THE VERANDA HOTEL AT INDIAN SPRINGS

RESPONSE TO COMMENTS
ON THE
DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

(SCH # 2020070509)

PREPARED BY:

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M-GROUP

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VERANDA AT INDIAN SPRINGS
RESPONSE TO COMMENTS ON DRAFT IS/MND

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1. INTRODUCTION

This document provides responses to comments received on the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Veranda at Indian Springs Project (hereinafter referred to collectively as the "project") (State Clearinghouse # 2020070509). This response to comments document along with the Draft IS/MND constitutes the Final IS/MND.

In response to comments received, the applicant revised the offsite improvements to relocate the storm drain outfall, expand the onsite stormwater storage capacity, and adjust the emergency vehicle access road. The revised project description is presented in Section 2.0 below. Revisions to the project are limited to the offsite improvements and no new or more severe environmental impacts have been identified relative to what was analyzed in the Draft IS/MND. Rather, revisions to the storm drain system and the EVA road reduce the project's potential to result in indirect impacts to offsite sensitive plant populations relative to what was identified in the Draft IS/MND.

The responses provided herein address issues raised by comments received and clarify information provided in the Draft IS/MND. This document includes a description of the revised project, corrections and additions to the Draft IS/MND, and supporting attachments. Corrections and additions clarify or augment information presented in the Draft IS/MND and do not change the findings or conclusions of the analysis.

In accordance with the California Environmental Quality Act (CEQA) of 1970 (as amended) (California Public Resources Code 21000 et. seq.), the IS/MND was circulated for a 30-day public review and comment period from July 28, 2020 to August 26, 2020.

This Response to Comments document identifies comments received relating to environmental concerns and provides responses to comments. While additional information is added to the IS/MND in responding to comments, changes to the environmental document are minor and do not alter the conclusions of the IS/MND or constitute a "substantial revision" under CEQA Guidelines section 15073.5(b). As explained herein, in light of the whole record, the project would result in less than significant environmental impacts with mitigation incorporated and that all environmental impacts of the project have been disclosed and appropriately mitigated.

1.1. CEQA REQUIREMENTS

CEQA Guidelines Section 15074 identifies the responsibilities of the Lead Agency when considering the adoption of a Negative Declaration or Mitigated Negative Declaration:

(a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.

(b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial

evidence[1] that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Consistent with CEQA requirements, the City of Calistoga has reviewed and considered all comments received on the IS/MND. CEQA does not require the lead agency to prepare a response to public comments received on a Negative Declaration or Mitigated Negative Declaration. Nevertheless, the City of Calistoga has prepared this document to disclose agency comments received and to provide responses to comments.

1.2. ORGANIZATION OF THIS DOCUMENT

The revised project description is presented in Section 2, "Revised Project Description." The comments received on the Draft IS/MND and responses to those comments are included in Section 3, "Responses to Public Comments." Section 4 provides, "Revisions to the IS/MND," which includes corrections and additions to the IS/MND. Corrections and additions to the IS/MND are shown in underline for new text inserted and in ~~strikethrough~~ for deleted text. Section 5, "Summary" contains a summary of this responses-to-comments process and subsequent action by the City of Calistoga regarding the project.

The responses have been prepared in consultation with the following technical consultants:

- W-Trans: Transportation and Circulation
- BKF Engineers: Stormwater Control Plan, Water Quality, and Hydrology
- Monk & Associates: Biological Resources + Special Status Species

2. REVISED PROJECT DESCRIPTION

To address concerns raised by the California Department of Fish and Wildlife (CDFW), the applicant has revised the proposed project. Revisions to the project are limited to the storm drain system and design of the emergency vehicle access (EVA) road. These changes are further described in BKF's Response Memo (Attachment B-2 hereto) and presented in the revised Overall Utility Plan, dated September 3, 2020, attached thereto.

The revised storm drain system eliminates the offsite stormwater outfall previously proposed east of the EVA road and introduces an overflow release system that includes a concrete drainage box with a grated top (similar to a drain inlet) south of the proposed parking lot. The proposed detention chamber system, which is open on the bottom (to encourage infiltration through a rock layer and underlying soils) and enclosed on all other sides, has been sized to detain the 100-year design storm volume. Revisions to the storm drain system locates the subsurface detention chamber's emergency overflow release away from offsite listed plant species and immediately adjacent to the developed portion of the site. The overflow structure is designed such that the entire subsurface detention chamber system must be full to capacity, and a portion of the on-site system has begun to backwater, before stored runoff flows out of the overflow structure and onto the surface. Discharge from the overflow system would only occur during storm events that exceed the

[1] "Substantial evidence" includes facts, fact-related reasonable assumptions, and expert opinions based on facts. It does not include arguments, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or socioeconomic impacts not related to the physical environment. (Pub. Res. Code Secs. 21080(e), 21082.2(c); Guidelines § 15384).

100-year precipitation volume and only once the chamber is full and soils are saturated. Overflow waters released to the surface would sheet flow diagonally across the upland grassland areas.

The EVA road design has been revised to direct stormwater runoff to the west and relocate the self-retaining treatment areas from the east side of the road to the west side of the road, thereby increasing the distance between limits of disturbance and offsite sensitive resources to the east.

Revisions to the project description are presented in Section 4 below and include edits to pages 8 through 9 of the Draft IS/MND.

2.1 ENVIRONMENTAL IMPACTS OF REVISED PROJECT

Revisions to the stormwater system and EVA road design reduce potential indirect impacts to offsite sensitive plant populations relative to what was analyzed in the Draft IS/MND by avoiding the introduction of pollutants and changes in hydrology from discharge of runoff, as well as adjusting the EVA design such that runoff drains to the west. These modifications reduce potential impacts to sensitive plant populations from untreated stormwater runoff, since no stormwater discharge will occur east of the EVA. As such, modifications to mitigation measure BIO-3 are warranted as further described below.

Revisions to the storm drain system and EVA road design do not introduce any new, different, or more severe impacts than those disclosed in the Draft IS/MND. Findings and conclusions of the Draft IS/MND remain applicable to the proposed project as revised. The existing analysis and mitigation measures as augmented through this response to comments and presented in the Final Mitigation Monitoring and Reporting Program (MMRP), adequately address impacts of the revised project, which is limited to the stormwater system and EVA road design undertaken to avoid indirect impact to offsite sensitive plant populations. Therefore, consistent with the conclusions of the Draft IS/MND, the revised project will result in less than significant environmental impacts with implementation of mitigation measures.

With removal of the offsite stormwater outfall and modifications to the stormwater system and EVA road, the revised project is expected to result in slightly less environmental impacts relative to what was analyzed in the IS/MND. For all environmental categories, impacts remain as presented in the Draft IS/MND and all mitigation measures remain applicable except as described below.

2.2 UPDATE TO MITIGATION MEASURES FROM REVISED PROJECT

The revised project avoids placing a stormwater outfall east of the EVA and ensures that runoff from the EVA flows to the west (rather than the east), thereby precluding the potential for indirect (or direct) impacts to sensitive plant populations due to water quality/hydrology. As such, Mitigation Measure BIO-3 has been revised to remove the requirement for enhanced treatment of runoff and monitoring of pollutants and contaminants. As revised, Mitigation Measure BIO-3, calls for a final stormwater quality control plan (SWCP) that eliminates the storm drain outfall east of the EVA, modifies the EVA to preclude runoff to the east, minimizes the application of pesticides and herbicides, and provides protocols for the management of invasive species. Refer to Section 4 below for revisions to measure BIO-3, which are also reflected in the final MMRP.

As further described in Section 3 below, response to comments include clarification/revisions to several other mitigation measures in addition to measure BIO-3. All changes to the IS/MND and mitigation measures are presented in Section 4.

3. PUBLIC AGENCY COMMENTS + RESPONSE TO COMMENTS

Three written comment letters from California State Agencies were received during the public review and comment period and include the following:

- Department of Conservation Geological Energy Management Division (CalGem)
- California Department of Transportation (Caltrans)
- California Department of Fish and Wildlife (CDFW)

A brief description of each comment letter is included below, and responses follow. Issues raised in the comments are addressed in responses that are intended to clarify various project elements, potential impacts of the project, and mitigation. Written comment letters received from state regulatory agencies are included in Appendix A. Written responses to comment letters from the project applicant, civil engineer, transportations engineer, and biologists, are included in Appendix B.

3.2. Department of Conservation Geological Energy Management Division (CalGem)

The letter from CalGem, dated August 20, 2020, and included in full in Appendix A-1, states the agency's responsibility in overseeing drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells. CalGem provides two specific recommendations for consideration, which specify notification procedures in the event that unknown geothermal wells are discovered and precludes any well work without CalGem permit approval during project construction and at operation.

Response: The City has reviewed CalGem's comment letter and in response has expanded mitigation measure GEOTHERMAL-1 to specifically include the language provided by CalGem. This revision includes new text added to measure GEOTHERMAL-1 on page 85 of the IS/MND, as presented in Section 4 below, and a corresponding revision to the Mitigation Monitoring and Reporting Program.

3.3. California Department of Transportation (Caltrans)

The letter from Caltrans, dated August 25, 2020, and included in full in Appendix A-2, states the agency's responsibility in ensuring that impacts to the State's multimodal transportation system are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. Caltrans comments relate to highway operations, travel demand analysis, hydraulics, cultural resources, lead agency responsibilities, and construction-related impacts & encroachment permit.

Response: The City has reviewed Caltrans' comment letter and a response to comments memo, dated August 28, 2020, has been prepared by the project transportation engineer, W-Trans (Appendix B-1). W-Trans' response memo addresses Caltrans' comments regarding highway operations and the travel demand analysis. W-Trans clarifies that an intersection control evaluation (ICE) is not appropriate at this time since no signalization is proposed or otherwise triggered by the project. Rather, future signalization is planned for by the City of Calistoga in the General Plan Circulation Element and planned to be funded through the City's development impact fee program, to which the applicant is subject and will contribute to funding

intersection improvements in the future. It is acknowledged that at the time the City moves forward with signalization an ICE should be undertaken.

W-Trans' response memo clarifies that the City of Calistoga has not yet adopted policies or thresholds regarding vehicle miles traveled (VMT) and that the project's travel demand analysis is based on guidance contained in the Technical Advisory on Evaluating Transportation Impact in CEQA (2018) and informed by how other jurisdiction have assessed hotel VMT. Hotel guest trips are treated similar to retail uses where small to mid-sized facilities do not increase regional VMT but shift the existing travel pattern within the region. The project is an expansion of the existing Resort at Indian Springs and is located in Downtown Calistoga proximate to tasting rooms, restaurants, and shops. The project replaces and expands the sidewalk along Lincoln Avenue, introduces sidewalks along Fair Way Extension, and installs a segment of the Vine Trail, which promotes pedestrian activity and reduces reliance on vehicles for trips. This is explained in the IS/MND Section 5.17 (b) which concludes that "the total vehicle miles traveled by visitors in the region would likely be unchanged." Based on rationale presented therein and in the Traffic Impact Analysis, the project's guest trips are presumed to have a less than significant impact to VMTs.

Consistent with Caltrans' suggestion that the Transportation Demand Management measure be documented with annual monitoring reports to demonstrate effectiveness, mitigation measure TRANS-2 has been augmented to specify the preparation of annual monitoring reports. This revision includes new text added to measure TRANS-2 on page 106 of the IS/MND, as presented in Section 4 below, and a corresponding revision to the Mitigation Monitoring and Reporting Program.

Regarding Caltrans' request for clarification on post-construction drainage pattern, as described on page 72 of the IS/MND, under Section 5.10(ci) (Drainage Pattern, Runoff and Strom Drain Capacity), and as set forth in the preliminary Storm Water Control Plan (Appendix K to the IS/MND), post-construction drainage will be accommodated onsite in accordance with BASMAA standards. No flows will be directed offsite towards the Caltrans state right of way. All runoff onsite will be conveyed to onsite bio-retention basins for pre-treatment and will drain to the onsite subsurface detention chamber for infiltration. As presented in the updated preliminary Storm Water Control Plan (Appendix B-3 hereto) 16 drainage management areas are identified and are sized appropriately to accommodate post-construction runoff. The preliminary SWCP demonstrates compliance with local and regional standards for post-construction conditions.

Caltrans recommends that the Mishewal-Wappo Tribe of Alexander Valley be notified of archaeological monitoring as the project moves forward. Section 5.18 of the IS/MND addresses Tribal Cultural Resources and explains that the City carried out tribal notification specifically to the Mishewal-Wappo Tribe of Alexander Valley in accordance with AB 52 and no response requesting consultation was received. Nonetheless, recognizing the potential of the project site to contain buried resources, a Cultural Resource Management Plan was prepared for the project. Mitigation measure CUL-2 specifies implementation of the Cultural Resources Monitoring Plan and includes Native American participation and notification. In response to Caltrans' comment, Measure CUL-2, item 5 has been augmented to specifically refer to the Mishewal-Wappo Tribe of Alexander Valley, and item 10 has been revised to replace an erroneous reference to Lytton Rancheria with the Mishewal-Wappo Tribe of Alexander Valley. Measure CUL-2 text, beginning on page 47 of the IS/MND, as presented in Section 4 below, has been revised and the same change has been applied to the Mitigation Monitoring and Reporting Program.

As Caltrans points out, the City of Calistoga is the lead agency for CEQA and is responsible for all project mitigation including any needed improvements to SR-29. The project's fair share contribution has been

accounted for and is fully captured within the proposed project design and frontage improvements, payment of development impact fees, and implementation of the Mitigation Monitoring and Reporting Program.

The City of Calistoga understands that Highway 29 is a Caltrans facility and all temporary and permanent work that encroaches onto the Lincoln Avenue/SR-29 right of way will be subject to a Caltrans-issued encroachment permit.

3.4. California Department of Fish and Wildlife (CDFW)

The letter from CDFW, dated August 26, 2020, and included in full in Appendix A-3, outlines the agency's concerns regarding potential adverse impacts to the special status plant species located offsite within wetland habitat on the Gliderport property. The CDFW is primarily concerned with the project's potential to result in indirect impacts to protected plants due to 1) long-term introduction of pollutants and chemicals; 2) changes in hydrology; and 3) the unintentional introduction and spread of invasive plant species. CDFW recommends redesigning the project to avoid impacts to rare plants. Recommendations provided by CDFW also include locating the EVA road away from the Gliderport property or if relocation is not feasible including measures for monitoring and control of invasive plant species. Additionally, CDFW provides suggested language to Mitigation Measure BIO-2, which identifies preconstruction surveys for bats.

Response: The CDFW's comment letter has been reviewed and in response the project's stormwater outfall has been relocated and the EVA road design has been modified as described above. To address comments raised by CDFW, response memos have been prepared by the project civil engineer, BKF Engineers (Appendix B-2) and by the project biologist, Monk & Associates (Appendix B-4).

The stormwater redesign is explained in detail above, under Section 2: Revised Project Description. As initially proposed the stormwater outfall was located offsite, east of the EVA road and approximately 750 feet from the nearest protected plant population. The revised project eliminates the stormwater outfall from the location east of the EVA and instead provides for an emergency stormwater overflow release immediately adjacent to the proposed parking lot with no release of stormwater onto the Gliderport property. Additionally, the design of the EVA road has been revised to shift the road slope such that runoff drains to the west, and the self-retaining area previously located adjacent to the eastern edge of the EVA has been relocated to the western edge. These modifications have been made in direct response to CDFW concerns regarding sensitive plant populations located east of the EVA road. As further described below, clarification and revisions have been made to the IS/MND and mitigation measures to specifically address concerns regarding discharge of pollutants and chemicals, changes to offsite hydrology, and introduction/spread of invasive species.

As explained in detail in the BKF response memo (Attachment B-2), the project includes a number of features that reduce pollutant and chemical loads in runoff. All surface water runoff on the project site is directed to bioretention areas, which contain specific vegetation and soil medium known to effectively treat stormwater runoff and greatly reduce or eliminate toxins in runoff. Bioretention areas are designed in conformance with the Bay Area Stormwater Managing Agencies Associates (BASMAA) requirements, which is an acceptable form of compliance with the National Pollutant Discharge Elimination System permit. Once percolated through bioretention areas, the treated stormwater runoff is conveyed to an onsite open bottom underground storm water detention chamber, which is designed to detain the 100-year storm event and encourage infiltration. The detention chamber will store and infiltrate all stormwater runoff without any

discharge under all storm events that generate runoff equal or less than the 100-year storm. For storm events that exceed the 100-year storm, and only once soils are sufficiently saturated and the detention chamber is filled will any flows be discharged through the emergency overflow release system. Discharge from the onsite detention chamber will not be frequent or reoccurring, rather release is only expected during an extreme precipitation event when the ground has reached saturation. Overflow waters would be released near the proposed parking lot and sheet flow down gradient. In these instances, any chemicals, pollutants or toxins are expected to be negligible given the bioretention treatment and the volume of water that would be present in the system. Therefore, as revised the project would have less than significant impacts to offsite rare plants due to the negligible amount of pollutants and chemicals in stormwater runoff.

With the revised stormwater system and modification to the EVA road, the potential for the project to result in indirect (or direct) impacts to offsite rare plants due to changes in hydrology is avoided. The stormwater outfall east of the EVA has been eliminated and an emergency overflow release system has been introduced immediately south of the proposed parking lot. This modification ensures that there will not be any release of stormwater onto the Gliderport property and no changes to the existing hydrology would occur. As described above in Section 2.1 Environmental Impacts of Revised Project and in Section 2.2. Update to Mitigation Measures From Revised Project, changes to the project, prompt revisions to mitigation measure BIO-3, which previously called for protection of rare plants through enhanced treatment and monitoring of runoff discharged at the offsite storm drain. Amendments to measure BIO-3 clarify that to preserve the popcorn flower and Napa blue grass populations, the SWCP will be amended to include project modifications to eliminate the stormwater outfall east of the EVA and modify the EVA road to direct flows towards the west, away from sensitive populations. With these revisions to the SWCP, the existing hydrology offsite will be unaffected by the proposed project and potential impacts to rare plants from changes in hydrology will be reduced to less than significant levels.

The CDFW raises concerns regarding the unintentional introduction or spread of invasive plant species onto sensitive plant habitat east of the EVA road. Use of the EVA road is limited to emergency situations only and will be gate controlled to preclude access by vehicles. As such, risk of non-native introduction or spread from routine or frequent use by vehicles is limited as use of the EVA road is restricted to emergencies. As stated on page 36 of the IS/MND, site conditions where the EVA road is "proposed consist of a non-native grassland community including Bermuda grass and large patches of the Himalayan blackberry." The Biological Constraints Analysis, included as Attachment E to the IS/MND further characterizes the non-native annual grassland and upland community near the EVA road as containing soft chess brome, prickly lettuce, vetch, and large patches of Himalayan blackberry. Page 6 of the Biological Constraints Analysis states that threats to popcorn flower include competition with invasive plant species. Section 5.4 of the IS/MND discloses that the proposed project has the potential to result in potentially significant adverse impacts to offsite sensitive plant communities and identifies mitigation measure BIO-3 to reduce impacts to less than significant levels.

To provide clarification on potential threats relating to invasive species, as a result of the proposed project, the biological resources impact discussion set forth in Section 5.4 (a-b) has been augmented and mitigation measure BIO-3 has been bolstered (see Section 4 below, revisions to pages 38 and 41). Text revisions clarify that the proposed project will involve removal of Himalayan blackberry and that weed prevention methods will be implemented during construction, through augments to measure BIO-3, and in perpetuity through augments to measure CUM-2, which calls for a Habitat Protection and Management Plan (See Section 4 below, revision to page 119) .

Additionally, mitigation measure BIO-4 calls for the installation of best management practices (BMPs) east of the EVA road for the duration of construction activities, including monitoring by a qualified biologist, to avoid impacts to the east. Furthermore, as set forth in mitigation measure CUM-1, the location of the EVA road shall be assessed during the final design review and an alignment identified that achieves the maximum feasible separation between the EVA road and sensitive habitat to the east, while still accommodating safe and efficient access for emergency vehicles.

CDFW's suggested revisions to Mitigation Measure BIO-2, which provides protections for roosting bats, has been incorporated in full as presented in the Section 4 (page 40 of the IS/MND) and is reflected in the MMRP.

See also BKF Engineers' response to comments in Attachment B-2, an updated Preliminary Storm Water Control Plan in Attachment B-3, and M&A's response to comments in Attachment B-4.

4. SUMMARY OF REVISIONS TO THE IS/MND

Corrections and additions to the IS/MND are provided below. None of the corrections or additions affect or change the findings or significance conclusions of the environmental analysis in the IS/MND. New text is indicated in underline and text to be deleted is in ~~strikethrough~~. Text changes are presented in the page order in which they appear in the IS/MND.

Page 8 of the IS/MND

First paragraph on page 8 of the IS/MND, under "Storm Drain Infrastructure" has been revised as follows:

> "The project would install new stormwater infrastructure throughout the project site, convey runoff to proposed bio-retention areas and an onsite stormwater detention chamber, and ~~ultimately~~ provide an emergency overflow release immediately south of the proposed parking lot ~~discharge to a proposed outfall east of the site~~." . . .
>
> . . . "The stormwater detention chamber, located below ground in the eastern parking area, would provide for onsite detention and would be sized to accommodate 100 percent of the stormwater runoff generated by a 100-year storm event ~~peak flows~~. The detention chamber is open on the bottom (to encourage infiltration through a rock layer and underlying soils) and enclosed on all other sides. The subsurface detention chamber contains an emergency overflow release system located near the developed portion of the site, immediately south of the proposed parking lot. The overflow structure is designed such that the entire subsurface detention chamber system must be full to capacity, and a portion of the on-site system has begun to backwater, before stored runoff flows out of the overflow structure and onto the surface. Discharge from the overflow system would only occur during storm events that exceed the 100-year precipitation volume and only once the chamber is full and soils are saturated. Overflow waters released to the surface would sheet flow diagonally across the upland grassland areas."

Second to last sentence in the second paragraph on page 8 of the IS/MND, under "Storm Drain Infrastructure" has been revised as follows:

"Self-retaining areas ~~along~~ west of the proposed emergency vehicle access (EVA) road, east of the project site, would collect stormwater runoff from the EVA road and accommodate infiltration."

Page 9 of the IS/MND

Second full paragraph on page 9 of the IS/MND, under "Offsite Improvements" has been revised as follows:

"The emergency access road would be restricted to emergency vehicles and would be available for pedestrian and bicycle use. The EVA road would be designed with a slight slope to the west, which would convey all runoff towards the west and discharge in a self-retaining area located along the western limit of the EVA road."

Page 36 of the IS/MND

The second paragraph on page 36 of the IS/MND has been revised as follows:

"Site conditions where the EVA ~~and storm water outfall are~~ is proposed consist of a non-native grassland community including Bermuda grass and large patches of the Himalayan blackberry. South of the project site, on the south side of Fair Way Extension is an existing drainage ditch (Fairway Extension Ditch), which may be classified by the Corps as water of the United States and by the Regional Water Quality Control Board as waters of the State. Offsite, east of the proposed EVA ~~and outfall~~ are sensitive communities including wetlands and rare plants."

Page 38 of the IS/MND

The second paragraph on page 38 of the IS/MND has been revised as follows:

"Although there is no suitable habitat that supports sensitive plant species onsite or within offsite improvement areas, the Calistoga popcorn flower and Napa blue grass are State and federally listed plant species that occur between 750 to 1,000 feet east-southeast of the nearest construction activity (i.e. the offsite EVA road ~~and storm drain outfall~~). As such, the project will not have direct impact to these listed plants as none occur onsite or in offsite improvement areas. However, based on proximity to these sensitive plant species indirect effects of the project have been evaluated and identified as potentially significant."

The third paragraph on page 38 of the IS/MND has been revised as follows:

"The population of popcorn flower located offsite on the former gliderport property has been well documented for the past eight years through an ongoing study performed by Pacific Union College Professor and Biologist, Aimee Wyrick-Brownworth. As part of the Biological Constraints Analysis performed by Monk & Associates for the proposed Veranda at Indian Springs project, Ms. Wyrick-Brownworth was consulted for her expertise on the popcorn flower population and input on potential indirect effects of the project associated with the proposed storm drain outfall. ~~Ms. Wyrick-Brownworth noted that popcorn flower produces more seed under wet conditions and that water helps to disperse seeds. Thus, the discharge of treated surface runoff may be beneficial to the species, especially during drought years~~."

The fourth paragraph on page 38 of the IS/MND has been revised as follows:

"~~The discharge of stormwater at the proposed outfall may have a potentially significant impact on the offsite populations of these plant species if stormwater is untreated.~~ The location where the EVA is proposed has been subject to past disturbance associated with former Gliderport operations and includes non-native and invasive species. The Himalayan blackberry (*Rubus armeniacus*), an invasive weed species, with a "high" rating, occurs near the EVA road and would be removed to accommodate construction of the EVA. In order to avoid potentially adverse impacts to sensitive plant communities offsite, including the unintentional introduction or spread of invasive species, **Mitigation Measure BIO-3** shall be implemented. Measure BIO-3 requires that the stormwater control plan (SWCP) be updated to eliminate the storm drain outfall east of the EVA, modify the EVA to direct flows to the west, away from sensitive populations, and that provisions be implemented during construction to address the potential introduction and spread of invasive species. ~~enhanced stormwater treatment to ensure that discharge from the proposed stormwater outfall does not introduce contaminants to grasslands that support listed plant species.~~ With implementation of measure BIO-3, potential impacts to offsite special status plant species will be reduced to a less than significant level."

Following the fourth paragraph, on page 38 of the IS/MND, as revised above, insert the following:

"The CDFW maintains jurisdiction over the bed, bank, and riparian corridor of regulated water ways, and is presumed to include the linear stormwater drainage features offsite including the Fair Way Extension Ditch. Because all offsite improvements will occur outside the top of bank, a Streambed Alteration Agreement (SBAA) from CDFW pursuant to Section 1602 of California Department of Game Code, is not required of the project as proposed. However, in the event that the project's offsite improvements are revised in a manner that would result in modifications to the Fair Way Extension Ditch, such as the installation of storm drain outfall, a CDFW Streambed Alteration Agreement would be required.

The final paragraph on page 38 of the IS/MND has been revised as follows:

"East-southeast of the proposed offsite EVA ~~and outfall~~ is a known wetland. Inadvertent construction activity proximate to the wetland could result in potentially significant impact. Although all construction activities are proposed to occur west of EVA, due to the proximity of the wetland to the east, Mitigation Measure BIO-4 has been identified."

Page 40 of the IS/MND

On page 40 of the IS/MND Mitigation Measure BIO-2, is amended as follows:

"To avoid impacts to roosting ~~pallid~~ bats ~~or other special-status bat species~~, a qualified biologist with documented experience conducting bat habitat assessments shall perform a bat habitat assessment of all trees, buildings, structures, and vehicles proposed for removal at least 30 days prior to the start of construction, to determine if any such structures contain suitable bat roosting habitat. If any buildings, structures, or vehicles contain suitable bat roosting habitat, they shall be inspected thoroughly, during the appropriate times of day, to determine if roosting bats are present. If roosting bats are present, then the qualified biologist shall develop an avoidance and minimize plan for CDFW review and approval prior to removal of such structures. Removal of trees containing suitable bat roosting habitat, and buildings, structures, and vehicles containing roosting bats

~~building removal~~ shall only be conducted during seasonal periods of bat activity, between August 31 and October 15, when bats would be able to fly and feed independently, and between March 1 and April 15 to avoid hibernating bats, and prior to the formation of maternity colonies. ~~A biologist, one with at least two years of experience surveying for bats, shall conduct a preconstruction survey of the structures, vehicles and trees that would be impacted within 14 days prior to demolition or commencement of site improvement activities. If no special-status bats are found during the surveys, then the biologist shall provide a memo summarizing the results of the survey to the City, and construction activities may commence. If bat roosts are found, then a plan shall be developed for removal and exclusion and exclusion, in conjunction with the CDFW.~~

If ~~building~~ removal of trees, buildings structures, and vehicles containing suitable roosting bat habitat or roosting bats, must occur outside the seasonal activity periods (i.e., between October 16 and the end of February, or between April 2 and August 30), then a qualified biologist, shall do preconstruction surveys ~~within~~ at least 14 days prior to construction activities to ~~of building demolition, and~~ determine if there are young present (i.e., the biologist will determine if there are maternal roosts). If a maternity site is found, impacts to the maternity site shall be avoided by establishment of a fenced, non-disturbance buffer, or similar method as deemed appropriate by the qualified biologist, until the young have reached independence (i.e., are flying and feeding on their own) as determined by a qualified biologist. The size of the buffer zone shall be determined by a qualified biologist at the time of the surveys. If the qualified biologist finds evidence of roosting bats but not a maternity site or winter torpor (or hibernating) ~~with young~~, then the qualified biologist ~~a plan~~ shall ~~be~~ develop~~ed~~ an avoidance and minimization plan for ~~removal and exclusion, in conjunction with~~ the CDFW to review and approve prior to starting construction activities. ~~The biologist shall provide the City with a report detailing the results of the survey and any recommendations, as warranted, required for establishment of protective buffers for bat roosts, if identified."~~

Page 41 of the IS/MND

On page 41 of the IS/MND Mitigation Measure BIO-3, is amended as follows:

"BIO-3: To avoid impacts to sensitive plant communities from the project's stormwater runoff and EVA road, the project's potential to introduce invasive plant species, the following measures shall be implemented. ~~Enhanced treatment of the runoff discharged via the new stormdrain outfall shall be incorporated into the~~

Prepare a final stormwater control plan (SWCP) including but not limited to the following to avoid changes in hydrology and water quality and ~~ensure~~ to preserve the health of the popcorn flower and Napa blue grass:

- ~~Pollutants and contaminants shall be monitored and shall fall below detectable levels~~
- Eliminate the storm drain outfall east of the EVA road pursuant to the revised project description
- Modify the EVA to preclude runoff towards the east pursuant to the revised project description
- Filtration shall be incorporated into all drains within the parking area to remove any oils, lubricant, and other fuels and liquids
- Landscaping maintenance shall utilize only natural fertilizers and shall ~~preclude~~ minimize the application of pesticides and herbicides~~.~~

- All removed blackberry plants, their stems and roots shall be properly disposed of in offsite dumpsters to ensure the plants do not re-establish on the Gliderport property or elsewhere

Prior to ~~installing the outfall structure and~~ initiating any work on the EVA road, a vehicle washing station shall be established on the project site. This washing station shall be greater than 300 feet from the offsite Gliderport property. All vehicles shall be washed before entering the area where EVA road construction will take place. This will ensure that there are no weed seeds on the undercarriage or wheels of the construction vehicles. Cleaning shall use high pressure water to remove dirt and mud from equipment. A temporary runoff containment area, lined with visqueen, shall be installed to collect the washdown water and allowed to evaporate such that it would not enter offsite areas (e.g., the Gliderport property or the Fairway Extension Ditch). Upon completion of the project and evaporation of washdown water, the visqueen shall be carefully folded up and taken to an appropriate landfill disposal site. In the unlikely event that the volume of water warrants discharge, the water shall be collected and deposited on either an approved landscaped area or with permission from the City Public Works Department, discharged into the sanitary sewer.

Prior to construction of the EVA road, a qualified biologist shall survey the EVA road location and determine if any invasive weeds are present. If present, their locations shall be mapped with a global positioning system (GPS) so that locations can be targeted for future control, if necessary. (It is already known that Himalayan blackberry grows in the approximate location of the proposed EVA road.) Removal of Himalayan blackberry shall occur within and immediately adjacent to the EVA alignment and will need to be conducted using construction equipment to remove this dense shrub by its roots. This plant should be removed immediately prior to EVA road construction so it does not have time to re-sprout prior to road bed construction. All removed blackberry plants, their stems and roots shall be properly disposed of in offsite dumpsters to ensure plants do not re-establish on the Gliderport property or elsewhere.

O~~o~~range construction fencing and signage shall be installed along the eastern perimeter of the EVA road delineating the area immediately to the east-southeast as “Environmentally Sensitive Area” and precluding access by construction workers. All construction maps shall label this area as off limits to construction personnel and be labeled as “Environmentally Sensitive Area”. Location for placement of orange fencing shall be verified by a qualified biologist to ensure that all sensitive habitats are adequately protected during construction.

The contractor shall ensure that any straw or hay bales used for BMPs to control sediment transmission come from sources that are certified free of primary noxious weeds. Other products such as gravel, mulch, and soil, may also carry weeds. Such products shall be obtained from suppliers who can provide certified weed-free materials. Sources for these weed free materials include KriStar Enterprises, Inc. in Santa Rosa, California for weed-free burlap straw wattles.

During construction of the EVA road, soil will be managed by limiting ground disturbance to the minimum feasible area and implementing dust suppressants (e.g., water) to minimize the spread of seeds. A dust suppressant (e.g. water) will be used during construction to minimize the spread of weed seeds, especially during very windy days. Temporary silt and construction fences will be installed to demarcate the EVA road’s areas of disturbance and prevent soil erosion into the adjacent Gliderport during construction. Because dirt accumulating along these fences will provide a hospitable microsite for weed seed germination as well as capture higher densities of seeds,

concentrated control measures will be implemented along such structures (and any others that trap sand and seeds) to minimize weed population increases.

Upon completion of construction work all orange fencing shall be removed. Permanent signage shall be installed east of the EVA road directing users to stay on the road due to environmentally sensitive areas to the east-southeast."

Page 47 of the IS/MND

On page 47 of the IS/MND Mitigation Measure CUL-2, is amended as follows:

"CUL-2 All provisions of the Monitoring Protocols and Procedures identified in the Cultural Resources Monitoring Plan (CRMP) prepared by Evans & De Shazo (August 20, 2019) shall be implemented including, but not limited to the following:

1. Utilize qualified archaeological personnel for monitoring
2. Monitoring may include full-time, part-time, and/or spot checks during earth-moving activities
3. Monitors shall be granted authority to suspend construction work within 25 feet of a discovery
4. Coordination with the Napa County Coroner, Native American Heritage Commission, and Most Likely Descendant is required if suspected human remains are discovered
5. Participate with Native American Tribes including the Mishewal-Wappo Tribe of Alexander Valley
6 Maintain daily log and weekly/monthly reports
7. Carry out the Field Recordation and Mitigation Plan
8. Curation shall be at the expense of the Project developer
9. Artifacts shall be cataloged using protocols acceptable to the David A Fredrickson Archeological Collections Facility at Sonoma State University
10. A Final CRMP shall be prepared within 90 business days following completion of ground disturbance and shall be submitted to the City, Mishewal-Wappo Tribe of Alexander Valley ~~Lytton Rancheria~~, and the NWIC"

Page 85 of the IS/MND

On page 85 of the IS/MND under Mitigation Measure GEOTHERMAL-1, the following new text has been inserted:

"If, during the development of this proposed project, any unknown geothermal well(s) is/are discovered, the Division should be notified immediately so that the newly-discovered well(s) can be incorporated into the records and investigated. The Division recommends that any wells found

during this project, and any pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near geothermal wells.

No well work may be performed on any low or high temperature geothermal well without written approval from the Division in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other reabandonment work. (NOTE: The Division regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, section 1981 of the California Code of Regulations states that all well casings shall be cut off at least 6 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from the Division is required before work can start.)"

Page 106 of the IS/MND

Mitigation Measure TRANS-2, on page 106 of the IS/MND under, has been revised as follows:

. . . "The TDM Program shall be closely monitored during the first two years of operation, at which time the effectiveness of the Program shall be re-evaluated and modified if needed, and effective measures shall thereafter be made permanent and implemented for the life of the project, with annual monitoring reports prepared by the transportation coordinator demonstrating effectiveness of the program, and made available to the City upon request. The TDM Program will at least include the following quantifiable strategies or identify equivalent strategies:"

Page 118 of the IS/MND

The final paragraph on page 118 of the IS/MND has been revised as follows:

"Development of the proposed project, in combination with future development in the City of Calistoga and County of Napa could result in long-term impacts to biological, cultural/tribal cultural resources, and mineral resources (geothermal) if such resources are not properly protected. Protected populations of rare plants are known to occur east of the proposed offsite EVA ~~and outfall improvements~~."

Page 119 of the IS/MND

Mitigation Measure CUM-2, on page 119 of the IS/MND under, has been revised as follows:

CUM-2 The applicant in coordination with the City shall prepare a habitat protection and management plan (the Plan) for implementation, including ongoing monitoring and reporting of the popcorn flower and Napa bluegrass populations. The Plan shall identify practices to preserve popcorn flower and Napa bluegrass populations such as returning historic flows of geothermal waters, management of invasive species in perpetuity, and recommendations regarding the potential for future designation of eastern portions of the former Gliderport property as a Natural Resource Preservation Area in accordance with

General Plan policy OSC P1.1-4. The Plan shall be prepared and carried out under the direction of a qualified biologist and in coordination with the CDFW.

5. FINDINGS

In the course of preparing the written responses, information was generated and is presented throughout this document. The City of Calistoga carefully reviewed the information developed through the responses-to-comments process and determined that the project does not meet any of the conditions under CEQA Section 15073.5, as outlined below.

15073.5. RECIRCULATION OF A NEGATIVE DECLARATION PRIOR TO ADOPTION.

a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

b) A "substantial revision" of the negative declaration shall mean:

    1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

    2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

c) Recirculation is not required under the following circumstances:

    1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

    2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

    3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

    4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review

pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.

Based on the information in the record, neither recirculation of a revised IS/MND nor the preparation of an Environmental Impact Report (EIR) is required. Revisions to the project have been made that further minimize potential environmental impacts identified in the IS/MND and clarifying text and augments to mitigation measure have been added to the IS/MND and are presented herein and in the MMRP. No new avoidable significant effects are introduced. Consistent with the CEQA Guidelines, the added information presented above clarifies the analyses in the IS/MND and does not constitute a "substantial revision".

The City of Calistoga will consider the Draft IS/MND, together with this Response to Comments document, prior to approving the proposed project as revised.

ATTACHMENTS
The following materials are attached for reference:

A. Comment Letters

A-1. Department of Conservation Geological Energy Management Division (CalGem)
A-2. California Department of Transportation (Caltrans)
A-3. California Department of Fish and Wildlife (CDFW)

B. Response to Comment Letters

B-1. W -Trans Response to Caltrans
B-2. BKF Response to CDFW
B-3. Update to Preliminary Storm Water Control Plan
B-4. Monk & Associates Response to CDFW