August 30, 2019

Ms. Kathy Pease, Contract Planner
City of Napa
Post Office Box 660
Napa, CA 94559

Subject: Heritage House/Valle Verde Project, Draft Environmental Impact Report, SCH #2018082019, City and County of Napa

Dear Ms. Pease:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (EIR) for the Heritage House/Valle Verde Project (Project). CDFW is submitting comments on the draft EIR to inform City of Napa, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the State’s biological resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State’s fish and wildlife trust resources.

Regulatory Requirements

CESA prohibits unauthorized take of candidate, threatened, and endangered species. Therefore, if “take” or adverse impacts to species listed under CESA cannot be avoided either during Project activities or over the life of the Project, a CESA Incidental Take Permit (ITP) must be obtained (pursuant to Fish and Game Code Section 2080 et seq.). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at https://www.wildlife.ca.gov/Conservation/CESA.

Lake and Streambed Alteration Agreement

CDFW requires an entity to notify CDFW before commencing any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed. Ephemeral and/or intermittent streams and drainages (that are dry for periods of time or only flow during periods of
rainfall) are also subject to Fish and Game Code section 1602; and CDFW may require an LSAA with the applicant, pursuant to Section 1600 et seq. of the Fish and Game Code.

Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. The CEQA document should identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at https://www.wildlife.ca.gov/conservation/isa.

CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

Project Description and Environmental Setting

The Project site is located at 3700, 3710, and 3720 Valle Verde Drive, just north of the intersection of Firefly Drive and Valle Verde Drive (Site), in the City and County of Napa. The Site is bordered by Silverado Creek Apartments to the west, Salvador Creek to the east, a two-story residential condominium development to the south, and a City of Napa-owned property that functions as a detention area and open space trail to the north. A portion of the Site, approximately 1.6 acres, is developed with the vacant approximately 39,711 square-foot Sunrise Napa Assisted Living Facility (Facility). The remainder of the Site, approximately 1.3 acres, is undeveloped.

The Project will result in the rehabilitation of the vacant Facility with 66 single-room occupancy units, including eight American with Disability Act accessible one-bedroom units (Heritage House). Additionally, the Project includes construction of a three-story multi-family apartment building (Valle Verde Project) on the vacant lot directly adjacent to the Facility. The Project will potentially remove a concrete bridge (“Zerba Bridge”) that spans Salvador Creek at the northeast corner of the Site, if it is required by the City of Napa in order to approve the Project. Lastly, the Project proposes to construct an approximately 85 linear-foot long concrete stitch pile retaining wall near the top of bank of Salvador Creek to address bank erosion behind the Facility.

Comments and Concerns

Stream Impacts
According to the Hydraulics Analysis for 3700/3710 Valle Verde Drive Project (Analysis), prepared by Schaff & Wheeler, dated June 21, 2019, the proposed Project (without the removal of the “Zerba Bridge”) would result in an approximately 10-inch increase of the 100-year flood water surface elevation (WSE) at the Project site, as well as upstream of the bridge adversely affecting residences on the east side of Salvador Creek. The Analysis also states that the Valle
Verde Project would impede and redirect flood flows (to the opposite bank of Salvador Creek). If the Analysis is accurate, the proposed Project would have a significant impact on the stream.

CDFW recommends that the bridge and existing pilings be removed to improve conditions in Salvador Creek. The existing bridge does not provide adequate freeboard above the 100-year flood WSE, and therefore, the bridge and pilings could cause debris jams and be an impediment to large woody debris during heavy winter flows. Such debris jams could cause greater flooding of the Site and result in substantial bank erosion. Additionally, while the Analysis shows that removal of the bridge and pilings would result in a slight decrease in the WSE at the Valle Verde Project site, as well as upstream of the bridge, there would be a slight increase (approximately 0.1-0.5 feet) in WSE at the Facility and residences across from the Facility on the east side of Salvador Creek. This could be a significant impact. CDFW recommends that the Project look into alternative designs that result in no net increase in WSE, so that the proposed Heritage House and surrounding residences are not adversely affected by the Project.

Cross-section A-A on the Project’s Grading Plan, prepared by RSA+, dated April 2018, shows a portion of the west streambank between the Valle Verde Project and the Facility being laid back to a 2:1 slope. CDFW recommends that draft EIR specify how many linear feet of streambank will be laid back to a 2:1 slope, and whether stream diversion and fish relocation will be necessary. Additionally, the grading plan should provide details on how the graded slope will be stabilized (e.g. native riparian plantings).

Figure 3.4-2 of the draft EIR shows the approximate locations of all protected trees, trees to remain, and trees to be removed by the Project. According the figure, the Project may need to remove some trees from the riparian corridor. All trees removed from the riparian corridor should be compensated by replanting native local riparian trees at a 3:1 ratio for the removal of native trees and 1:1 for the removal of non-native trees. If oak trees need to be removed from the riparian corridor the compensation should be greater. CDFW recommends the following replanting ratios for oak trees:

- 4:1 replacement for impacted oaks 5-10 inches in diameter
- 5:1 replacement for impacted oaks 10-15 inches in diameter
- Trees greater than 15 inches in diameter are considered old-growth oaks and should be mitigated at a ratio of 15:1

The draft EIR should specify that a Project specific tree planting and monitoring plan will be developed, and that it will include a minimum of five years of monitoring to ensure plantings achieve specified success criteria.

The west bank of Salvador Creek behind the Facility has been actively eroding for several years. There are multiple factors contributing to this issue including, but not limited to: the significant increase in impervious surfaces adjacent to Salvador Creek, resulting in more water flowing into the stream as stormwater runoff; and a thin riparian corridor, predominantly composed of non-native trees/vegetation, particularly behind the Facility. To address the bank erosion, the Project proposes to construct an approximately 85-linear-foot-long concrete stitch pile retaining wall behind the natural streambank between the existing parking lot and the top of bank. However, Figure 2.7-7 of the draft EIR, prepared by Miller Pacific Engineering Group,
dated January 18, 2019, shows two retaining walls: the proposed approximately 85-linear-foot-long retaining wall, as discussed in the draft EIR, and an additional 100-linear-foot-long retaining wall, which is not discussed in the draft EIR. As proposed, the stitch pile retaining wall will not prevent further bank erosion as it does not address the root cause of the erosion. CDFW recommends that the Project proponent work in conjunction with the Napa County Flood Control and Water Conservation District to design a bank stabilization project, using a predominantly bioengineered approach, that addresses the active bank erosion occurring on the west bank behind the Facility and that does not impact WSE and flood levels. Implementation of a successful bank stabilization project at the Site should eliminate the need to construct the proposed stitch pile retaining walls; it should also address the thin non-native riparian corridor and stormwater. CDFW is concerned that the Project as proposed would reduce or eliminate the riparian bank. The draft EIR should address impacts to the riparian bank and proposed mitigation for any associated impacts.

Table 3.4-4 of the draft EIR quantifies the Project’s temporary and permanent impacts to areas within CDFW’s jurisdiction. Please note that all work occurring within the bed, bank, and channel, including the riparian corridor as determined by the first riparian drip-line, and within the 100-year floodplain of Salvador Creek, is subject to Fish and Game Code section 1602; and thus, the Project will need to get an LSAA from CDFW prior to starting construction in areas within CDFW’s jurisdiction. Table 3.4-4 underestimates the extent of impacts within CDFW’s jurisdiction. CDFW recommends that the table be revised to accurately reflect all temporary and permanent impacts within CDFW’s jurisdictional areas. CDFW is available to work with the lead agency to determine the areas of the Site that are within CDFW’s jurisdiction.

Roosting bats
The draft EIR discusses the potential for two bat species to occur on the Site: pallid bat (Antrozous pallidus) and western red bat (Lasiurus blossevillii), both of which are State Species of Special Concern. The Facility, bridge, and trees on the Site could provide suitable bat roosting habitat. Mitigation Measure BIO-1.2 (MM BIO-1.2) of the draft EIR requires a pre-construction survey for bats and requires consultation with CDFW if maternity roosts are found. Additionally, MM BIO-1.2 states:

“If any large trees are identified during a pre-construction survey, which contain potential roosting features, the tree shall be felled outside of the maternity season (September 1 through April 30) and shall be allowed to lay on the ground for one night to allow any undetected bats to leave the tree before it is processed.”

As stated, implementation of MM BIO-1.2 would significantly impact bats roosting on the Site. CDFW recommends that a qualified bat expert perform pre-construction surveys of the bridge and Facility at least 30 days prior to the start of construction to determine if bats (or evidence thereof) are roosting in such structures. If so, the qualified bat expert should prepare an Avoidance and Minimization Plan for CDFW review and approval prior to construction that includes specific measures regarding humane eviction of bats from such structures during appropriate periods. Furthermore, CDFW recommends that MM BIO-1.2 be revised to state the following regarding tree removal:
"A qualified bat expert shall conduct a Bat Habitat Assessment of the all trees proposed for removal at least 30 days prior to the start of construction to determine if any trees proposed for removal contain suitable bat roosting habitat (e.g. cavities, crevices, exfoliating bark). If the qualified bat expert identifies any trees proposed for removal containing suitable bat roosting habitat, the Project proponent shall assume presence of roosting bats and all trees proposed for removal containing suitable bat roosting habitat, as determined by the qualified bat expert, shall be removed using the following two-day phased removal method during the below specified seasonal periods of bat activity, to avoid impacting roosting bats:

On day 1, under the supervision of a qualified bat biologist who has documented experience overseeing tree removal using the two-day phased removal method, branches and small limbs not containing potential bat roost habitat (e.g. cavities, crevices, exfoliating bark) shall be removed using chainsaws only. On day two, the next day, the rest of the tree shall be removed.

All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin)."

Nesting Migratory Birds and Raptors
Mitigation Measure BIO-1.1 of the draft EIR states that a qualified biologist will conduct a pre-construction nesting bird survey no more than 14 days prior to the start of Project activities, if ground disturbing activities are to begin during the nesting season of February 1 to August 31. CDFW agrees with this measure but recommends one minor revision. Nesting bird surveys should be conducted by a qualified biologist within 5 days of the start of construction to avoid having nesting birds or raptors begin nesting on Site between the time of the survey and the start of construction. Many birds construct their nests in a matter of days, so there is a risk associated with conducting a survey too early. Additionally, CDFW recommends that if active nests are discovered during surveys or during construction, the qualified biologist who conducted the surveys should determine a suitable buffer distance from all active nests; and they should observe the nest during the first two days of construction to ensure construction activities do not disturb the nest. If nest disturbance is observed, construction should cease and the qualified biologist should establish a larger buffer distance if possible. If a larger buffer distance is not possible, all activities within proximity to the nest should be delayed until September 1, or until the nest is no longer active, whichever comes first.

Erosion Control Devices
Erosion control devices can have a direct impact on wildlife (e.g. reptiles and amphibians). CDFW has documented several cases of wildlife getting entrapped in erosion control devices containing plastic monofilament (e.g. typical straw wattles), and therefore, all erosion control devices should be free of plastic monofilament and should only be composed of a biodegradable material. (e.g. coir logs, coconut fiber blanket, jute netting).
CDFW appreciates the opportunity to provide comments on the draft EIR for the proposed Project and is available to meet with you to further discuss our concerns. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at (707) 428-2076 or garrett.allen@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 428-2090 or karen.weiss@wildlife.ca.gov.

Sincerely,

[Signature]

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse
Central Valley Regional Water Quality Control Board

21 August 2019

Kathy Pease
City of Napa
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Napa, CA 94559

CERTIFIED MAIL
7014 2120 0001 4292 4492

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, HERITAGE HOUSE/VALLE VERDE PROJECT, SCH#2018082019, NAPA COUNTY

Pursuant to the State Clearinghouse’s 22 July 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Environmental Impact Report for the Heritage House/Valle Verde Project, located in Napa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

   Basin Plan
   The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

   The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental
Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

**Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. **Permitting Requirements**

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml
Phase I and II Municipal Separate Storm Sewer System (MS4) Permits

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

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1 Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.
Clean Water Act Section 401 Permit – Water Quality Certification
If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State
If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit
If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition-groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently $1,277 + $8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for **Limited Threat Discharges to Surface Water** (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding
the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.

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Jordan Hensley  
Environmental Scientist  

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento
Hi Kathy,

Thanks for reaching out. It looks like this was an oversight. We received notice from the State Clearinghouse of the project’s EIR and we responded with our general information response letter. But looking at the project location with regard to the Regional Boards delineation map, it appears that the project is not within the Central Valley Regional Board’s scope. However, we do represent about half of Napa County. You can see the Regional Boards’ delineation map on the State Water Resources Control Board’s webpage at: https://www.waterboards.ca.gov/waterboards_map.html.

Please feel free to attach this email correspondence to the comment letter, if needed.

Thanks,

Jordan Hensley
Environmental Scientist
R5 401 Water Quality Certification Unit
(916) 464-4812
Jordan.hensley@waterboards.ca.gov
Kathy Pease,
Contract Planner
916-812-0749
Hello Ms. Kathy Pease,

I represent the Department of Toxic Substance Control, a responsible agency, reviewing the Draft Environmental Impact Report (EIR) for the Valle Verde and Heritage House Continuum of Housing Project. Upon review of the document DTSC requests the following comments be addressed in the revised EIR:

- The scope of the report does not include historical land uses at the site. Based on my review of the Phase-I Environmental Site Assessment conducted by Basics Environmental, Inc. in December 2014, it appears that the Phase-I Environmental Site Assessment provides historical information on the project site. This historical information should be summarized within the Environmental Impact Report. Furthermore, any former land uses that may pose a threat to human health or the environment should be discussed within the Hazards and Hazardous Materials section.

- Past uses of the project site described within the Phase-I Environmental Site Assessment (Basics 2014) includes agricultural land, which reportedly most likely consisted of vineyards. The site was reportedly developed with agricultural land from at least the 1940s to the 1960s. Page 121 of the Draft Environmental Impact Assessment states “Pesticides and herbicides may have been used on-site as part of the past agricultural operations on-site between the 1940s and 1960s. Information from the County Agricultural Department revealed these chemicals do not persist in the soil and ground water and will break down over time. Given the substantial time (over 50 year) since the site was used for agricultural purposes and the nature of the chemical degradation, the Phase I ESA concluded the probability of pesticides or herbicides within the soil and/or groundwater is low and would not pose a risk for construction workers.” Given the nature of the future use of the site (residential), DTSC recommends that for added confidence environmental sampling be conducted at the project site to confirm that pesticides and/or herbicides do not remain within media at the project site.

- As part of the proposed project the report notes that renovations to the current building as well as the construction of a residential building is planned. The Draft Environmental Impact Report does not discuss potential hazardous materials associated with construction activities. Construction activities typically utilize hazardous materials (paints, petroleum products, etc.). These materials if handled improperly may adversely affect human health and the environment. Please provide a description of best management practices that will be implemented as part of hazardous materials manifestation during construction activities.

- The previous Phase-I Environmental Site Assessment (Basics 2014) notes that two elevator motor units are located within the current vacant building. In addition, Basics reportedly observed a 55-gallon hydraulic oil steel drum. Will elevators be replaced during renovation?
Will new elevators be installed within the newly constructed building? Often elevators utilize hydraulic fluid during maintenance. Please include additional information within the EIR regarding the proposed demolition/construction of the elevators. Please also address handling of the hazardous materials associated with the elevators.

- The previous Phase-I Environmental Site Assessment (Basics 2014) notes the use of a diesel backup generator located on the southeast side of the project site. Please address the past, current, and future use of the backup generator within the Environmental Impact Report.
- The previous Phase-I Environmental Site Assessment (Basics 2014) notes the use of an onsite domestic water well located within the middle of the project site. The domestic well is reportedly housed within a shed with an associated aboveground storage tank on a concrete pad. The domestic well was reportedly utilized for irrigation purposes only. Please discuss the current and future uses of the domestic water well. Groundwater wells often serve as conduit to the subsurface. Please discuss past uses of the property in relation to the groundwater well and advise on the risk of contamination to groundwater.

Please feel free to reach out with any questions or concerns.

Best,
Ryan Ahrling

Ryan Ahrling
Environmental Scientist
Site Mitigation and Restoration Program
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Kathy Pease  
AICP, Contract Planner  
Planning Division, Development Department  
City of Napa  
P.O. Box 660  
Napa, California 94559

Subject: Draft Environmental Impact Report/Environmental Assessment for the Heritage House/Valle Verde Project, Napa County, California

Dear Ms. Pease:

The U.S. Environmental Protection Agency has reviewed the above-referenced document. Our review is pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The proposed project would receive assistance from the U.S. Department of Housing and Urban Development to provide affordable housing to low-income and homeless populations in the Napa area. The project would entail converting an existing assisted living facility into the Heritage House, which would include 66 single room occupancy units. It would also involve constructing the Valle Verde apartment complex, which would provide 24 multi-family units. Both facilities would be equipped with sustainable features, such as solar photovoltaic panels, energy and water-efficient appliances, and drought-resistant landscaping.

The EPA understands that there is a pressing need to provide affordable housing in California, particularly in the San Francisco Bay Area. We support the City’s effort to address these needs in a manner that reduces certain environmental impacts; we have some concerns, however, about the potential floodplain issues associated with the project, particularly given that vulnerable populations would reside in the proposed housing complexes. According to the Draft EA, the project would be partially located within the 100-year floodplain of the adjacent Salvador Creek. Constructing the Valle Verde apartments would increase the area’s base flood elevation by one foot (from 39.2 feet to 40.2 feet) (p. 134). The lowest point of the Valle Verde complex would be one foot above the BFE. A portion of the existing assisted living facility is below the BFE and would need to be elevated (p. 135).

In a changing climate, floods and droughts are likely to become more frequent and more intense as regional and seasonal precipitation patterns change and rainfall becomes more concentrated into heavy events. Preserving floodplains is vital for adapting to larger, more intense storms. We recommend that the Final EA discuss the feasibility of adjusting the project design to locate the Valle Verde complex as far away from flood hazard zones as possible to avoid encroaching on the floodplain. If such design modifications are determined to be infeasible, we recommend that the City consider elevating the structures further beyond the BFE and incorporate low-impact development features that reduce impervious surfaces to the fullest extent feasible.1 Additionally, in order to improve public safety, we

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1 For example, see EPA’s online resource for permeable pavements, available at: https://www.epa.gov/soakuptherain/soak-rain-permeable-pavement
recommend that all access routes, including walkways, driveways, and roadways, be located in areas above the BFE and with evacuation routes leading directly out of the floodplain area. We also recommend that all essential equipment and infrastructure be located outside of the floodplain, and that no hazardous materials of any kind be stored in flood-prone basements.

The Draft EA states that the project may involve removing the Zerba Bridge as a condition of project approval to address some flood-related impacts. Removing the bridge could potentially affect a small amount of jurisdictional waters and thus require permits from the U.S. Army Corps of Engineers. It would also increase downstream BFE by 0.01-1 ft (p. 137). If the bridge removal alternative is selected, we recommend that the Final EA document coordination that has taken place between the City and USACE to ensure that the project complies with the conditions of any required permits (e.g., Clean Water Act Section 404). We also recommend including a more detailed discussion of downstream flood-related impacts resulting from the increase in BFE.

We appreciate the opportunity to review this Draft EA and are available to discuss our comments. Please send one electronic copy of the Final EA when it becomes available to this office at the address above (mail code TIP-2). If you have any questions, please contact Morgan Capilla, the lead reviewer for this project, at 415-972-3504 or capilla.morgan@epa.gov.

Sincerely,

Connell Dunning, Acting Manager
Environmental Review Branch

Electronic copy: Sahrye Cohen, U.S. Army Corps of Engineers
Dear Kathy Pease,

The Federated Indians of Graton Rancheria, a federally recognized Tribe and sovereign government has received your correspondence requesting information on a project located at 3700, 3710 & 3720 Valle Verde Drive, Napa. The Tribe has reviewed the location of the project and we have determined it is not in our traditional ancestral territory, therefore have no comments on this project, at this time. We appreciate the opportunity to review the project proposal. If you have any additional questions regarding this letter please feel free to email my office at thpo@gratonrancheria.com or call the office at (707) 566-2288.

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please consider our environment before printing this email.

Federated Indians of Graton Rancheria and Tribal TANF of Sonoma & Marin - Proprietary and Confidential

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