



Vine Transit Bus Maintenance Facility

Final Environmental Impact Report Response to Comments Document SCH#2017052029

prepared by
Napa Valley Transportation Authority
625 Burnell Street
Napa, California 94559-3420
Contact: Rebecca Schenck

prepared with the assistance of
Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

December 2017

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1 Introduction

1.1 Purpose of the Response to Comments Document

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Vine Transit Bus Maintenance Facility Project (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides a response to public and agency comments received by NVTA on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

1.2 Environmental Review Process

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On May 11, 2017, the Napa Valley Transportation Authority (NVTA) circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. As discussed in Section 1.1 of the Draft EIR, the NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts. Comments received by the NVTA on the NOP are summarized in Table 2 of the Draft EIR and were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on September 19, 2017, and was distributed to local and State responsible and trustee agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups and public agencies, as well as property owners and occupants of neighboring and nearby properties. The Draft EIR and an announcement of its availability were posted electronically on the NVTA's website, and a paper copy was available for public review at the NVTA administrative offices building and the main branch of the Napa County Library.

The 45-day CEQA public comment period began on September 19, 2017, and ended on November 2, 2017. The NVTA received four comment letters on the Draft EIR. Copies of all written comments on the Draft EIR received during the comment period are included in Section 3 of this document.

1.3 Document Organization

This RTC Document consists of the following sections:

- *Section 1: Introduction.* This section discusses the purpose and organization of this RTC Document and the Final EIR, and summarizes the environmental review process for the project.

- *Section 2: List of Commenters.* This section contains a list of the agencies that submitted written comments during the public review period on the Draft EIR. No comments were received from any other groups, organizations or individuals.
- *Section 3: Comments and Responses.* This section contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- *Section 4: Draft EIR Revisions.* Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this section. Underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR.

2 List of Commenters

This section presents a list of comment letters received during the public review period and describes the organization of the letters and comments that are provided in Section 3, *Comments and Responses*, of this document.

2.1 Organization of Comment Letters and Responses

The four letters are presented in the following order: state public agencies (2) and regional and local public agencies (2). No groups, organizations or individuals provided written comments pertaining specifically to the Draft EIR. Each comment letter has been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue. For example, Response 1.1 indicates that the response is for the first issue raised in comment Letter 1.

2.2 Comments Received

The following comment letters were submitted to the NVTA during the public review period.

Letter Number and Commenter	Page Number
1. Scott Morgan, Director, State Clearinghouse	8
2. Garret Allen, Environmental Scientist, California Department of Fish and Wildlife	11
3. Garrett Veyna, Napa County Fire Department	15
4. Michael J. Hether, P.E., Senior Civil Engineer, City of Napa Public Works, Water Division	17

3 Comments and Responses

Written responses to each comment letter received on the Draft EIR are provided in this section. All letters received during the public review period on the Draft EIR are provided in their entirety.

Please note that text within individual letters that has not been numbered does not specifically raise environmental issues nor relate directly to the adequacy of the information or analysis within the Draft EIR, and therefore no comment is enumerated or response required, per CEQA Guidelines Section 15132.

Revisions to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are included in the responses. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. All revisions are then compiled in the order in which they would appear in the Draft EIR (by page number) in Section 4, *Draft EIR Text Revisions*, of this document.

LETTER 1



EDMUND G. BROWN JR.
GOVERNOR

November 3, 2017

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

2017 NOV -8 P 2: 21

NYTA



KEN ALEX
DIRECTOR

Rebecca Schenck
Napa Valley Transportation Authority
625 Burnell Street
Napa, CA 94559

Subject: Vine Transit Bus Maintenance Facility
SCH#: 2017052029

Dear Rebecca Schenck:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on November 2, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1.1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017052029
Project Title Vine Transit Bus Maintenance Facility
Lead Agency Napa Valley Transportation Authority

Type EIR Draft EIR
Description Construction of an approx 23,000 sf, single story bus maintenance facility that would include a bus wash, seven spaces for bus repair work, one space for paint and body work, and tire storage. The project would also include the construction of a single story 3,917 sf administration office building up to 16 ft in height with an outdoor landscaped courtyard. The two parking lots would accommodate approx 93 public transit vehicles as well as 75 employee and visitor vehicles respectively. These project components would occupy approx 4.88 acres of the project site, including approx 3.73 acres of parking and circulation areas, 27,082 sf of building footprints, and 23,140 sf of landscaping. A wall of up to eight ft in height would be along the eastern property line.

Lead Agency Contact

Name Rebecca Schenck
Agency Napa Valley Transportation Authority
Phone 707-259-8636 **Fax**
email
Address 625 Burnell Street
City Napa **State** CA **Zip** 94559

Project Location

County Napa
City Napa
Region
Lat / Long 38° 13' 40" N / 122° 15' 55" W
Cross Streets Sheehy Court/Devlin Rd
Parcel No. 057-250-025, -036
Township **Range** **Section** **Base**

Proximity to:

Highways 29, 12
Airports Napa County
Railways yes
Waterways Sheehy Creek
Schools
Land Use LU: vacant
Z: Industrial park, airport compatibility; GP: Industrial; Specific plan: business/industrial park

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 2; State Water Resources Control Board, Division of Drinking Water; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 09/18/2017 **Start of Review** 09/19/2017 **End of Review** 11/02/2017

Letter 1

COMMENTER: Scott Morgan, Director, State Clearinghouse

DATE: November 3, 2017

RESPONSE:

Response 1.1

The commenter states that the State Clearinghouse submitted the Draft EIR to state agencies for review and no state agencies submitted comments in return. The commenter also states that compliance with State Clearinghouse review requirements has been completed. This comment is noted. It should also be noted that although no state agencies submitted comments formally through the State Clearinghouse, Letter 2 is an email from an employee of the California Department of Fish and Wildlife, which is a state agency.

LETTER 2

From: Allen, Garrett@Wildlife [<mailto:Garrett.Allen@wildlife.ca.gov>]
Sent: Thursday, October 26, 2017 8:02 AM
To: Schenck, Rebecca
Subject: CDFW's Comments on the Vine Transit Bus Maintenance Facility (SCH# 2017052029)

Hello Rebecca,

Thank you for sending the Draft Environmental Impact Report (DEIR) on the Vine Transit Bus Maintenance Facility (Project) for CDFW's review and comment. I have a couple of comments in regards to avoidance, minimization and mitigation measures for Swainson's hawk that I would like to submit via email. Please see below:

In the Biological Resources section of the DEIR it states that Swainson's hawks were observed flying near the project area. The DEIR also addresses that the project site is marginal foraging habitat for the species and that there are suitable nesting trees within 0.25 of the project site. There are marked occurrences of nesting Swainson's hawk within 0.5 of the project site. For this reason, I highly recommend conducting surveys according to the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*.

2.1

The TAC recommends starting early in the nesting season (late March to early April). The TAC also states that surveys should be conducted within 0.25-mile radius of the Project area.

Please also note that without an Incidental Take Permit (ITP) you will need to avoid "take" of Swainson's hawks. If you find any active nests during the survey I recommend a disturbance buffer of at least 0.25 mile. Here is a guidance document on Swainson's hawk: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>.

2.2

2.3

Lastly, Any permanent loss of Swainson's hawk foraging habitat should be mitigated adequately. Below are ratios that CDFW typically recommends for loss of Swainson's hawk foraging habitat:

- For projects within one-mile of an active nest tree, provide one-acre of land for each acre of development authorized (1:1 ratio).
- For projects within five miles of an active nest tree but greater than one-mile from the nest tree, provide 0.75 acres of land for each acre of development authorized (0.75:1 ratio).
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, provide 0.5 acres of land for each acre of development authorized (0.5:1 ratio).

2.4

Mitigation lands associated with the Project should be of equal or greater value to the habitat that is lost and protected in perpetuity under a conservation easement. Funding for mitigation lands should be ensured for long-term management of Swainson's hawk habitat.

Thank you,

Garrett Allen

Environmental Scientist, CDFW

(707) 944-5565

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

Letter 2

COMMENTER: Garret Allen, Environmental Scientist, California Department of Fish and Wildlife

DATE: October 26, 2017

RESPONSE:

Response 2.1

The commenter states that there are marked occurrences of nesting Swainson's hawk within 0.5 mile of the project site and recommends conducting surveys according to the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. The commenter states that the TAC recommends starting surveys early in the nesting season, and that surveys should be conducted within 0.25-mile radius of the project site. It should also be noted that although the commenter cites a 0.25-mile radius for surveys per the TAC recommendations, the TAC recommendations advise a 0.5-mile radius of the project site for nesting Swainson's hawk surveys.

In response to this comment, pages 79 and 80 of the Draft EIR are revised as follows:

MM BIO 4. Nesting Birds

To avoid disturbance of nesting and special-status birds, including raptorial species protected by the Migratory Bird Treaty Act and California Fish and Game Code, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1st through August 30th). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the project boundary, including a 300-foot buffer for common species, a 500-foot buffer for common raptors and 0.5-mile ~~0.25-mile~~ buffer for Swainson's hawk. Surveys may be limited for inaccessible areas (e.g., private lands) and would be conducted from afar using binoculars to the extent practical for inaccessible areas. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in Northern California communities. Surveys for Swainson's hawk shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.

If nests are found, species-specific ~~an~~ avoidance buffer ~~buffer~~ buffers (dependent upon the ~~species,~~ the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by ~~the~~ a qualified biologist. Avoidance buffers shall be demarcated with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. Active Swainson's hawk avoidance buffers shall be a mandatory 0.25 mile, regardless of work activity, unless specifically reduced by written authorization from CDFW. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/ nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Response 2.2

The commenter states that without an Incidental Take Permit, project activities must avoid “take” of Swainson’s hawks.

As described on page 78 of the Draft EIR, the project would result in construction activity in proximity to suitable nesting habitat for Swainson’s hawk. However, Mitigation Measure BIO-4 (see pages 79 and 80 of the Draft EIR and Response 2.1, above) would require preconstruction surveys to locate active nest sites of Swainson’s hawk within 0.5 mile of the project site. If active nests are located, the nest site must be protected from construction by a buffer measuring 0.25 mile, which would prevent abandonment of the nest site and take of young birds or nest sites. Thus, with implementation of Mitigation Measure BIO-4, the project would not result in the direct take of Swainson’s hawk.

Page 78 of the Draft EIR also describes indirect impacts to Swainson’s hawk from the development of approximately 4.88 acres of marginal foraging habitat for the species. As described in the Draft EIR, Swainson’s hawk is a mobile species with a generally large home range and is capable of compensating for the loss of small acreages of foraging habitat in a local area by moving to other suitable foraging habitats. Thus, the loss of 4.88 acres would not be substantial to the survivability of a Swainson’s hawk individual or population.

Pages 83 and 84 of the Draft EIR identify a significant and unavoidable cumulative impact on foraging habitat for Swainson’s hawk. However, this impact is based on the cumulative loss of foraging habitat from the proposed project combined with other projects in the vicinity, which total several hundred acres. Although the project would contribute to the overall significant loss of habitat, the total loss would occur incrementally, as each cumulative project is implemented, rather than during a single nesting season. Accordingly, the cumulative loss of habitat would be gradual such that adequate foraging habitat would be available during any single nesting season until the area is eventually unsuitable or used for nesting. Abandonment of a nest site during a nest season as a result of incremental loss of foraging habitat would not occur. Thus, no indirect take of Swainson’s hawk would result from the proposed project, as stated on page 83 of the Draft EIR. However, this comment is noted and it is acknowledged that take of a Swainson’s hawk under any circumstances requires an Incidental Take Permit.

Response 2.3

The commenter states recommendations for a disturbance buffer of 0.25 mile of active Swainson’s hawk nests during project construction. To provide clarification on minimum avoidance buffers for potentially occurring nesting Swainson’s hawk, Mitigation Measure BIO-4 has been modified to require a 0.25-mile buffer of active Swainson’s hawk nest. Please see Response 2.1.

Response 2.4

The commenter states that permanent loss of Swainson’s hawk foraging habitat should be mitigated adequately and states that that typical mitigation consists of establishing a conservation easement on mitigation lands elsewhere containing habitat that is of equal or greater than the habitat that would be lost to a project. The commenter also provides methodology for calculating the amount of mitigation lands that should be established based on the proximity of the project and nearest active Swainson’s hawk nest.

California Department of Fish and Wildlife guidelines¹ regarding mitigation for loss of foraging habitat for Swainson's hawk state that "Staff does not recommend requiring mitigation pursuant to CEQA nor a Management Authorization by the Department for infill (within an already urbanized area) projects in areas which have less than 5 acres of foraging habitat and are surrounded by existing urban development, unless the project area is within 0.25 mile of an active nest tree." The project site is located in a largely developed or cleared/maintained area and is just north of existing light industrial and warehouse development that is part of the larger Napa Valley Business Park. The proposed project would result in disturbance of approximately 4.88 acres of the project site, and there are no known active Swainson's hawk nest sites within 0.25 mile of the project site. Habitat loss at this site does not rise to the level at which the California Department of Fish and Wildlife guidelines recommend compensatory mitigation. Under CEQA potential impacts to Swainson's hawk are not considered significant, because, as described in the Draft EIR, direct or indirect take of Swainson's hawk would not result from implementation of the proposed project, despite the incremental loss of 4.88 acres of foraging habitat on the project site. As such, mitigation for the loss of habitat on the project site is not required. Revisions to the Draft EIR are therefore not warranted.

¹ California Department of Fish and Game. 1994. *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. Memorandum dated November 8, 1994.



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A Commitment to Service

LETTER 3

Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO:	Rebbeca Schenck NVTA	DATE:	September 21, 2017
FROM:	Garrett Veyna Napa County Fire Department		
SUBJECT:	Vine Transit Bus Facility	APN:	0057-250-025/036

The Napa County Fire Marshal's Office has reviewed the submittal letter for the above proposed project. The Fire Marshal has no comments for the Draft Environmental Impact Report.

For future project requirements, the Napa County Fire Marshal's Office Development Guidelines can be found at www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1464 or email at garrett.veyna@fire.ca.gov

3.1

Letter 3

COMMENTER: Garrett Veyna, Napa County Fire Department

DATE: September 21, 2017

RESPONSE:

Response 3.1

The commenter states that the Napa County Fire Marshal's Office has reviewed the Draft EIR and has no comments. The commenter also provides a website link to the Napa County Fire Marshal's Office Development Guidelines. These comments do not question the analysis or conclusions of the Draft EIR but are noted.

LETTER 4

From: Hether, Michael [<mailto:mhether@cityofnapa.org>]
Sent: Friday, September 22, 2017 4:50 PM
To: Schenck, Rebecca
Subject: RE: Response to Notice of Preparation of an EIR

Good afternoon Rebecca.

I received the second notice (see attached) soliciting comments on the draft EIR.

My comments pertain more to general project requirements, as opposed to the resource areas evaluated within the EIR; they include the following:

1. The City owns and operates a 36-inch water pipeline situated within an easement twenty feet wide (south of the north property line) for the entire length of the property;
2. No buildings, permanent features, etc. shall be erected within the easement;
3. An encroachment agreement shall be executed (City to provide agreement at later date).

4.1

4.2

Please let me know if you require my attendance at any public meetings.

Thanks.

Michael J. Hether, P.E.

Senior Civil Engineer, Water Division



Public Works - Water Division Office

City of Napa
1340 Clay Street
Napa, CA 94559

Phone (707) 257-9521

Email mhether@cityofnapa.org

Website www.cityofnapa.org

Social www.facebook.com/CityOfNapa

[Visit our website for up-to-date details on the drought and ideas on how you can save water.](#)

Letter 4

COMMENTER: Michael J. Hether, P.E., Senior Civil Engineer, City of Napa Public Works, Water Division

DATE: September 22, 2017

RESPONSE:

Response 4.1

The comment letter does not address any CEQA issues or question the adequacy of the Draft EIR. The commenter states that the City of Napa owns and operates a water pipeline within an easement in the northern extent of the project site, and that no buildings or permanent features should be erected within the easement. The proposed project would not involve construction of buildings within the easement. Asphalt pavement would be located within the easement, but would not be a permanent feature because it could be removed and replaced as needed for access to the pipeline, unlike buildings or structures.

Response 4.2

The commenter states that an encroachment agreement must be executed with the City of Napa for location of project features and components within the water pipeline easement. This comment is noted and the NVTa will coordinate with the City as needed to ensure satisfaction of all required agreements.

4 Draft EIR Text Revisions

Section 4 presents specific changes to the text of the Draft EIR that are being made to correct errors or omissions or clarify information presented in the Draft EIR in response to comments received during the public review period. In no case do these revisions result in a new environmental impact or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR.

Page 2 of the Draft EIR is revised to include the following changes:

Internal circulation and parking on site would be designed to minimize the need for buses to operate in reverse or back up. Parking spaces that would require buses to back out more than once per day would be located at the south end of the proposed parking area, closer to the south side of the project site and away from adjoining properties to the north and east.

Pages 8 and 9 of the Draft EIR are revised to include the following changes:

BIO-4 Nesting Birds. To avoid disturbance of nesting and special-status birds, including raptorial species protected by the Migratory Bird Treaty Act and California Fish and Game Code, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1st through August 30th). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the project boundary, including a 300-foot buffer for common species, a 500-foot buffer for common raptors and 0.5-mile 0.25-mile buffer for Swainson's hawk. Surveys may be limited for inaccessible areas (e.g., private lands) and would be conducted from afar using binoculars to the extent practical for inaccessible areas. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in Northern California communities. Surveys for Swainson's hawk shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.

If nests are found, species-specific an-avoidance buffer-buffers (dependent upon the ~~species,~~ the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by ~~the~~ a qualified biologist. Avoidance buffers shall be demarcated with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. Active Swainson's hawk avoidance buffers shall be a mandatory 0.25 mile, regardless of work activity, unless specifically reduced by written authorization from CDFW. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/ nesting is completed and the young have

fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Page 37 of the Draft EIR is revised to include the following changes:

Internal circulation and parking on site would be designed to minimize the need for buses to operate in reverse or back up. Parking spaces that would require buses to back out more than once per day would be located at the south end of the proposed parking area, closer to the south side of the project site and away from adjoining properties to the north and east.

Pages 80 and 81 of the Draft EIR are revised to include the following changes:

MM BIO 4. Nesting Birds

To avoid disturbance of nesting and special-status birds, including raptorial species protected by the Migratory Bird Treaty Act and California Fish and Game Code, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1st through August 30th). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the project boundary, including a 300-foot buffer for common species, a 500-foot buffer for common raptors and 0.5-mile 0.25-mile buffer for Swainson's hawk. Surveys may be limited for inaccessible areas (e.g., private lands) and would be conducted from afar using binoculars to the extent practical for inaccessible areas. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in Northern California communities. Surveys for Swainson's hawk shall be conducted according to the Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.

If nests are found, species-specific ~~an avoidance buffer~~ ~~buffer buffers~~ (dependent upon the ~~species,~~ the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by ~~the~~ a qualified biologist. Avoidance buffers shall be demarcated with bright orange construction fencing, flagging, construction lathe, or other means ~~to mark the boundary~~. Active Swainson's hawk avoidance buffers shall be a mandatory 0.25 mile, regardless of work activity, unless specifically reduced by written authorization from CDFW. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/ nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Page 140 of the Draft EIR is revised to include the following changes:

The bus fleet is equipped with reverse alarms, also known as back-up beepers. When operating in reverse direction, such as backing in or out of parking spaces, the buses produce a beeping sound for safety purposes. The proposed facility would be designed to minimize the need for buses to operate in reverse or back up. Parking spaces that would require buses to back up more than once per day would be located at the south side of the project site, away from adjoining properties to the east and north. This design would

minimize the frequency and regularity of reverse beeping noise generated onsite, and reduce the volume of beeping noises at adjoining properties to the north. The maximum operational noises described above account for bus beeping noises throughout the site, including the northern and eastern property boundaries, and thus would not exceed noise standards, and mitigation would not be required.