

5 COMMENTS AND RESPONSES

A. Introduction to Comments and Responses

This chapter includes a reproduction of, and responses to, each letter received during the public review period on the 2009 DEIR and Supplement to the 2009 DEIR. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- ◆ State Agencies
- ◆ Regional Agencies
- ◆ Local Agencies
- ◆ Non-Governmental Organizations and Private Companies
- ◆ Napa County Staff and Officials
- ◆ Members of the Public
- ◆ Public Hearing Comments

Within each category, letters are arranged in chronological order by the date sent. Each comment and response is labeled with a reference number in the margin. Letters received after the close of the comment period are listed at the end of their respective categories, in the order received.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the 2009 DEIR or Supplement to the 2009 DEIR, these revisions are explained and shown in Chapter 3 of this Final EIR document.

Several issues were addressed by multiple commentors. “Master Responses,” which consolidate information on these subjects to ensure a more comprehensive response, are listed below and presented in Section B. Section C contains copies of all comment letters received and responses to the comments.

List of Master Responses

Master Response 1 – Merits/Opinion-Based Comments

Master Response 2 – Water Supply

Master Response 3 – Syar Expansion

B. Master Responses

Master Response 1 – Merits/Opinion-Based Comments

Often during review of an EIR, the public raises issues that relate to the project itself or the project’s community consequences or benefits (referred to here as “project merits”), rather than the environmental analyses or impacts and mitigations raised in the EIR. Lead Agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. However, a Lead Agency is only required by CEQA to respond in its EIR review to environmental issues that are raised. After an EIR is completed and certified, the County Planning Commission and the Board of Supervisors hold publicly-noticed hearings to consider action on the merits of the project for approval or disapproval. The decision-makers at the merits hearings consider both the EIR and project merits issues raised.

In accordance with Sections 15088 and 15132 of the CEQA Guidelines, a Final EIR must include a response to comments on the Draft EIR pertaining to environmental issues analyzed under CEQA.

Section 15204 of the Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows:

In reviewing the EIR, persons and agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

Section 15204 continues in relation to the role of lead agencies responding to comments:

When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Therefore, in accordance with the Section 15204, the County is not required to respond to comments that express an opinion about the project merits, but do not relate to environmental issues covered in the 2009 DEIR or Supplement to the 2009 DEIR. Although such comments received during the EIR process do not require responses in the EIR, as previously noted, they do provide important input to the process of reviewing the project overall. Therefore, comment letters received on the 2009 DEIR and Supplement to the 2009 that solely address the merits of the project are included as Appendix O of the Final EIR. These comment letters are available for consideration by the decision-makers.

Master Response 2 – Revised Water Supply Assessment

The 2009 DEIR included the Water Supply Assessment (WSA) prepared for the project, contained in Appendix I of the 2009 DEIR. This WSA evaluated the use of groundwater as the sole water supply source for the proposed project. The initial proposal to rely solely on groundwater is controversial and, as a result, after publication of the 2009 DEIR the project applicant secured a surface water right sufficient to meet the project’s potable water needs. The Supplement to the 2009 DEIR evaluated a “conjunctive use” arrangement, under which groundwater would be used as a supplemental water supply when surface water is not available or cannot be supplied to the site. A Supplement to the WSA was prepared and included in the Supplement to the 2009 DEIR in Appendix I.

Following publication of the Supplement to the 2009 DEIR, in response to comments received on the 2009 DEIR and Supplement to the 2009, a revised Water Supply Assessment for the project was prepared. The revised WSA is included in this FEIR as Appendix I. This master response summarizes the key changes to the WSA that are included in the revised WSA.

The contents of the revised WSA are largely the same as the Supplement to the WSA, and the revised WSA contains all of the information included in the initial WSA and Supplement to the WSA. The revised WSA combines the initial WSA and Supplement to the WSA, and therefore some of the sec-

tion numbers have changed. This master response focuses on new information that has been added to the WSA, rather than text that was included in previous versions of the WSA that has since been reorganized.

Section 1, Executive Summary, of the revised WSA includes an expanded summary of the three proposed water sources: groundwater, imported surface water, and recycled water. The Executive Summary also discusses City of Napa water supplies, and lists factors affecting the sufficiency of City water supplies to meet the combined demands of existing City customers, future growth in the City, and the proposed project. (See Section 1.5 of the revised WSA.)

Section 2, Background, of the revised WSA includes an expanded discussion of the five water purveyor options for the project: the City of Napa, the City of American Canyon, a new special district, an investor-owned utility and a mutual water company. This section describes advantages and disadvantages associated with the options, while also stating that the ultimate selection of a water purveyor will be made by the project applicant in conjunction with approving agencies, which would include one or more of the following: the County, LAFCO, the California Public Utilities Commission, and California Department of Real Estate. (See Section 2.3 of the revised WSA.)

Section 3, Water Demands, of the revised WSA includes a list of water efficiency strategies that the project would employ. (See Section 3.5 of the revised WSA.)

Section 4, Local Groundwater Supplies, includes a discussion of County groundwater policies and ordinances, including the County's groundwater ordinance, Goal CON-11 of the County General Plan, and Policy CON-51 of the County General Plan. This section also addresses proposed amendments to this General Plan goal and policy. (See Section 4.3.6 of the revised WSA.) Please note that the project no longer proposes to amend General Plan Goal CON-11, but does still propose amendment to General Plan Policy CON-51. Section 4 has also been expanded to address the City of American Canyon's

claim that it possesses groundwater rights in supplies underlying the Suscol area, and that groundwater rights for the project are uncertain in light of the fact that groundwater rights in the Suscol area have not been adjudicated. The revised WSA finds that neither claim reduced the reliability of the project's groundwater rights. (See Section 4.6.2 of the revised WSA.)

Section 5, Imported Surface Water, includes additional details regarding the Orange Cove Irrigation District's (OCID's) water right in Mill Creek, stating that the OCID currently possesses the right to a continuous percentage of the flow of Mill Creek, and is not subject to the priority of other rights. (See Section 5.3.1.1 of the revised WSA.) Section 5.3.1.2 explains that the OCID is not limited to seasonal water diversion. Section 5 also contains an expanded discussion of potential impacts of the project on wildlife habitat and species in Los Molinos Mutual Water Company (LMMWC) irrigation canals, including the Runyon Ditch. (See Section 5.3.4, and associated subsections, of the revised WSA.) This section includes an expanded discussion of the approach under which water would be made available to the project, as well as potential impacts to LMMWC users and riparian habitat (See Section 5.3.6 of the revised WSA). Section 5 includes a new discussion of potential conveyance losses associated with Lower Mill Creek alluvial infiltration, Sacramento River losses, and cross-Delta carriage water requirements. (See Section 5.4.6 of the revised WSA.)

The discussion of water conveyance infrastructure includes a description of North Bay Aqueduct maintenance shutdowns, finding that during such shutdowns the project would need to produce approximately 24 acre-feet per year (AFY) of groundwater to meet all project demands, unless another temporary source can be secured. This section has been expanded to address water quality issues during winter months, acknowledging that increased costs can be incurred by the treatment needed to meet drinking water quality standards. The section also includes an explanation that the WSA assumes that the only capacity in the North Bay Aqueduct available to import surface water to the project would be the proportional capacity controlled by AmCan. Thus, transfers by other parties that take delivery of water from the NBA would

not interfere with the importation of water to the project; this approach provides a more conservative evaluation. (See Section 5.5.1 of the revised WSA.)

Master Response 3 – Syar Expansion

Several comments received on the 2009 DEIR and Supplement to the 2009 DEIR question whether or not the proposed Syar Napa Quarry Project was considered as a reasonably foreseeable project that, when considered together with the Napa Pipe Project, would result in significant cumulative impacts.

The Notice of Preparation (NOP) for the Syar Napa Quarry Project, issued on June 10, 2009, describes the project as an expansion of the existing Syar Quarry operations located at 2301 Napa Vallejo Highway. The project would include an approximate 291-acre expansion of the existing quarry, as well as an expansion of aggregate processing, production, and sales, all which are expected to occur east of SR 221, one mile east of the Napa Pipe project site.

No information was provided on any changes to the Syar-owned facilities (loading and storage areas, offices, and a barge dock) north of the Napa Pipe site. However, using the information that was provided in the Initial Study, potential impacts of expanded industrial operations on the Harrison (school site) property are assessed in the Supplement to the 2009 DEIR. The cumulative analysis included in the 2009 DEIR and the Supplement to the 2009 DEIR describes the potential long-term effects of the proposed project in conjunction with other long-term reasonably-foreseeable development including the Syar Napa Quarry Project.

The major issues related to cumulative impacts associated with the quarry expansion pertain to traffic and transportation, air quality and noise, all of which are addressed in the 2009 DEIR. Impact AQ-4 of the 2009 DEIR addresses the dust impacts from barge activities associated with the Syar expansion, and Impact NOISE-1 addresses noise impact associated with the Syar expansion. As noted in the response to comment ORG22-1, the Cumulative Conditions impact analysis, beginning on page 4.3-77 of the 2009 DEIR iden-

tified significant cumulative traffic impacts at the Kaiser Road/Enterprise Way and SR221/Kaiser Road intersections and determined that the proposed project's contribution to these impacts would result in significant and unavoidable impacts. Additionally, the Supplement to the 2009 DEIR provides analysis to the air quality discussion based on updated Bay Area Air Quality Management District thresholds.

Both the 2009 DEIR and Supplement to the 2009 DEIR provide a complete analysis of potential cumulative impacts resulting from the quarry expansion and the Napa Pipe Project, based on the best information available on the proposed Syar expansion.

C. Comment Letters and Responses

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NAPA PIPE FINAL EIR
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