

**Errata to the
MST SURF! Busway and Bus Rapid Transit Project
Initial Study and Mitigated Negative Declaration**

Errata to the MST SURF! Busway and Bus Rapid Transit Project Initial Study and Mitigated Negative Declaration

Minor Changes and Clarifications to the Initial Study

Note: Any minor changes to mitigation measures in the Initial Study are reflected in the Final IS/MND document and shown within the corresponding Errata to the Appendices below.

Page 3:

Operational Information

Busway Vehicles

Under the California's Innovative Clean Transit (ICT) Rule, MST will be required to incorporate zero emission buses as part of its regular procurement schedule and transition to a 100% zero emission fleet by 2040. To meet environmental objectives of the project, MST plans to move to 100% ~~percent~~ zero emission vehicle operation ~~over time~~ as soon as possible as procurements are made and fulfilled and as existing vehicles are replaced. The SURF! fleet is assumed to consist of 50 to 75 percent zero emission vehicles on day one of operations, moving to 100% as soon as practical as new zero emission vehicles enter the MST fleet.

Page 4:

2.2 Required Entitlements, Permits and Easements

The project is expected to require the following approvals:

- Approval by Federal Transit Administration (FTA) as the lead agency under NEPA prior to federal funding
- Approval by the Transportation Agency for Monterey County (TAMC) for use agreements between MST and TAMC and any additional funding commitments towards final design, construction, and/or operation
- Natural resource permits (e.g. take or other permits issued by United States Fish and Wildlife Services [USFWS])
- Consolidated Coastal Development Permit issued by the California Coastal Commission
- Encroachment permit issued by Caltrans (e.g. completion of a Design Engineering Evaluation Report (DEER)). For eligible projects and actions, the DEER can be used in lieu of the PSR-PDS, PSRPR and Project Report process and provides an opportunity to streamlining Caltrans review

Page 6:

- A new transit station (5th Street Station) located on MST property near 5th Street east of Highway 1. The station would include bus bays, public parking, drop off area and other amenities. Other improvements associated with the station include bicycle and pedestrian

facilities to access the station from the Coastal Recreation Trail and new connections to the existing bike trail system adjacent to the station.

Page 8:

Less than significant impact. The visual quality of the alignment and lands on either side of the alignment is dominated by Highway 1, the existing railroad tracks and railbed, the coastal dune topography and the Monterey Bay beyond. Visual simulations of the pre-and post-project conditions from selected key viewpoints (KVPs) of the alignment are shown in **Appendix 5**. Based on the existing visual character of the public views and viewing experience from the selected KVPs, implementation of the project would not substantially degrade the existing visual character of the site or its surroundings. Visual effects from construction would occur but are considered a temporary visual nuisance rather than a permanent adverse effect. See **Appendix 5** for detailed analysis of construction and operational effects.

Page 22:

The project could result in impacts to ~~riparian habitat, waters of the U.S. and/or State~~ sensitive natural communities; however, no riparian habitat or waters of the U.S. and/or State were documented within the project site. The project area lies within the California Coastal Zone (Coastal zone), specifically within the boundaries of the Marina, San City, and Seaside Local Coastal Plans, as well as California Coastal Commission's original jurisdiction. The LCPs from these agencies address coastal resources, including the protection of biological and wetland resources.

As noted above, some of these specific habitats include coastal scrub and dune scrub that occur along the California coast. Additional areas within the project site that may be considered ESHA include habitat for Smith's blue butterfly and areas supporting rare plants. To avoid potential impacts associated with project construction to these sensitive habitats, mitigation measures MMs BIO 1.1 through BIO-1.410 and BIO-2.11 would be implemented to reduce impacts to ~~dune scrub sensitive habitats and ESHA~~ to a less-than-significant level. See Appendix 7 for detailed discussion on ~~riparian habitat sensitive habitats and ESHA~~ within the project alignment.

Page 41:

No impact. The project would not require the use of nor withdraw groundwater for use in construction or operation of the site, except for temporary use of privately purchased trucked water used for dust suppression during grading and construction. With appropriately designed stormwater detention, the increase in impervious surfaces from the busway lanes would not interfere with groundwater recharge. Thus, the project would have no impact to existing groundwater supply.

Page 42:

Less than significant impact. The project would not require groundwater use for project construction or operation of the site, except for temporary use of privately purchased trucked water for dust suppression during grading and construction. ~~Thus, would not no conflict with to groundwater supply would occur in this regard.~~ As identified above, the project will be subject to the stringent water quality

control measures during construction and will have no effect on groundwater resources. See **Appendix 13** for additional information.

Page 61:

Responsible Agency

Transportation Agency for Monterey County

Madilyn Jacobsen, Transportation Planner

Minor Changes and Clarifications to Initial Study Appendices

Appendix 1 – Mitigated Negative Declaration

The Final MND reflects all final findings and mitigation measures.

Appendix 2 – Transportation Impact Analysis

There are no changes to Appendix 2 except for the removal of the word “Draft” from the cover and title page.

Appendix 3 – Detailed Project Description

Figures. Figures 3-1, 3-5, 3-6, and 3-7 have been updated in the Final IS/MND to remove “EIR” from the footer.

Page 3-4:

The final study ultimately concluded that operating MST buses along the Monterey Branch Line would be the most cost-effective solution to improving on-time performance in this critical corridor. This feasibility study was completed in 2018, and the “bus within branch line” concept analyzed is very similar to the project evaluated in this EIR Initial Study.

Page 3-5:

~~Section 15124 of the CEQA Guidelines requires that a clearly written statement of objectives be presented in an EIR to help lead agencies develop a reasonable range of alternatives, and to aid the decision makers in preparing findings of significant effects or a statement of overriding considerations, as necessary.~~

Page 3-13:

The busway would continue southbound and cross under the 8th Street bridge. At a point approximately 200 1,000 feet north of the 8th Street bridge, the alignment begins to shifts to the west (ocean) side of the existing rails to provide adequate clearance and avoid existing bridge supports. Due to topographic constraints and to minimize the use of retaining walls, the alignment south of 8th Street shifts east and west of the tracks in two more locations back to the east until its connection with the 5th Street

underpass. Where it is necessary for the busway to be constructed over the existing rails for these shifts, the road surface will be built up on top of the rails, leaving them in place below.

Page 3-20:

The exact fleet mix on day one of the busway's operation is unknown at this time; however, the design of all busway facilities would be able to accommodate all vehicle types. The SURF! line is estimated to require eight (8) additional buses over existing conditions. Considering the environmental objectives of the project, MST intends to immediately dedicate existing and future electric zero emission vehicles (battery electric or hydrogen fuel cell) to SURF! line operations, on day one, moving to 100% electric vehicle operation over time as procurements are made and fulfilled and as existing vehicles are replaced. The SURF! fleet is assumed to consist of 50 to 75 percent zero emission vehicles on day one of operations, moving to 100% as soon as practical as new zero emission vehicles enter the MST fleet.

Page 3-23:

To allow for acceptable grades for the busway lanes and in order to minimize impacts to the existing railway, retaining walls will be used in specific locations within the corridor. Approximately 60,000 37,000 square feet of retaining wall of heights between 2 and 6 feet would be required, with a total length of 7,782 linear feet.

~~Preliminary wall locations are shown in the Plot Maps, Appendix 4 to this document.~~ Walls would be constructed of masonry block (keystone) and/or poured concrete. Wall forms, where used, may be surfaced with decorative relief, colorized, and/or coated to blend into the landscape, deter graffiti, and assist in cleaning.

Page 3-24:

The overall construction timeline is expected to take 18-24 months to complete, with varying levels of activity in that timeframe. To minimize temporary visual effects from project construction, materials and equipment will be staged primarily at the 5th Street Station site and moved into the busway corridor as needed. Construction parking will also take place at this location. Some construction staging would also be needed within the TAMC right-of-way at the north end of the alignment (near the Palm/Del Monte intersection) and south end (under Highway 1 near the California Avenue interchange). Construction is proposed to take place during daylight hours on weekdays only, unless necessary for emergency or unusual circumstances.

Page 3-25:

Coordination with local land use agencies (cities of Marina, Seaside and Sand City and County of Monterey) will be necessary for the planning and implementation of specific roadway and intersection improvements within the public right-of-way within their respective jurisdictions. Each jurisdiction with a locally certified Local Coastal Program (LCP) may also need to provide MST with a determination and findings that the project is consistent with local land use, transportation and coastal objectives, goals and policies. Approval by TAMC as a responsible agency is also required. TAMC Board authorizations would include a use agreement between MST and TAMC and any additional funding commitments toward final design or construction.

Appendix 5 – Aesthetics and Visual Resources

Figures, all pages. All figures have been updated in the Final IS/MND to remove “EIR” from the footer.

Page 5-27:

Construction of the project will entail the removal of existing trees, grading, excavation and construction activity along the alignment, particularly within Segments 2 and 3. This activity would continue over a period of approximately 18 to 24 months. While temporary, the visual character and quality of the site in the immediate area where work is occurring would be degraded while construction is underway within the TAMC right of way. Light and heavy construction equipment (excavators, scrapers, dump trucks, paving equipment etc.) would be ~~staged~~ used along the alignment as the work progresses; however, the 5th Street Station location inland of the highway will serve as the primary equipment and material staging/storage area to minimize temporary visual effects. Construction activity would also be limited to weekdays. This construction activity and equipment would be highly visible from Highway 1, the recreation trail and Beach Range Road, temporarily degrading the driver and user visual experience.

Typical construction mitigation measures such as construction fencing or screening would not be practical along this linear project site and could cause additional visual impacts if such fencing were erected. However, as construction is temporary, would be limited to weekdays, and work (and equipment) will continually move along the corridor as work progresses, the visual effects will be limited at any given location and quickly passed by vehicles and trail users. No mitigation is warranted for these temporary effects.

Page 5-30:

Construction

Construction activity associated with the project would not result in unusual or permanent light sources that would significantly affect day or nighttime views in the area. During darker winter months, however, some flood lighting or work lighting may be necessary during the early morning or late afternoon twilight hours. All lighting required for construction would be temporary, limited to weekdays, and no nighttime construction is proposed. While construction lighting would be of short duration, mitigation measure MM AES 3-1 below would serve to limit unnecessary lighting.

Appendix 6 – Air Quality

Page 6-19:

SC AQ-2.1 Reduce Fugitive Dust

The project applicant shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the project applicant shall require all of the following measures to be shown on grading and building plans:

- Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.
- Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily ~~or apply non-toxic~~

~~chemical soil stabilization materials per manufacturer's recommendations.~~
Frequency should be based on the type of operations, soil and wind exposure.

- Prohibit all grading activities during periods of high wind (more than 15 mph).
- ~~Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).~~
- Stabilize all disturbed soil areas as necessary using ~~not subject to using approved chemical soil binders, jute netting, or gravel for temporary roads and or any other methods approved in advance by the APCD.~~
- Sow exposed ground areas that are planned to be reworked at dates greater than one month after initial grading with a fast germinating, non-invasive grass seed, and water until vegetation is established.
- Plant vegetative ground cover in disturbed areas as soon as possible with non-invasive species.
- Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (non-potable) water should be used whenever possible.
- Spray dirt stockpile areas daily as needed.
- Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct busway lanes and bus boarding infrastructure as soon as possible after grading unless seeding, ~~soil binders,~~ or frequent water application are used.
- Not exceed a 15-mph vehicle speed for all construction vehicles on any unpaved surface at the construction site.
- Cover or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) on all trucks hauling dirt, sand, soil, or other loose materials in accordance with California Vehicle Code Section 23114.
- Limit unpaved road travel to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and inspect vehicle tires to ensure free of soil prior to carry-out to paved roadways.
- Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

Appendix 7 – Biological Resources Assessment

Minor changes and clarifications have been made in the Final Biological Resources Assessment. No changes were made to mitigation measures.

Appendix 8 – Cultural Resources

Pages 8-14 and 8-15:

MM CR-1 Preconstruction Archaeological and Paleontological Sensitivity Training

Prior to construction, all personnel directly involved in project related ground disturbance shall be provided archaeological and paleontological sensitivity training. The training will be conducted by a qualified Archaeologist and Paleontologist ~~who~~ that meets the Secretary of the Interior's standards for archaeology and CEQA qualifications for paleontology. The training will take place at a day and time to be determined in conjunction with the project construction foreman, and prior to any scheduled ground disturbance. The training will include: a discussion of applicable laws and penalties; samples or visual aids of artifacts and paleontological resources that could be encountered in the project vicinity, including what those artifacts and resources may look like partially buried, or wholly buried and freshly exposed; and instructions to halt work in the vicinity of any potential cultural resources discovery, and notify the archaeological or paleontological monitor as necessary.

MM CR-2 Procedures for Inadvertent Discovery

Inadvertent Discovery of Archaeological or Tribal Cultural Resources

In the event archaeological resources are encountered during ground disturbing activities, contractor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated.

CEQA Guidelines requires that all potentially significant archaeological deposits be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For prehistoric archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources are also sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified Archaeologist. Significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, a qualified Archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines.

If such resources or artifacts are determined to be of native tribal origin, any mitigation or recovery program shall include direction from Ohlone/Costanoan Esselen Nation (OCEN) tribal leadership for proper handling and treatment.

The Archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. The report shall be submitted to MST, TAMC, the NWIC, and the State Historic Preservation Office, as required.

Inadvertent Discovery of Paleontological Resources

A qualified Paleontologist (per CEQA definition) shall be retained to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the project based on the location and depth of excavation. Project related excavations that occur in surficial younger (Holocene-age) alluvial and fluvial deposits and/or topsoil (less than 10 feet in depth) will be monitored on a periodic basis to ensure that the potential underlying paleontologically sensitive sediments are not being affected. Paleontological resource monitoring will include inspection of exposed rock units during active excavations within sensitive geologic sediments, if present.

The paleontological monitor will have the authority to temporarily divert grading away from exposed fossils to professionally and efficiently recover the fossil specimens and collect associated data. All efforts to avoid delays to project schedules will be made. Collected fossils will be transported to a paleontological laboratory for processing, identification, analysis and curation. The qualified Paleontologist shall prepare a final monitoring and mitigation report to be filed with MST and, if fossil resources are found, the repository.

~~In the event that fossils or fossil-bearing deposits are discovered during construction activities, the contractor shall temporarily halt or divert excavations within a 100-foot radius of the find until it can be evaluated. If the find is deemed significant, the applicant shall retain a qualified Paleontologist to shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The Paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the Paleontologist shall prepare an Excavation Plan for mitigating the effect of construction activities on the discovery. The Excavation Plan shall be submitted to MST and TAMC for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the Excavation Plan.~~

Inadvertent Discovery of Human Remains

In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within a 100-foot radius of the find. The project proponent shall then inform the Monterey County Coroner and the respective city (e.g. City of Marina, Sand City, or Seaside) immediately, and the Coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the Coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the Applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The Coroner shall contact the NAHC to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains.

In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance.

Appendix 13 – Hydrology and Water Quality

Page 13-12:

The project would not require the use of nor withdraw groundwater for use in construction or operation of the site, except for temporary use of privately purchased trucked water used for dust suppression during grading and construction. Thus, the project would have no impact to existing groundwater supply. The project would capture, treat, infiltrate, and retain stormwater runoff on site as required by PCRs described above.

Appendix 14 – Noise

Figure 14-1A has been updated to remove “EIR” from the footer.