

Friends of the Napa River

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February 5, 2010

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**1195 Third Street, Suite 210
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Via Email: napapipe@co.napa.ca.us

Napa Pipe Draft EIR

Friends of the Napa River (FONR) welcomes the opportunity to comment on this major development proposal on the former Napa Pipe area. FONR's mission is "to be the community's voice for the responsible protection, restoration, development and celebration of the Napa River and its watershed through education and advocacy." We have taken a great interest in the development of this location on the Napa River and our comments are specific to the mission and goals of our organization.

As a non-profit, volunteer organization, we rely on the background, experience and interest of our members to comment on river-related projects. In general, FONR does not "support" or "reject" a project in its entirety but makes critical comments on specific EIR categories throughout the EIR process. In other words, our public comments are not statements of advocacy; they are intended as informational and advisory, in the spirit of encouraging every development project to embrace sound river policy and environmental law, and to be sensitive to the larger river context as defined by Napa's "Principles of the Living River."

We do appreciate some of the proposed design features, i.e. river access & design along the river; keeping some industrial artifacts; boating facilities – we like reference to the "Comprehensive Plan for Docks along the Napa River comprising the 'Napa River Water Trail'" (published and submitted to the County by a FONR-led Citizens Boating Commission in October 2005); encouraging non-motorized and public transportation by the overall design; a bike and pedestrian trail through the property connecting the river trail coming up from American Canyon to the trail in Kennedy Park; an exemplary storm water management; and sustainable design.

Our concerns and questions are contained in the attached documents. Please let us know of any questions regarding our submission.

Sincerely,



Bernhard Krevet
for the Napa Pipe Review Team

Attachments (2)

Friends of the Napa River

Napa Pipe Review Team:

- Moira Johnston Block
- Barry Christian
- Roger Hartwell
- Jim Hench
- Bernhard Krevet
- Charles Shinnamon
- Francie Winnen
- Tim Yarish

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Napa County Department of Conservation, Development & Planning

Mr. Sean Trippi

1195 Third Street, Suite 210

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Via Email: napapipe@co.napa.ca.us

Re: Napa Pipe Draft EIR—Appendix 1

Friends of the Napa River (FONR) welcomes the opportunity to comment on this major development proposal on the former Napa Pipe area. FONR's mission is "to be the community's voice for the responsible protection, restoration, development and celebration of the Napa River and its watershed through education and advocacy." We have taken a great interest in the development of this location on the Napa River and our comments are specific to the mission and goals of our organization and are sensitive to the larger river context as defined by Napa's "Principles of the Living River."

We do appreciate some of the proposed design features, i.e.

- River access & design along the river, keeping some industrial artifacts
- Boating facilities – we like reference to the "Comprehensive Plan for Docks along the Napa River comprising the 'Napa River Water Trail'" (published and submitted to the County by a FONR-led Citizens Boating Commission in October 2005)

This plan identifies the Napa Pipe Property as follows:

"No plans presently [October 2005] exist for this site but its location highlights the need for combined use by water craft of varying size: The deep water joined with landed on-site features which may include electricity, plumbing for sewage, and possibly capabilities for dispensing fuel make it potentially very desirable for overnight berthing. Connections with downtown Napa could be provided in a number of ways including water taxi. At the same time, its proximity to wetlands makes it exceptionally useful for persons in small handcraft wishing to explore those areas. Dock design should take into account these varying uses and the types of craft engaged in them. Public boat launching capability at this site should be a high priority goal, especially if problems of silting at Kennedy Park dock prove recalcitrant." **Note:** Details of facilities and services need to be refined and fleshed out in the DEIR, in consultation with FONR and others; and the

appropriate public/private entities to best manage this public access facility needs to be discussed.

- ❑ Encouraging non-motorized and public transportation by the overall design.
- ❑ “Walkability” – walk/bike to work, shopping, schools (see John King’s comments in the SF Chronicle of May 13 2008:
www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/05/13/DDD310HM2C.DTL
- ❑ A bike and pedestrian trail through the property connecting the river trail coming up from American Canyon to the trail in Kennedy Park.
- ❑ An exemplary storm water management
- ❑ Sustainable design (**Note:** We urge the project to achieve LEED Silver level.)

Our concerns and questions are listed below; additional detailed comments are contained in an appendix that is part of our submission (**FONR-Napa Pipe-Comments-Appendix 2**)

Cumulative Impacts:

FONR Comments:

We are deeply concerned that the DEIR has focused far too narrowly on this specific project rather than in the broader context of the City of Napa, the County of Napa, the City of American Canyon, and the broader North Bay. Napa Pipe would create the second third largest “city” in Napa County and, as a river estuary flowing into San Francisco Bay, sits on the front lines of regional growth issues and environmental imperatives for San Francisco Bay. Since Napa Pipe would be the largest potential water facility on the Napa River, this is a project that requires the County and the developer to take the largest, longest possible views of the project’s cumulative impacts.

Public Services & Recreation 4.12.

- ❑ **Parks & Recreation, pg 4.12-39:**
The project expects to have a buildout population of 5,901 residents. The national “Level Of Service” standard for community parks is 5-8 acres per 1000 residents, requiring 30-48 acres for the project. While the plan proposes 36 acres of parks & open space within the project it will result in an increased use of Kennedy Park.

FONR Comments:

Kennedy Park: Will Kennedy Park be overwhelmed by usage if it becomes the primary backyard and playground for a potential 6,000 new people living right on its southern boundary, in the County? It is the City of Napa’s major recreational park for all its residents; its picnic sites, large greensward and playground are heavily and festively used by families and groups; its baseball fields are used day and night by teams of all ages; its two-mile stretch of River Trail along the wetlands is growing in popularity with walkers, dog-owners and cyclists. Napa Pipe clearly sees Kennedy as the answer to the recreational needs of its new residents. They will, of course, have public access to the River Trail, but is

it fair to Napans and to the City to locate – on County land, right next door – a new unincorporated city that does not provide adequate recreational facilities for its residents? Have careful studies been done on the impact on Kennedy Park? Who pays for increased costs in upkeep, etc? Will the pleasure and refreshment of the park be compromised for Napa families as a critical mass of new park users arrives? Because of Kennedy Park’s orientation to the Napa River and the River Trail, Napa Pipe’s impact on the Park is of great concern to FONR. Please respond.

□ **Parks & Recreation, pg 4.12-40:**

The project will provide “connectivity, improvement and expansion” of the “Bay Trail” as a beneficial parks related impact.

FONR Comments:

This **trail** through Napa Pipe – providing the highly desirable non-motorized pedestrian and bicycle circulation as a completion of the Napa River Trail, San Francisco Bay Trail and Napa Valley Vine Trail between the cities of Napa and American Canyon – should be a Class I bicycle and pedestrian route, following a route as close to the Napa River as feasible. The diagrams and text contained in the DEIR indicate an intention for the developer to construct a bicycle and pedestrian route through the project, but are not clear as to the design. We request that the Final EIR incorporate clarifications, as further modified below, and make them required mitigations for the project’s extensive traffic impacts. The essential features of the attached clarifications are two connected north-south non-motorized trails and three east-west connections, all consistent with Class I design standards. We also request that the following additional mitigations be incorporated into the Final EIR:

- The path connection heading north to Kennedy Park is shown paralleling the railroad tracks and/or a bridge over Asylum Slew. We understand such a bridge needs to accommodate the continuing barge traffic to Syar requiring a clearance of about 65 feet. Interesting choices for a movable bridge could include (a) drawbridge; (b) bascule bridge; (c) retractable bridge; tilt bridge (architecturally exciting!) (from http://en.wikipedia.org/wiki/Moveable_bridge):
- One or the other of these connections is essential for the non-motorized trails to function as intended.
- Syar’s comments must be fully addressed about their property issues, their long-term plans for continued industrial usage of the quarry, of Asylum Slough for sand deliveries, etc.
- In some locations the proposed path widths are less than the standard width for Class I facilities. Given the size of the project site, and the flexibility in site design that this large size allows, all of the routes (including also where the river alignment crosses over the dry docks) should be designed to meet Class I width standards.
- The trail at southern end of the project site should continue to American Canyon. The Napa Pipe project should reasonably be required to fund the approximately 4000 feet connector to the Butler Bridge (HWY 29) to provide a safe and appealing connection from the Napa Pipe property to south of Highway 29.

Because of the huge off-site traffic impacts of the proposed Napa Pipe project we believe it is essential to mitigate these impacts as much as possible through expansion of the county's non-motorized circulation system.

Utilities 4.13

▪ Water Supply 4.13-1

FONR Comments:

- We are very concerned about the proposed use of groundwater for domestic purposes. This appears to be in contradiction to long standing County policy that ground water should be reserved for agricultural purposes.
- We are concerned that a longer time horizon has not been studied for impacts to the aquifer. For example, please refer to Appendix I, Pg 12, ¶3, line 5: Instead of using only a 20-year time horizon when other agencies such as EBMUD, SFPUC and other water managers model out to 2050. A 2050 time horizon would also require a look at projected climate change that may be more evident by that time. Please explain why a 50 year time horizon should not be addressed in this situation.
- Only identified users were considered in modeling. Every watershed has unidentified riparian users, and their withdrawal of water may at times represent more than 10% of the flow. Based on agency records and professional judgment from qualified water managers, an estimate or calculation of these users should be included in the modeling. The Napa Valley 2050 study referred to these users as “Unaccounted for Water,” and it may include other losses such as unreported well drafts. Please update the model to take these unidentified users into account.
- Napa Pipe proposes, by drilling wells, to quadruple the draw of water from the aquifer, increasing it from 146 acre feet (for the past 20 years) to 620 acre feet. Syar Industries, one of the several private companies that already draw down the aquifer, expressed concern that, “the Project would substantially deplete groundwater supplies. Given that the proposal is for several an estimated six thousand new residents, please explain in detail how the aquifer study addresses replenishment of the aquifer over decades of higher pumping rates than have been historically recorded.
- Appendix “K” suggests, in event the developer can't reach agreement with a public water entity, that they form another company (investor owned Public Utility, Mutual Water Co, or Water District) or two. This development would create a water agency(s) whose water rights are junior to everyone else at a time when salt might be intruding into the Delta over the next fifty years and water will become more and more scarce. Starting a new water company also unnecessarily adds another bureaucracy to Napa County and could require very long processes for license.
- What is Plan “B” if the aquifer fails? Can this water really be wheeled from the Mokelumne? (Please refer to multiple West-Yost Engineers' reviews of the water issues).
- Should the DEIR require collaborative planning and agreements between Napa Pipe and the City of Napa re mutual use of the aquifer before Project approval? Factoring in growth and projected drought, this competition for water by bordering political entities

could prove paralyzing divisive as pressures on the aquifer grow. Can they be realistically mitigated?

Regulatory Setting pg 4.13-1

FONR Comments:

We are concerned about the governance responsibility of the public facilities in the Napa Pipe property. Who will be the owner and responsible for maintenance of public roads, trails, parks/open spaces, river front, docks, marinas, bridges, water supply and sewer service?

We have read the comments from the LAFCO staff report and agree with many of them. The notion that a homeowners association or community maintenance district will have the long term ability to own and operate the infrastructure of a small city for decades into the future is highly questionable. We have, for example, a fine water department in the City of Napa. The Napa Sanitation District does an excellent job of maintaining wastewater infrastructure throughout its jurisdiction.

As an example, the regulatory setting in the Utility Section (4.13-1) contemplates three organizational options in providing water service to the project: investor-owned utility; private mutual water company; or a special district. Additional analysis is needed to determine whether a private entity or special district, as contemplated in the DEIR, is the appropriate alternative to provide water as well as other community services to the site. Pertinent issues to address include administrative controls, revenue capacities, including long-term debt financing, oversight of service boundaries, and accountability to future landowners and non-landowner residents.

We agree with the comments by LAFCO that the County should consider and identify a long-term governance objective in managing community services for the project and make corresponding revisions to the DEIR as appropriate. Three specific objectives should be considered under a special district alternative:

- If the governance objective is to maintain Napa Pipe as an unincorporated community and control service decision-making, the County should prioritize forming a county service area (CSA).
- If the governance objective is to maintain Napa Pipe as an unincorporated community while delegating service decision-making to registered voters, the County should prioritize forming a community services district (CSD).
- If the governance objective is to ultimately facilitate the annexation of Napa Pipe to Napa, the County should prioritize forming a CSD and contract with the City for services to avoid the duplication of public infrastructure and facilities.

While FONR lauds the project for providing general public access to the trails, to parks and open space within the site, but, as stated above, the notion that a homeowners association or community maintenance district to have the long term ability to own and operate the infrastructure of a small city for decades into the future is highly questionable.

We therefore request to include in the EIR the additional studies and possible agreements and easements for infrastructure ownership. Such agreements and easements must be in place as a condition of approval.

Hydrology Flooding & Sea Level Rise

FONR Comments:

Based on the most current scientific data, the CalAdapt report states that the North Bay is far more vulnerable to inundation than the Central or South Bay (see key documents: “Potential Inundation due to Rising Sea Levels in the SF Bay Region,” by Noah Knowles, US Geologic Survey, for California Climate Change Center as well as the recent “2009 California Climate Adaptation Strategy” of Dec 2, 2009 with latest estimates of sea level rise, updated levels, and time line. (See www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009-027-F.PDF).

As such, we are concerned that the updated Phil Williams & Associates (PWA) study dated May 28, 2009 does not fully address these issues. Please address and answer the following:

- Does the PWA Study fully reflect the newest studies on sea level rise (see above), and the likelihood of inundation of the Napa Pipe development within its projected life span? What is that projected lifespan? Given the inevitability of inundation, and yet uncertainties in precise dates, we question whether major projects of Napa Pipe’s scale and population density any longer make sound planning sense in vulnerable coastal areas. Would it not be prudent for alternate future development sites to be identified and banked now for future use?
- The PWA Study does not address cumulative impacts that the proposed fill might have if other areas are similarly filled. We suggest consideration of the study and potential purchase of flowage easements over fallow vineyards upstream of the Trancas Street Bridge or the breaching of dikes and levees of lands downstream to compensate for this loss. Please explain how the PWA study addresses runoff from the hillsides east of the Napa River as well as the loss of flood storage due to these flows.
- We are deeply concerned about evacuation and/or provision of emergency services during a significant flood event. We acknowledge that flood gates are proposed on either side of the roads’ crossings of the railroad tracks in order to try to keep the intersection passable during a flood event. However, please explain in detail how public safety will be addressed in such a situation, especially when a public agency is not involved in the gates’ maintenance, operation, and the like.

Biological Resources – Section 4.4 Pg 4.4-1 ff

FONR Comments:

We have included specific comments in Appendix 1. One comment that was repeated several times relates to CDFG Code 3503. After mentioning the code along with others in

the statutes that were reviewed for this project, 3503 is ignored in other areas. CDFG Code 3503 prohibits disturbing nesting birds (defined as birds sitting eggs or with young) until the young fledge and no longer need the nest (sometime after first fledging). CEQA requires that raptor nests are located and protected in the same way (CDFG Code 3503.5) but does not specify that all nests of native birds be addressed. However, CEQA does not encourage project applicants to break the law, which they would be doing if they ignored CDFG Code 3503. So having mentioned it and shown they are aware of it, CDFG Code 3503 does need to be addressed.

Protection under 3503 can most easily be accomplished by working out of nesting season as is proposed throughout the project description. When that can't be done, a biologist needs to assess the situation soon before the project start. The proposed 30-days before project start leaves much time for nesting birds to complete a nest, lay egg, and for young to hatch before the project commences. The nest surveys should be done much closer to the project start date for the effected areas.

The EIR has done an incomplete job of addressing potential biological impacts, e.g.

- What is effect of *construction* of the Napa Pipe project on nearby floodplains and related fisheries and wildlife? These animals are especially susceptible to percussive noise.
- What is effect of *operation* of the Napa Pipe project on wildlife and fisheries?

It limits impacts to the project footprint, but there needs to be a discussion about the project effects on nearby areas as well. These nearby areas will be affected during project development and continually during project operation. For example, the effect of the project development and operation on the existing flood plain west of Napa College needs to be discussed. To discuss this issue effectively, the flora and fauna that has developed since the levees were breeched in the area (~2000) need to be described, not just at the project site but in the flood plain to the west and other potentially affected areas. Sensitive species known to use these areas need to be indentified and potential impacts assessed. Fish species also may use the area differently than before. Potential impacts on fish species from development and operation of the project, especially on sensitive species such as steelhead, delta smelt, and Sacramento splittail should be addressed more completely in areas outside the project footprint.

See more detailed comments in Appendix 2.

Geology, Soils – Section 4.9 Pg 4.9-1 ff

FONR Comments:

There are problems with the section on Geology. The DEIR incorrectly categorizes the September 3, 2000 earthquake as causing “slight” damage when there is ample evidence to the contrary (see detailed comments in appendix 1). This misrepresentation of existing data and photo-documentation is important because the areas most affected by the 2000 quake were on alluvial soil and fill, just like the proposed project. The 2000 quake was only a Mw 5.2, yet a quake approaching Mw 7.0 is predicted for the Rodgers Creek Fault. Finally, the

2000 quake was on a previously unknown fault northwest of Yountville. No analysis is given for a recurrence of a quake on that fault or on the West Napa Fault where it has been suggested a Mw 6.7 quake may occur in the future.

See more detailed comments in Appendix 2.

Table 2-1 “Summary of Impacts and Mitigation Measures”

Traffic & Transportation (beginning Pg 2-5)

Pg 2-6 TRA-1 line 5: What is significant about the 15% reduction in traffic from the proposal mitigation? Where does the 15% goal come from?

Pg 2-7 TRA-1 line 4: The word water “taxi” implies speed or at least reasonably fast short distance travel. The 5mph in channel speed limit will not lend itself to daily commutes. Also, water taxis have their own impacts:

- Noise (unless they are electric)
- Wake damage
- Interference with fishing and other river activities

Pg 2-7 TRA-2 line 3: Is there public support for making East Avenue a one way street? There are no existing one-way streets in the area, and this change may alter the atmosphere of the rural east side.

Many significant traffic changes would alter the current atmosphere of the area of South Napa.

Biological Resources (beginning Pg 2-14)

One comment that is repeated several times relates to CDFG Code 3503. After mentioning the code along with others in the statutes that were reviewed for this project, 3503 is ignored in all other areas. Will the developer follow CDFG Code 3503? It is unclear and should be clarified in other areas of the document. This code prohibits disturbing nesting birds (defined as birds sitting eggs or with young) until the young fledge and no longer need the nest (sometime after first fledging). CEQA requires that raptor nests are located and protected in the same way (CDFG Code 3503.5) but does not specify that all nests of native birds be addressed. However, CEQA does not encourage project applicants to break the law, which they would be doing if they ignored CDFG Code 3503. CDFG Code 3503 needs to be reiterated where necessary and duly addressed.

Pg 2-15 line 2: insert “or CDFG Code 3503” after the word “Act”.

Pg 2-15 line 16: insert “or CDFG Code 3503” after the word “Act”.

Project Description (beginning Pg 3-1)

Project Objectives:

Pg 3-9 4th bullet: Will these jobs at the Napa Pipe development provide income that will allow workers to live at Napa Pipe housing or even in the Napa Valley?

Project Descriptions: Off-Site Improvements (beginning Pg 3-51)

Pg 3-21 ¶5 The buildings greater than 48' along the riverfront will significantly alter the aesthetics. Figure 4.14-15 and Figure 4.14-22 are the before-and-after pictures of the project site from the Napa River. However, these pictures are so far away from the projects site as to render them useless for evaluation of visual impacts. The before-and-after pictures should be taken from the proposed public trail routes and from areas nearer the project, including Highway 29 and from the river to better evaluate visual impacts.

Pg 3-51 Will there be appropriate traffic/river traffic control for trucking or barging?

Table 3-7 Permits & Approvals Required (beginning Pg 3-62)

Pg 3-62 through 3-63 Table 3-7 should include review by NOAA (NMFS) under Section 7 of the ESA for impacts to steelhead/habitat by CDFG under CESA for delta smelt. What kinds of studies have been done to assess these fisheries and to assure habitat will not be lost from project construction/operation? If the project operation impacts the flood plain to the west, habitat may be lost. Are further studies planned so biologists and other evaluators can determine project impacts?

Also, a Section 106 compliance review (National Historic Preservation Act) is standard for issuing federal permits such as Section 404s.

Population, Employment & Housing (beginning Pg 4.2-1)

Pg 4.2-19 Will jobs created at the project site provide income sufficient to support residents that may choose to live there? Travel time will only be saved if it is possible for workers to live nearby where they work. So, will residences created by this project allow people who are now commuting to Napa to move to Napa and thereby reduce their carbon footprint? If these jobs are mostly service-related employment, it may not be the case.

Traffic & Transportation (beginning Pg 4.3-1)

Pg.4.3-86 ¶4 Figure 4.3-12. Widening the now two lane Silverado Trail to six lanes will require a large capital outlay to purchase property along the right-of-way, move utility poles, and other expenses attendant with such a major upgrade. Who pays these costs?

Biological Resources (beginning Pg 4.4-1)

Pg 4.4-4 ¶ CDFG is also responsible for enforcement of CDFG code 3503, etc. to protect nesting birds and other wildlife.

Pg 4.4-4 ¶3 “Special Status Species”: CDFG codes may include all native nesting birds regardless of listing status. Nesting is defined as native bird species having eggs or young in the nest.

Pg 4.4-7 ¶3 What about Section 106 compliance for USACE 404 permit?

Pg. 4.4-7 ¶2 Will the removal of valley oaks be mitigated by a ratio of 3 to 1 after five years and/or whatever additional mitigation is required by the agencies.

Pg 4.4-19 ¶3 Are amphibians such as western toads (*Bufo boreas*) and California newts (*Taricha torosa*) included as species which may use uplands? With ground squirrels on the site it is possible these other species are also present.

Pg 4.4-20 ¶2 line 6 Are Virginia rails and soras found in the slough? If a dead black rail has been observed on the site in the past while it was an industrial site, the possibility exists that this sensitive species and other rails may still be found along the river/slough margins. Were surveys conducted during high tides when these birds, especially California black rails, are most easily seen? If not, such surveys by a qualified specialist (e.g., Jules Evans) need to be done.

Pg 4.4-21 ¶1 line 4 Also look for great horned owls. These birds require different surveys than red-shouldered hawks.

Pg 4.4-32 ¶3 line 1 Include “amphibian” between reptile and fish.

Pg 4.4-3.3 ¶2 line 3 Have surveys been done for pallid bats? These mammals may roost in human structures and forage on the ground in the open fields nearby (such as across the river west of the project area).

Pg 4.4-40 ¶2 line 3 California red-legged frogs also disperse to forage in upland areas; and though they do not frequent salt water, they may be found in fresh water very close by.

Pg 4.4-40 ¶2 line 5 California red-legged frogs are also preyed upon by non-native fish species. CRLF may exist for a time with bullfrogs, but not with non-native bass or sunfish.

Table 4.4-3 is missing white-tailed kites (*Elanus leucurus*) which may forage nearby across the river and perch or roost in trees on the project site. Have surveys been done for kites? This bird is a California Protected Species, but is not included in the table.

Table 4.4-3; Pg 4.4-35 There are many spelling errors in Table 4.4-3. For instance there is repeated confusion on the spelling of *Oncorhynchus tshawytscha*.

Table 4.4-36 and pg 4.4-41 ¶1 line 9 What month was the dead black rail observed? If that information was provided it might support (or put in question) the contention that it is “unlikely” that an established population of California black rail is present. Could they be across the river (see below)? Was either area censused during a very high tide when California black rail are more readily seen? If they are not censused at that time, it is less likely the data is accurate.

Pg 4.4-43 Northern harrier nests may occur across the river and should be looked for in pre-project surveys to determine potential proximity and project impacts to nesting raptors.

Pg 4.4-45 ¶3 Nesting of native birds of any species are protected under CDFG code 3503.

Pg 4.4-59 Will there be a provision to remove undesirable non-native species? Add bullet:

- For the first five years, remove (or weed) the area of undesirable non-native species including non-native trees, *Arundo donax*, and pepperweed (*Lepidium latifolium*).

Pg 4.4-60 ¶1 line 10 Insert “native” before birds

Pg 4.4-60 ¶1 line 11 Insert “or CDFG code 3503” after Act.

Pg 4.4-60 ¶2 line 8 Insert “or CDFG code 3503”. Why are surveys done 30-days prior to start of project? CDFG code 3503 specifies “eggs or young”, so a second pre-project survey should occur close enough to the start of the project to insure nesting native birds will not be disturbed. If a survey is done “30-days prior to project start”, birds may enter the site, build a nest, and hatch young all between the time of the survey and the project start. Birds disturbed far into their nesting have spent much of their annual energy and may not be able to recover and renest if disturbed.

Pg 4.4-61 ¶1 line 4 Again, why 30 days?

Pg 4.4-62 bullet 2 Lack of specific surveys for fisheries and wildlife species in the Napa floodplain and at the project site makes it impossible to estimate potential impacts or to know if sensitive species will be significantly impacted. What wildlife and fish species use the floodplain during winter/spring? There are anecdotal reports of American white pelicans, peregrine falcons, golden eagles, and other sensitive birds in the area. Have the impacts of the project on these species across the river and at other nearby areas been taken into account? Are fish such as steelhead, delta smelt, and Sacramento splittail using the flood plain? There are records of each of these species from the area.

When was the floodplain created across from the College? (1996? 1998? 2000?) Has the ecosystem had time to mature? What monitoring has been done? What are the results,

and are there species that may be affected by the development and operation of the project currently in the flood plain?

What rail surveys have been done on the flood plain habitat since the dead black rail was observed at the project site?

Pg 4.4-69 ¶3 line 11 Insert “or CDFG code 3503” after Act.

Pg 4.4-70 ¶1 line 5 Insert “or CDFG code 3503” after Act.

Pg 4.4-71 ¶1 line 4 Will the project require authorization from the Feds or State under Section 7 or Section 10 of the ESA or 2081 of CESA, respectively? These permits require considerable time if done formally, though there are quicker avenues if the project is perceived to have very low impact.

Pg 4.4-71 ¶3 line 4 Have splittail or other species been observed spawning in the Napa Flood Zone (as occurs in the Yolo Bypass during flood years)? It may occur in wet years and should be researched. It should be determined if sensitive species life-stages such as juvenile splittail are produced in the Napa Flood plain and where these fish disperse.

Pg 4.4-78 ¶5: Delete “To some degree”

Geology, Soils & Seismicity (Beginning Pg 4.9.1)

Pg 4.9-12 ¶5 2-13 feet of fill is already at the site. With 4-7 feet of additional fill to be added, the project may be more subject to liquefaction. Ordinance SAR-12 in the General Plan is against okaying projects subject to liquefaction.

Pg 4.9-18 ¶1 This is an incorrect statement. The ground shaking intensity during the 9/3/00 M_w 5.2 quake may have been “slight” in stable hillside areas, but downtown on alluvial soil and near the river (as would occur at the project site) ground shaking was at level VI to VII (as described in DEIR Table 4.9-2, pg 4.9-10). Chimneys were broken off at the roofline as described for level VII shaking and there was an estimated \$50-100M of damage. See report at: http://www.asce.org/pdf/tclee_napaq90300.pdf

The analysis of the effect of M_w 5.2 shaking on the local river alluvium should begin by acknowledging the level of damage caused by the 2000 Labor Day Weekend quake. That quake should not be characterized as at “slight” where it interacted with alluvium as exists on the project site.

Have studies been done to determine the effects on local wildlife from compaction of soils to mitigate for potential liquefaction? The significant temporary impacts to local wildlife due to the percussive nature of the work are well known from other projects.

Hydrology & Water Quality (Beginning Pg 4.10-1)

Pg 4.10-36 Policy CON-51 Groundwater use discouraged in General Plan.

Pg 4.10-45 Mitigation measure HYDRO 1: What is the method for determining sources of cyanide to proceed with source control in event sample preservation is not determined to be the cause of excess cyanide? Who identifies and controls industrial sources of copper and zinc?

Pg 4.10-58 HYDRO 2 see question directly above for Pg 4.10-45.

Pg 4.10-59 ¶3 line 6: Nickel exceeds criteria by 0.1 ug/L in the dilution field, so statement is incorrect. See Table 4.10-7.

Pg. 4.10-71 When were these tests conducted? Test should be done at highest use periods, not at highest recharge point.

Pg 4.10-72 ¶1 When was the test done? Does the test month matter in relation to groundwater availability? When is the groundwater recharged and how quickly? Are there potential cumulative effects?

Pg 4.10-72 ¶2 lines 9-11: The long term drawdown rates are unknown.

Pg 4.10-99 Flooding: Modeling for RFPP assumed no flood conveyance through Napa Pipe, but the storage of water in the filled in areas will be lost. There may be some cumulative effect when combined with other future projects.