2.4.4 of the IS/MND, direct permanent impacts to sensitive vegetation communities would be potentially significant without mitigation. Implementation of Mitigation Measure BIO-1 would reduce direct and indirect impacts to sensitive vegetation communities to a less than significant level through biological monitoring, installation of protective fencing, a worker environmental education program, confirming Stormwater Pollution Prevention Plan (SWPPP) compliance, and application of standard best management practices (BMPs) and requirements that address erosion and runoff. Implementation of Mitigation Measure BIO-4, Sensitive Vegetation Communities and Jurisdictional Aquatic Resources Mitigation, would reduce direct impacts to sensitive vegetation communities to a less than significant level through the acquisition of off-site mitigation credits for sensitive vegetation community and jurisdictional aquatic resource impacts. Therefore, implementation of Mitigation Measure BIO-1 and Mitigation Measure BIO-4 were determined to reduce the potential for direct and indirect impacts to riparian habitats and other sensitive natural communities to be less than significant. Additionally, Mitigation Measure BIO-6 requires obtaining regulatory permits from the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW under Sections 401 and 404 of the federal Clean Water Act, Porter-Cologne Water Quality Act, and Section 1602 of the California Fish and Game Code.

Nevertheless, the CDFW recommended language has been incorporated into Mitigation Measure BIO-6 to include mitigation of permanent impacts to streams and riparian habitat by restoring a minimum 3:1 ratio in area and linear feet, restoring all temporary impact areas, and replacing trees at an appropriate ratio based on size and species, unless otherwise approved in writing by the USACE, RWQCB, and/or CDFW. It should be noted that the regulatory permits required for the project must be reviewed and approved by the appropriate agencies prior to the issuance of land development permits. The revised Mitigation Measure BIO-6 is provided below (strikethrough text denote deletions and underline text denote additions).

BIO-6: Aquatic Resources Permitting. Prior to the issuance of land development permits, including clearing or grubbing and grading permits that impact potentially jurisdictional waters of the United States and state, the project applicant shall obtain regulatory permits from the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) under Sections 401 and 404 of the federal Clean Water Act, Porter-Cologne Water Quality Act, and Section 1602 of the California Fish and Game Code. This includes potential impacts to streams and riparian habitat including, but not limited to, impacts resulting from tree removal, vegetation removal, land clearing, and construction activities. Impacts to the streams and riparian habitat shall be mitigated by restoring a minimum 3:1 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 the USACE, RWQCB, and/or CDFW.

Regulatory agency permits would include compensatory mitigation for impacts and a Compensatory Mitigation Plan prior to the start of construction that would ensure that no net loss of resources would result from implementation of the project. Compensatory Mitigation Plan shall be prepared to the satisfaction of the City of Napa, ~~U.S. Army Corps of Engineers~~ USACE, ~~Regional Water Quality Control Board~~ RWQCB, and ~~California Department of Fish and Wildlife~~ CDFW for impacts prior to the start of construction. The Compensatory Mitigation Plan shall include, at a minimum, an implementation plan, estimated completion time, and any relevant contingency measures.

Areas under the jurisdictional authority of the ~~U.S. Army Corps of Engineers~~ USACE, ~~Regional Water Quality Control Board~~ RWQCB, and ~~California Department of Fish and Wildlife~~ CDFW shall be delineated on all grading plans. Jurisdictional aquatic resources outside of the project impact area shall be flagged for avoidance, consistent with Mitigation Measure BIO-1.

A-8: This comment describes that CEQA requires information developed through the CEQA process be incorporated into a database and asks that any special-status species and natural communities detected during Project surveys be reported to the CNDDDB.

Response: This comment states known requirements that the project would comply with. For example, following surveys project biologists would upload data to the CNDDDB. No further response is required.

A-9: This comment describes the requirement for environmental document filing fees.

Response: This comment states known requirements and fees that the project would comply with. The City will pay all required filing fees if and when the Notice of Determination is filed. No further response is required.

A-10: This comment concludes the comment letter and provides contact information for further questions or coordination.

Response: The City acknowledges this comment. No further response is required.

A-11: This comment includes a summary of the CDFW's recommended mitigation measures to address potential impacts to Swainson's hawk and riparian habitat, as described above.

Response: Please refer to responses to comments A-6 and A-7. No further response is required.

Letter B – California Department of Transportation, Yunsheng Luo

B-1: This comment introduces the letter and discusses the role of the California Department of Transportation (Caltrans) Local Development Review (LDR) Program. The comment notes that the letter does not provide an official position by Caltrans on the project.

Response: This comment is introductory and does not address the adequacy or accuracy of information provided in the Initial Study/Mitigated Negative Declaration (IS/MND). No further response is required.

B-2: This comment provides a summary of the IS/MND project description.

Response: The City acknowledges this comment. No further response is required.

B-3: This comment notes that the vehicle miles traveled (VMT) analysis and significance determination provided in the IS/MND are consistent with the City's adopted VMT thresholds and acknowledges the less-than-significant VMT impact.

Response: The City acknowledges this comment. No further response is required.

B-4: This comment requests confirmation of whether the City has approved project work within the floodway and recommends hydrologic analysis be performed during design rather than construction to determine if additional detention is needed.

Response: Approval of the project would include the City's approval for construction work within the floodway consistent with City's Flood Plain Management Ordinance. Grading in the floodway would be minimal to keep the existing grades the same. Utilities would be underground. The project would be conditioned to remove the recreational lodging units from the floodway seasonally. The remaining units would be removed from the floodplain and moved to high ground (i.e., the parking area) on site when triggered by the following thresholds:

- Significant rainfall of 1 to 2 inches per day as predicted by the National Weather Service
- Rapidly increasing stream levels of the Napa River at Lincoln Avenue

- U.S. Geological Survey (USGS) Napa River Gage at Oak Knoll approaching greater than 20 feet
- Napa River Flood Forecast showing river level predictions of 22 feet (this is predicted up to 5 days in advance and is the most important predictor of flooding)
- High tides of greater than 7 feet

Refer to the discussion of Seasonal Operations in Section 1.2.3, Project Operation, of the IS/MND for further discussion of project operations during flood conditions.

B-5: This comment notes that projects including movement of oversized or excessive load vehicles on State roadways requires a transportation permit issued by Caltrans and that coordination with Caltrans may be required to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts.

Response: The City acknowledges this comment. The City will condition the project to require a transportation permit for oversized or excessive load vehicles.

B-6: This comment states that Caltrans facilities impacted by the project must meet American Disabilities Act (ADA) Standards after project completion and maintain bicycle and pedestrian access during construction.

Response: The City acknowledges this comment. The project has incorporated ADA requirements into the project design. During construction, pedestrian and bicycle access would be maintained along State Route 121/Silverado Trail consistent with the existing conditions.

B-7: This comment describes the requirements for a Caltrans-issued encroachment permit for permanent work or temporary traffic control that encroaches onto Caltrans' Right of Way.

Response: The City acknowledges this comment. The project has been conditioned to obtain a Caltrans Encroachment Permit prior to approval of the construction plans.

B-8: This comment concludes the comment letter and provides contact information for further questions or coordination.

Response: The City acknowledges this comment. No further response is required.