Public and Agency Comment Letters 1 to 13
MST SURF! Busway and Bus Rapid Transit Project
Initial Study and Mitigated Negative Declaration
April 12, 2021

VIA EMAIL

Michelle Overmeyer
Director of Planning and Innovation
Monterey-Salinas Transit District
19 Upper Ragsdale, Suite 200
Monterey, CA 93940
(831) 264-5877
movermeyer@mst.org

Re: Comments on Initial Study/Mitigated Negative Declaration for the Proposed SURF! Busway and Bus Rapid Transit Project (the “Project”)

Dear Ms. Overmeyer:

We represent SNG Evariste, LLC (“SNG Evariste”), the owner of real property in Sand City, CA, and the holder of a coastal development permit for a resort hotel at such property. SNG Evariste submits the following comments on the Monterey-Salinas Transit District’s (“MST”) Initial Study and Mitigated Negative Declaration (“IS/MND”) for the proposed SURF! Busway and Bus Rapid Transit Project (the “Project”).

As explained below, in connection with the decision to issue the IS/MND for the Project on or about March 13, 2021 (the “MND”), MST failed to comply with various mandates of the California Environmental Quality Act (“CEQA”). Specifically, an environmental impact report (“EIR”) must be prepared to adequately analyze the Project’s potentially significant, adverse environmental effects because substantial evidence supports a fair argument that the Project may have a significant impact on the environment.

Approval of the Project by the MST Board of Directors in reliance on the IS/MND would violate CEQA for at least three primary reasons. First, the Project description is incomplete

1 Monterey County Assessor Parcel No. 011-501-014.
3 CEQA Guidelines § 15064(a).
and inaccurate, and does not provide sufficient details to provide a foundation for a complete analysis of the environmental impacts. Second, the IS/MND improperly defers or omits analysis of various areas, including visual, biological, paleontological impacts, and noise. Third, substantial evidence supports a fair argument that the Project may have a significant effect on the environment.

We explain each of these CEQA violations below.

A. The Project Description is Not Accurate, Stable or Finite as CEQA Requires

The IS/MND Project description is incomplete and inaccurate. It does not provide sufficient details to provide a foundation for a complete analysis of the environmental impacts. “An accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient” CEQA document. A project description “should be sufficiently detailed to provide a foundation for a complete analysis of the environmental impacts,” and it should include all project components and “apprise the parties of the true scope of the project.” It should inform the public about a project’s likely effect on the environment and ways to mitigate any significant impacts. Here, the Project description in the IS/MND fails to provide sufficient detail, is incomplete, misleading, and inadequate for several reasons.

First, the IS/MND does not provide a complete project description. Instead, it only lists the following five “primary components” of the Project:

- A bus-only entry into the T AMC right-of-way at Del Monte Boulevard and Palm Avenue in the City of Marina. This element requires upgraded intersection traffic and safety control, as well as bicycle and pedestrian path improvements along Del Monte Boulevard and parallel to Marina Drive.
- Two lanes (one in each direction) of dedicated busway road surface within the T AMC Monterey Branch Line right-of-way. Work within the T AMC right-of-way to construct the bus lanes will require grading, drainage improvements, retaining walls, fencing, recreation trail connections, utility relocations and other necessary improvements to create a safe, dedicated busway.

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• 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.

• A new roundabout in the public right-of-way at California Avenue and Highway 1 southbound ramp in Sand City to better accommodate buses re-entering the public right-of-way.

• A stop at Playa Avenue in Sand City where SURF! riders could connect to the existing bus networks. The Del Monte Boulevard/Playa Avenue and California Avenue/Playa Avenue intersections would include signalization and synchronization to improve traffic operations at this location. The route would continue to Contra Costa Street in Sand City via existing public roadways.

These “primary components” do not contain sufficient detail to analyze the impacts they could potentially have on the environment. They do not specify the location or design specifications of the proposed improvements, such as the retaining walls, fencing, adjacent landscaping or sound deadening materials, and other necessary improvements. The failure to include this relevant information precludes decision making and public participation, thwarting the goals of CEQA.6

Second, the IS/MND improperly refers the public to Appendix 3 for Project details. Appendix 3 does not contain a complete project description and refers the public to supplementary documents for additional information. As further detailed in the letter attached as Exhibit A (the “EMC Letter”), this scavenger hunt for information results in dead ends as to certain, critical project components.7 For example, although the materials reference retaining walls for the Project, none of the documents provide details or specifications for the proposed retaining walls. The IS/MND references Appendix 3 for details. Appendix 3, in turn, references the Plot Plan for such details, but the Plot Plan does not identify the retaining walls. The public should not have to ferret

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6 See Stopthemilleniumproject.com, supra, 39 Cal.App.5th at 19-20 (finding that a “failure to represent any concrete project proposal, instead choosing concepts and ‘impact envelopes’ rather than accurate, stable and finite project, was an obstacle to informed public participation . . .” and noting that technical characteristics of the construction project is relevant information for CEQA documents).

7 The EMC Letter was prepared by a licensed biologist and environmental professionals with the consulting firm EMC Planning Group, Inc., which SNG Evariste retained to review and comment on the IS/MND. All of the comments contained in the EMC Letter are incorporated herein by this reference.
out information from multiple sources or locations. A CEQA document “must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project.”

Information scattered in appendices or a report buried in an appendix is not “a substitute for a ‘good faith reasoned analysis.’”

Finally, the IS/MND notes that the Project will require approval from, among other agencies, United States Fish and Wildlife Services (“USFW”) and the California Coastal Commission (“CCC”). However, the IS/MND does not provide sufficient information about the Project and its environmental setting for other governmental agencies to complete their respective decision-making processes as “responsible agencies” pursuant to CEQA. If a project will require, as here, other agency approvals, such as approvals from USFW and CCC, the CEQA document should include, at a minimum, a detailed discussion of special-status species and their habitat. As noted in the EMC Letter, MST has not included such a discussion. Notably, the Project description lacks any details as to project components, such as fencing, walls, lighting, that can impact biological resources.

As shown by the above, the Project description is not “accurate, stable, [or] finite.” All improvements need to be analyzed as part of the Project, and the failure to do so makes the Project description incomplete and misleading, and the IS/MND premised on an “improperly ‘curtailed’ and ‘distorted’ project description.” As such, MST’s failure to present a concrete Project proposal violates CEQA. Id.

B. The IS/MND Improperly Defers Analysis/Evaluation of Impacts

CEQA requires the lead agency to identify all significant effects on the environment of the proposed project, and a lead agency cannot defer environmental assessment to a future date. This

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8 *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 941 citing to *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 42.
9 *Id.*
10 14 CCR § 15096.
11 *Banning Ranch Conservancy, supra*, 2 Cal.5th at 936-37 (finding that a lead agency could not defer ESHA analysis and must discuss potential ESHA and their ramifications of mitigation measures and alternatives).
12 *County of Inyo, supra*, 71 Cal.App.3d at 193.
is so because “[a] study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency action that has been repeatedly condemned in decisions construing CEQA.”

Despite such clear guidance, as detailed in the EMC Letter, MST defers and/or omits analysis of the Project’s potential environmental impacts on biological resources, visual resources, air quality, cultural resources as well as the Project’s greenhouse gas and noise impacts. MST cannot defer such analysis, regardless of whether the Project will require subsequent permitting from a responsible agency. Engaging in such deferred analysis evades the lead agency’s duty to engage in comprehensive environmental review.

By way of example, and as further explained in the EMC Letter, the IS/MND fails to adequately identify effects on environmentally sensitive habitat (“ESHA”). CEQA Guidelines require that a lead agency consider related regulatory regimes, like the Coastal Act, when preparing CEQA documents. Among the factors to consider are “other plans or regulatory limitations, [and] jurisdictional boundaries.” The Coastal Act gives ESHA enhanced protection. Given the existence of ESHA in the Project area, MST should have considered the regulatory limitations imposed by the Coastal Act’s ESHA provisions in the IS/MND. They were not. MST ignored its obligation to integrate CEQA review with the Coastal Act requirements and cannot defer consideration to the CCC’s permitting process. Each public agency must comply with CEQA, but lead agencies, in particular, must take a comprehensive view.

C. Substantial Evidence Supports a Fair Argument that the Project May Have a Significant Impact on the Environment.

For the environmental review of the Project under CEQA, MST is considering approval of the MND. However, under CEQA, an EIR, rather than an MND, is required whenever substantial evidence supports a “fair argument” that a proposed project may have a significant effect on the environment, even if other evidence supports a contrary conclusion. This well-established “fair

15 Id.
16 Sundstrom, supra, 202 Cal.App.3d at 309.
17 CEQA Guidelines §15126.6.
18 Banning Ranch Conservancy, supra, 2 Cal.5th at 936.
19 CEQA Guidelines, § 15020; see also Citizens for Quality Growth v. City of Mt. Shasta (1988) 198 Cal.App.3d 433, fn 8 (noting that the City cannot avoid meeting its CEQA responsibility by asserting that it need not consider certain mitigation measures because the Army Corps of Engineers will protect wetlands to the fullest possible extent).
20 No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 74; see also CEQA Guidelines § 15064(f)(1).
argument” creates a “low threshold” for requiring the preparation of an EIR. 21 Further, an agency cannot hide behind its own failure to gather relevant data. “If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record.”22 In fact, “deficiencies in the record [such as an inadequate initial study] may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.”23

Here, deficiencies in MST’s initial study give rise to a strong inference that the Project may have potential adverse effects on the environment. Specifically, as explained in the EMC Letter, the IS/MND fails to present sufficient information to study various areas of possible environmental impact, supporting an inference that such insufficiently studied areas present material environmental impacts.

The visual impact from fencing and retaining walls offers one example. As explained in the EMC Letter, the visual analysis includes visual simulations from certain viewing points, but none of which include locations where the Project will install fencing and/or retaining walls. In the absence of any further information, including the fencing’s location and specific design, the record permits the reasonable inference that the fencing presents a material environmental impact.24

Similarly, the sparseness of the record concerning lighting indicates that the Project may have significant adverse effects on visual and biological resources. The IS/MND calls for preparation of a lighting plan as part of a mitigation measure from light and light structure, but without the inclusion of any additional details as to the design and/or location of new lighting sources, the record permits a reasonable inference that the lighting sources present a material environmental impact.

Finally, but not lastly, the air quality analysis fails to address the impact of toxic air contaminants (“TOC”) on the thirteen identified groups of sensitive receptors near the Project’s construction area. Based on the lack of information, the record permits the reasonable inference that TOCs present a material environmental impact.

As explained above, substantial evidence supports a fair argument that the Project may have a significant effect on the environment based on MST’s failure to adequately study the various areas of potential environmental impact and other deficiencies in the IS/MND as discussed.

22 Sundstrom, supra, 202 Cal.App.3d at 311.
23 Id.
24 Id.
in the EMC Letter. The limited facts and analysis in the IS/MND supports a fair argument that the Project may have significant visual, biological, paleontological, hydrological, noise, traffic, air quality, and land use impacts.

For these reasons, the adoption of an MND for the Project would violate CEQA. An EIR based on a complete Project Description must be prepared.

Thank you for your consideration.

Very truly yours,

MONICA R. BRISENO
Elkins Kalt Weintraub Reuben Gartside LLP

MRB
April 12, 2021

Monica R. Briseno
Elkins Kalt Weintraub Reuben Gartside LLP
10345 W. Olympic Boulevard
Los Angeles, CA 90064

Re: MST SURF! Busway and Bus Rapid Transit Project Initial Study/Mitigated Negative Declaration and Appendices Review

Dear Monica:

We have reviewed the above-referenced document for adequacy in accordance with the California Environmental Quality Act (CEQA) and have the following comments:

Procedural

1. **EIR or IS/MND.** MST, as the lead agency, issued a notice of preparation of an EIR on August 13, 2020, notifying the public that MST would study the environmental impacts of the project, along with alternatives to the project, in an EIR as evidenced by the postings with the State Clearinghouse and Monterey County Clerk/Recorder (https://ceqanet.opr.ca.gov/2020080199/2 and https://clerkrecorder.co.monterey.ca.us/Montereyweb/document/DOC53155416?search=DOCSEARCH20151). Then, instead of preparing an EIR and fully addressing the project’s impacts as well as alternatives to the project, MST prepared an initial study/mitigated negative declaration. MST does not provide a sufficient explanation for this change, which limits the public’s review of the project from 45 days to 30 days and does not fully evaluate the project’s impacts or alternatives to the project.
2. **EIR or IS/MND.** The document author refers to the initial study as an EIR throughout the document. Examples include, but are not limited to, the following:

a. The project description is in Appendix 3, where Figures 3-1, 3-5, 3-6, and 3-7, as well as other figures throughout the initial study, refer to the document as a Draft EIR;

b. Appendix 3, page 3-4 states “…and the ‘bus within branch line’ concept analyzed is very similar to the project evaluated in this EIR”; and

c. Appendix 3, page 3-5 refers to the document as an EIR when discussing the project’s objectives.

In light of the issues raised in #1 above, referring to this initial study/mitigated negative declaration as an EIR is misleading.

3. **Required Public Noticing.** MST set the 30-day public review period to start on Saturday, March 13th and end on Sunday, April 11th. It is highly unusual for a public agency to begin and end a public review period on the weekend (or holiday). The State Clearinghouse acknowledged this when they set the public review period for State agencies to begin on Friday, March 12th, and end on Monday, April 12th (Reference CEQA Net https://ceqanet.opr.ca.gov/2020080199/3). CEQA requires the Notice of Intent to Adopt a Negative Declaration also be filed with the Monterey County Clerk Recorder (CEQA Guidelines 15072(d). However, although the Notice of Preparation of an EIR is found on the County Clerk Recorder’s website, the Notice of Intent was not found.

**Project Description**

4. **Inadequate Project Description.** The initial study itself provides limited information, requiring the reader to refer to numerous appendices for information, including the project description, making it cumbersome to review the document.
Given the lack of a complete initial study, the project description is unstable and difficult to understand because it is not concisely located in one area. The initial study refers to appendices that may or may not refer to other documents. Additionally, this is a project-level environmental document; however, the project description is very conceptual and is missing project details that are necessary in order to evaluate the project’s environmental impacts.

The initial study includes five short bullet points summarizing the project and refers the reader to Appendix 3 for details. Appendix 3 then refers the reader to other documents for additional information. For example, if you want to understand the proposed retaining walls, you are referred to the Plot Plans in Appendix 4. However, there are no retaining walls identified in the Plot Plans in Appendix 4. Appendix 4 consists of a one-page exhibit - SURF Transit Center Roll Plot Draft Concept for Discussion Purposes Only February 2021. Clearly, this exhibit was not meant for analysis in a CEQA document, as it is a conceptual plan, for discussion purposes only, and does not contain the details about the project that are necessary for environmental review. This is one example of how inadequate the document is in presenting an accurate and complete project description. The project description must provide sufficient detail for evaluation and review of the environmental impacts. There is no detail about the location, size, and design of the retaining walls; therefore, the environmental impacts of the retaining walls cannot be ascertained.

Another example is the location of the staging areas. Although the project description, page 3-24, indicates there are staging areas, the locations of staging areas are not identified in the documentation. Other examples include references to detention facilities and fencing, but no location or details are provided.

The project should be more completely designed, and an EIR should be prepared to adequately describe the project and evaluate the project’s environmental effects.

**Aesthetics and Visual Resources**

5. **Significant Visual Construction Impacts.** The analysis is contained in Appendix 5, and on page 5-27, describes the visual impacts of construction as
follows: “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.” The analysis concludes as follows: “The project could substantially degrade the existing visual character or quality of the site and its surroundings. For construction, this is a significant (emphasis added), although temporary, impact of the project.”

Although the analysis concludes that this impact is significant, no mitigation measures are presented to reduce this significant impact to a less-than-significant level. Rather, the report author concludes that because the impact is temporary (18 to 24 months), the significant impact does not need mitigation. This significant impact should be further evaluated in an EIR to determine if mitigation measures are feasible.

6. **Significant Visual Impacts from Fencing.** The visual analysis in Appendix 5 includes visual simulations from several “key” viewing points, none of which include locations where fencing is required. The visual analysis addresses fencing under “operational” impacts and concludes, “where fencing is required for boundary demarcation or safety along the State Park interface, the project would utilize fencing type that is consistent with existing State Park fencing or similar types that blend with the environment and provide maximum visibility.” The plans available in the initial study do not identify where fencing is required and do not identify what kind of fencing would be proposed where required. Therefore, it is not possible to evaluate the environmental impacts of fencing, especially within the coastal zone. The mere mention of utilizing fencing consistent with existing State Park fencing is not sufficient to understand where the fencing is necessary and what it would look like. This impact should be studied in an EIR. The EIR should address where fencing is required, the design of the fencing including the height, whether it is a significant impact, and what mitigation measures would be required.

7. **Significant Visual Impacts from Retaining Walls.** As presented in the comment above regarding the inadequate project description, the project includes retaining walls, although there is no indication of where they are required, or of their
design and height. The visual analysis in Appendix 5 includes visual simulations from several “key” viewing points, none of which include locations where retaining walls are required. The analysis does not address the visual impacts of retaining walls at all. This impact should be studied in an EIR. The EIR should address where the retaining walls are required, the design of the walls including the height, whether it is a significant impact, and what mitigation measures would be required.

8. **Significant Lighting Impacts.** The project description is nearly silent on lighting that is required for the project. The project description states, “The project will, however, require street/busway/pedestrian lighting (primarily at the Palm/Del Monte bus stop, 5th Street Station and California Avenue Roundabout).” Nowhere in the initial study project description materials could we find any other reference to where lighting is required, and what kind of lighting is proposed. As stated earlier, the project has not been adequately described or designed to a level sufficient to evaluate the environmental impacts of the project.

Appendix 5 attempts to evaluate potential impacts from light and light structures that have yet to be designed and/or their locations identified. The initial study includes a mitigation measure requiring preparation of a lighting plan. A lighting plan should be included in the project description to be evaluated in the environmental review process. The project should be designed to the level necessary to evaluate the lighting impacts in an EIR. See also our discussion of lighting impacts on sensitive biological resources below.

9. **Cumulative Lighting Impacts.** Appendix 5 includes a cumulative projects lighting impacts discussion on page 5-31, and concludes that the project would not significantly contribute to cumulatively considerable visual or aesthetic impacts. However, this conclusion is flawed for two reasons: the visual impacts of the proposed project are not adequately identified or evaluated in the initial study (see comments above), and the initial study fails to report the visual impacts of cumulative projects within the identified corridor.
Air Quality

10. **Construction Schedule and Air Quality Construction Impacts.** Page 3-24, states that “the overall construction timeline is expected to take 18-24 months to complete, with varying levels of activity in that timeframe.” However, the air quality analysis in Appendix 6 states that demolition and site preparation for the proposed project would begin mid-2021 and last approximately 4 months and that grading and pavement construction would not begin nearly 3 years later in mid-2024 and last approximately 15 months. This discussion also states that the proposed project would require grading of the entire project site over a period of approximately 2 months. Because of the internal inconsistencies regarding the construction schedule, there is no evidence to suggest that the analysis of construction air quality impacts is adequate.

11. **Toxic Air Contaminants (TAC).** The air quality analysis in Appendix 6 includes a substantial discussion about the adverse health effects of toxic air contaminants (TAC) on humans. However, without any analysis, the report draws three conclusions regarding TACs:

   a. The project is a bus expressway and therefore, would not include sensitive receptors.

   b. No major existing stationary or area sources of TACs were identified in the project site vicinity.

   c. The proposed use is not considered a TAC source of potential concern and as a result, the proposed project would not result in increased exposure of sensitive land uses to localized concentrations of TACs that would exceed MBARD’s recommended significance thresholds, and therefore there would be no impact.

   While conclusions “a” and “b” may very well be true, they are not relevant to the proposed project’s TAC impacts on sensitive receptors. These conclusions address the potential for TAC impacts from other sources on the proposed project. CEQA is not concerned about the impacts of the environment on the project, but the project’s impacts on the environment.
Regarding conclusion “c”, there is no supporting evidence to justify the conclusion that the proposed use is not considered a TAC source of potential concern and as a result, the proposed project would not result in increased exposure of sensitive land uses to localized concentrations of TACs that would exceed MBARD’s recommended significance thresholds.

The report identifies 13 groups of sensitive receptors near the construction area (Table 6-4, Sensitive Receptors), but does not address the TAC impacts on these sensitive receptors that would be generated from construction equipment during construction activities. An EIR should be prepared to address construction TACs on nearby sensitive receptors.

12. **Cumulative Air Quality Impacts.** Appendix 6 includes a cumulative projects air quality impacts discussion on page 6-25, and concludes that the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts. However, this conclusion is flawed for two reasons: the TAC construction impacts of the proposed project are ignored in the initial study (see comments above), and the initial study fails to report the air quality impacts of cumulative projects within the air basin.

**Biological Resources**

13. **Inadequate Project Description.** An adequate evaluation of biological resources is hampered by the lack of project description and detail. As mentioned above, the construction of certain project components has the potential to impact biological resources, such as fencing, retaining walls, retention basins, and lighting. The location and disturbance footprint of these components is not provided as part of the project description. These and other project details are necessary in order to adequately evaluate the project’s potential adverse effects on biological resources.

14. Mitigation measures are proposed that rely on future permitting processes and consultation, such as Section 7 consultation with USFWS and lack quantifications of impacts (p. 54, Denise Duffy and Associates 2021). However, regardless of the efficacy of these mitigation measures (which has not been addressed in the initial
study), they do not excuse the initial study’s failure to adequately identify and evaluate the project’s potential adverse impacts on biological resources.

15. **Draft Biological Report.** The report used to evaluate biological impacts is a draft, which leads the public to conclude that the report may not be complete. The biological analysis should be finalized and the impacts should be reported in an EIR.

16. **Significant Impact to Monterey Gilia (Gilia tenuiflora ssp. arenaria).** Monterey gilia is an annual herb found in northern Monterey County and southern Santa Cruz County. It was federally listed as Endangered in 1992 and state listed as Threatened in 1987. The blooming period for Monterey gilia is from April through June and it occurs in sandy openings in habitats that include dune scrub, coastal sage scrub, and maritime chaparral in coastal dunes. As part of the five-year review for the species, the U.S. Fish and Wildlife Service (USFWS) provided funding for range-wide surveys of Monterey gilia, which were completed in 2020. According to the 5-Year Review, Monterey gilia was observed in both new locations and observations recorded in the California Natural Diversity Database (CNDDB) within the project boundary since 2017 (p.5, USFWS 2020).

The biological report identifies suitable habitat within the project site and acknowledges that a CNDDB record does overlap with the site near Fort Ord Dunes State Park. Surveys were conducted during the appropriate time of year, however Monterey gilia is an annual species and difficult to survey for since habitat conditions (precipitation, disturbance, invasive species, competition, etc.) may change from year to year, affecting the presence or absence of the species and its abundance in any given year (USFWS 2020).

Monterey gilia is both a federal and state listed species. If found within the project site, impacts to Monterey gilia would require Incidental Take Authorization from both USFWS and the California Department of Fish and Game (CDFW). Habitat for special-status species within the Coastal Zone is also considered Environmentally Sensitive Habitat Areas (ESHA). Potential impacts to Monterey gilia, specifically within the areas of occurrence shown in the 5-year Review, have not been adequately evaluated in the initial study and should be addressed in an EIR.
17. **Significant Impacts to ESHA.** The delineation of ESHA and required buffers is not adequately addressed. ESHA does not just include coastal dune scrub, but also the habitat for special-status species such as Smith’s blue butterfly. Figures 3, 4, and 5 in the biological report identify sensitive natural communities and the occurrence of special-status species, however there is little discussion regarding policies contained in the local coastal programs for the cities of Marina, Seaside, Sand City, and the County of Monterey. For example, page 2-31 of the City of Seaside Local Coastal Program states, “A minimum buffer of 50 feet, as measured from the edge of the identified ESHA, shall be required, although larger buffers are encouraged.” Potential impacts to ESHA and buffer areas have not been adequately evaluated in the initial study and should be addressed in an EIR.

18. **Significant Impacts to Riparian and Wetland Habitats.** Page 22 of the initial study includes the following: “The project could result in impacts to riparian habitat, waters of the U.S. and/or State,” and “See Appendix 7 for detailed discussions on riparian habitat within the project alignment.” The biological report in Appendix 7 does not include discussion of riparian or wetland habitats and none are identified on the habitat map. Impacts to riparian and wetland resources should be evaluated in an EIR.

19. **Significant Impacts to Smith’s Blue Butterfly Habitat.** The potential impact to Smith’s blue butterfly has not been adequately evaluated or quantified. Due to the lack of project description detail, it is unknown how much habitat will be impacted. The best estimate is that all of the habitat identified in the biological surveys would be impacted; approximately 0.24 acres and 208 individual host plants. Impacts are anticipated to be addressed through a combination of implementing protective measures during construction; education; monitoring; avoidance, preservation, and protection of habitat; and where avoidance is not feasible, replacement of SBB habitat impacted at a 1:1 ratio and preparation and implementation of a Restoration Plan. The analysis did not include discussion of anticipated take as a result of construction occurring within already fragmented habitat areas during the flight season or operational impacts from increased vehicular use. The location of suitable onsite or offsite restoration areas was also not included. Impacts to Smith’s blue butterfly should be quantified and fully
evaluated in an EIR, including the location and suitability of onsite or offsite restoration areas.

20. **Significant Impacts to Special-Status Plants.** The potential impacts to special-status plants have not been adequately evaluated or quantified. Due to the lack of project description detail, it is unknown exactly how much habitat will be impacted and how many plants will be lost. The best estimate is that all of the habitat and individuals identified in the biological surveys would be impacted. Impacts are anticipated to be addressed through avoidance, preservation, and protection of habitat; and where avoidance is not feasible, replacement of individuals impacted at a 1:1 ratio and preparation and implementation of a Restoration Plan. The location of suitable onsite or offsite restoration areas was not included. Impacts to special-status plants should be quantified and fully evaluated in an EIR, including the location and suitability of onsite or offsite restoration areas.

21. **Significant Impacts as a Result of Increased Lighting.** Artificial lighting has long been known to disorient insects, upset predator-prey relationships, and disrupt breeding activities in species such as the western snowy plover. There are methods of reducing impacts of new lighting on wildlife species, including using shielding, wildlife-friendly (long wavelength) LEDs, and lamps and fixtures designed to direct light downwards. The project description did not include any details regarding the location or type of lighting proposed. Potential impacts to wildlife, particularly the special-status species known to occur at the project site, as a result of increased lighting have not been adequately evaluated in the initial study and should be addressed in an EIR.

**Cultural Resources**

22. **Archaeological/Historic Resource.** The initial study concludes that the project would have a less-than-significant adverse impact on a previously recorded archaeological resource within ¼ mile of the project’s APE is P27-2923. This resource consists of the abandoned Monterey Branch Line (MBL) railroad tracks located within the project corridor (page 8-5), which will be removed with implementation of the project. The initial study does not provide a sufficient
basis for the conclusion that the *removal* of this cultural resource will not have a significant impact on the resource.

Table 8-1 states that the MBL is also an architectural historic resource (Table 8-1). However, CEQA Guidelines section 15126.4 (b)(3) states, “Public agencies should, whenever feasible, seek to avoid damaging effects on *any* (emphasis added) historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR (emphasis added) for a project involving such an archaeological site.” The Guidelines continue to suggest ways to mitigate such impacts.

As identified by the CEQA Guidelines, mitigation measures are required to be considered and discussed in an EIR.

23. **Paleontological Impacts.** This section of the initial study does not address the potential for paleontological impacts. Nonetheless, the cultural resources section of the initial study includes a mitigation measure to address paleontological resources if such resources are accidentally discovered during construction activities by construction workers. The inclusion of this mitigation measure indicates that the project may have potential adverse impacts on paleontological resources – impacts that have not been addressed in the initial study. Moreover, the mitigation measure is inadequate as proposed. Specifically, there is no evidence presented to suggest that construction workers have the experience to accurately identify paleontological resources.

The Parsons report, included as Appendix 16, concluded that the project area is considered to have a low to high paleontological sensitivity potential. The Parsons report recommends 5 mitigation measures, including the following: “A Qualified Paleontologist will be retained to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the proposed project. CEQA defines a qualified vertebrate paleontologist as a person who holds an advanced degree (Master’s or higher) in geology, paleontology, biology, or related discipline (exclusive of archaeology) with at least five years of professional experience with paleontologic resources including the collection, identification, and curation of fossil specimens (not
including cultural resources.” The initial study ignores the recommended mitigation measures.

Therefore, an EIR should be prepared to 1) fully address the potential for impacts to significant paleontological resources, and 2) present adequate mitigation measures to mitigate potential impacts to significant paleontological resources.

**Greenhouse Gas Emissions**

24. **Operational GHG Impacts.** According to the analysis on page 11-14, “mobile sources from the project were calculated with CalEEMod based on the trip generation from the project Traffic Study. Project operations involve a BRT project that would use zero emission buses to comply with CARB’s ICT Rule that would not generate emissions.” This implies that the GHG analysis assumed 100% of the buses would be zero emissions. However, according to the project description on page 3-20, MST is not required to complete the transition to 100% zero emissions until 2040. Therefore, the GHG analysis underestimates the project’s impact through 2040.

**Hydrology and Water Quality**

25. **Water Use.** Page 13-12 of Appendix 13 states, “The project would not require the use of nor withdraw groundwater for use in construction or operation of the site.” However, mitigation measure SC AQ 2-1 requires the project applicant, here, which is MST, to do the following:

a. water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily;

b. 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 during construction activities;

c. Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site; and
d. 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.

These measures will obviously require the use of water, which directly undermines the statement in the initial study that the project will not require the use of water during construction. Furthermore, the initial study fails to discuss potential sources of water, the adequacy of the water supply, or the potential secondary impacts of these mitigation measures on water quality.

26. **Water Quality Impacts.** Impact HYD-1 states, “The project is subject to stringent water quality control standards which would prevent potential degradation of local surface water or groundwater quality. This is a less than significant impact.” This impact statement is confusing and contradictory. It implies that although the project is required to prevent water quality degradation, it will result in water quality degradation but that water quality impact is less than significant. The initial study fails to identify or evaluate the potential impact, and does not provide any factual basis for the conclusion that the unidentified impact would be less than significant.

The discussion continues to talk about regulations, but provides no evidence regarding how the project will comply. The project description indicates there will include a Stormwater Pollution Prevention Plan (SWPPP) and a series of detention areas adjacent to the busway to collect, treat and percolate runoff; however, these detention areas are not identified on the project plans, which are included in Appendix 4. This is a project-level IS/MND but the project has not been designed to the detail necessary to understand the water quality impacts of the project.

27. **Erosion, Flooding, and Exceeding the Capacity of the Stormwater System.** Impact HYD-2 states, “The project could alter the existing drainage pattern of the site, but would not cause substantial erosion, cause flooding or exceed the capacity of the existing stormwater system. This is a less than significant impact.” This impact statement is confusing. It implies that the project would cause erosion, flooding, and exceed the capacity of the existing stormwater system,
although these impacts would be less than significant. However, the discussion that follows this impact statement appears to contradict this impact statement. For example, “Additionally, any new stormwater drainage facilities installed on site would be designed and sized in accordance with applicable County standards so that the project would not exceed (emphasis added) the capacity of the existing stormwater system.”

Once the project is adequately designed for environmental analysis, an EIR should be prepared to fully evaluate water quality impacts, as well as erosion and flooding impacts.

**Noise**

28. **Construction Noise.** The report concludes that construction noise could be significant but because the project would comply with the allowable construction hours set forth in Seaside Municipal Code Section 9.12.030, Marina Municipal Code Section 9.24.040, and Chapter 10.60 of the County County’s Code of Ordinances and all construction equipment would be equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source, construction noise impacts to nearby receptors would be less than significant.”

However, neither the City of Seaside, City of Marina, nor the County of Monterey are permitting the project and therefore, there is no mechanism to ensure the project complies with restricting construction hours. There is also no mechanism to ensure all construction equipment would be equipped with properly operating and maintained mufflers and other state-required noise attenuation devices, reducing the significant impact to a less than significant level. Without adequate mitigation, the construction noise impacts are significant. Construction noise impacts should be evaluated and mitigated in an EIR.

29. **Construction Noise Cumulative Impacts.** Appendix 14 includes a cumulative construction noise impacts discussion on page 14-29, and concludes that the “project’s construction noise levels would not exceed the FTA noise standards and would comply with the allowable construction hours and maximum noise
limits set forth by the cities of Seaside, Marina, Sand City, and County of Monterey. There would be periodic, temporary, noise level increases that would cease upon completion of construction activities. The project would contribute to other proximate construction noise impacts if construction activities were conducted concurrently. However, based on the noise analysis provided, the project’s construction-related noise impacts would be less than significant.” However, this conclusion is flawed because no mitigation was presented to ensure the project-level construction noise is less than significant.

**Transportation Impact Analysis**

30. **Draft Transportation Impact Analysis.** The report used to evaluate transportation impacts is a draft, which leads the public to conclude that the report may not be complete. The transportation analysis should be finalized and the impacts should be addressed in an EIR.

31. **Transportation Impacts.** The draft transportation impact analysis concludes that significant impacts will be mitigated by the project’s proposed improvements, as well as those anticipated in the future by various local agencies. There are two flaws with this conclusion:

   a. The report does not identify the proposed project’s improvements. Page 28, which includes the chapter “Proposed Project,” includes one paragraph that reads as follows: “As described in the introduction chapter, this project will extend approximately six miles along California’s coastline in Monterey County and will connect three key cities within the county (Marina, Seaside, and Sand City). The MST SURF! Busway and Bus Rapid Transit Project begins at the existing Marina Transit Exchange and has three stops strategically located along the corridor before terminating in the heart of Sand City at the intersection of Contra Costa Street and Broadway Avenue. The proposed transit stop locations are: Palm Avenue at Del Monte Boulevard, 5th Street multimodal location, and the Sand City transit center on Playa Avenue. The project proposes to add express service in both directions during peak commute times to improve the travel time by avoiding the Highway 1 during the heavily congested peak periods.”
There is not sufficient detail about the proposed project to ascertain how the proposed project will mitigate significant transportation impacts.

b. Regarding the improvements anticipated in the future by local agencies, the report does not provide any basis for assuming that these improvements will be implemented in time to mitigate the proposed project’s impacts, as the proposed project itself is not required to mitigate the impacts.

The transportation analysis should be finalized and provide a detailed explanation of the proposed project’s improvements that would mitigate the impact, and provide evidence that the improvements anticipated in the future by local agencies will be implemented prior to the proposed project significantly affecting the transportation system.

This concludes our review of the initial study. Please let us know if you have any questions.

Sincerely,

Teri Wissler Adam  
Senior Principal

Janet Walther, MS  
Principal Biologist
Teri Wissler Adam  
VICE PRESIDENT/SENIOR PRINCIPAL

PROFESSIONAL EXPERIENCE

Ms. Wissler Adam joined the firm in 1991 and has been a principal since 2001. Her area of expertise is in California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance.

Ms. Wissler Adam directs the CEQA and NEPA compliance projects for the firm. She has been responsible for a large variety of private projects, including residential, commercial, industrial, mixed-use, and large specific plan and general plan projects. She has also managed several projects for public facilities, such as recycled water projects, roadway projects, bikeway projects, bridge projects, elementary schools, high schools, and college campuses, and other public facilities, such as health clinics, landfills, child development centers, and federal research facilities. She has represented public clients throughout Monterey County, San Benito County, Santa Clara County, Merced County, San Luis Obispo County, San Mateo County, Santa Cruz County, and as far south as Los Angeles County.

EDUCATION

B.S. California Polytechnic State University at San Luis Obispo, Business Administration, Concentration in Environmental Management, 1991

PROFESSIONAL ACHIEVEMENTS

 Presenter, CEQA Seminar, Lorman Education Services
 Presenter, CEQA Workshop, Association of Environmental Professionals
 Contributor, Environmental Mitigation Handbook, California’s Coalition for Adequate School Housing, February 2009
 Past Director/President/Newsletter Editor, Monterey Bay Area Chapter, Association of Environmental Professionals

PROFESSIONAL ASSOCIATION

 Member, Association of Environmental Professionals
Janet Walther, MS  
PRINCIPAL BIOLOGIST

PROFESSIONAL EXPERIENCE

Ms. Walther joined the firm in 2003 and has been working in the field of biology since 2000. She is responsible for performing botanical and wildlife surveys; wetland and waters of the U.S. determinations; data analysis; and reports in support of management agreements, permits, and mitigation monitoring. She assists clients in complying with the Federal Endangered Species Act, California Endangered Species Act, Sections 401 and 404 of the Clean Water Act, California Fish and Game Code, and local (county and/or city) regulations.

Ms. Walther works with clients to design projects to avoid or minimize impacts to threatened and endangered species. Where impacts are unavoidable, she helps create mitigation strategies and the application documents necessary to obtain the required permits, including habitat conservation and land management plans.

In addition to her experience in biological survey and reporting, Ms. Walther is responsible for preparation of environmental documents in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). She produces a variety of graphics for use in environmental and natural resources documents and routinely works with ArcGIS, AutoCAD, and Adobe Illustrator/Photoshop.

In previous positions, Ms. Walther inventoried both native and non-native species in compliance with regulatory requirements, and assisted in preparing California Energy Commission Applications for Certification for four major power plant projects in California. She also conducted biological survey work in southern California and the High Desert and wetland and endangered species survey work in Nevada, Arizona, Georgia, and Florida.

EDUCATION

M.S. California State University Monterey Bay, Coastal Watershed Science and Policy, 2014
B.S. California Polytechnic State University at San Luis Obispo, Ecology and Systematic Biology, 2000 - Concentration: Environmental Management

CERTIFICATES AND TRAINING

- Biology and Management of California Tiger Salamander Workshop, Elkhorn Slough Coastal Training Program, 2007
- OSHA 40-hr HAZWOPER Certificate, 2001 and 8-hr Refresher Training, 2002-2007
- Army Corps of Engineers Wetland Delineation Training, 2002

PROFESSIONAL ACHIEVEMENT

- Contributor, Environmental Mitigation Handbook, California’s Coalition for Adequate School Housing, February 2009
April 12, 2021

Michelle Overmeyer
Director of Planning/Innovation
Monterey-Salinas Transit
19 Upper Ragsdale, Suite 200
Monterey, CA 93940

Dear Ms. Overmeyer:

COMMENTS FOR THE MITIGATED NEGATIVE DECLARATION (MND) – MST SURF! BUSWAY AND BUS RAPID TRANSIT PROJECT, MONTEREY COUNTY, CA

1. Caltrans supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Projects that support smart growth principles which include improvements to pedestrian, bicycle, and transit infrastructure (or other key Transportation Demand Strategies) are supported by Caltrans and are consistent with our mission, vision, and goals.

2. We look forward to working with Monterey-Salinas Transit (MST) in the Design Engineering Evaluation Report (DEER) as the project continues to be developed.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or at Christopher.Bjornstad@dot.ca.gov.

Sincerely,

Christopher Bjornstad
Associate Transportation Planner
District 5 Development Review
April 11th, 2021

TO: Michelle Overmeyer, Director of Planning and Innovation
Monterey Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

Subject: NOI – Initial Study/Mitigated Negative Declaration
MST SURF Busway and Rapid Transit Project

Dear Ms. Overmeyer:

Thank you for the opportunity to comment on the ISMND for the MST SURF Busway and Bus Rapid Transit Project. Attached below are Monterey District staff comments. Monterey District staff have over 100 years combined experience in the biological and land use planning fields with State Parks and have managed Fort Ord Dunes State Park since 1997. The project as proposed, and its proposed proximity to Fort Ord Dunes State Park (FODSP), warrants the investigation of additional project alternatives to lessen impacts to FODSP. Therefore, State Parks staff concur that an EIR for the project is warranted to more fully explore and analyze other project alternatives and to more fully develop restoration plans while limiting impacts to FODSP. Attached below are more specific project related comments:

1) Sections of the bus lane migrate to the West side of the RR tracks placing bus lane traffic closer to the FODSP public recreation trail, which is a concern from a sound and noise perspective as well as, bus lighting, bus traffic vibration, and air quality (bus exhaust) impacts. The IS/MND should more fully analyze an alternative that retains the bus lane to the East side of the RR tracks furthest away from the public recreation trail at FODSP. Another alternative should more fully explore the option of relocating the bus lane within the existing Caltrans Highway One corridor by converting existing highway lanes (or by adding additional dedicated lanes). Another alternative should look at converting the Caltrans existing bike lane corridor to a dedicated bus lane in combination with using existing lanes of Highway One. The IS/MND does not indicate if these alternatives were given any more in depth and serious consideration. Also, the aesthetics do not address the visual impacts of the retaining walls as seen from FODSP and how these walls can attenuate/elevate bus and highway noise into FODSP.

A MST bus lane immediately adjacent to the FODSP public recreation trail will significantly alter the FODSP public recreational experience. The public currently enjoys the relative solitude of the recreation trail, and while Highway One is nearby the separation and distance provide a more open feeling with traffic being situated out of the immediate influence area of FODSP. Placing fast moving buses and other EMS
traffic closer to the FODSP recreation trail is a concern and we look forward to the development of an EIR and how it will address/mitigate this concern through the development of more fully explored project alternatives. State Parks would look forward to reviewing any DEIR alternative design elements that seek to minimize both the aesthetic and noise impacts to the FODSP visiting public and recreational trail experience.

2) With the development of a busway adjacent to FODSP the IS/ MND must consider improvements to the existing property line (FODSP/TAMC) fencing line which is in need of being replaced to assure there is no ingress into the MST/TAMC ROW area. Fencing should consider a type, combined with any natural screening, that minimizes aesthetic impacts to FODSP and that provides a degree of separation.

3) It is unclear what night time bus schedules will be that use the busway (buses will not use the routes after 8pm?). The IS/MND should investigate ways in which bus lighting can be minimized/mitigated at night as the FODSP campground is being built in very close proximity to the busway and it is unclear what bus lighting impacts may occur within the campground and surrounding area during non-daylight hours of operation. Lighting should also address the full length of the FODSP recreation trail as park campers will be walking the trail at night. State Parks has the plan sheets showing the recreation trail reroute sections that should also be analyzed for lighting and sound. We look forward to reviewing the lighting studies and any mitigation measures that seek to lessen lighting impacts to park visitor/camping and their camping experience.

4) Bus noise is a concern within FODSP. The IS/MND should conduct a more in depth noise analysis study that is more specific to noise generation/levels at points along the Beach Range Road trail and the campground area. The IS/MND should include an analysis of bus lane surface material types and sound deadening materials that can help deaden noise to further reduce noise migration into FODSP and campground areas. To minimize noise, buses should be fully 100% EV. Construction of retaining walls will amplify bus noise on an anticipated bus schedule of every 10 minutes. The IS/MND should conduct a more full and in depth analysis of the impact of this bus generated noise and how this will impact FODSP. Mitigation measures need to be developed that reduce this noise related impact to FODSP and specifically to the public who use the adjacent FODSP public recreation trail at Beach Range Road. The IS/MND fails to adequately address how the bus lane placed adjacent to FODSP will impact the public recreational experience from the visual and audible perspective. The IS/MND does not discuss other project alternatives that would have fewer impacts to FODSP.

Appendix 14 Table 14-1. Typical Noise Levels. This table should add a category for bus noise specifically as heard from a public recreational trail for specific distances from the bus lane to the FODSP recreation trail. The dB scale should graphically represent noise, dB generated levels, from the bus lane to the public recreation trail at FODSP and also as heard from the campground locations at FODSP. The analysis should focus on how constructed walls may attenuate/elevate bus and or Highway One noise and how that is amplified and directed into FODSP. The dB analysis and assumptions fail to provide specific dB ranges that would be more specifically correlated to the bus lane project and FODSP public resources (recreation trails and campground areas). This analysis should be conducted for dB, SPL, Hz, Leq, Lmax, Lmin, DNL ANL and
Intrusive within all areas where the bus lane will be in the closest proximity to the FODSP recreation trail as well as to the relative analysis for the campground.

Appendix 14 - Noise and Vibration: An annoyance study should be conducted that is more relative and specific to FODSP. Page 14-6 references a 1992 study (Federal Interagency Committee on Noise, Federal Agency Review of Selected Airport Noise Analysis Issues, August 1992), an almost 30 years old document seems outdated and more updated reference studies should be provided. Again, since the bus lane project is proposed to be built immediately adjacent to FODSP, an annoyance study more focused and targeted specifically to FODSP users should be conducted to quantify this user set on their perceptions that are more site specific to the bus lane project.

Any bus lane surface material should incorporate sound deadening material to minimize sound. RR crossings should be smooth pavement to rail transitionals so bus and EMS tires do not make loud noise when crossing the RR tracks.

Appendix 14. Figure 14-1A. Noise measurements/analysis should also be taken in the balloon spur where state residential housing will be constructed. Additional noise measurements should be taken immediately at the border areas where the FODSP campground will be built.

Appendix 14. Table 14-5. Sensitive Receptors. The table needs to provide the distance from the bus active lanes to the FODSP public recreation trail at Beach Range Road. This omission prevents the reader from understanding the precise distance from the bus lane to the Beach Range Road public recreation trail – these values should be provided. Merely stating the project is “adjacent to the west” fails to acknowledge how close the project actually is to the FODSP public recreation trail. This value should also be included for the FODSP campground to show, in distance feet, how close the project is to the FODSP campground.

Appendix 14. Operational Transit Noise. Page 14-13. The level of increased noise of the buses operating so close to the Beach Range Road recreation trail needs more specific analysis to provide predicted noise level increases directly related to the buses as heard at the Beach Range Road public recreation trail. While there is ambient Highway 1 noise, the Highway is located further to the east than the proposed bus lane project. The cumulative noise of a bus lane and Highway One when added together could be significant, be negatively received by the public and significantly alter the public enjoyment and recreational experience at FODSP.

Appendix 14. Operational Vibration. Page 14-15. Vibrational studies should assess vibration using comparative studies for sound deadening surface materials and underlying geology of sand to fully understand site specific conditions and how operational vibration may occur for the bus lanes that will parallel the FODSP Beach Range Road public recreation trail.


5) The MND should address whether the busway will also be considered (present or future) for use by HOVs, EMS vehicles, and EVs. The IS/MND should specifically address what time periods the busway will be used by emergency vehicles e.g. will emergency vehicle use only be during times when Highway 1 is experiencing moderate
to severe traffic conditions as identified in the IS/MND? Or will the busway be available for emergency vehicles on a continual basis 24/7/365. The IS/MND should address how any cumulative use of the busway by all vehicles will potentially impact the park visitor and camping experience and how these impacts will be mitigated.

6) The IS/MND should address whether there will be any future consideration to use the busway as a FastTrack type toll road during high traffic periods or whether it will be open to special event permitted traffic (car week semi trucks and shuttles, ATT Pro-am shuttles and VIP vehicles, other special events, Movies and commercial filming, VIP access, HOVs, EVs, motorcycles etc.

7) The IS/MND should conduct cumulative exhaust studies to quantify to what added extent (above existing Highway 1 exhaust levels) park visitors recreating on the adjacent FODSP recreation trail may be subjected to higher levels of bus related exhaust fumes while recreating on the FODSP recreation trail; these studies should be done if the busway will be used by vehicles other than 100% EV buses. It was our understanding that all buses using the dedicated bus lane would be EVs? This additional analysis should be quantified as part of alternatives identified as part of a larger DEIR effort and analysis.

8) The IS/MND should address how MST busway runoff will be treated and conveyed; the IS/MND should address how any/all storm water drainage improvement designs will include BMPs that seek to treat runoff within the TAMC/MST alignment and ROW. Runoff should not use existing storm water systems that discharge to FODSP beaches and to ESHA habitat.

9) The project should more fully explore the use of native plants for landscaping to assure that any busway plantings will not spread to the adjacent FODSP which could impact ESHA habitat at FODSP. State Parks has vested over 24 years enhancing and restoring ESHA habitat at FODSP and adjacent MST revegetation/restoration efforts should only use locally sourced native plant seed stocks to avoid weeds entering FODSP and to avoid hybridization within FODSP ESHA habitat.

10) The Initial Study (IS) page 12 SC AQ-2.1 Reduce Fugitive Dust 4th and 5th bullets: If soil/dust stabilization chemicals are to be used they must not impact Smith’s blue butterfly (SBB) larvae due to wind/air drift of chemicals. FODSP has extensive SBB habitat within very close proximity to the project area and chemicals and chemical drift into FODSP must not impact SBB butterfly larvae and ESHA habitat. Chemical drift is also a concern for people who recreate on the FODSP recreation trail. 6th and 7th bullet Item – Any/all vegetation used should not be non-native to the local region and should not consider using non-native California seed mixes or seed stock. State Parks has spent decades of work restoring the coastal dune habitat at FODSP and invasive plants can outcompete native plants, reduce biodiversity, impact species of special concern, and cost considerable time and funding to eradicate. Revegetation and planting plans for the project should be reviewed by State Parks staff to assure the appropriate plant palate is used. If grass seed is used it should be certified sterile and weed free. Ground covers should consist of local genetic native stock to avoid hybridization.

11) IS Page 13 Item d) – Diesel and CNG exhaust can carry significant odors and the project is very close in proximity to the FODSP Beach Range Road public recreation
trail. Park visitors who recreate on the FODSP Beach Range Road recreation trail while breathing in diesel exhaust can carry a significant negative recreational experience to people and to others who may be mildly sensitive, allergic, or asthmatic. Has any consideration been given to using non-diesel equipment when construction is within feet of the FODSP public recreation trail?

12) IS Page 16 MM BIO-1.1 – can the project remove the nonnative trees and replace with native shrubs? Trees can provide perch sites and habitat for Western snowy plover predators. Cypress trees are not native to the area.

Mitigation measure bio-12: native tree protection and replacement measures. Monterey cypress is not native to the area, and they should not be protected or replaced, at least in the section of the project that is adjacent to FODSP. A better mitigation measure would be to remove more non-native trees and shrubs from the bus corridor adjacent to FODSP, including acacia, tea tree, and Monterey cypress. Oaks and Monterey pines should be the only trees considered native in the portion of the bus corridor that runs adjacent to FODSP. Trees provide nesting and perching habitat for plover predators.

A big concern is the introduction and proliferation of nonnative species. State Parks has concerns for both the construction phases and the ongoing operation. Having a new bus lane directly adjacent to the park will undoubtedly introduce and spread invasive nonnative plant species. Control of nonnative plants needs to be accounted for and addressed in the CEQA document. A plan to monitor (EDRR), identify, and control these nonnative species in the MST/TAMC ROW in perpetuity should be developed so nonnative species do not spread into FODSP ESHA habitat.

13) IS Page 40 Section 4.10 Hydrology and Water Quality. The project should consist of a design that treats all storm water runoff within the project area to avoid concentrating and discharging flows onto adjacent FODSP lands. State Parks would like to review the SWPPP for the project.

14) IS Page 45 Noise. How is the impact less than significant where the bus lane is literally feet away from the Beach Range Road recreation trail? This section fails to acknowledge that the project and bus lane and operation of buses is located within the immediate vicinity of a public recreation trail and state park. This section should address the noise levels and how the ambient noise from operation will impact the park and public who use the FODSP Beach Range Road public recreation trail. This impact would seem to be a significant and unavoidable impact to the public park which is in the immediate vicinity of the project.

15) IS Page 48. Public Services. The project is within the immediate vicinity of FODSP. The graph shows there is no impact to FODSP. The public setting at FODSP, existing condition, does not contain a bus lane within feet of the public recreation trail and buses operating on frequent schedules will be a significant visual and audible change to the recreational experience.

16) IS Page 50. There will be an incremental increase in people using FODSP as part of the project. Has the project estimated the increase in visitation to FODSP as a result of the project? Increased use to the beaches could have associated impacts to Western
Snowy Plover habitat at the FODSP beaches – the IS/MND should more fully assess this potential increase in use. The section states that, "... but any increase in usage caused by the project would be incidental and less than significant. Operation of the proposed project would increase public access to park and recreational facilities located along the proposed action alignment and would result in a beneficial effect". What analysis was done to determine that the increase in usage at FODSP would be less than significant? Conversely this section then goes on to acknowledge that there will be an increase in use to parks and recreational facilities resulting in a beneficial effect. The project should analyze how and increase to FODSP will impact visitation to the FODSP beaches and to Western Snowy Plover (WSP) habitat. Adding additional people to the beach will be a concern as State Parks manages WSPs at FODSP, and adding additional visitors to the WSP habitat areas/beaches will come with additional management challenges and will need to be mitigated. Recommend that MST open dialog with the USFWS and CDFW on this issue.

17) IS page 59. Section 4.21 Mandatory Findings of Significance. Item b of the Environmental Impacts issues does not consider the project in connection with the recent development of The Dunes at Monterey Bay development project and the future Shea Homes development projects that will be located within 800 – 1200 feet of the project. Cumulatively all these projects will increase use at FODSP. These cumulative impacts need to be considered in consultation with the USFWS/CDFW consultation. The concern here is the USFWS has been very clear with State parks in that increased use at the beach must continue to meet specific fledgling rates for WSPs. Placing more and more people on FODSP beaches must be mitigated by all responsible parties and should not be the sole responsibility of State Parks.

18) Appendix 1 MND – Aesthetics MM AES-3.1 Limit New Sources of Lighting. State Parks would request a copy set of drawings and lighting plans once they are available and well in advance of the plans being finalized.

19) Appendix 1 MND – page vii MM BIO-1.3. State Parks manages 900+ acres of ESHA habitat at FODSP within very close proximity to the bus lane project. Any/all plantings within the MST bus lane project area should also reference the CalEPPC lists of exotic and invasive plants that should not be planted in such close proximity to ESHA habitat managed by State Parks. Native plantings should be promoted in a manner which uses locally genetic seed stocks that do not pose any hybridization threats to FODSP ESHA habitat.

20) What assurances would MST and TAMC be willing to commit to that assure the bus lane will not also be used for special event traffic (Concourse car week semi trucks, ATT Pro-am shuttles, a FastTrack toll road, and allow HOVs, and EVs?).

21) Please list the extent to which MST discussed with Caltrans the alternative of placing the bus lane in the existing Caltrans Highway One corridor. This alternative should be considered and selected as a preferred alternative to lessen impacts to the State Park public recreation trail and campground.

22) Appendix 1 DMND. Page vi. Aesthetics. MM AES-3.1 Limit New Sources of Lighting. MST should consult with the CDFW and USFWS on lighting requirements due
to the adjacent ESHA at FODSP. State Parks would request a copy of the lighting plan for review.

23) Appendix 1 MND. Biological Resources. MM BIO-1.1 Construction Best Management Practices. The project should also emphasize the property boundary between the TAMC ROW and FODSP and inform any/all construction staff to not encroach onto FODSP ESHA habitat during any/all construction activities. The concern here is the potential impact to ESHA if such construction related encroachment were to occur.

MM BIO-1.1: Second bullet item – Only certified sterile weed free straw should be sourced and used to prevent weed seed from blowing and or drifting onto FODSP. Should weeds from the project spread and occur onto adjacent FODSP lands will MST be willing to compensate State Parks for the time and materials needed to eradicate weeds that spread from the MST ROW to FODSP?

MM BIO – 1.1: Third bullet item. State Parks would request that any/all local seed mix sources be identified as to their origin of collection. FODSP lands adjacent to the project have gone through 25 years of restoration and all measures should be taken to avoid compromising FODSP ESHA habitat via hybridization of non-locally sourced seed stock and spread of weeds into FODSP. If the project intends to collect seed at FODSP for the project this will require additional discussion, special permitting, and careful planning.

MM BIO-1.1. Last bullet Item. Trash and food should be removed daily from all work areas, not weekly, as the area has a considerable gull and Covid population. Food scraps and trash attract predators that prey on Western Snowy Plover nest eggs and chicks. Dumpsters should be closed when not actively in use.

MM BIO-1.2 Construction – Phase Monitoring. A qualified biologist should be present during all phases of construction and should not rely on a trained construction crew person. Black legless lizards may be present and the nuance of detection during construction activities is best achieved with a certified and highly trainer biologist on site. A trained certified biologist will also be better trained to inspect equipment for presence of weed seeds in equipment thereby better avoiding contamination of the soil with invasive weeds. In the event special status species are found where will they be relocated? The MND should identify any/all relocation zones for any/all species that could potentially be found during construction.

MM BIO-1.3: First bullet item. The project should encourage using native species to the maximum extent practical. Second bullet item: Construction areas should also consider using hydromulch and native seed mix applications in the fall to promote native species.

MM BIO-1.4 Pre-Construction Surveys for Protected Avian Species. For conducting nesting bird surveys on FODSP lands the biologist will need to secure the necessary permits.

MM BIO-4.12 Native Tree Protection and Replacement Measures. Non-native species of acacia, eucalyptus should not be replaced if removed.
Hazardous and Hazardous Materials: If materials are found that could drift into FODSP MST contractor/monitors shall notify State Parks of such incidents and take all appropriate measures to protect the health and safety of the public at FODSP. 15% drawings sheets C-104 through sheets C-107 seem to list State Parks R/W for property State Parks does not own. Check ownership here.

Starting at sheet C-133 through sheet C-135 the bus lane migrates to the west side of the RR tracks and is located very close to the Beach Range Road recreation trail. Where the bus lane migrates to the west side of the RR tracks and is located closer to the Beach Range Road recreation trail more site specific sound, lighting and exhaust studies need to occur. What prevents the bus lane from continuing on the east side of the RR tracks for this section? Please specify what constraints prevent the bus lane from being located on the east side of the RR track for these sheets. Please show the location of the Beach Range Road recreation trail for Sheets C-133 through Sheet C-137.

Sheet C-150 depicts a segment of the bike trail connection to be built on State Park property. A MOU or special agreement will need to be made for MST to construct and maintain this small segment of trail connector. Right of entry permits will need to be obtained by MST or its contractors to construct this trail connector. Any biological surveys, mitigation, etc. related to the bike trail connector to be located on State Park property shall be the responsibility of MST for this trail connector.

General Comment (noise): The IS/MND fails to address how the walls will refract, direct, amplify bus and traffic related noise towards the FODSP and adjacent recreation trail. The plan should more fully analyze how the construction of walls will reflect, refract, amplify, redirect bus related noise and Highway One noise and what level of impact this will have on the recreational experience along Beach Range Road recreational trail.

General Comment (Biological): State Parks is mandated by the USFWS to manage Western snowy plover habitat at FODSP; the USFWS is very concerned about human use impacts to plover habitat in relation to fledgling rates. The IS/MND should more fully analyze ridership and how ridership will utilize FODSP beaches. With the development of nearby housing tracks use at FODSP has exponentially increased and the project will also add to the cumulative use of FODSP. This added use should be quantified.

General Comment: August 27, 2020 MST proposed an EIR scoping meeting and announced the preparation of a NOP on August 13th, 2020. The EIR was apparently underway with comments on the NOP received through September 14th, 2020. Why was the development of the EIR and associated alternatives dropped from further consideration?

General Comment: The August 27, 2020 EIR Scoping Meeting power point depicts the bus lane literally five feet from the FODSP recreation trail. Placing the bus lane so close to the recreation trail will significantly alter and change the FODSP visitor experience. What selection criteria was made to move away from drafting an EIR and developing other project alternatives that could use the existing Caltrans bike lane ROW or adding dedicated lanes to the existing Highway One alignment during high traffic periods?
General Comment: Will the 5th Street parking lot also serve as a parking lot for people to park and walk into FODSP? Or, is this parking lot exclusively for bus riders only?

General Comment: The project should analyze how it will prevent bus riders from parking at FODSP and walking to the bus terminal at 5th Street. Way finding signs should be strategically placed to clearly identify the 5th Street bus parking area. Will MST allow beach goers to park at the 5th Street parking lot? Will the 5th Street parking lot be a fee lot? The IS/MND page 6, 4th line from the top of page mentions public parking for 5th Street. Will this also include public non-bus related parking? Will the public parking be fee based parking or free public parking? Please clarify.

IS/MND page 3. Busway Vehicles. It is unclear if the buses using the rail line will be 100% EVs? Does MST already have existing zero emission fleet buses that will use this line exclusively? What is the estimated timeline to procure and replace emission vehicles with zero emission vehicles if and when the bus lane were to open?

ISMND page 4. Potential Ridership, Headways and Travel Times. What is the stop time at 5th Street for the total reduced time? If the 5th Street station stop time is two minutes added to the 4.5 minutes (6.5 minutes) the estimated reduced travel time is only 8.6 minutes. During the morning peak and evening peak hours noted here why wasn’t there consideration given to using existing Highway One lanes, during these peak times, as a bus only lane? Added signaling to Highway One noting the lane is a dedicated bus lane with overhead cameras and posted fines could achieve the same results and significantly reduce no busway commute times using the existing Highway One lanes. Was adding lanes to the existing Highway One corridor considered? The Caltrans ROW in much of this section has ample room for expansion.

ISMND page 5. Zoning. What are any zoning setbacks to park lands and public open space lands in relation to the proposed project?

ISMND page 6. Item #9. Surrounding land uses and setting 5th line. Please identify the project as being parallel to the Fort Ord Dunes State Park and public recreation trail.

ISMND page 7. Section 4.1 Aesthetics. State Park staff do not agree that the visual impacts are less than significant. There are no buses or traffic lanes this close and parallel to FODSP currently. Park visitors will see buses and paved lanes and constructed walls throughout the alignment. Buses running up through 8pm will have a lighting impact to FODSP. The plan does not recognize that from a park visitor perspective the project will alter the existing park visitor experience.

Appendix 5. The visual representations from FODSP looking into / towards the bus lane project do not depict views from the FODSP recreation trail north of the 8th Street crossing. Why were these not included?

Appendix 5. Figure 5-5A: Segment 3. These public view shots need to be reversed as seen from the campground towards the bus lane line and not looking north or west away from the project.

Appendix 5. Figure 5-9A: KVP-1 + Figure 5-9B: KVP 1 + Figure 5-10B: KVP 2. The images here should also show post-project images with buses shown as seen from the
FODSP recreation trail into the project. Failing to do so does not adequately depict the visual change/impact of the project as seen from FODSP. Subsequent summaries of these KVPs listed should be updated on page 5-28. Visual sensitivities from FODSP to the project is considered high as acknowledged on page 5-24 multiple sections. The section acknowledges that the FODSP rec trail viewer exposure is high and that adverse change and alteration is high yet the project indicated the impact is less then significant. Page 5-24 then states that, “The Overall Visual Sensitivity: Moderate to High. While the view is of high quality and concern, exposure is moderate and some improvements or changes on or adjacent to State Park property would not be unexpected over time.” State parks is of the opinion that the change is significant and visual sensitivity extremely high where the visual aesthetic and view will change to an active bus line and bus traffic paralleling the Beach Range Road recreational trail. Alternatives that seem to lessen this impact should be more fully explored in an EIR.

Appendix 5. Page 5-24. Viewer Concern. We agree that viewer concern will be high. FODSP recreation trail users will actively see bus in operation, hear bus related noise, see bus headlights, and smell any bus exhaust in the early AM and evening hours.

Appendix 5. Section 5.5.4 Cumulative Impact Analysis. State Parks cannot agree with Impact AES-4. The project will have an impact to the FODSP recreation trail experience via the installation of an active bus lane paralleling the FODSP recreation trail through significant sections of FODSP. Bus noise, lighting, exhaust, constructed walls, paved lanes and striping are all changes to the existing condition.

Based on the review of the SURF Busway and Bus Rapid Transit IS/MND State Parks would prefer that the project develop and explore additional project alternatives that seek to lessen impacts to FODSP. Thank you for the opportunity to comment on the NOI – Initial Study/Mitigated Negative Declaration MST SURF Busway and Rapid Transit Project.
Hi Michelle,

Thank you for the phone call yesterday afternoon, April 12, 2021. Although MST has not granted our request for a short extension to the comment period on the Surf! Busway Project, we will be providing official written comments in the next few weeks anyway and we strongly recommend that they be addressed in your response to comments on the IS/MND. In the interim, please accept these email comments.

As I’m sure you are aware, a significant portion of the project lies within the Commission’s permitting jurisdiction. A coastal development permit (CDP) from the Commission will be required for any development within this area, and the standard of review will be the Coastal Act. Other elements of the project fall within the purview of adjacent local governments and separate CDPs for those project elements will be required from those respective jurisdictions. The certified Local Coastal Programs (LCPs) will be the standard of review in those locations.

As to the portion of the project located within the Commission’s permitting jurisdiction, the Coastal Act provides for the protection of environmentally sensitive habitat (ESHA), including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way. Those protections extend to both natural and degraded dunes, i.e. whether the dunes are covered in native dune plant species or ice plant. Only resource-dependent uses that do not significantly disrupt ESHA are allowable in ESHA. Construction of roads, structures, installation of roadway signs, etc., are not considered resource dependent, and the current iteration of the project proposal clearly will result in significant adverse impacts to ESHA. As a result, it seems clear that the current project proposal cannot be found Coastal Act consistent.

As we have indicated in the past, for a project to be approvable in ESHA, it will be necessary to avoid (or to minimize to the greatest extent practicable) impacts to ESHA, including by the implementation of buffers between ESHA and any development. Further, all resource impacts will need to be fully mitigated. We have recommended in past correspondence that MST consider the preparation of a project EIR as the most appropriate path forward given the ESHA resources involved and the need to determine the least environmentally damaging feasible project alternative. Additionally, we fully expect to receive, as part of any application package, a comprehensive evaluation of a reasonable range of alternatives including, at a minimum, establishing a bus lane within the State Route 1 rights-of-way, adaptive reuse of existing paths or roads, reestablishing use of rail transit, HOV lane designation for bus use, and the no project alternative. This level of analysis will be needed for Commission staff to fully evaluate any project for Coastal Act consistency and our Commission will expect this analysis to be present in the staff report for any project.

As I mentioned on the phone, the environmental document must fully consider and address potential impacts to public access and recreation, as well as scenic views. Lastly, it is imperative that any future project consider the already approved plans for the development of the Fort Ord Dunes State Park campground and the Park’s existing day use facilities.

We will provide more details on all of these issues in our formal comments in the next few weeks. Mike

Mike Watson
Coastal Planner
California Coastal Commission
Please note that public counter hours for all Commission offices are currently suspended indefinitely in light of the corona virus. However, in order to provide the public with continuity of service while protecting both you and our employees, the Commission remains open for business, and you can contact staff by phone, email, and regular mail (see staff contact information at www.coastal.ca.gov/contact). For my situation, Email is strongly preferred, with a hard copy by US Mail. (Our office is not able to accept delivery by FedEx, UPS, and other such delivery services at the entire building is closed). Finally, things may take a little longer than usual during this period of time. Thank you for your patience and understanding as we all work through this public health crisis.

**From:** Michelle Overmeyer <movermeyer@mst.org>
**Sent:** Thursday, March 11, 2021 10:56 AM
**To:** Michelle Overmeyer <movermeyer@mst.org>
**Subject:** Notice of Intent to Adopt IS-MND for Surf! Busway and Bus Rapid Transit

Good morning

Attached you will find the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) in compliance with Section 21092.3 of the Public Resources Code and Notice of Public Hearing for MST’s SURF! Busway and Bus Rapid Transit Project

**Public Review and Comment:** The review period for the MND extends from **March 13, 2021 to April 11, 2021.** Comments on the MND must be submitted in writing to MST at the physical or email addresses below prior to the close of the public comment period. The MND is available for review during the circulation period at https://mst.org/about-mst/planning-development/surf.

**Public Hearing:** A public hearing on the project and consideration of the MND has been tentatively scheduled before the **MST Board of Directors on May 10, 2021 at 10:00 a.m.** Due to COVID-19 public safety concerns, this meeting will take place via video conference call. The link to the meeting is provided below:
Zoom meeting access: **https://zoom.us/j/93499251302?pwd=KzhhdGp2SlluS0VkV0VZUGwvWGlRdz09**
Meeting ID: 934 9925

Thank you,

**Michelle Muller Overmeyer**
Director of Planning & Innovation
831-264-5877

**Monterey-Salinas Transit**
19 Upper Ragsdale Drive, Suite 200,
Monterey, CA 93940
www.mst.org
Michelle Overmeyer

From: Brian McMinn <bmcminn@cityofmarina.org>
Sent: Tuesday, March 30, 2021 7:03 PM
To: Michelle Overmeyer
Cc: Layne Long; Fred Aegerter; Christine Hopper
Subject: Notice of Intent to Adopt IS-MND for Surf! Busway and Bus Rapid Transit

Michelle,

The City of Marina submits the following comments in response to the Notice of Intent to Adopt a Mitigated Negative Declaration.

Figure 3-5: Palm Avenue Segment Details
Confirm that the trail connection between the existing Monterey Peninsula Recreational Trail and Beach Range Road shaded black will remain as shown with crossing treatment on sheet C-150 of the 15% GAD.

Figure 3-6: North End Bike Connection
It appears that the western curb alignment on Del Monte Boulevard is being moved farther into the roadway. Coordinate the curb realignment with the Del Monte Boulevard road diet planning currently being performed by Kimley Horn in support of the City of Marina Downtown Vitalization Specific Plan.

Figure 3-7: 5th Street Station Details
Due to the parcelization of land that occurred on former Fort Ord, the MST property for the 5th Street Station abuts City and TAMC properties at existing buildings with virtually no setback. The City and TAMC buildings to the north are over 1000 feet long with limited room for vehicles to turn around should the exits to the south be cut off. Accommodation should be made for vehicle access to the buildings on the north side of the 5th Street Station for circulation and emergency vehicle access.

Thanks,
Brian

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
211 Hillcrest Ave
Marina, CA 93933
(831) 884-1212
bmcminn@cityofmarina.org

*Due to Health Concerns, the Engineering Division Office is closed to the Public. Staff will be available by appointment only.

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Good morning

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Meeting ID: 934 9925

Thank you,

Michelle Muller Overmeyer
Director of Planning & Innovation
831-264-5877

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200,
Monterey, CA 93940
www.mst.org

<MST SURF! NOI.pdf>
April 6, 2021

Carl Sedoryk, General Manager/CEO
Michelle Overmeyer, Director of Planning and Innovation
Monterey-Salinas Transit
19 Upper Ragsdale, Suite 200
Monterey, CA 93940

Via email: csedoryk@mst.org, movermeyer@mst.org

SUBJECT: NOI – Initial Study/Mitigated Negative Declaration
MST SURF! Busway and Bus Rapid Transit Project

Dear Mr. Sedoryk and Ms. Overmeyer:

I make these comments on behalf of the Monterey Bay Chapter of the California Native Plant Society (MB-CNPS). This letter is based on the decades of expertise supported in our chapter leadership and on my own extensive experience with the flora and vegetation of Monterey County. I have served on the MB-CNPS Board of Directors since 1996, and have acted as Chapter President, Vice President, and Membership Chair for several terms. I am on the Statewide CNPS Chapter Council that develops policy and directs general operations for all chapters in the state. I have been on statewide councils for CNPS, including litigation, membership, and fundraising. I am knowledgeable about California native plants through 27 years of volunteer work with CNPS and its experts, horticultural experience on my own property, training at CNPS programs and events, and 43 years of personal commitment to the study and conservation of California’s flora. I chair the chapter’s annual wildflower show, which has showcased Monterey County wildflowers for the past 56 years and I coordinate weekly volunteers who propagate, nurture and sell plants for our annual plant sale. I and others on our leadership team visited the MST SURF! project area earlier in April to assure that we had current knowledge to augment our years of familiarity with the site.

MB-CNPS has had a long and enduring interest in the biological diversity supported throughout the former Fort Ord military base and we have championed conservation efforts to protect the unique flora and fauna at Fort Ord since the 1960’s when our chapter was first incorporated. Our chapter worked with the Army to dedicate 12 native plant reserves that support unique and particularly diverse assemblages of the uncommon and endemic species that occur on the former base, including rare manzanitas and forbs that are associated with Dune Scrub and

Dedicated to the preservation of California native flora
Maritime Chaparral natural communities. The CNPS habitat reserves were set aside by the Army in perpetuity as mitigations for impacts related to the development of military facilities on the former base. One of these reserves, CNPS Plant Reserve 10, is situated immediately adjacent to the proposed project.

The Monterey Bay Chapter of the California Native Plant Society (MB-CNPS) provided comments on the Notice of Preparation for this project in September 2020. We note that our comments have not been addressed adequately in the Initial Study for this large and complex project. MB-CNPS is very concerned that essential details that describe project impacts and future mitigation are not adequately addressed in the IS/MND.

MB-CNPS has reviewed the Initial Study/Mitigated Negative Declaration and the pertinent appendices. In our considered opinion, the preparation of an EIR is required.

MB-CNPS has the following comments on the Initial Study/Mitigated Negative Declaration:

1. The NOI issued and distributed in March 2021 is for an IS/MND, which is NOT ADEQUATE for such a complex and significant project. We request that a full EIR be prepared for this extensive and multi-faceted road project. The proposed new bus road is entirely within Environmentally Sensitive Habitat Area in the California Coastal Zone and may have potentially significant impacts to special status plant and wildlife species. An Initial Study is fundamentally an insufficient environmental review for this project. MST should consider alternatives that would avoid the level of impacts that the proposed bus road would have.

2. In late summer 2020, MST issued and distributed a NOP for the MST SURF! Busway and Rapid Transit Project. The NOP announced that an Environmental Impact Report was being prepared for this proposed project. The public was led to believe that a full and thorough environmental review in an EIR was being prepared for CEQA compliance. The public was led to believe that because a full EIR was planned, a comprehensive discussion and evaluation of alternatives would be presented and considered, as would cumulative impacts associated with the project. There is neither reason, nor justification for downgrading the environmental review to a much lower level and for failing to analyze potential alternatives or important harmful consequences that this project could cause or set in motion.

3. On page 23 of Appendix 3, Detailed Project Description, it is noted that the Federal Transportation Administration (FTA) would serve as lead agency for this project and that environmental review would conform to NEPA requirements. With a federal nexus, an EA or EIS must be prepared. The March 2021 NOP describes that MST will be the lead agency. Why has there been a shift away from the federal lead agency originally proposed for this hugely expensive multi-million dollar project and when was the decision made to abandon federal support? This change in course is not appropriate in light of the significant adverse consequences to biological resources that this project could have.

4. In our September 14, 2020, comments on the NOP, MB-CNPS requested there be a focus on the potential impacts to the biologically sensitive and special status species found in the Dune
Scrub ecosystem north of Sand City. We note in the IS/MND that the federally endangered Monterey gilia (*Gilia tenuiflora* subsp. *arenaria*) and the California endangered Seaside bird’s beak (*Cordylanthus rigidus* subsp. *litoralis*) are missing from the list of special status plants that were surveyed for during the biological assessment for this project. These two species are mapped by the California Department of Fish and Wildlife - California Natural Diversity Database as occurring in the project area. Monterey gilia was recently confirmed to occur in CNPS Plant Reserve 10. Monterey gilia and Seaside bird’s beak should have been included in the survey list. It is possible that these species appear in the project footprint and impact area. Botanical surveys for these species should have been done at the correct time of year for proper identification, if not over several years. In particular, Monterey gilia populations can shift significantly in density and location depending on annual rainfall, as well as the creation of appropriate, open sand recruitment sites. The numbers of this endangered plant can vary dramatically over the years and all open sandy areas within the general range of this species should be considered potential habitat. The omission of this information, and the potentially significant impacts that could occur to these two species in the considered opinion of MB-CNPS, are additional reasons that an EIR is required.

5. The IS/MND fails to state how much of the recreational trail would be realigned to accommodate the new bus road. The document fails to state the total length and square footage of the new, realigned recreational trail and the area that would be impacted by the construction of the new trail, and whether, if at all, the footprint of this additional disturbed area been included in the 4.9 miles of new, paved roadway and 22 acres of impervious surface, as well as the 23 acres that will be grubbed and cleared (and mitigated) by this project. This is important because the total amount of disturbance should be clearly delineated. The total amount of disturbance, including these elements, are what should be investigated, disclosed, and mitigated. That was not done in the IS/MND or its appendices and there could be, and likely are, potentially significant adverse impacts to biological resources in the overall undisclosed disturbance area that have not been identified and mitigated.

6. All biological impacts are to be mitigated by developing a restoration plan, according to the IS/MND. However, the location(s) of the proposed restoration are not identified. The IS/MND biological mitigation is inadequate. This deferral of mitigation is not appropriate. The restoration location(s) and restoration plan should have been developed, vetted, and referenced in the IS/MND. MB-CNPS and its members have extensive experience in Monterey County with poorly prepared restoration plans and failures of mitigation that result from a variety reasons, including: proposed areas may be inappropriate as restoration areas; a poorly thought out restoration process; inadequate metrics to quantify restoration and ensure long term success; inadequately trained personnel maintaining the mitigation site; inadequately trained personnel overseeing the mitigation for the responsible agency; insufficient funding to maintain and monitor restoration site maintenance and progress; and many other reasons. The EIR process should present detailed mitigation information for review and comment. MB-CNPS has local on-the-ground expertise to provide those comments as part of the EIR process.

Another important biological mitigation that is omitted from the IS/MND is that the new bus road crosses several jurisdictions without mention of where mitigation will be located. An EIR should clarify whether each jurisdiction would benefit from the creation of a city-specific Dune
Scrub restoration site for federally endangered Smith's Blue Butterfly and rare plants commensurate with the amount of mitigation required within each city's boundaries, or whether a different approach would be used to address mitigation requirements. The approach should be explained in detail in an EIR.

7. At the Eighth Street entrance to the Fort Ord Dunes State Park, the proposed new bus road veers coastwards to avoid concrete pilings that support the overpass across State Route 1. This coastwards alignment could affect the entrance to the State Park in significant adverse ways, thus causing potentially significant impacts to recreation that have not been adequately studied. There could also be potentially significant impacts to the habitat area fenced for the buckwheat host plants required by Smith's Blue Butterfly that occurs immediately north of the park entrance. MB-CNPS is keenly aware that the buckwheat host plants in this area are vital to the long-term viability of the butterfly population and that Smith's Blue Butterfly has not recovered to a point where it can be considered for delisting from Endangered to Threatened.

8. The Project Description in Appendix 3 notes that there will be 60,000 square feet of retaining wall built. However, there is no analysis of the amount of cut and fill required to create a level road base for the bus road and to shore up the existing uses such as the train tracks and the recreational trail. In many areas, the right-of-way location for the proposed bus road occurs in a swale that is well below the railroad grade and the adjoining recreational trail. A significant amount of fill would be required to maintain the gradient appropriate for the new road base. The IS/MND has not presented, analyzed and mitigated the potentially significant impacts associated with the project limits which should include all areas damaged by construction, heavy equipment operation, and stockpiling of fill and materials. The IS/MND has failed to identify and disclose the locations for stockpiles and equipment storage and whether there are potential impacts to native plants and butterfly habitat from trampling, cover by fill material, and introduction of non-native weedy species. That information has been improperly omitted. These all are potentially significant unmitigated impacts and affected plants and acreage and maps should be identified and included in the total acreage impacted for which adequate mitigation is required. MB-CNPS wants to know where the proposed stockpiles and construction areas would be located and how large they will be. In our opinion, Dune Scrub and the special status plants and animals this natural community supports could suffer potentially significant harmful construction-related impacts unless those activities are adequately identified, limited, and mitigated, none of which are described in the IS/MND.

9. The IS/MND fails to describe how stormwater will be diverted off the new 22 acres of pavement. Stormwater must be addressed so that it does not impact erodible, sandy soils and vegetation in Dune Scrub habitat adjacent to the new bus road and realigned recreational trail.

10. CNPS Plant Reserve 10 is located toward the southern end of Beach Range Road adjacent to the proposed bus road. The IS/MND does not identify the presence of the plant reserve, which is one of several ways that the existing attributes of the project site and the surrounding areas have not been fairly presented. The reserve protects Dune Scrub habitat that supports Smith's Blue Butterfly, Monterey gilia, coast wallflower and a variety of uncommon plants. A map prepared by the Army in 1980 of all CNPS Plant Reserves illustrates the boundary of Plant
Reserve 10 extending all the way to the train tracks on the eastern edge of the reserve (Figure below). The important habitat protected in the reserve does not stop at the train tracks, but extends in a critical buffer beyond the reserve boundary all the way to the fence at the western edge of the recreational trail. The proposed bus road would disturb the habitat in a corridor at least 40 feet wide during construction and at least 30 feet wide in perpetuity when the road is paved. The IS/MND has not adequately considered or mitigated the potential impacts to Plant Reserve 10 or the impacts on the habitat in the vicinity that provides a buffer for CNPS Plant Reserve 10. The proposed bus road would be potentially harmful in significant ways to CNPS Plant Reserve 10 and the buffer of Dune Scrub habitat that surrounds the reserve.

Portion of 1980 Army map of CNPS Plant Reserves showing Reserve 10, with geo-referenced train track alignment.

11. The proposed new bus road involves the following additional issues that were not analyzed adequately in the IS/MND:
   A. Additional acres of shoulder disturbance and unknown disturbed acreage during construction - unknown quantity of impact on biological resources and other areas, and associated mitigation needed.
   B. There is inadequate parking available at the proposed Marina Transit Station for the projected rider use commencing at that terminal, and the proposed station would require removal of numerous mature cypress trees and cause other actions that could increase erosion and cause other potentially significant unmitigated impacts.
   C. There are no parking facilities in Sand City or Seaside where the southern access to the new bus route is proposed.
D. There are unknown impacts to municipal surface streets, traffic and parking at all bus terminal and station locations to accommodate additional bus trips and the projected ridership described in the IS/MND documentation.

E. The construction of the retaining walls will create significant impacts to the aesthetics of landward views from Fort Ord Dunes State Park, which is heavily used by the public and the highly diverse and lower-income communities within Marina and nearby areas. The construction of the retaining wall will also amplify noise from buses every 10 minutes that will impact the state park. These impacts have not been discussed adequately or mitigated adequately in the IS/MND.

F. There will be additional noise, visual, and resource impacts to Fort Ord Dunes State Park. People using the park do not expect to have a new two-lane paved road running through and adjacent to the park with buses passing by every 10 minutes, and it would provide a very odd and inconsistent contrast to the extensive restoration efforts of State Parks. The highway exists. It is entirely another thing entirely to have an additional 30 feet of pavement running along the highway, closer to the park, and with buses running every 10 minutes in both directions. These impacts have not been discussed adequately in the IS/MND.

G. Although much of the proposed new bus road is situated on lands that are dominated by non-native, ruderal vegetation cover, the notable presence of native Dune Scrub plants, including the two buckwheat host plants required by federally endangered Smith’s Blue Butterfly, indicate that this entire area is capable of supporting a rich, biodiverse assemblage of native dune habitat. Removing the non-native vegetation and promoting native species is doable and could have a significant beneficial impact on restoring populations of otherwise rare species. Particularly in the case of Smith’s Blue Butterfly, habitat restoration adjacent to known butterfly populations in the adjoining dune ecosystem could potentially contribute to the delisting of this endangered species. Down-listing, or delisting means that the population of the endangered species has increased to the point where it continues to be considered at risk of extinction, yet is achieving recovery goals set by the US Fish and Wildlife Service. This valuable opportunity would be lost forever if the bus road is constructed as proposed. The restoration of land by State Parks adjacent to the proposed bus road and the remarkable recovery of native plant species at these sites has demonstrated the ability of the land to recover from iceplant and other invasive plant species and provide potential habitat for the endangered butterfly. However, the habitat cannot recover from pavement, which the new bus road would install.

12. The IS/MND document does not discuss potentially viable alternatives to the construction of an entirely new road. A discussion of alternatives would identify numerous other projects that would have significantly fewer impacts on biological resources as compared to this six-mile-long new roadway. Recent trends in staggered work start times, as well as the shift towards working remotely have dramatically altered regional traffic patterns and volumes. In addition to a No Project alternative, several other alternatives should be appropriately analyzed and considered:

   A. Widening the existing State Route 1 corridor to accommodate bus and/or carpool lanes, or using an existing lane for this purpose.
   
   B. Utilizing the existing paved recreation trail alignment for the new bus route and shifting bicycle and pedestrian traffic to Beach Range Road.
C. Utilizing the existing paved recreational trail alignment for one-way bus service during peak commute times that reflect inbound and outbound needs for additional capacity.
D. Repair and reuse of the existing rail lines for a light rail transportation system.

To summarize, the significant new bus road proposed for sensitive habitat west of the Highway 1 corridor MUST be more fully analyzed in a full EIR to adequately assess the complement of impacts and identify alternatives, as well as potential cumulative impacts associated with implementing the bus road project. MB-CNPS requests that Monterey Salinas Transit Board of Directors reject the IS/MND and require an EIR, which was the original and preferred approach to assessing potential impacts associated with this project.

Sincerely,

Brian LeNeve
President

cc: Cat Darst, US Fish and Wildlife Service cat.darst@fws.gov
    Steve Bachman, CA Dept. of Parks and Recreation Stephen.Bachman@parks.ca.gov
    Jeff Cann, California Department of Fish and Wildlife Jeff.Cann@wildlife.ca.gov
    Susan Craig, California Coastal Commission Susan.Craig@coastal.ca.gov
    MB-CNPS Board of Directors
April 9, 2021

Michelle Overmeyer, Director of Planning and Innovation
Monterey-Salinas Transit, 19 Upper Ragsdale, Suite 200, Monterey, CA 93940
Phone: (831) 264-5877
Email: movermeyer@mst.org

Subject: Mitigated Negative Declaration for The Surf! Busway and Bus Rapid Transit Project

Dear Ms. Overmeyer:

LandWatch Monterey County strongly supports the proposed project. The proposed SURF! line is a 6-mile bus-only corridor from Marina to Sand City and Seaside along a publicly owned corridor parallel to Highway 1. The corridor is on an abandoned rail track that TAMC bought and has preserved for transit. The SURF! Busway and Bus Rapid Transit Project is part of a larger effort to build a modern mobility network for the Monterey Peninsula and beyond.

LandWatch recommends MST revise the Mitigated Negative Declaration to provide an estimate of GHG emissions resulting from reduced trips with a comparison to increased mobile emissions from the project itself. MST estimates that by the year 2025 (or upon operation), the busway could attract a ridership of over 2,300 passengers per day, with an annual ridership of over 600,000. MST and TAMC estimate the project will remove 544,582 vehicle trips per year from the roadway network (Appendix 11). However, the Mitigated Negative Declaration does not quantify emission reductions from reduced trips.

With heavy traffic on the highway, transit riders will enjoy a faster connection between home and work or wherever they go, with a projected 16-minute reduction in travel time along the 6-mile stretch of Highway 1 compared to peak pre-COVID commute times. In addition, every bus rider represents one less car on the road, which means less air and ocean pollution and a healthier community.

Thank you for your consideration.

Sincerely

Sincerely,

Michael D. DeLapa
Executive Director
Letter 8

April 12, 2021

Lisa Rheinheimer
Michelle Muller Overmeyer
Monterey Salinas Transit

Subject: Keep Fort Ord Wild comments on initial study/MND for MST Surf project

Dear Ms. Rheinheimer and Ms. Overmeyer:

I represent Keep Fort Ord Wild, which provides these comments on the proposed IS/MND. KFOW hereby incorporates in full as is fully set forth herein its comments on the scoping for the notice of preparation of an environmental impact report, because those comments and concerns were in material part not adequately addressed by the IS/MND. If you need another copy of the KFOW comments, please let me know and I will provide it promptly.

The project is a six-mile roadway of 30 feet wide with large stretches of retaining wall in an area that is heavily used for free and low-cost recreational purposes. Many members of KFOW and their families have familiarity with the recreational and other public uses at and near the project site, and they have expressed concerns similar to and consistent with those expressed by Michael Salerno, a member of KFOW. The impacts on recreation, the State Parks site, and the public views from the public trails would be potentially significant and have not been adequately disclosed, addressed and mitigated. The visuals presented in the IS/MND show that in places part of the train tracks would be directly affected by the project, as the visuals show that parts of the tracks would be covered by paving.

The likelihood of fixed lighting at the new roadway and at the intersections is high, especially because of the foreseeable concerns about buses traveling at night along an unlit corridor, especially at the three intersections with public trails that are used after dark for recreation and access to employment, and where the bus road would travel along the state park and its proposed uses after dark. Lighting of any kind along the ocean side of Highway One is of great sensitivity and concern, and public agencies have made errors in recent past when they have placed lighting in similar coastal locations without benefit of prior public disclosure, environmental review and permitting. The IS/MND contains inadequate information about the proposed project lighting and the reasonably foreseeable project lighting. It is reasonably likely that there would be project lighting proposed in the future. No mitigation prohibits such lighting, and no mitigation adequately limits the impacts of lighting. The potential impacts of the lighting could be significant.

All of the evidence shows that an environmental impact report should be prepared, consistent with MST original intent. The evidence does not support a mitigated negative declaration. KFOW supports public transit in the right location, and
an EIR would evaluate alternative locations that likely are materially better than the proposed location.

MST controls the schedule. KFOW does not control the schedule. KFOW urges MST to take its time to consider carefully the public comments. KFOW joins in the comments of those who have expressed concerns about this project’s impacts.

KFOW also has procedural concerns that we intend to raise soon, when press of other business has subsided. Thank you.

Sincerely,

STAMP | ERICKSON

/s/ Molly Erickson

Molly Erickson
April 9, 2021

Ms. Michelle Overmeyer, Director of Planning and Innovation
Monterey Salinas Transit
19 Upper Ragsdale, Ste 200
Monterey, CA 93940

BY: email movermeyer@mst.org and USPS First Class

REF: Mitigated Negative Declaration
Comments and input
Notice of Intent to Adopt a Mitigated Negative Declaration

Dear Ms. Overmeyer,

We are submitting these comments and input in regard to the Mitigated Negative Declaration (MND) for MST’s SURF! Busway and Bus Rapid Transit Project and MST’s intent to adopt a Mitigated Negative Declaration on the project. The comments are submitted on behalf of property owners Mountain Lake Development Corporation and Security National Guaranty, Inc. [Monterey Bay Shores Resort (“MBSR”), owner], both parcels bordering the Southern Pacific easement at the southern end of the Project in Monterey County and Sand City, respectively. The comments incorporated herein are in addition to previous comments submitted on September 14, 2020 in regard to the Notice of Preparation of EIR for MST SURF! Project, and are incorporated herein by reference as Exhibit “1”. We prefer Alternative II presented in these comments that incorporates Light Rail as a more sustainable transportation on the existing railway with reduced impacts. Given that more than 76.4% of commuters drive to work alone in the Monterey Peninsula [US Census 2017 American Community Survey], and now with the advent of Covid-19, it is more likely that that number will increase, reducing demand for public transit. A light rail can easily address the “demand” with less trips, instead of the 96 Bus trips in the MST Surf! Plan.

Transportation Impact Analysis: In reviewing existing conditions of Intersection 8 Del Monte Boulevard/Monterey Road/California Avenue/Highway 1 and Level of Service (LOS), the analysis states that the LOS is “D” for both AM peak hours and PM peak hours, yet concludes that the LOS can be brought to LOS “A” after signal control can be installed in the intersection. We DO NOT see that. In previous Transportation Impact Analysis done by Fehr & Peers, January 2008, for the MBSR for the Amended EIR (2009), taking into account Resort trip generation, including both Southbound and Northbound ramps trip generation from the MBSR and existing trip generation in Intersection 8, LOS for that intersection could be improved to LOS “C”. Please also look at Exhibit “B” of the previous submittal which shows the APPROVED Geo Configuration for the Intersection 8 by the California Coastal Commission. The MST Surf addition of a roundabout at the intersection, even though in the Cal-Trans right-of-way, cannot override the Approved CCC offsite plan unless amended. In that regard, the Kimley/Horn Study does not take into account the trip generations of the MBSR, and in particular for the Northbound/Monterey Rd. on-ramp to Hwy 1. In order to accommodate a left hand turn at that signal, an additional turn lane needs to be installed to facilitate northbound traffic from the MBSR (Fehr&Peers). This should also be addressed in the Kimley/Horn study as part of the project and improvements in the Intersection 8. The addition of the roundabout in front of the MBSR with additional 96 bus trips complicates matters and unlikely operates at a volume to capacity ratio <0.85.
We continue to maintain that the BETTER Intersection 8 plan is to install two roundabouts by maintaining the MST Surf route on the railway across Monterey Road, as suggested by the City of Seaside and our previous comments [See Exhibit “A” of Exhibit “1”]. This plan was also discussed with the City of Sand City. With this change, LOS at the intersection may improve dramatically to LOS “B” or even better. This way the roundabout in front of the entry to MBSR is eliminated and a “cleaner” on ramp southbound is maintained. In that proposal, the Busway stays on the Railway Easement, merges into the intersection of California/Fremont, using underpass with buses travelling under the intersection. While more costly, a far superior plan! Kimley/Horn should also analyze the cumulative impacts in the intersection under this scenario as an alternative.

Beach Range Road: Reference to the Extension Road South west of the railway easement should be deleted from the design plans as it is not part of MST SURF! and is infeasible.

We reserve the rights to submit additional comments in the future. We would be happy to discuss in greater detail these recommendations.

Respectfully yours,

Dr. Edmond Ghandour

DR. Edmond Ghandour, PhD
Mountain Lake Development Corp.
Security National Guaranty, Inc. (SNG)

CC. Aaron Blair, City Manager, Sand City
Craig Malin, City Manager, Seaside
Michael Kluchin, Continuum Analytics
EXHIBIT “1”
September 12, 2020

Ms. Michelle Overmeyer, Director of Planning and Innovation
Monterey Salinas Transit
19 Upper Ragsdale, Ste 200
Monterey, CA 93940

BY: email movermeyer@mst.org and USPS First Class

REF: Notice of Preparation of EIR for MST SURF!
Comments and input - REVISED
Public Scoping Meeting August 27, 2020 5PM

Dear Ms. Overmeyer,

We are submitting these initial comments and input in regard to the MST SURF! Project. The comments are submitted on behalf of property owners Mountain Lake Development Corporation and Security National Guaranty, Inc. [Monterey Bay Shores Resort (“MBSR”), owner], both parcels bordering the Southern Pacific easement at the southern end of the Project in Monterey County and Sand City, respectively.

JUST BECAUSE THERE IS AN EASEMENT NEXT TO HIGHWAY 1, DOES NOT MEAN IT MUST TURN INTO SURF! BUSWAY! There are better ways and more environmentally superior ways to provide inter-regional traffic commute alternatives. Either way, the current Project proposal needs at minimum to be modified or revised for the following reasons. In the absence of more specific details and engineering designs, only key observations/inputs are included herein in the hope to supplement with greater detail once they are available to the public.

I. **No Project Alternative**: Can the regional traffic circulation be enhanced by applying specific lane restrictions for car sharing on existing Hwy 1 lanes, in particular during rush and congestion hours. Given the effects of the pandemic with decreased mass transit ridership and increased telecommuting (also projected into the future), is that sufficient? The Southern Pacific railway easement should be restored to its native Monterey dunes habitat.

II. **Impacts**: Installing a busway on the Southern Pacific Railway easement as proposed has many adverse effects and impacts, including the following: (i) scenic resources and view corridor of the regional trail will be degraded substantially; (ii) Noise and vibration level along the Monterey Bay Shores Resort (“MBSR”) and property to the north will be elevated; (iii) Recreation along the regional trail will be degraded; (iv) circulation and traffic levels along California Ave, in particular close to the entry to the MBSR as proposed will be degraded and this will also cause significant safety hazards to owners and tourists at the resort, as well as the on ramp going south to Highway 1; (v) the proposed design of traffic routes and roundabouts is in conflict with previously approved CDP plans [9-19-2016] for the geo reconfiguration of the interchange as part of the Coastal Commission CDP approval of the MBSR; (vi) there are significant biological resources along and within the easement, including the buckwheat, host for the Smith Blue Butterfly and other species; (vii) potential
geological hazards particularly next to the swale north of the MBSR, where SFH is being planned.

**ALTERNATIVE PROJECTS TO BE ANALYZED:**

**ALTERNATIVE I:** Add a lane southbound and northbound adjacent to Highway 1 within the Cal-Trans right of way and specifically to provide busway routes as well as commuter car sharing lane feeder line. This will improve inter regional traffic flow, benefit not only buses, and would have the least Project impacts and disturbance. Intersection traffic still needs to be upgraded, and in particular the roundabouts on California Avenue in Sand City and Seaside. Off ramp at Fremont would be widened and would require less reconfiguration and disturbance. The buses/cars would use the existing off ramp into Fremont/California and the proposed roundabouts [See Exhibit A], avoiding the hazards of dumping buses into the entry into the MBSR (which conflicts with previously approved CDP plans, Exhibit B) and creating additional disturbance.

**ALTERNATIVE II:** Instead of bus lanes along the east side of the railway, provide light rail transportation [electrical and sustainable] on existing railway. The intersection at California and Fremont would be upgraded with two roundabouts and underpass so the light rail proceeds to the other side without burdening traffic level of service at that intersection. This alternative creates less disturbance, uses existing railway and achieves the inter-regional traffic commute objectives.

**ALTERNATIVE III:** In this alternative, the regional trail is relocated to the Southern Pacific TAMC right of way easement and the busway is planned on the existing regional trail to the east, with additional required right of way from Cal-Trans (close to Hwy 1) where required. In this way, the busway is closer to Highway 1, can provide easier access also for car share commuters and cause less disturbance or grading. The Scenic view corridor and coastal resources are best preserved and this also gives an opportunity for substantial restoration along the regional trail and reduction of noise impact on MBSR[184 condos] and the residential property north of it. The recreational trail can be made wider then current trail and this gives a greater opportunity for hikers and bikers to enjoy the scenic view. The buses/cars would use the existing off ramp into Fremont/California Ave. as shown in Exhibit A, avoiding the hazards of dumping buses into the entry into the MBSR, which also conflicts with existing approved CDP plans [Exhibit B]. This makes for better circulation and traffic flow.

**ALTERNATIVE IV:** Using the current proposed MST SURF! busway on the east side of the railway, remain on the railway easement into the intersection at the southern portion of this project, and provide an underpass as shown in Exhibit A at the Fremont/California Ave intersection. Eliminate re-routing the busway into the MBSR entry and on-ramp going south.
to Hwy 1 and the proposed roundabout, which reduces disturbance and conflict with MBSR CDP plans [Exhibit B]. This alternative with 2 roundabouts and an underpass would improve level of service at the intersection and give both Seaside and Sand City an opportunity to enhance the entry into both cities.

We would be happy to discuss in greater detail these recommendations.

Respectfully yours,

Dr. Edmond Ghandour

DR. Edmond Ghandour, PhD
Mountain Lake Development Corp.
Security National Guaranty, Inc. (SNG)

CC. Aaron Blair, City Manager, Sand City
Craig Malin, City Manager, Seaside
Michael Kluchin, Continuum Analytics
Busway stays on Railway Easement, merges into Intersection of California and Fremont, OR, using Underpass with Buses travelling under the Intersection.

Eliminate Exit onto southbound ramp and roundabout. Conflicts with traffic circulation and MBSR entry, and approved offsite plans under CDP.

Installing 2 roundabouts resolves circulation and Level of service at Intersection, also gives opportunity to create nice entry into Sand City and Seaside. Improves busway route, circulation, and traffic level of service.

Busway stays on Railway Easement, merges into Intersection of California and Fremont, OR, using Underpass with Buses travelling under the Intersection.
PLAN NOTE: Prior to construction of the California Avenue/Highway 1 northbound left-hand turn lane portion of the project, the Permittee shall submit two revised copies of these plans for Executive Director review and approval. These plans shall be revised to include: (a) construction of a new north-south connector for the Monterey Bay Sanctuary Scenic Trail (MBST) that matches the existing MBST configuration and design and extends from a point roughly at the entrance to the property to the north to connect to a point on the existing MBST in a more or less direct line across the Monterey Bay Tidelands Agency (MBTA) railroad right of way; (b) retention of the northern branch of the existing segment of the MBST that connects with the crosswalk of the California Avenue/Highway 1 intersection; (c) clear demarcation of the MBST across the Monterey Bay Shores entrance (via pavement markings, modified colored pavement, and/or equivalent) and (d) provide for the installation of directional signage at the project entrance, where all such signage shall be coordinated and compatible with all approved project public access signage. The revised plans shall be submitted with evidence of Caltrans, MBTA, and City of Santa Cruz approval for all of the development identified in the revised plans, including copies of all approvals, leases and/or agreements by equivalent. All of the development identified on the Executive Director-approved revised plans of this project component shall be constructed and available for public use prior to occupancy of the approved project.

APPROVED

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT ST., STE 300
SANTA CRUZ, CA 95060

9/19/16
Letter 10

April 12, 2021
Via Email: movermeyer@mst.org; csedoryk@mst.org

Subject:
NOI Initial Study/MND
MST SURF! Busway and Bus Rapid Transit Project

[Inadequate Disclosure of Impacts to Aesthetics and Visual Resources]
[Negative Impacts to Recreation for Local Residents]
[Flawed Traffic Impact Analysis Methodology]

Dear Mr. Sedoryk and Ms. Overmeyer,

I make the following comments as a 19-year resident of Marina, CA. I am extremely familiar with Fort Ord Dunes State Park, the Monterey Bay Recreational Trail, and the right-of-way where the MST SURF! Busway and Bus Rapid Transit Project is proposed.

Since 2002, I have used the Fort Ord Dunes State Park and/or the Monterey Bay Recreational Trail at least three times/week. This includes use both on foot and on a bicycle. This includes, use during daylight hours, and use at night using lights.

My comments primarily focus on Aesthetics and Visual Resources but will also cover the project’s negative impacts to local recreation and significant flaws in the traffic impact analysis methodology.

Impacts to Aesthetics and Visual Resources

The conclusion of 5.5.4 that the project would not significantly contribute to cumulatively considerable visual or aesthetic impacts is flawed.

Appendix 5 (Aesthetics and Visual Resources) serves to minimize the true Impacts to Aesthetics and Visual Resources the project will create, which will be severe. The “Key Viewpoint Locations” omit true on-the-ground viewpoints that would be experienced by everyday users of Fort Ord Dunes State Park (FODSP) and the Monterey Bay Recreational Trail.
The photographs in Section 5.3.1 are from poorly chosen from mostly irrelevant locations. Several of the photos show viewpoints from the side of busy streets, freeway on-ramps or the side of HWY1 – locations where the public would rarely be, especially on foot or riding a bike. There are no images taken from viewpoints on the Monterey Bay Recreational Trail, even though in many locations the proposed project and fast-moving buses would be only a few feet away. Other photos are from incidental locations on FODSP that have no view of the right-of-way and do not add any value. The renderings in Appendix 5 also fail to show any of the 60,000 square feet of retaining walls called for by the project.

Given the on-ground-evidence, a reasonable argument exists the project would significantly contribute to cumulatively considerable visual or aesthetic impacts. An EIR should be prepared to examine these impacts fully and properly.

The following photos represent accurate examples of “Key Viewpoints” and scenic vistas that should be included and disclosed to the public. The photos depict locations frequented by recreational users where visual resources would be affected by the MST SURF! Busway.

It should be noted that numerous pages in Appendix 5 are marked “Draft EIR”. Thus, it appears MST began to prepare a Draft EIR and then backtracked for reasons not disclosed to the public. The public fully expected an EIR when the NOP for the project was released August 13, 2020.
Figure 1 - Example of Page Labeled "Draft EIR" from Appendix 5
Figure 2 - From Monterey Bay Recreation Trail in Marina. Busway to occupy narrow space between tracks and trail.
Figure 3- From Monterey Bay Recreation Trail in Marina. North Entrance to FODSP. Busway to occupy narrow space between tracks and trail.
Figure 4- From Monterey Bay Recreation Trail in Marina. Near North Entrance to FODSP. View to West. Busway to occupy narrow space between tracks and trail.
Figure 5-From Monterey Bay Recreation Trail near Imjin Parkway. View to West.
Fort Ord has been closed for 27 years. The right-of-way where the project is proposed is being reclaimed by nature. For example, in the absence of Army activity, many areas in and around the right-of-way have seen a heavy growth of Monterey Pine and Monterey Cypress. These tangibly add to scenic vistas as viewed from HWY1, FODSP and the Monterey Bay Recreational Trail. The MND does not quantify the removal of trees and the impact to the associated scenic vistas.

Figure 6 - From Monterey Bay Recreation Trail near 1st Street. Scenic View of Monterey Pine and Cypress in distance. Busway to occupy very narrow space between tracks and trail.
Figure 7 - From Monterey Bay Recreation Trail near Lightfighter. Busway to occupy steep, narrow space between tracks and trail. Extensive grading and retaining walls required. Unknown number Monterey Pine and Cypress to be removed
Figure 8 - From Monterey Bay Recreation Trail near Lightfighter. Unobstructed view West of Monterey Pine and Cypress. Pacific Ocean in distance.
Figure 9 - From Monterey Bay Recreation Trail near Lightfighter. View of dense Pine and Cypress Growth within project grading limits. Unknown number of trees to be removed for grading and construction.
Figure 10 – Scenic View of project ROW from Beach Range Road to the East. Dense Monterey Pine and Cypress growth within project grading limits. Unknown number of trees to be removed for grading and construction.
Figure 11 – (Alternate) Scenic View of project ROW from Beach Range Road to the East. Dense Monterey Pine and Cypress growth within project grading limits. Unknown number of trees to be removed for grading and construction.
Figure 12 - View of project ROW from popular FODSP walking trail near Balloon Spur. Unknown number of trees to be removed for grading and construction.
Figure 13 - View standing on ROW near Monterey Bay Recreation Trail. Dense Monterey Pine and Cypress growth within project grading limits. Unknown number of trees to be removed for grading and construction.
Negative Impacts to Recreation for Local Residents

Comments from MST and TAMC public officials suggest the MST SURF! Busway will improve local bike paths. This is not accurate. The MST SURF! Busway as proposed will result in negative impacts to local bicycle traffic. The current bike paths have been thoughtfully designed to safely move bike traffic. The after-the-fact insertion of the MST SURF! Busway sacrifices safe and easy bike travel for an unknown number of future bus riders.

By design, the busway fractures and re-routes existing bike trails (Beach Range Road, Monterey Bay Recreation Trail, 5th Street Bike Path). At the same time, it introduces awkward and dangerous crossings where cyclists will have to negotiate
with bus traffic. In Winter months cyclists will be subject to blinding headlights from buses, sometimes only a few feet away. This is not an improvement from current conditions.

Currently, cyclists can travel unimpeded using Beach Range Road and/or Monterey Bay Recreation Trail interchangeably from Palm Avenue in Marina to Playa Avenue in Sand City. Cyclists do not need to stop or negotiate traffic for this entire distance. These routes are safe and extremely popular with bike commuters and recreational users. During the COVID crisis, the number of recreational users has increased dramatically. It is highly likely the daily average use of Beach Range Road and Monterey Bay Coastal Trail exceeds that of bus ridership along the same corridor. The MND failed to quantify the current level of bicycle traffic on existing bike trails that would be affected by construction of the MST SURF! Busway.
Figure 15 - North Entrance to FODSP. Current connection of Beach Range Road and Monterey Bay Recreation Trail
Figure 16 - North Entrance to FODSP. (Alternate View). Current connection of Beach Range Road and Monterey Bay Recreation Trail
Figure 17 - South Entrance to FODSP. Current connection of Beach Range Road and Monterey Bay Recreation Trail
Figure 18- South Entrance to FODSP (within project grading limits). Current connection of Beach Range Road and Monterey Bay Recreation Trail

The MST SURF! Busway also introduces an awkward crossing at the 5th street bridge and will dig-up and re-route a bike path TAMC recently built that connects safely and easily to the new VA clinic. The MST SURF! Busway proposal calls for stuffing in a bus lane and a bike path where there currently barely room for a bike path.
For all intents and purposes, the MST SURF! Busway project proposes to construct a 6-mile-long two-lane road parallel to HWY1. It is not realistic to assume that only MST buses will use the MST SURF! Busway in perpetuity. California has a decades-long history of building new roads and using those roads to their fullest extent over time.

The traffic impact analysis in the MND only assumes the MST SURF! Busway would reduce traffic in the future but does not analyze the likely outcome the MST SURF! Busway would be used for other traffic in the future. For example, there will likely be pressure to open the busway to EV and carpool traffic. The
busway might be used as traffic relief during busy weekends and special events. Marina residents may see the new road and lobby for access, and so on.

The traffic impact analysis also fails to analyze the likely outcome that construction of the MST SURF! Busway would result in zero or only a negligible amount of net new bus riders. Instead, it assumes more than 2,300 riders/day will use the busway in a few years. This would represent exponential growth from today’s levels on comparable routes.

The MST SURF! Busway is tantamount to a widening of HWY1 over a 6-mile stretch and should be analyzed as such via a proper alternatives analysis in an EIR.

Thank You for the opportunity to comment.

Sincerely,

Michael Salerno
Marina, CA.
Michelle Overmeyer

From: Steve Kennedy <samsca@gmail.com>
Sent: Saturday, April 10, 2021 10:37 PM
To: Michelle Overmeyer
Subject: Fwd: SURF! Busway and Bus Rapid Transit Project - Notice of Intent to Adopt a Mitigated Negative Declaration
Attachments: Paving the Coast!.pdf

[ EXTERNAL EMAIL NOTICE ]
CAUTION: This email originated from outside of the MST organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Michelle, I don’t know if you need my full physical address as well, it is:
Stephen Kennedy
1817 Delancey Drive
Salinas, Ca.
93906

From: Stephen Kennedy <samsca@gmail.com>
Date: April 10, 2021 at 10:42:30 AM PDT
To: Michelle Overmeyer <movermeyer@mst.org>
Cc: Kevin Dayton <kdayton@laborissuessolutions.com>
Subject: SURF! Busway and Bus Rapid Transit Project - Notice of Intent to Adopt a Mitigated Negative Declaration

Comments below in pdf and screenshot attached. Thank you.
November 16, 2020;

**Updated April 9, 2021 (Public Comments Re: Mitigated Negative Declaration)**

(MND) MST’s Surf! Busway & Bus Rapid Transit Project:

**MST Latest Proposal for Paving the Coast!**

The February 2011 *Alternatives Analysis for the Monterey Peninsula Fixed-Guideway Study - Volume 2: Locally Preferred Alternative* as commissioned by the Transportation Agency for Monterey County provides the proper concept and analysis for obtaining what is needed in this environmental sensitive area:

> Agriculture and tourism are the two largest generators of jobs on the Peninsula, and together contribute a significant proportion of total economic development in Monterey County. Both of these land uses are highly dependent on a sound environmental foundation. The Area offers everything from a world-recognized produce market whose farms feed a large part of the country, to a haven for the fragile Monterey Bay aquatic sanctuary. The need to sustain the viability of these enterprises through sound environmental practices is both obvious and practical.¹

The Monterey Salinas Transportation Agency (MST) is now proposing with engineering drawings being prepared at this time (with taxpayer dollars) to provide an alternative paved roadway on a segment off Scenic Highway 1, that will allow faster commute times for riders utilizing MST. Instead of looking at alternative means for the effective transporting of individuals via a bus system, MST has proposed to build addi-

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¹ Transportation Agency for Monterey County (TAMC) Alternatives Analysis for the Monterey Peninsula Fixed Guideway Corridor Study, Volume 2: Locally Preferred Alternative, February 2011
tional roadways in a bio sensitive area and in an area that has been considered a scenic corridor since the early 60's.

The redevelopment of Fort Ord provided a system of roadways that includes new express roadways such as General Jim Moore which runs from CSUMB to Canyon Del Rey running parallel to the Highway 1 Scenic Highway. General Moore Blvd is considered an express roadway and MST minimally utilizes. It is considered the fastest way to reach Seaside less than a 10 minute drive 6 miles and could easily be used as an alternative to Line 19 services, particularly as a substitute route as an express line between Bunker Hill/Yorktown and Del Monte Center.

The statements made by MST is that it needs an alternative and paving an additional roadway in a very sensitive area, where such may even be in conflict with walkers/bike riders with crossovers for large buses and a narrow under Scenic Highway 1 existing underpass is the only solution. The Monterey Peninsula Recreational Trail (also known as the Monterey Coastal Trail) extends approximately 18 miles between Castroville and Pacific Grove is a Class 1 Bikeway. The incompatibility of having large buses that may or may not carry any bus riders is very concerning. Interference with riders and walkers when buses are traveling at a much higher speed, even if separated is disconcerting at the least and can be unnecessarily dangerous particularly with cross flow intersections (even if controlled - bike riders many times will attempt to beat or may ig-

\[\text{2 See Google map screenshot of General Moore Avenue showing an expensive four lane road-}\]

\[\text{way running parallel to Scenic Hwy 1.}\]

\[\text{3 Note: This could be a non-stop express line that could easily travel from Bunker Hill & York-}\]

\[\text{town via General Jim Moore to Canyon Del Rey and to the Monterey-Salinas Hwy connecting}\]

\[\text{into Hwy 1 north to the Del Monte Center.}\]
nore such cross over points). The small underpass (under Scenic Highway 1) is also incomparable with walkers and bikers attempting to share such.

Fully utilizing General Moore Blvd and adding express lines for weekends and weekdays is the best solution for those needing to reach such places as the Del Monte Shopping Center and in a timely manner with a simple route change from General Moore to Hwy 68 (West) to Highway 1, which bypasses Highway 1 blockage, that occurs north of the Hwy 68 Highway 1 interchange.

So putting in non-polluting buses on a new roadway bypassing those who may be stuck in tourist related or even workforce Scenic Highway 1 slow down, will result in a higher level of ridership? This is very much conjecture and regarding tourists who normally stay in accommodations in the southern area (Seaside/Monterey/Pacific Grove areas, very few would take the Surf bus system.

Chapter 6 of the Fixed-Guideway Study provides a Financial Plan and Table 6-3 points out that the taxpayers have already spent $17,659,275.00 in the “Advance Right-Of-Way Acquisition Phase” and the “Planning And Conceptual Design Phase”. The taxpayer funding was from Proposition 116 (Clean Air and Transportation Improvement Act of 1990):

Findings and Declarations:

(Section) 99601. The people of California find and declare all of the following:

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4 Ridership becomes a multiple of same individuals actually using a bus system. Metrics can be very misleading (intentionally or not) when the system counts those getting on and also those getting off, as well as when changing bus lines…the single passenger becomes a multiple number. It does not reflect the true number, but is rather exploded based on the term “ridership”. If we counted number of passengers (riders) in a vehicle we would include getting in/ out of the vehicle and if we stop at a store and back on - it multiplies.

5 Draft Transportation Impact for the MST Surf! Kimley-Horn & Assoc. Dec. 2020
(a) Rail transportation results in cleaner air, less energy use, more transportation opportunities for those who cannot drive, and less crowding on already overcrowded streets and highways.

(b) For these reasons, it is appropriate to use state general obligation bonds to finance rail infrastructure.

(c) This part will result in implementation of part of an overall transportation plan which will provide cleaner air and better transportation options for all Californians.⁶

Even in the Alternatives Analysis - Volume 2: Locally Preferred Alternative it plainly states, “The long-proposed Highway 1 widening projects may never gain approval from an environmental impact status, regardless of funding.”⁷ So why would the Coastal Commission or even a properly drawn up EIR provide any type of reasoning for approval of the current MST proposal for a frontage road build out running beside this Scenic Highway?⁸

Even in the Overview of the Surf! Busway and Bus Rapid Transit Project, it states:

“Surf! will utilize the Monterey Branch Line rail alignment, which linked the Peninsula with San Francisco from 1880 to 1971. The Transportation Agency for Monterey County (TAMC) purchased the unused line in 2003 to preserve it as a transportation corridor, and light rail is the long term vision for the corridor if the cost becomes feasible in the future.”

I am very concerned that the removal of the existing rails including the current rail bed (rocks and railroad ties) will not only be a wasteful expense but one of major dis-

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⁶ Part 11.5. Clean Air and Transportation Improvement Act of 1990 Chapter 1. General Provisions (Citation Added Proposition 116) Underlined for emphasis.


⁸ Violation of the Federal Coastal Zone Management Act (CZMA) of 1972, which is under the jurisdiction of the California Coastal Commission and their applicable policies, including protecting and where feasible restoring coastal resources.
posal issues (including new TWW disposal rules). Particularly, when such could be re-worked and utilized for a new light rail system.

Again, if the MST Board feels that this is a current solution in reducing pollution, they really should study what type of negative carbon offset occurs with the use of paving material such as asphalt or utilizing cement or even a recycled mix. This is sensitive land that with any type of construction will result in violations of the Environmental Protection Act. It is also not necessary with the current layout of roadways, such as General Jim Moore Blvd., which could be utilized with little cost and create the same efficiency in mobility for those riders of MST.

The Surf! Busway and Bus Rapid Transit Project, includes a statement relating to Maintenance - downplaying greatly issues associated with roadway maintenance. Statement made: “Due to occasional blowing sand from nearby sand dunes, particularly in the southern portion of the busway, regular sweeping and sand removal may be required”. Maybe required?? For heaven sakes! Current maintenance by the park system and other jurisdictions, including CalTrans in this area requires an expensive ongoing maintenance system relating to not only to Highway 1, but also the Class 1 bikeway (Monterey Coastal Trail). The proposed roundabout which may not be considered part of this study, but has been previously reference and is well documented is located with a sand dune that is 100 feet high close to the bus roundabout proposal.

I can see why they did not include this in this study, due to the amount of required engineering including very high retaining walls, which in my opinion would fail with blowing sand filling up behind such and finally falling over the engineered walls.

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9 Appendix 11, pp 13 Const GreenHouse Gas Emissions Table 11-2 - does not discuss the use of Portland cement in retaining walls or actual roadway material, which has a very high rate of carbon emissions when producing. Is this Environmental Clearance deficient?
With Climate Change and a more robust climate, I am dismayed how cavalier this study would make such a statement regarding “blowing sand”.  

I am also very concern that MST’s current proposal will result in delaying or canceling the work and jeopardizing monies put into TAMC’s Monterey Peninsula Fixed-Guideway Study. This project/study has utilized monies from the taxpayers in the sums of over $17.6 million dollars to acquire land (Proposition 116 for Rail purpose only: $9,238,475 and (SB 620 for the sum of $2,961,000) and it maybe a violation of the guidelines, where such would have to be paid back with interest, if the Fixed Guideway project is not fulfilled timely or not at all. Again, Proposition 116 is dedicated to rail projects, not additional or dedicated bus lanes. I believe the acquisition costs for the Right of Ways would be subject to repayment.

Have the policy makers (MST Board of Directors) and others taken their eyes off the target regarding the utilization of the existing rail systems in Monterey for a better tomorrow or even today? The previous preferred use (February 2011) Alternatives Analysis for the Monterey Peninsula Fixed-Guideway Study - Volume 2: Locally Preferred Alternative and the subsequent purchasing of rail right of ways was what the public and the policy makers decided was the right thing to do. Funding was provided and accomplished. Federal language for the expansion of light-rail by providing funds to utilize such is clear.

MST and Monterey can do the right thing. Utilizing existing roadways (General Moore) in a more efficient manner will provide better customer service for passengers

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10 Appendix 3, Page 3-2 Chapter 3.6.4 Maintenance and Security

11 Refer to Table 6-3 Monterey Peninsula Fixed Guideway Capital Cost Financial Plan - tasks and amounts spent (Column 7)
and will also save the taxpayer of local cities who are subsidizing MST operations and maintenance each and every year.

The Federal and State of California Coastal Act is also what the public wanted and still wants regarding the protection of our coastal lands. Is MST so narrow in focus that they are now using taxpayer funds and grants to undermine the spirit of both the California Coastal Act and also the Scenic Highway Act?
Ms. Overmeyer and Mr. Sedoryk,

I have grave concerns regarding the proposed bus lane that runs along the Monterey bay rec trail and especially through the Fort Ord Dunes state park.

I have lived in Marina since 2007 and regularly use and enjoy the peaceful state park and rec trail. I use the area during the week, on weekends, and during the day and early evening to walk with family and friends.

The aesthetic impact of this project is immense, and unpleasant. I think of the people who live off of Del Monte in the apartment buildings who will now have a bus lane near their homes that does not add to their quality of life. The families I see on the rec trail and at the state park will not enjoy the view of buses hurtling down the busway. I’m sure you’re aware the state park and rec trail are areas parents use to teach their children to ride their bikes. Imagine trying to teach your child to ride near a busy, noisy busway! Unsafe, as well as ugly and adding to noise pollution.

This project is not a good use of time or funds, and will have a negative impact on the area, population, and aesthetics. Please reconsider.

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Elisabeth Gerrity
elisabeth.gerrity@gmail.com
SENT VIA ELECTRONIC MAIL

Michelle Overmeyer
Director of Planning & Innovation
Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

Re: Monterey-Salinas Transit Busway Project

Dear Ms. Overmeyer:

Thank you for the opportunity to provide comments on the proposed Monterey-Salinas Transit (MST) Busway Project in north Monterey County. Please provide these comments to the MST Board Members prior to today’s meeting on the project and please include these comments in the administrative record for the project.

The Coastal Commission has worked diligently over many years to develop strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, including to help counter the effects of global climate change and the resulting impacts from sea level rise. Thus, at a broad level, we are generally supportive of projects that can help increase our overall resiliency through development of public transit projects such as this. At the same time, however, such support only extends as far as such development can be achieved in a manner that is consistent with the California Coastal Act and with the applicable Local Coastal Programs (LCPs). It is within this context that we provide the following comments.

Outreach
We understand that MST has undertaken some outreach to the public and relevant stakeholders to solicit public comment for the proposed transit project, including via today’s meeting. However, from our discussions with the public and other stakeholders it appears that there is limited understanding of the proposed project, and thus it appears that potential interested parties may not have been thoroughly engaged, especially in light of COVID-19 and the associated difficulty for the public to ask questions and receive answers on the proposal in a meaningful way. We strongly recommend that the MST Board not take action on the project today and instead recommend that MST staff redouble its efforts to reach out to affected communities by scheduling multiple/repeat informational and educational webinars, including at a minimum presentations through regular City Council and Board of Supervisor virtual meetings (and in-person meetings as soon as possible) for all jurisdictions affected by the project going forward. We also strongly believe that the process should be extended to allow more time to discuss and evaluate project alternatives with affected cities and entities that address regional public transportation needs in a manner that protects
coastal resources and is approvable under the Coastal Act and applicable LCPs. See more discussion in the "ESHA" section below.

Jurisdiction
A significant portion of the project lies within the Transportation Agency of Monterey County’s (TAMC’s) right-of-way on the former Fort Ord military base seaward of Highway 1. The entire area west of the highway is within the Commission’s retained permitting jurisdiction and a coastal development permit (CDP) from the Commission will be required for any development within this area. The standard of review will be the Coastal Act. Also, as we understand it, other elements of the project fall within the purview of adjacent local governments (e.g., Marina, Sand City, Seaside, and Monterey County) and separate CDPs for those project elements will be required from those respective jurisdictions. The certified LCPs will be the standard of review in those locations. In certain limited cases where a project has split CDP jurisdiction, the Commission has the ability to process a consolidated CDP as opposed to separate CDPs (and potential appeals), provided the applicant, the local government, and the Commission’s Executive Director all agree to such processing and when public comment and participation will not be substantially impaired. While consolidation is a potential vehicle to process the CDP, we believe it is too early in the process to determine whether it is appropriate to do so, including because there are substantive coastal resource issues that first need to be addressed prior to a determination of how the permitting process should be undertaken, all as described in more detail below.

Environmentally Sensitive Habitat (ESHA)/ Project Alternatives
The IS/MND notes that the majority of the alignment (roughly five miles) of the busway project would be within TAMC’s Monterey Branch Line rail corridor right-of-way, an approximately 100-foot- wide corridor located between the Fort Ord Dunes State Park recreational trail (i.e., Beach Range Road) and the Caltrans right-of-way recreation trail, both of which are located seaward of Highway 1. More specifically, the alignment would be located mainly in the sand dunes area seaward of the TAMC rail corridor right-of-way and would deviate from this general alignment only when necessary to avoid bridge under-crossings and other similar obstacles. The IS/MND describes the TAMC rail corridor as heavily disturbed but also wide enough to support native and non-native plant communities. The IS/MND acknowledges that sensitive habitats exist in this area of the coastal zone, which includes the underlying sand dunes within the TAMC right-of-way, and focuses on providing mitigation for project-specific impacts to known rare and/or sensitive plant and animal species. The IS/MND only evaluates the busway on the Monterey Branch Line rail corridor right-of-way alternative.¹

¹ MST in conjunction with TAMC and other stakeholders, prepared a Bus-on-Shoulder/Branch Line Feasibility Study in 2018 to respond to growing traffic congestion and delays on State Route 1 in Santa Cruz and Monterey Counties. The study evaluated several project alternatives. Determination of feasibility was based primarily on annual ridership, time savings, total capital cost, and reduction in vehicle miles traveled. Environmental impacts were scored as either significant, possibly significant, or not significant. There was no quantification of impacts in terms of habitat loss or disturbance, no discussion of necessary mitigations or costs associated with mitigations, and these costs did not enter into the feasibility equation.
Coastal Act Section 30240 provides for the protection of ESHA, including sensitive dune habitats such as those found at the former Ford Ord and within the TAMC right-of-way:

Section 30240 (a) environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The protections afforded by Coastal Act Section 30240 extend to both natural and degraded dunes, i.e., whether the dunes are covered in native dune plant species, ice plant, or base rock, including because of the inherent ability for degraded dunes to be restored. As noted in past correspondence to MST staff regarding this project, only resource-dependent uses that do not significantly disrupt ESHA are allowable in ESHA. The project description contained in the IS/MND identifies roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service all within sand dune ESHA. The project would include roughly 22 acres of new impervious surface and approximately 23 acres of grubbing and grading, much of this in dune ESHA. A transportation infrastructure project like this is not an allowed use in ESHA and therefore is inconsistent with the Coastal Act and applicable LCPs. Additionally, based on the project description the proposed development will introduce additional traffic, noise, light, and general disturbance within and adjacent to sand dune ESHA, thereby also resulting in significant disruption of ESHA habitat values.

The currently proposed project is located in dune ESHA and is not resource dependent and is not approvable under Coastal Act Section 30240 or under the ESHA policies of the various LCPs that would apply to the project in the areas located outside of the Commission retained permitting jurisdiction. Furthermore, the project will include the construction and staging of equipment and materials, and it is not clear whether these activities will occur within the dunes; if so, those activities also have the potential to cause significant disruptions to adjacent habitat areas, inconsistent with Coastal Act Section 30240 and related LCP ESHA policies. Given the sensitive dune resources involved and the need to ensure that ESHA habitat values are appropriately protected, we recommend that MST prepare a comprehensive evaluation of a reasonable range of alternatives, including options that avoid impacts to dune ESHA, whether degraded or not, that the proposed new two-lane bus thoroughfare would present.² The analysis must quantify the impact for each alternative in terms of permanent and temporary habitat loss / disturbance, along with identification and recommendation of corresponding mitigation proposed for each alternative. This level of analysis will be needed for Commission staff and City and County staffs to fully evaluate any project for

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² At a minimum, the range of alternatives should include: 1) establishing bus service within the existing highway right-of-way via widening or use of an existing lane; 2) establishing an HOV lane in the right-hand lane of Highway 1; 3) commuter rail on the existing rail alignment; 4) utilizing surface city streets to accommodate bus rapid transit.
MST Busway Project Comments

Coastal Act and LCP consistency, and our Commission will expect this analysis to be present in the staff report for any project.

Public Access and Recreation
Coastal Act Section 30240(b) requires that development sited adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would substantially degrade those areas. Based on the project description contained in the IS/MND, the proposed busway transit project would include roughly five linear miles of two-lane roadway surface, drainage improvements, retaining walls, fencing, utility connections, traffic and safety controls, and operation of motorized bus service immediately adjacent to an important park and recreation area, i.e. Fort Ord Dunes State Park, where it is clear the effect will be a significant degradation of the park experience, inconsistent with Coastal Act Section 30240(b). The proposed development will introduce additional traffic, noise, light, and general disturbance well beyond the physical development location and much closer to important park recreational amenities (e.g., the portion of the recreation trail located on Fort Ord State Park property) than the current commotion originating from Highway 1 in this area. The busway would be visible from the same public recreation trail and the Commission-approved Fort Ord Dunes State Park campground. Please also see the letter from the California Department of Parks and Recreation (dated April 11, 2021), in which State Parks’ staff describes a myriad of impacts to Fort Ord Dunes State Park from the project. In short, the proposed project will result in significant coastal access and recreation impacts, including to Fort Ord Dunes State Park and the adjacent recreation trail, and thus the proposed project is inconsistent with Coastal Act Section 30240(b) and cannot be approved.

Public Views
The Coastal Act protects public views “as a resource of public importance,” where development is required to be sited and designed to protect views to and along the ocean, to be visually compatible with the character of surrounding area. The IS/MND suggests that although the views of coastal Fort Ord could be considered scenic, these same vistas are not significantly affected or compromised by the project.

Visual renditions from Highway 1 provided with the IS/MND are clear in that buses traveling within the rail right-of-way will be visible during both day and night, and will be especially noticeable during the night due to bus lighting. As proposed, the sweeping unobstructed views of the highly scenic Fort Ord coast would now include additional permanent facilities that would be visible during day and ongoing bus travel that would visible day and night, significantly degrading said views. These impacts are certain to occur no matter whether an alternative is chosen within the Caltrans or TAMC right-of-way. However, views from the Fort Ord recreational trail would more likely be significantly impacted by the busway development in the TAMC right-of-way, which would be in some instances merely feet away from the trail. Likewise, views from the campground would suffer from a similar increase in visual detractions. Accordingly, we strongly recommend that MST adopt an alternative that avoids and/or minimizes the amount of new paving and infrastructure needed to initiate service, and realigns the bus service in closer proximity to the existing highway right-of-way, i.e. away from the Fort Ord recreation trail and the Commission-approved Fort Ord State Park campground.
MST Busway Project Comments

In conclusion, although we are supportive of strategies to maximize public transit opportunities and to reduce carbon emissions and reliance on fossil fuels, the current proposal cannot be found consistent with the Coastal Act or with the applicable LCPs. We strongly suggest that MST take a pause on this project to develop a public process to evaluate alternatives that will not result in the range of significant coastal resource impacts described herein. We are available for consultation as you proceed forward.

Regards,

Michael Watson
Coastal Planner
California Coastal Commission