

Draft

**Addendum
to the
Final Program Environmental Impact Report
for
Napa Valley Transportation Authority Sales Tax Ordinance and
Transportation Improvement Expenditure Plan**

(SCH#: 2005032125)

Napa Valley Transportation Authority

May 28, 2008

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Addendum
to the
Final Program Environmental Impact Report
for
Napa Valley Transportation Authority Sales Tax Ordinance and Transportation Improvement
Expenditure Plan

TABLE OF CONTENTS

Executive Summary.....	1
Purpose of this Addendum	3
Background.....	3
Basis for Preparation of this Addendum	3
Project Description	7
Local Streets and Roads Maintenance Program.....	7
High Priority Congestion Relief Matching Funds Eligible Program	7
Transportation Demand Alternatives	8
Environmental Analysis	10
I. AESTHETICS.....	10
II. AGRICULTURE RESOURCES	10
III. AIR QUALITY	11
IV. BIOLOGICAL RESOURCES	12
V. CULTURAL RESOURCES.....	13
VI. GEOLOGY AND SOILS	14
VII. HAZARDS AND HAZARDOUS MATERIAL.....	14
VIII. HYDROLOGY AND WATER QUALITY	15
IX. LAND USE AND PLANNING	16
X. MINERAL RESOURCES	17
XI. NOISE	17
XII. POPULATION AND HOUSING.....	18
XIII. PUBLIC SERVICES	18
XIV. RECREATION.....	19
XV. TRANSPORTATION/TRAFFIC.....	19
XVI. UTILITIES AND SERVICE SYSTEMS.....	20
XVII. MANDATORY FINDINGS OF SIGNIFICANCE	20
Technical Report	22

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Executive Summary

This proposed Addendum to the Napa County Sales Tax Ordinance and Transportation Improvement Expenditure Plan Final Program Environmental Impact Report (SCH#: 2005032125), January 2006, addresses proposed modifications to the Transportation Improvement Expenditure Plan that was previously approved in January 2006. The proposed plan modification incorporates three basic activities: (1) increased funding for the local streets and roads program, (2) clarification that the high priority congestion relief projects include auxiliary elements necessary for full functionality, and (3) slightly reducing funding for the transit improvement program while also providing for right of way protection.

None of these activities would cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects identified in the Program EIR. No changes to previously adopted mitigation measures are needed and no new mitigation measures are needed. Documentation of these conclusions are shown by use of a California Environmental Quality Act (CEQA) Environmental Checklist, which reports the effects of the proposed plan changes in comparison to environmental effects and mitigation measures reported in the Final Program EIR. A discussion is included of the procedural qualification to address the proposed plan modification in this Addendum, rather than in a subsequent EIR, per sections 15162 and 15164 of the implementing guidelines for CEQA.

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Purpose of this Addendum

The Napa Valley Transportation Authority (NVTA) has prepared this Addendum to address environmental effects associated with proposed changes to the NVTA Sales Tax Ordinance and Transportation Improvement Expenditure Plan that was originally approved by NVTA in January 2006, but failed to obtain the requisite voter approval. The proposed changes Expenditure Plan are (1) increased funding for the local streets and roads program, (2) clarifications that the high priority congestion relief projects include auxiliary elements necessary for full functionality, and (3) slight reductions in funding for the transit improvement program while also providing for right of way protection.

Background

In 2005, the Napa Valley Transportation Authority (NVTA) proposed a retail transactions and use tax ordinance for the disposition of future tax revenues for transportation improvements and services in Napa County. The tax ordinance would have imposed a one-half percent retail transactions and use tax on the incorporated and unincorporated areas of Napa County. The tax ordinance was proposed for adoption by the Napa Valley Transportation Authority (NVTA), subject to a two-thirds voter approval. The NVTA is a Local Transportation Authority organized under the provisions of the California Public Utilities Code (“PUC”) section 180000, *et seq.*, entitled “Local Transportation Authority and Improvement Act”. The purpose of the NVTA is to provide a mechanism by which Napa County may raise additional local revenues to provide highway capital improvements and maintenance to the meet local transportation needs. Revenues raised by the tax ordinance are administered by the NVTA.

To assess the environmental impacts of projects proposed to be funded by the tax, a Program Environmental Impact Report (Program EIR) (SCH No. 2005032125) was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). The Draft Program EIR was issued for public review in November 2005. A Final EIR, which included responses to comments raised during public review, was issued in January 2006. The Final EIR was certified, findings, a statement of overriding considerations, mitigation measures and a mitigation monitoring plan adopted, and the project (the transportation improvements listed in the EIR) approved by NVTA on January 18, 2006. This Addendum addresses slight modifications being proposed by NVTA in a 2008 proposed Expenditure Plan. Projects listed in the Final EIR are also enumerated in NVTA Ordinance 06-01, passed on January 25, 2006.

Basis for Preparation of this Addendum

Section 15164 of the guidelines for implementation of CEQA defines the circumstances under which a previously certified EIR may be updated through an addendum, rather than through preparation of a supplemental EIR, as follows:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings.

The conditions described in Section 15162 are:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant

effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

How the proposed reallocations of the Napa Valley Transportation Authority Transportation Improvement Expenditure Plan responds to the Section 15612 criteria:

- The proposed plan changes would incorporate three basic activities: (1) increased funding for the local streets and roads program, (2) clarifies that the high priority congestion relief projects include auxiliary elements necessary for full functionality, and (3) slightly reduces funding for the transit improvement program while also providing for right of way protection.
- None of these activities would cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects identified in the Program EIR [(condition (a) (1)]. Documentation of this conclusion is shown in the CEQA Environmental Checklist, which reports the effects of the proposed plan change in comparison to environmental effects reported in the Program EIR.
- There would be no substantial changes with respect to the circumstances under which the project will be undertaken [(condition (a) (2)].

- There is no new information from that reported in the Program EIR that would result in a significant effect not previously discussed, would result in an effect being more severe than previously discussed, would not make feasible previously defined infeasible mitigation measures, nor require mitigation measures different than those reported in the Program EIR [(condition (a)(3)]. Documentation of this conclusion is shown in the CEQA Environmental Checklist, which reports the effects of the proposed plan change in comparison to environmental effects reported in the Program EIR.

Conclusion: Since the proposed plan change does not result in any of the conditions in Section 15162 paragraph (a), the NVTA, as the lead agency under CEQA, has the authority to determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation per Section 15162 paragraph (b). Upon review of the environmental effects of the proposed plan change, compared to the environmental effects and mitigation measures addressed in the Program EIR, NVTA has determined that an addendum shall be prepared in accordance with Section 15164.

This addendum meets the conditions specified in Section 15164 as follows:

- (a) It would not result in any of the conditions in Section 15162 that require the preparation of a subsequent EIR (see discussion above).
- (b) Proposed changes to the plan are minor, in that there are reallocations of funds to projects listed in the Program EIR, clarification of elements included in projects, and no new improvement projects not previously identified are proposed.
- (c) The NVTA will consider this addendum as part of its overall project approval process. Responsible agencies involved in implementation of the Transportation Expenditure Plan will also consider, and may adopt, this addendum.
- (d) The foregoing discussion explains the NVTA decision not to prepare a subsequent EIR and is included in this addendum.

Project Description

This addendum encompasses the following proposed modifications to the previously approved NVTA Ordinance and Transportation Improvement Expenditure Plan. Changes from the language used in the attachment are shown in double underline. Tables show the previously approved (2006) funds and proposed funding levels.

Local Streets and Roads Maintenance Program

Under the (Sales Tax) Ordinance, the funds must be used for maintenance, rehabilitation and reconstruction of local streets and roads. Exceptions will be approved only as allowed by ordinance for jurisdictions which meet and will continue to meet the pavement maintenance index set by the ordinance; such funds may be used by each agency for any transportation project purpose including additional expenditures for maintenance, safety, bike and pedestrian projects, signal timing, roundabout installation, signal installation, intelligent transportation systems, operational projects, and local system congestion relief projects, including transit, and environmental and design costs for the projects.

The estimated funding for the program is (millions of dollars):

Project	Previously Approved Transaction and Use Tax ⁽¹⁾	Proposed Transaction and Use Tax	Previously Approved State and Federal ⁽¹⁾	Proposed State and Federal	Local (no change)	Previously Approved Total ⁽¹⁾	Proposed Total
American Canyon	\$ 9.85	\$ 35.60	\$ 17.47	\$ 38.68	\$ 1.00	\$ 28.32	\$ 75.28
Calistoga	10.51	12.23	10.66	11.31	0.60	21.77	24.14
Napa	158.03	189.48	110.58	258.93	1.50	2701.11	449.91
Napa County	139.38	194.70	161.51	277.82	3.00	303.89	475.52
St. Helena	31.50	24.15	8.46	13.50	0.60	40.56	38.25
Yountville	7.33	7.30	2.94	5.68	0.60	10.87	13.58
Total	\$ 356.60	\$ 463.46	\$ 311.63	\$ 605.92	\$ 7.30	\$ 675.53	1,076.68

1. "Previously Approved" data is from Ordinance O6-01, Attachment 1.

High Priority Congestion Relief Matching Funds Eligible Program

Funds would be provided for the following projects and programs. Matching funds can be from any source, including federal, state or local. Matching funds can be provided at any point of the project(s).

1. Airport Interchange (SR 12/29): Construct interchange at the intersection of State Route 12, Airport Boulevard and State Route 29 including any necessary appurtenant facilities.

2. Soscol Flyover (SR 12/29/221): Construct southbound SR 221 flyover ramp to southbound SR 12/29 and related interchange improvements.
3. Newell Drive and Devlin Road Gap Closures: Construct Newell Drive from its current terminus to Green Island Road and Devlin Road from its current termini to Green Island Road.
4. Roundabouts: Construct roundabouts at Rutherford Cross Road/State Route 29, Petrified Forest Road/State Route 128, and Lake Street/Silverado Trail/State Route 29 intersections.
5. Silverado Trail Safety improvements: Construct safety improvements on or directly adjacent to the Silverado Trail, not including the portion owned by the State of California.
6. First Street Overpass: Widen the First Street Overpass to include four through lanes. Additional non-through lanes (acceleration, turning, deceleration, etc.) may also be included as a part of the project to increase the through lanes. The project shall include full bicycle and pedestrian facilities.

The estimated funding for the program is (millions of dollars):

Project	Previously Approved Transaction and Use Tax ⁽¹⁾	Proposed Transaction and Use Tax	Previously Approved Matching Funds (All Sources) ⁽¹⁾	Proposed Matching Funds (All Sources)	Previously Approved Total ⁽¹⁾	Proposed Total
Airport Interchange		\$ 25.00		\$ 46.17		\$ 71.17
Soscol Flyover		26.00		28.00		54.00
Newell Drive and Devlin Road Gap Closures		33.00		45.00		78.00
Roundabouts		3.00		3.00		6.00
Silverado Trail Safety Improvements		10.00		5.00		15.00
First Street Overpass		15.00		20.00		35.00
Total	\$ 149.640	\$ 112.00	\$ 125.52	\$ 147.17	\$ 275.16	\$ 259.17

1. "Previously Approved" data is from Ordinance O6-01, Attachment 1. Funding was listed for the Jamieson Corridor Program, not allocated to specific projects.

Transportation Demand Alternatives

1. Safe Routes to Transit and Schools: Grants to be released by the Authority on a competitive basis, following the latest version of the State of California Safe Routes to School program guidelines for pedestrian and bicycle facilities designed and intended to improve the safety and access of individuals accessing schools and/or transit facilities and services. Grants to be awarded to only the Cities, Town and County within Napa County based on requests submitted to and awarded by the Authority. This program may provide funding to support a coordinator

to work with the schools to promote bicycling and walking to and from school and related educational materials.

2. Transit Improvement Program: Capital and operations costs for express bus service to Solano County; design, acquisition and protection of right-of-way and construction of the major VINE service transfer center; and purchase alternative fueled transit vehicles.

3. Environmental Mitigation Fund: Funds shall be provided for a transportation mitigation program. Such mitigations may exceed those mitigations required for any given transportation project and may include the acquisition of open space. (Funding moved to this overall category)

The estimated funding for the program is (millions of dollars):

Project	Previously Approved Transaction and Use Tax ⁽¹⁾	Proposed Transaction and Use Tax	Previously Approved State and Federal ⁽¹⁾	Proposed State and Federal	Previously Approved Local ⁽¹⁾	Proposed Local	Previously Approved Total ⁽¹⁾	Proposed Total
Safe Routes to Transit and Schools	\$ 14.100	\$ 15.00	\$ 2.00	\$ 3.00	\$2.00	\$ 3.00	\$ 18.10	\$ 21.00
Transit Improvement Program	16.64	\$ 15.00	2.50	3.50	12.45	5.00	31.59	23.50
Environmental Mitigation ⁽¹⁾	0.00	\$ 15.00	0.00	15.00	0.00	5.00	0.00	35.00
Total	\$ 30.73	\$ 45.00	\$ 4.50	\$21.50	\$14.45	\$ 13.00	\$ 49.69	\$ 79.50
1. "Previously Approved" data is from Ordinance O6-01, Attachment 1, in which funding for environmental mitigation was not specified.								

Environmental Analysis

The potential environmental impacts for proposed modifications to the NVT A Ordinance 06-01 Attachment 1 are made by comparing the impacts of those modifications to the program of projects assessed in the Program EIR in 2005/2006. The analysis also considers the mitigation measures that were adopted with the Final Program EIR in January 2006. The following discussion of impacts follows the format of the CEQA Environmental Checklist.

I. AESTHETICS

Would the project:

- (a) Have a substantial adverse effect on a scenic vista?
- (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- (c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Previously Reported Impacts and Mitigation: The Program EIR reported that there would be potentially significant impacts for questions (a), (c), and (d) and prescribed mitigation measures to be included in specific projects: to implement a tree replanting, replacement on protection program (Measure VQ-1.1) and to design lighting to meet minimum safety and security standards or locally adopted design and placement standards (Measure VQ-3.1)

Environmental Impacts for Proposed Project: The minor modifications to language describing the Airport interchange and the Soscol flyover do not add elements that would create impacts not considered in the Program EIR. Changes in funding levels for projects do not create impacts not considered in the Program EIR. The adopted mitigation measures to address previously identified impacts would apply to the proposed project modifications and no new or modified mitigation measures are required.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

- (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Previously Reported Impacts and Mitigation: The Program EIR reported there would be potentially significant impacts for questions (a) and (c) and prescribed mitigation measures to be included in specific projects: to identify and evaluate the potential for direct farmland conversion to avoid or reduce loss of important farmland at the project level (Measure AG-1.1); to avoid locating transportation facilities on important farmland (Measure AG-1.2); and to evaluate and avoid or minimize potentially significant agricultural land use conflicts at the project level (Measure AG-3.1). Comments on this issue and proposed mitigation were received by the Napa County Farm Bureau and were responded to in the Final EIR; no changes in the mitigation measures were made. The Program EIR also reported that there could be significant and unavoidable impacts even with implementation of these measures; this finding was addressed in the Statement of Overriding Considerations.

Environmental Impacts for Proposed Project: The minor modifications to language describing the Airport interchange and the Soscol flyover do not add elements that would create impacts not considered in the Program EIR. Changes in funding levels for projects do not create impacts not considered in the Program EIR. The adopted mitigation measures to address previously identified impacts would apply to the proposed project modifications and no new or modified mitigation measures are required.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

- (a) Conflict with or obstruct implementation of the applicable air quality plan?
- (b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- (c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- (d) Expose sensitive receptors to substantial pollutant concentrations?
- (e) Create objectionable odors affecting a substantial number of people?

Previously Reported Impacts and Mitigation: The Program EIR reported there would be potentially significant impacts for questions (b), (d) and (e) and prescribed mitigation measures to be included in specific projects: to implement BAAQMD construction dust control measures (Measure AQ-1.1); and to conduct an exposure analysis to determine significance of potential impacts (Measure AQ-3.1). The Program EIR also reported that there would be significant and unavoidable long term impacts for question (d) even