Responses to Public and Agency Comments on the MST SURF! Busway and Bus Rapid Transit Project Draft Initial Study and Mitigated Negative Declaration

MST received 13 individual letters directly responding to the Draft Initial Study/Mitigated Negative Declaration (IS/MND) that was circulated for 30 days, from March 13, 2021 to April 12, 2021. MST also received additional letters and correspondence associated with the project after the 30-day review period.

The California Environmental Quality Act (CEQA) Guidelines section 15073 establishes the lead agency’s responsibilities and requirements for public review of a proposed MND. Prior to adopting an MND, there is no obligation by the lead agency to respond to comments in writing. However, comments received should be considered by the lead agency before approving a project. In the spirit of public transparency, discourse and participation, MST, as lead agency, provides the following responses to comments as submitted by public agencies, organizations and the general public.

These responses focus on questions or comments relevant to the environmental analysis and environmental issues within the IS/MND.

Letter 1: Monica R. Briseno, Elkins Kalt Weintraub Reuben Gartside, LLP, (Representing SNG Evariste) April 12, 2021

This letter summarizes several arguments critiquing the IS/MND, but essentially refers to an exhibit, a letter prepared on behalf of the commenter by EMC Planning Group ("EMC Letter"). For this reason, the Responses below respond to the EMC Letter.

EIR vs IS/MND. MST, as the lead agency, issued a notice of preparation (NOP) in August 2020 anticipating preparation of an EIR. During EIR preparation, MST considered pursuing a recently enacted CEQA exemption pursuant to SB 288, which exempts certain types of transit projects, including bus rapid transit projects, from CEQA review. Had that process been pursued, MST would have filed a Notice of Exemption under the law rather than preparing a CEQA analysis document.

After considering this exemption, MST took a more conservative approach in the spirit of public disclosure and prepared an Initial Study and Mitigated Negative Declaration (IS/MND) as the appropriate CEQA review document. The decision to prepare an IS/MND was supported by the analysis that was underway. As the design was refined and the analysis progressed, the lead agency reached the conclusion, based on substantial evidence, that all potential environmental effects could be mitigated to a less than significant level, and therefore the project would not have a significant effect on the environment. The analysis and documentation supporting the conclusions of the IS/MND are substantial and on par with what would typically be included within an EIR.

In the process of preparing the CEQA documents, some appendices to the IS/MND retained a few references to an “EIR” in figures and text from earlier drafts. These references have been corrected in the Final IS/MND and Errata.
Public Noticing. The IS/MND public review dates reflected the publication dates of the Notice of Intent (NOI) in local newspapers. The NOI was published in three newspapers of general circulation: The Monterey County Herald, Monterey County Weekly, and the Spanish language El Sol. El Sol was the last to be published, on Saturday March 13. The lead agency simply set the start and end dates based on that publication. The IS/MND was available for review for 30 days as require by CEQA.

MST also submitted the NOI electronically to the Monterey County Clerk for filing and posting on March 12, 2021. At the Clerk’s request, a hard copy was also provided. MST has received proof of posting from the County Clerk dated March 12. MST has no control over the County Clerk’s posting procedures once documents are submitted.

Project Description. The Initial Study document, both in the Table of Contents and page 2, clearly makes reference to Appendix 3 as the comprehensive project description for the project. The Initial Study purposefully makes use of a series of detailed appendices in order to provide the public and public agencies the full benefit of the environmental analysis conducted for the project, while at the same time providing a readable Initial Study for public consumption that is not hundreds of pages long.

The project description in Appendix 3 contains information about the project consistent with CEQA Guidelines Section 15164. This section of the Guidelines specifies that the description of the project should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. In this case the project description was based on 15% engineering design plans, which provided ample information about the project’s design elements, construction, alignment, limits of grading, operations, and permitting requirements. The comments appear to suggest that the project should be near the 100% design stage prior to environmental evaluation, a suggestion that is unrealistic prior to approval and not required for a meaningful environmental review.

Temporary Visual Construction Impacts. The California Natural Resources Agency issued a Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines in November 2018. This document essentially provides the reasoning for certain changes to the Guidelines, including Appendix G. According to the Final Statement document:

Existing Appendix G asks whether a project would degrade the existing visual character of a site. Visual character is a particularly difficult issue to address in the context of environmental review, in large part because it calls for exceedingly subjective judgments. Both federal and state courts have struggled with the issue of precisely what questions related to aesthetics are relevant to an analysis of environmental impact. (See, e.g., Maryland-National Cap. Pk. & Pl. Com’n. v. U.S. Postal Serv. (D.C. Cir. 1973) 159 U.S. App. D.C. 158; see also Bowman v. City of Berkeley (2006) 122 Cal.App.4th 572.) As a practical matter, infill projects are often challenged on the grounds of aesthetics. (See, e.g., Pub. Resources Code, § 21099(d) (exempting certain types of infill projects from the requirement to analyze aesthetics).)

For these reasons, the Natural Resources Agency recast the existing question on “visual character” to ask whether the project is consistent with zoning or other regulations governing visual character. This change is intended to align with the analysis of the aesthetics issue in the Bowman case, supra. The court in that case, which involved a challenge to a multifamily residential project in an urban area, noted:
Virtually every city in this state has enacted zoning ordinances for the purpose of improving the appearance of the urban environment” ..., and architectural or design review ordinances, adopted “solely to protect aesthetics,” are increasingly common.... While those local laws obviously do not preempt CEQA, we agree with the Developer and the amicus curiae brief of the Sierra Club in support of the Project that aesthetic issues like the one raised here are ordinarily the province of local design review, not CEQA.

(Bowman, supra, 122 Cal.App.4th at p. 593 (citations omitted).) This revision is also consistent with the proposed changes in sections 15064 and 15064.7 that recognize the appropriate role of environmental standards in a CEQA analysis.

While the SURF! busway would not be considered an “infill” development project, the project is located in an urbanized area (touching three cities) within an existing transportation corridor that is assumed for continued transportation use in local land use and zoning documents (see Initial Study Appendix 9, Consistency with Land Use Policy). MST also recognizes that “other governing regulations” include the Coastal Act in this situation.

The conclusion regarding temporary construction impacts is also based on: 1) the short duration of views to areas of construction, particularly to passing motorists and bicyclists, and 2) the fact that construction would not be taking place along the entire corridor all at once, as the work would move along the corridor with the construction of the busway lanes. The analysis conclusions focus on visual character as per CEQA thresholds and are conservative in recognizing temporary visual changes along the corridor to trail users; however, these effects are at worst a temporary nuisance and would not substantially degrade the visual character of the site or its surrounding in such a way that a permanent degradation of character or quality would occur. Clarifications have been made within the Initial Study (see Initial Study Errata, Appendices 3 and 5) to elaborate on proposed construction practices and staging that would serve to further minimize temporary construction effects as part of the project.

Aesthetic Impacts from Fencing and Retaining Walls. Please see previous responses regarding the project description and the level of specificity necessary for evaluation. While an exact fencing product has not been identified at this stage of project design, Initial Study Appendix 3 page 3-23 identifies fencing as part of the project along with other finishing elements. Appendix 5 page 5-29 discusses fencing types consistent with existing Fort Ord Dunes State Park (FODSP) fencing and provides an image of the type of fencing that could be considered to allow for boundary demarcation and safety while remaining visually benign. It should be noted that there is existing fencing along the TAMC corridor boundary, including barbed wire and chain link fencing. Some fencing is intact, while other sections are older and deteriorated. There are also existing fencing restrictions and signage along State Park property notifying the public of adjacent sensitive habitat. Fencing currently exists as a visual feature along the project alignment. MST is committed to implementing a project that is visually insignificant compared to this existing condition and that recognizes the resource values of the adjacent State Park.

Regarding retaining walls, walls are only needed in specific locations where required for engineering and grade changes. As identified on page 3-23 of Initial Study Appendix 3, Detailed Project Description, retaining walls are proposed at locations to allow for level grade of the busway lanes while avoiding impacts to the existing railway as much as possible. Text on page 3-23 has been further clarified. For clarification, see the wall locations and typical keystone wall detail exhibits following these responses. Through the design process, the total area of retaining walls has been reduced from the original
estimate of 60,000 square feet to approximately 37,000 square feet over 7,782 linear feet. A third of the retaining walls would be four feet or less, a third would average 4-5 feet, and a third would average 6 feet. The size and area of walls have been minimized through design refinements to reduce project costs related to grading and wall construction. Additionally, selection of the retaining wall type will be in accordance with the visual character of the area with the goal of blending into the background scenery.

**Effects of Project Lighting.** As noted in the comments, project lighting is identified on page 3-23 of Initial Study Appendix 3. The description clearly identifies that lighting would be needed at the stop at Palm Avenue/Del Monte Boulevard in Marina, at the 5th Street Station (and underpass) and at the proposed California Avenue roundabout. The analysis in Appendix 5 (page 5-30) provides the rationale for less than significant findings with mitigation incorporated. This discussion notes that these locations are in existing or historically urbanized areas, and that no fixed lighting is proposed along the remaining stretches of busway adjacent to FODSP and dune habitat except where needed for safety, such as the 5th Street underpass/trail crossing location. Comments suggesting that the location of proposed lighting is not identified are incorrect. The analysis is appropriate for engineering plans at the 15% design stage (as noted previously). Mitigation is provided (MM AES-3.1) to minimize the effects of new lighting sources identified (such as the 5th Street undercrossing location) through lighting direction (away from FODSP and sensitive habitat areas), shielding and baffling. See also responses to California State Parks comments below.

**Air Quality—Construction Schedule.** The former military structures located at the proposed 5th Street Station location are to be demolished and removed as a separate action independent of the busway project. The existing structures are scheduled for demolition in 2021. The air quality analysis conservatively included all site preparation work, including this near-term demolition work, as it was assumed that some early site preparation could be attributed to the SURF! project. For analysis purposes the emissions modeling assumed the earliest feasible construction date (i.e., a conservative estimate of construction activities). Construction activities for the busway improvements are estimated to begin in mid-2024. The air quality analysis provides an adequate and conservative analysis using standards and methods accepted by the Monterey Bay Air Resources District (MBARD).

**Air Quality – Toxic Air Contaminants (TACs).** When evaluating TACs, even though not technically required by CEQA, for disclosure purposes it is common to look at impacts to and from the project. In addition, the project is a BRT project that would reduce vehicle trips and congestion, and increase ridership as a form of alternative transportation. The project would have no substantial emissions based on CEQA thresholds, as buses would initially be a mix of zero emission and diesel vehicles. MST intends to immediately dedicate existing and future zero emission vehicles (battery electric or hydrogen fuel cell) to SURF! line operations. The SURF! fleet would consist of 50 to 75 percent zero emission vehicles on day one of operations, moving to 100 percent as soon as practical as new zero emission vehicles enter the MST fleet. MST is also initiating the use of plant and animal based renewable diesel fuel in the summer of 2021, which is cleaner burning than traditional diesel and would further reduce emissions.

These buses would have substantially less emissions and fewer trips compared to the existing vehicles on Highway 1. According to Caltrans data, Highway 1 adjacent to the project site has an average daily trip (ADT) volume between 44,500 and 83,000 daily vehicles. The project would add an estimated 96 public transit bus trips per day. The California Air Resources Board (CARB) *Air Quality and Land Use Handbook* (2005) defines mobile sources of TACs as freeways and other roads with high traffic volumes
(urban roads with traffic volumes exceeding 100,000 vehicles per day or rural roads exceeding 50,000 vehicles per day). As the project would add 96 public transit bus trips per day, it clearly is not a mobile source of TACs and would not substantially increase TAC concentrations or affect sensitive receptors.

It should be noted that the Draft IS/MND conservatively did not take credit for the emissions decrease that would occur from the reduction of 544,582 vehicle trips per year with project implementation. The reduction of 544,582 vehicle trips per year (1,492 vehicle trips per day) would more than offset the 96 public transit bus trips per day generated by the project. Additionally, as noted above, 50 to 75 percent of the SURF! fleet would be zero emissions in the opening year. The project would not result in an increase in emissions.

According to the National Academies of Sciences, public transportation projects, such as the proposed project, would have numerous benefits including reduced criteria air pollutant emissions, traffic safety improvements as fewer residents drive, and health benefits as more residents walk and bicycle to transit.¹

**Air Quality – Cumulative Air Quality Impacts.** See response above regarding TAC emissions. Additionally, the MBARD has not established separate significance thresholds for cumulative emissions. As the nature of air emissions are largely a cumulative impact, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, individual project emissions contribute to existing cumulatively significant adverse air quality impacts. The MBARD developed the operational thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to the North Central Coast Air Basin’s (NCCAB’s) existing air quality conditions. The project would not exceed the MBARD’s thresholds and therefore would also not result in a cumulatively considerable contribution to a significant cumulative impact.

**Biological Resources.** Comments suggesting that the IS/MND does not include a detailed discussion of special-status species and their habitat and Environmentally Sensitive Habitat Areas (ESHA) under the California Coastal Act (CCA), and does not adequately identify impacts to these resources, are inaccurate. Appendix 7 contains a comprehensive, 104-page biological resources analysis, which is summarized in Section 4.4, Biological Resources, beginning on page 15 of the IS/MND. As discussed in Section 3.4, Data Sources, of the Biological Resources Report (page 16 of Appendix 7), numerous data sources and the local professional knowledge of the contracted biologists resulted in the compilation of a 15-page list of special-status plant and wildlife species known or with the potential to occur within the project vicinity (Appendix A of Appendix 7). This list presents the species along with their legal status, habitat requirements, and a brief statement of the likelihood to occur. Surveys were conducted in April, May, and June of 2020, and Section 3.1, Personnel and Survey Dates, also identifies the history of surveys along the alignment dating back to 2007, which were considered in the analysis (including repeated annual surveys for Monterey gilia). Section 4.0, Results, of Appendix 7 provides a 19-page, detailed description of the habitats and special-status species known and with the potential to occur within the survey area, which included the entire TAMC Right-of-Way (ROW), along with figures depicting the locations of these resources.

The comments suggest that potential impacts to Monterey gilia have not been adequately evaluated in the IS/MND, yet states that the biological report identifies suitable habitat, acknowledges that the report identifies a CNDDB record that overlaps with the project site, and surveys were conducted during the appropriate time of year. As described above, multiple years of surveys for Monterey gilia have been conducted within the TAMC ROW and as stated in Appendix A of Appendix 7 (page 10), Monterey gilia was not identified in the 2020 surveys or previous surveys. Therefore, Monterey gilia was determined not to be present within the survey area of Segments 1-4 and unlikely to be present within the 5th Street Station site due to lack of suitable habitat. Monterey gilia would not be impacted by the proposed project. Monterey gilia was adequately evaluated in the IS/MND and Biological Resources Report.

The comments also suggest that there may be significant impacts to riparian and wetland habitats, citing the IS/MND on page 22. This is not the case. The IS/MND contained a typographical error related to riparian habitat. The Biological Resources Report correctly states on page 45 that no state or federally protected wetlands are present within the site and Impact BIO-2 (page 55) does not identify impacts to riparian habitat, as none was identified within the survey area (also refer to Section 4.1, Vegetation Types, page 23), which lists the habitats found within the survey area and limits of construction). The IS/MND correctly states on page 22 that no state or federally protected wetlands are present within the project area and no impact would occur. Page 22 of the IS/MND has been corrected and clarified. Refer to the Errata.

Section 3.3, Sensitive Habitats, the discussion of the CCA in Section 3.5.2, State Regulations, and Section 4.2, Sensitive Habitats, on pages 16, 20, 28, respectively, of the Biological Resources Report, describe the policies of the CCA, ESHA, and potential biological resources within the project site that may be considered ESHA by the California Coastal Commission and the local jurisdictions that have certified LCPs (i.e., Marina, Sand City, and Seaside). Note that the comment references a County of Monterey LCP within the project site; however, the County of Monterey does not have a certified LCP within their jurisdiction along the project alignment. In accordance with Banning Ranch Conservancy v. City of Newport Beach (2017) 2 Cal.5th 918, the Biological Resources Report and IS/MND identify areas within the site that might qualify as ESHA and considered impacts to these areas in the analysis. Refer to page 22 of the IS/MND and pages 28 and 55 of the Biological Resources Report. Impacts were based on the amount of potential sensitive habitat (including dune scrub and potential ESHA) within the limits of construction and within the survey area (i.e., TAMC ROW). Within the Biological Resources Report, refer to Table 2 (page 23), Table 3 (page 28), Table 4 (page 35), Table 5 (page 45), Figures 3, 4, 5a-5c, and the discussion of the amount of Smith’s blue butterfly habitat within the limits of construction and survey area (page 31). Potential impacts to these resources are discussed in detail in Impact BIO-1 and Impact BIO-2 (pages 43-55 of the Biological Resources Report). Based on the impact analysis, 11 mitigation measures were identified to reduce potentially significant impacts to these resources to a less-than-significant level, which were also identified in the IS/MND. It is recognized that the local jurisdictions and/or CCC make the ultimate determination of ESHA and may require additional mitigation measures or conditions during the Coastal Development Permit process; however, MST complied with CEQA statute and guidelines and the referenced case law by identifying and considering impacts to potential ESHA in the environmental analysis. Clarifying language has been added as shown in Errata and Final Biological Resources Report.

Comments also suggest that the project description did not provide sufficient information to conduct the biological resources analysis. As described in Section 3.5, Level of Analysis and Survey Limitations
design plans were not final at the time of the analysis. As a result, the entire TAMC ROW was surveyed to ensure all potential biological resources that may occur in the project site were considered in the analysis. The analysis includes the calculations of the biological resources within the entire survey area (i.e., TAMC ROW), and once the project plans progressed and limits of construction were available, the analysis calculated the potential impacts to biological resources within the limits of construction. Refer to Table 2 (page 23), Table 3 (page 28), Table 4 (page 35), Table 5 (page 45), Figures 3, 4, 5a-5c, and the discussion of the amount of Smith’s blue butterfly habitat within the limits of construction and survey area (page 31) of Appendix 7. As described in 5.2, Approach to Analysis, the project description and limits of construction provided were sufficient to identify potential impacts to biological resources and mitigation measures to reduce potentially significant impacts to a less-than-significant level. Any physical component of the proposed project (e.g., retaining walls, retention basins, fencing, etc.) would be within the limits of construction, and, therefore, these components have been accounted for in the biological analysis. The biological analysis evaluates and quantifies potential impacts to the resources that may be impacted by the project, including but not limited to, Smith’s blue butterfly, special-status plants, and ESHA, which refutes the comments suggesting otherwise.

The comments suggest that the proposed project lighting would result in significant impacts to wildlife species. As described above, lighting is proposed in existing or historically urbanized areas, and that no fixed lighting is proposed along the remaining stretches of busway adjacent to FODSP and dune habitat. Mitigation is provided (MM AES-3.1) to minimize the effects of new lighting sources through lighting direction (away from FODSP and sensitive habitat areas), shielding and baffling. See also responses to California State Parks comments below. As a result, lighting impacts to wildlife would be less than significant.

This letter also includes a comment regarding the status of the Biological Resources Report, stating that it is a “draft” which leads the public to conclude it is not complete. It is standard professional practice to release draft technical studies along with the Draft IS/MND for public review. To release Final technical studies and a Final IS/MND to the public would defeat the primary purpose and intent of CEQA, which is to provide the public and decision-makers opportunity to review and provide comment on such documents. In accordance with CEQA and in response to public comments, minor edits and clarifications have been made to the Draft Biological Resources Report and the Final Biological Report has now been prepared.

Archaeological Resources. Comments suggesting that the rail line would be removed with project implementation are not accurate. As noted in the Initial Study Appendix 3 (Project Objectives, page 3-9), MST and TAMC are engaged in long term planning for potential future light rail by retaining the rail lines, while designing a project that does not preclude future rail and bus operations. Appendix 3 (page 3-13) also identifies that within Segment 2, where the busway is proposed to cross existing rails, the road surface will be built up on top of the rails, leaving them in place. A thorough reading of Appendix 8 (Cultural Resources Assessment) identifies that the historic elements of the Monterey Branch Line (MBL) are no longer present within this portion of the corridor.

Paleontological Resources. Paleontological resources are addressed in Initial Study Appendix 10, Geology and Soils, as the CEQA Guidelines and initial study checklist have been updated to include paleontology within the Geology and Soils checklist questions. Appendix 10 identifies mitigation
measures MM CR-1 and MM CR-2, as those measures also address pre-construction training and procedures for inadvertent discovery of both archaeological and paleontological resources. It should be noted that the Paleontological Resources Assessment (Parsons) identifies paleontologically sensitive sediments to be present at depths of 10 feet or greater. The current project, a busway, would be constructed at shallow depths. Nonetheless, the Final MND includes clarified measures to provide mitigation that is equivalent or more effective than the original measures.

**Operational GHG Impacts.** Although MST’s bus fleet may not be required to be 100 percent zero emissions until 2040, MST intends to immediately dedicate existing and future zero emission vehicles (battery electric or hydrogen fuel cell) to SURF! line operations. The SURF! fleet would consist of 50 to 75 percent zero emission vehicles on day one of operations, moving to 100 percent as soon as practical as new zero emission vehicles enter the MST fleet. Zero emissions vehicles would not have any emissions and the remaining diesel fueled buses would have nominal emissions for a short time period. MST is also initiating the use of plant and animal based renewable diesel fuel in the summer of 2021, which is cleaner burning than traditional diesel and would further reduce GHG emissions.

Additionally, it should be noted that the Draft IS/MND conservatively did not take credit for the emissions decrease that would occur from the reduction of 544,582 vehicle trips per year with project implementation. The reduction of 544,582 vehicle trips per year (1,492 vehicle trips per day) would more than offset the 96 public transit bus trips per day generated by the project. For informational purposes, based on CARB’s EMFAC emissions rates, the reduction of 544,582 vehicle trips per year would reduce GHG emissions by 1,283 metric tons of CO₂e per year, a substantial reduction. The project would not result in an increase in GHG emissions.

**Water Use.** The project would require incidental amounts of trucked water during construction for dust control as a standard condition of approval. Text on page 13-12 of Initial Study Appendix 13 is specifically addressing use of groundwater during construction, which is the subject of this discussion. Nonetheless, text on page 13-12 has been clarified in the Errata and Final IS/MND. The larger point is that the project is a transit facility that does not have a significant or ongoing demand for groundwater resources.

**Water Quality.** The Initial Study Appendix 3 (page 3-23) identifies that the project will include detention basins adjacent to the busway to collect, treat and percolate runoff. Appendix 13 further explains the multi-jurisdictional regulatory environment for storm water quality controls, the potential effects of the project, and the performance standards that must be met for post-construction conditions. It is accepted practice for a CEQA document to rely on and cite established regulations and permit requirements, such as building codes and stormwater regulations, to address certain environmental effects of a project (Guidelines Section 15064.7). This is done in order to avoid unnecessary or repetitive mitigation measures that simply repeat existing environmental regulations that are already in place.

**Erosion, Flooding and Stormwater System Capacity.** Initial Study Appendix 13 (page 13-14) is clear in its conclusions and reasoning that: 1) drainage patterns could change with the project but would not cause substantial erosion, flooding or exceed stormwater system capacity; 2) post-project runoff would be captured and percolated within the sandy soils within the project boundaries; and 3) that storm drain facilities only exist at the developed north and sound ends of the busway alignment, where the busway would be using existing imperious surface areas. Nowhere in Appendix 13 is it implied that the project
would cause significant erosion or flooding impacts, as suggested by the comments. Project design requirements must be consistent with RWQCB Post-Construction Requirements (PCRs).

**Construction Noise.** As discussed in the Noise Analysis, construction noise levels at the nearest receptors would not exceed the FTA’s applicable construction noise thresholds. In addition, although the surrounding cities and County of Monterey are not the permitting entity for the project, construction activities would be conducted in compliance with the local noise regulations and standards as applicable. All construction equipment would be properly maintained and equipped with the required attenuation devices to reduce construction noise levels. The project’s construction noise impacts were determined to be less than significant and thus are not cumulatively considerable because they would not combine with other noise sources to cause a new significant impact.

**Transportation Impact Analysis.** The transportation assessment clearly indicates that there are no resulting transportation impacts per CEQA thresholds. The analysis is based on the detailed project description in Initial Study Appendix 3 (Project Description). Comments on the project’s transportation analysis fail to recognize that with the enactment of SB 743 into law, the current standard of review for transportation impacts under CEQA is the assessment of vehicle miles travelled (VMT). The comments also fail to recognize that as a transit project, the project is exempt from VMT analysis. This is because the State of California recognizes that projects such as the SURF! busway would have a net positive impact based on CEQA thresholds, as the project would reduce VMT by millions of miles annually from individual private vehicles on the local roadway network (Initial Study Appendix 3, page 3-21). Also, as stated on page 9 of Initial Study Appendix 2 (Transportation Impact Analysis):

> The project’s fundamental purpose and objective is to reduce congestion on Highway 1 from local and inter-regional commuter traffic and improve overall mobility for residents and visitors. The project would therefore result in clear environmental benefits by providing a public transit option as an alternative to single-occupancy driving along this section of Highway 1 from Marina to Sand City (and points beyond).

Appendix 2 (beginning on page 28) provides operational, level of service (LOS) information to determine if there would be any operational constraints on local roadways with the introduction of SURF! buses. This information is for the benefit of MST as the transit provider and local land use agencies but is not required for analysis under CEQA.

**Letter 2: Christopher Bjornstad, California Department of Transportation (District 5) April 12, 2021**

Caltrans states support for projects such as transit infrastructure that are consistent with State planning priorities. The comments did not raise any issues with respect to the environmental analysis.

**Letter 3: California Department of Parks and Recreation, April 11, 2021**

**Busway Alignment and Alternatives.** As shown in Initial Study Appendix 4 (Aerial Plots), the project design locates the busway lanes on the east (inland) side of the existing railroad tracks for most of the alignment. As noted in the segment descriptions of Initial Study Appendix 3 (page 3-13), the alignment crosses to the west side of the railroad mainline in Segment 2 due to topographic constraints, to provide
adequate clearance of the 8th Street Bridge supports and to minimize the use of retaining walls. The section where the busway covers the tracks spans from just before 8th Street to the 5th Street undercrossing, a distance of about 2,000 feet. Within this distance the busway remains separated from the Fort Ord Dunes State Park (FODSP) recreation trail/Beach Range Road by the topographic change of the 8th Street Bridge and existing cut slope. The westward “shift” of the busway brings the lanes to approximately 50 feet from Beach Range Road, but only for a distance of about 200 yards until the alignment shifts back again to the eastern side of the tracks. Trail users in this location are mobile (there are no picnic facilities or scenic overlooks in this area) and therefore users move through this section quickly and would not experience significant adverse effects in terms of user quality with a single bus going by on 10-minute headways.

In terms of busway use, there is no other user of the busway planned other than MST. Initial Study Appendix 3 (page 3-21) notes that MST will coordinate with local law enforcement agencies and State Parks regarding corridor access and recognition of existing mutual aid agreements that cover the geographic limits of the busway. Such coordination could be beneficial to emergency responders in the event of a major emergency, highway closure, or other incident where the busway could provide critical access for the protection of life or property; however, there are no current plans or agreements in place for emergency vehicle use on a regular basis or use of the busway as an alternative to the highway for emergency vehicles.

Specific comments and issues related to noise, bus lighting, vibration and air quality are thoroughly addressed in the Initial Study and its Appendices and addressed further in the responses below. It should also be noted that MST and TAMC examined a range of alternatives, including alternatives within the Caltrans right of way, within the Final Project Report for the Monterey Bay Area Feasibility Study of Bus on Shoulder Operations on State Route 1 and the Monterey Branch Line (CDM Smith, 2018). These alternatives were given serious consideration in terms of feasibility, travel time, safety, economics and environmental concerns before deciding on the current proposal.

For perspective, it should be reiterated that at peak operation the busway is planned to operate on 10-minute headways, or one bus every 10 minutes. That frequency will decrease as ridership demand decreases in the evening hours after the peak commute. It is that frequency, or infrequency, that informs the analysis for subjects such as air quality, noise, vibration and vehicle lights. Should State Parks construct and implement the FODSP campgrounds as currently planned, the campgrounds would be accessed via a new park entrance at the 1st Street undercrossing, requiring private vehicles and RVs to cross the public recreation trail/Beach Range Road to access the camping areas in the interior of the park. Compared to the busway, which is located entirely within the TAMC right of way, campground access has the potential to result in significantly greater mode conflicts, lighting, noise, emissions and vehicle frequency than the busway.

Property Line Improvements. MST concurs with State Parks that fencing at the MBL/State Park boundary is necessary. Fencing is noted as a proposed project features within the Initial Study Appendices 3 and 5. MST is committed to implementing a project that is visually appealing or unnoticed and that recognizes the resource values of the adjacent State Park.

Busway Hours of Operation and Lighting. While an operations schedule has not yet been developed, the Initial Study Appendix 3 identifies that the busway would operate to maximize southbound ridership during the morning peak commute period (estimated 6:00 AM to 10:00 AM) and northbound ridership.
during the evening peak commute period (estimated 4:00 PM to 8:00 PM). While it is possible that an infrequent bus may operate after 8:00 PM, the service is expected to dramatically drop off with ridership demand.

As discussed in Initial Study Appendix 5 (page 5-30, Aesthetics and Visual Resources) fixed lighting is only proposed at the Palm Avenue platform in Marina, the 5th Street Station and undercrossing, and the new roundabout at California Avenue in Sand City. In these urbanized areas lighting from the SURF! project would be incidental to the existing built environment. The remainder of the alignment along the FODSP frontage and dune habitat has no fixed lighting, and mitigation measure MM AES-3.1 further limits the effect of new sources of lighting. Again, an infrequent bus – becoming less frequent into the evening hours – would have less than significant impacts on the park and park users because this infrequent light source – particularly compared to the adjacent freeway – would not be substantial based on CEQA thresholds. The proposed FODSP campgrounds, by comparison, would generate nighttime lighting from campers and private vehicles accessing the campgrounds to a much greater degree than the busway. The campgrounds are located toward the ocean over 1,000 feet from the proposed busway and separated by topographic barriers.

**Bus Noise.** The operational bus transit noise analysis in Initial Study Appendix 14 (Noise Analysis) was conducted in accordance with the guidance and methodologies provided in the Federal Transit Administration’s (FTA’s) *Transit Noise and Vibration Impact Assessment Manual* (2018) (FTA Noise and Vibration Manual). The bus transit noise levels from the project were quantified and analyzed for sensitive land uses with areas of frequent human use\(^2\) that could be affected by the proposed project (e.g., residential, schools, future FODSP campground, etc.). Active recreational uses, such as the FODSP Beach Range Road recreational trail, are not identified in the FTA Noise and Vibration Manual as a sensitive land use category warranting a noise impact analysis. However, based on the noise modeling results in Appendix 14 and for informational purposes, it is anticipated that busway noise levels would not exceed the County of Monterey’s normally acceptable noise level of 75 dBA CNEL for active recreational uses. In addition, as indicated in the Appendix 14 Noise Analysis, bus transit noise levels at the FODSP campground area (represented by Receiver 3-3 in Appendix 14) would not result in a noise impact based on the standards from FTA Noise and Vibration Manual. Noise levels at the FODSP campground area would also not exceed the County of Monterey’s normally acceptable noise level of 65 dBA CNEL for transient lodging. Further, the project would result in barely perceptible noise level increases (up to 4 dBA) in the project vicinity.\(^3\) Therefore, no significant impacts were identified at the FODSP campground area or Beach Range Road recreational trail and no mitigation is required.

**Noise Annoyance.** The Noise Analysis describes the noise level at which human annoyance may occur referencing a 1992 study. Although from 1992, the noise level at which noise annoyance may occur (55 dBA) is still relevant and is used in studies prepared by the World Health Organization (WHO), Environmental Protection Agency (EPA), and other agencies. As indicated in Appendix 14, Table 14-4 (Noise Measurements) the measured noise levels in the project vicinity exceed 60 dBA L\(_{eq}\) and are above the 55 dBA annoyance level described above. These existing levels are the baseline and changes caused by the project would be barely perceptible.

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\(^2\) In general, an area of frequent human use is an area where people are exposed to traffic noise for an extended period of time on a regular basis (Caltrans, 2020).

Noise Measurements. Noise measurements were taken throughout the project corridor in the vicinity of existing sensitive uses. Measurement site ST-3 is representative of the “balloon spur” where potential park employee housing could be developed and the FODSP campground area. Bus transit noise levels were calculated at the nearest sensitive uses in the project corridor, including the FODSP campground area and were found to be less than significant. It should be noted that the interior of balloon spur is located in a topographic depression within a hill that provides topographic separation from the busway.

Operational Vibration. As discussed in the Noise Analysis, the project would not cause structural damage at off-site structures or create human annoyance at any sensitive receptors in the project corridor. There are no established vibration standards for public recreation or trail uses in the FTA Noise and Vibration Manual. Thus, operational vibration impacts would not occur at the FODSP Beach Range Road recreational trail based on recognized standards.

Use of the Busway. As noted in previous responses, there is no other user of the busway planned other that MST. Initial Study Appendix 3 (page 3-21) notes that MST will coordinate with local law enforcement agencies and State Parks regarding corridor access and recognition of existing mutual aid agreements that cover the geographic limits of the busway. Such coordination could be beneficial to emergency responders in the event of a major emergency, highway closure, or other incident where the busway could provide critical access; however, there are no current plans or agreements in place for emergency vehicle use on a regular basis or use of the busway as an alternative to the highway for emergency vehicles. There are no plans – current or future - for use by private high-occupancy vehicles (HOVs), private electric vehicles, FastTrack passes, shuttles or motorcycles. In short, the busway has not been designed for public use.

“Exhaust Studies”. Please see responses to Letter 1. Based on the project description and supporting evidence (Initial Study Appendices 3 and 6), additional analysis of mobile source emissions is not warranted as the project would not increase mobile emissions over existing conditions. The bus fleet mix will include zero emission vehicles beginning on the first day of operations, and with the projected reduction in VMT by millions of miles annually realized by this transit project, overall cumulative emissions would also be reduced. The project would result in beneficial impacts with respect to air quality and reductions in mobile source emissions.

Surface Runoff. Please see response to Letter 1. Surface runoff addressing quantity and quality is addressed in Initial Study Appendix 13, Hydrology and Water Quality. The project would not discharge to State Park property or beaches.

Use of Native Plants in Landscaping. Comments suggesting the use of native plants for landscaping and habitat protection are noted. Invasive/non-native species controls are detailed in mitigation measure MM BIO-1.3. Further, MST will utilize native plants to the greatest extent feasible in its mitigation measures and coordinate with the Monterey County Regional Parks District and others to source local, native plants.

Soil Stabilization and Smith’s Blue Butterfly (SBB) Habitat. Based on the sandy soils along the alignment, dust control can be accomplished with watering of exposed and graded areas. Standard condition of approval SC AQ-2.1 has been clarified accordingly in the Errata. Mitigation measure MM BIO-1.7 provides detailed SBB avoidance and habitat restoration requirements.
Diesel and CNG Exhaust. See responses to Letter 1. As the project proposes a fleet including the use of zero emission vehicles, it would not generate significant quantities of emissions near sensitive receptors, and therefore would not generate emissions that would adversely affect State Park users. MST does not have CNG vehicles in their fleet so no CNG vehicles are assumed.

As discussed in Appendix 6 (Air Quality Assessment), construction odors would be short-term and would cease upon project completion. Odors were qualitatively evaluated in the Air Quality Assessment as recommended by MBARD. MBARD requires an analysis to determine if the project would result in excessive nuisance odors, as defined under the California Code of Regulations, Health & Safety Code Section 41700, air quality public nuisance. California Health and Safety Code Section 41700 states that no person can discharge air contaminants that cause injury, nuisance or annoyance to any considerable number of persons or the public, or that endanger the comfort, health or safety of such persons. The majority of construction would progress linearly along the proposed BRT corridor and construction-related odors would not be emitted at any single location for an extended amount of time. Given the limited construction duration, potential intermittent construction odors are not anticipated to result in odor complaints and would not affect a substantial number of people. Additionally, construction odors would disperse and dissipate rapidly due to the primarily onshore winds in the area and would not generate excessive nuisance odors.

MM BIO-1.1 Tree Removal. The project will only remove trees and vegetation necessary for construction and operation of the project, and replace trees as required for mitigation. As discussed in Section 3.6, Regulatory Setting, of the Biological Resources Report (Appendix 7), the project will be required to comply with the tree removal and permit ordinances within each jurisdiction, as applicable. The definition of a “protected tree” species that requires a tree removal permit varies amongst the jurisdictions. The mitigation measures contained in the IS/MND (MM BIO-1.1, BIO-1.3, MM BIO-4.12) address nonnative species control and native tree protection measures. Birds of prey may use a wide range of high points (trees, fence posts, utility poles, rooftops, bridge railings, etc.) for perch sites. Tree replacement mitigation would not result in more trees over existing conditions.

Recreation and Park Usage. The Initial Study, page 50, discusses the potential environmental effects of the project on existing recreational facilities based on CEQA thresholds. These thresholds are typically used to assess a project’s potential effect and stress on neighborhood and regional park infrastructure such as playgrounds, picnic areas, restrooms, trails and similar improvements. Impacts were found to be less than significant because the primary “recreational facility” of FODSP is the trail system, most of which is existing paved roadway that would have no constraints in accommodating an incidental increase in users that may visit FODSP via the busway.

The Initial Study discloses that the busway may provide better connections and usage of the recreation trail and other existing and planned park and trail facilities. However, there is not a bus stop designed or located specifically for State Park access. While it is assumed that some SURF! riders would use the busway for recreational access and that the project could improve park access, the busway is viewed more as an alternative means of transportation to an existing park, and would not result in a significant or uncontrolled increase in visitation to the park, park facilities or habitat areas that are not already accessible by the public. Enhanced park access is viewed as a positive aspect of the project. There is no reasonable cause and effect relationship between busway ridership and beach use/snowy plover habitat.
MST assumes that State Parks would encourage public use of FODSP, as well as enhanced coastal access consistent with the Coastal Act. Additionally, meaningful access to FODSP by way of public transportation may mitigate future overcrowding to the Park as has been seen at other State Parks including Point Lobos and Muir Woods. These other parks have looked to public transportation to help lessen the impact of overcrowding caused by private vehicle use.

**Mandatory Findings of Significance.** The discussion on page 60 of the Initial Study is appropriate for an initial study and consistent with CEQA Guidelines. As discussed above regarding park usage, the busway simply provides an alternative form of transportation to FODSP for some riders but would not contribute significantly to the degradation of park facilities. The project’s Biological Assessment will undergo review by the USFWS as part of the project’s NEPA review. State Parks is responsible for the overall management and public access by visitors within FODSP.

**Parking at the 5th Street Station.** With a new parking lot at the 5th Street Station there is no reason for transit riders to park at the FODSP lot at 8th Street. Similarly, with FODSP parking at 8th Street, there would be no incentive for park or beach visitors to park at the 5th Street Station. This issue is not related to the environmental effects of the project.

**Appendix 5, Visual Simulations.** Visual simulations are provided from key viewpoints where, based on site visits, the project would be most visible from public viewpoints from within FODSP and the highway. These images provide a suitable representation of post project conditions for analysis purposes. There are an unlimited number of locations and viewpoints available. The Initial Study used the rule of reason to provide images and the resulting analysis.

**Letter 4: Michael Watson, California Coastal Commission, April 13, 2021**

Coastal Commission staff provided preliminary comments with a request for additional time for review of the Initial Study. Commission staff’s preliminary comments addressed Coastal Commission permitting jurisdiction, protection of environmentally sensitive habitat (ESH), the need to fully mitigate impacts, and a request to review project alternatives. Comments also address public access and recreation, scenic views, and the consideration of future plans for the FODSP campground facilities. These issues are addressed in the Initial Study and its Appendices.

Commission staff’s comments mention the potential requirement for Coastal Development Permits not only from the Coastal Commission, but also from the local jurisdictions with certified LCPs. MST reminds Commission staff that, based on early discussions on the project, the expectation for over a year has been the processing of a single Consolidated Coastal Permit. MST also has concerns with statements that “it seems clear that the current project proposal cannot be found Coastal Act consistent”, but at the same time a request is made for an evaluation of alternatives “to fully evaluate any project for Coastal Act consistency.” MST understands that the Coastal Commission may be required to make findings of conflict resolution based on the type of use proposed in the Coastal Zone; however, the viability of the project – a transit project within a defined transportation corridor historically used for transportation and planned for future transportation - should not be pre-determined prior to proper evaluation of the facts.
Letter 5: Brian McMinn, Public Works Director, City of Marina, March 30, 2021

The City of Marina provided questions/comments regarding minor engineering design details. These items will be addressed as plans are refined and do not relate to the environmental analysis.

Letter 6: California Native Plant Society, April 6, 2021

EIR vs IS/MND. Please see responses to Letter 1.

Lead Agency. There has been no shift in lead agency. MST is the lead agency under CEQA and the Federal Transit Administration (FTA) is the federal lead agency for NEPA review. The FTA is the agency that determines the level of review required under NEPA. FTA staff is currently reviewing the project for a potential Categorical Exclusion (CE).

Biological Impacts/Species Evaluated. As described in Response to Letter 1, a comprehensive biological resources analysis was conducted for the proposed project, and the methods and quantification of potential impacts that may result from construction and operation of the proposed project have been described and analyzed (Biological Resources Analysis is included as Appendix 7 to the IS/MND). Refer to Response to Letter 1 for more information regarding the methods and quantification of impacts. A comment states that Monterey gilia and seaside bird’s beak were missing from the list of special-status species that were surveyed for in the biological assessment. Refer to Response to Letter 1 for more details regarding the surveys for Monterey gilia. Seaside bird’s beak was evaluated and included in the survey efforts for the proposed project. As discussed in Section 3.4, Data Sources, of the Biological Resources Report (page 16 of Appendix 7), numerous data sources and the local professional knowledge of the contracted biologists resulted in the compilation of a 15-page list of special-status plant and wildlife species known or with the potential to occur within the project vicinity (Appendix A of Appendix 7), which included seaside bird’s beak (page 9). This list presents the species along with their legal status, habitat requirements, and a brief statement of the likelihood to occur. Surveys were conducted in April, May, and June of 2020, and Section 3.1, Personnel and Survey Dates, also identifies the history of surveys along the alignment dating back to 2007, which were considered in the analysis (including repeated surveys for seaside bird’s beak). As stated in Appendix A of Appendix 7 (page 9), seaside bird’s beak was not identified in the 2020 surveys or previous surveys. Therefore, seaside bird’s beak was determined not to be present within the survey area and would not be impacted by the proposed project. Seaside bird’s beak was adequately evaluated in the IS/MND and Biological Resources Report.

Recreational Trail Realignment. The limits of grading are shown on Initial Study Appendix 4, Aerial Plots. At the south end of the project, Appendix 4 shows the improved and realigned bike path/Beach Range Road extension approaching California Avenue within the TAMC right of way. At the north end, the new connection between Beach Range Road and the Coastal Recreation Trail (near the sewer pump station) is also shown. Except for a portion of the proposed roundabout that would be in Caltrans right of way and Sand City property, all permanent work and improvements would occur within TAMC right of way. All areas of disturbance have been surveyed for biological resources.

Biological Mitigation and Restoration Plans. The comments incorrectly state that “all” biological impacts are to be mitigated by developing a restoration plan and defer mitigation. Only Mitigation Measures BIO-1.7, BIO-1.8, and BIO-2.11 require the development and implementation of a restoration plan if
impacts cannot be avoided. These measures require avoidance, and where avoidance is not feasible, establish performance standards to rectify and compensate for the impacts, in accordance with CEQA Guidelines Section 15370). Mitigation measures are considered “deferred” if they: 1) defer essential studies to the future; 2) only describe mitigation in a very general, conceptual manner and defers details to the future; or 3) include a “menu” of possible mitigation measures but defer selection of a preferred one to the future. These mitigation measures do not include any of these three types of deferral. These mitigation measures were developed based on a comprehensive biological resources analysis that included current surveys to inform the assessment; no surveys or studies are deferred to the future. Specifically, these measures establish performance standards (avoid and if not feasible, quantify and replace at a 1:1 success ratio) and include a range of options to meet the performance standards (e.g., on- or off-site mitigation areas). MST is required and committed to implement these measures with the adoption of the IS/MND and MMRP. These measures do not include a “menu” of options; the mitigation measures are specific to requiring a restoration plan and include details of what is required in the plan, including success criteria. As described in Section 3.5, Level of Analysis and Survey Limitations (page 17 of Appendix 7), design plans were not final at the time of the analysis. In accordance with these measures, once final design plans are completed (incorporating avoidance when feasible), impacts will be quantified and an appropriate mitigation site will be determined based on the amount of area required. MST has initiated discussions with CNPS, MPRPD, and TAMC to identify potential locations for the restoration sites, if needed. The mitigation measures address CNPS concerns regarding failed restoration mitigation and have identified plan requirements to ensure success, as well as require contingency plan if success criteria are not met.

8th Street/State Park Entrance. The project would not conflict with the park entrance at the 8th Street bridge. The project alignment is below the bridge and does not conflict with the bridge. All areas to be disturbed have been surveyed and evaluated for biological resources.

Retaining Walls and Material Balance. Please see responses to Letter 1. Page 3-23 of Initial Study Appendix 3 conservatively identifies that approximately 2,000 cubic yards of export material may need to be taken off site. However, as engineering plans are refined, MST and the project design team are now confident that the grading cut and fill quantities will balance during construction.

CNPS Plant Reserve 10. CNPS suggests that CNPS Plant Reserve 10 is located within the project boundaries within the TAMC right of way. MST and TAMC have looked into this issue and the maps provided and have found no evidence – through records, deeds and title reports - that the Reserve area is located within the former Southern Pacific Railroad corridor now owned by TAMC. Review of historical aerial photos and archive records of the SPRR also found no evidence that Plant Reserve 10 is located within the TAMC right of way. CNPS Plant Reserve 10 was identified by the Army and presumably transferred to State Parks when Fort Ord closed and the property transferred. No agreements, MOUs, or encroachment permits with legal descriptions between the Army and Southern Pacific Railroad (or Union Pacific Railroad) have been produced by CNPS. The Army would not have the authority to dedicate land owned by another entity - SPRR - for a plant reserve.

CNPS listed a series of additional issues in their comments. These additional issues related to the IS/MND are addressed below:
Areas of Disturbance. The potential limits of grading and disturbance are identified in Initial Study Appendix 4. All areas of potential disturbance, plus a buffer of 50 feet, were surveyed as part of the biological resource evaluation. All construction and staging would occur within the limits of grading.

Parking. Parking demand is not a subject of review under CEQA thresholds. There are no plans for tree removal at the Marina Transit Exchange, and parking is provided at the 5th Street Station.

Impacts to Surface Streets. CEQA requires an evaluation of vehicle miles travelled as the current standard of review under SB 743. As a transit project, the project is exempt from VMT analysis. Nonetheless, the project evaluated roadway operations based on the additional bus service. Project ridership is estimated to reduce vehicle trips on the roadway network by over 500,000 annually. Use of public transit is expected to have beneficial impacts in terms of VMT and GHG reduction.

Noise from Retaining Walls. See responses to Letter 1 regarding proposed retaining walls relative to aesthetics. See responses to Letter 3 regarding noise. Noise is analyzed in detail within Initial Study Appendix 14. Based on the noise analysis and the long-term and short-term noise measurements taken at the project site, one bus trip every 10 minutes will result in an inconsequential change in the noise environment. The existing noise environment is dominated by existing highway traffic, as evidenced by the noise measurements taken for the analysis. There is no evidence in the analysis that bus noise from a single vehicle every 10 minutes would trigger CEQA thresholds of significance.

Feasible Project Alternatives. Regarding the transit alternatives evaluated, please see responses to Letter 3. The alternatives identified in the comments have been previously considered by TAMC and MST in the 2018 Feasibility Study. Construction of the busway outside of the TMC corridor (within Caltrans right of way) is not a feasible alternative due to ownership and engineering constraints, including multiple off ramps that would conflict, significant elevation changes (requiring higher retaining walls), higher visibility from Highway 1, direct conflicts with the Coastal Recreation Trail and other constraints. The project has been designed to allow (not preclude) future rail service at such time that rail service is feasible and bus ridership along the SURF! project supports it.

An analysis of project alternatives is required by CEQA within an EIR when a project has one or more resulting significant (unavoidable) effects that cannot otherwise be mitigated. Alternatives are therefore considered to determine if there is a feasible alternative to the proposal that could eliminate one or more of those significant impacts. As the Initial Study and its supporting Appendices identify that all potential impacts can be mitigated to a less than significant level, the Initial Study does not require an analysis of project alternatives.

Letter 7: Michael DeLapa, LandWatch Monterey County, April 9, 2021

Comments supporting the project are noted for the record. The IS/MND did not quantify greenhouse gas (GHG) emissions because it was obvious and intuitive that a reduction of over 500,000 vehicle trips annually on the roadway network – a direct beneficial impact of the busway project – would reduce GHG emissions and therefore would not trigger CEQA significance thresholds. For informational purposes, based on CARB’s EMFAC emissions rates, the reduction of 544,582 vehicle trips per year would reduce GHG emissions by 1,283 metric tons of CO2e per year. The project would not result in an increase in GHG emissions.
Letter 8: Molly Erickson, Stamp Erickson (representing Keep Fort Ord Wild), April 12, 2021

Aesthetics/Visual Analysis. Please see responses to Letter 1 regarding this issue and the findings of the visual analysis. The Initial Study Appendix 3 (Project Description) identifies that the busway would cover – not remove – existing train tracks within Segment 2.

Project Lighting. Please see responses to Letter 1 regarding this issue. Comments suggest that lighting would be required along the entire alignment. This is not the case and there is no evidence that such lighting would be “reasonably likely”. The Initial Study Appendix 3 (Project Description, page 3-23) does identify the proposed locations of project lighting. Impacts of new lighting sources are disclosed in Initial Study Appendix 5 (Aesthetics) and were found to be less than significant with mitigation. Mitigation is provided to reduce the potential effects of lighting at the locations identified.

Letter 9: Dr. Edmond Ghandour, Ph.D., Mountain Lake Development Corp./Security National Guaranty, Inc., April 9, 2021

Preference for Light Rail. Comments expressing a preference for light rail service instead of the proposed busway are noted for the record. See response to Letter 3 regarding project alternatives.

Transportation Impact Analysis. CEQA requires an evaluation of vehicle miles travelled as the current standard of review. As a transit project, the project is exempt from VMT analysis. Nonetheless, the project evaluated roadway operations based on the additional bus service. This information was provided for informational purposes to assist MST and the local land use agencies with their planning. The information is not required under CEQA. No significant impacts from the project were identified under CEQA thresholds.

The project, including the proposed roundabout at California Avenue/Highway 1 southbound on ramp and Monterey Bay Shores Resort (MBSR) entrance is subject to Coastal Commission review for the project’s Coastal Development Permit. The roundabout improvement is not on MBSR property and should provide a logical and well-designed access point. Based on a review of the final Coastal Commission conditions of approval for the MBSR, MBSR is responsible for signalization at the Playa Avenue/California Avenue intersection.

As identified in the Initial Study Appendix 3 (Project Description), the concept of the “double roundabout” at the Del Monte/Monterey/California/Highway 1 intersection (Intersection 8) is a potential future TACMC project and not part of the MST SURF! proposal.

Letter 10: Michael Salerno, April 12, 2021

Aesthetics and Visual Resources. Comments disagreeing with the conclusions of the Initial Study are noted. See also responses to Letter 1. Key viewpoints and simulations provided in Appendix 5 show views from within FODSP. See Figures 5-5A and 5-5B, 5-11A and 5-11-B, and 5-12A and 5-12B. Page 3-24 of Initial Study Appendix 3 (Project Description) estimates that 60-90 regulated trees would need to be removed along the six mile corridor. Individual trees would only be removed as necessary for construction and would be limited to a narrow band along this long distance. No significant stands or
groves of trees would be impacted. While the Initial Study concludes that no scenic vistas would be negatively affected by the project, it should be noted that trees can both enhance views and block views.

**Project Interface with Existing Trails.** Please see responses to Letter 3 regarding this issue. The Initial Study Appendix 3 (Project Description) identifies the project alignment and the locations where the coastal recreation trail would cross the busway alignment. The Project Description also identifies safety features for these locations. Construction and operation of the busway would not close or impact either the coastal recreation trail or Beach Range Road within FODSP. Existing levels of bicycle and pedestrian traffic would be able to continue using the trail system during construction.

**Traffic Analysis.** Comments regarding the traffic analysis are noted. Please see responses to Letter 1 and Letter 3, as well as Letter 9 regarding the use of the busway.

**Letter 11: Stephen Kennedy, April 10, 2021**

**Alternatives to the Busway.** Please see responses to Letters 3 and 6 regarding this issue.

Additional comments address support for rail options, alternative bus routes, and the general viability of the project that are not related to the evaluation in the Initial Study.

**Letter 12: Elisabeth Gerrity, April 12, 2021**

**Aesthetic Impacts.** Please see responses to Letters 1, 3, 8 and 10 regarding this issue.

**Letter 13: Mike Watson, California Coastal Commission, May 10, 2021**

**Outreach.** In response to Coastal staff’s request for additional outreach, please note that MST and TAMC have been engaged in extensive transit-related public agency coordination and public outreach efforts for over two years on the SURF! project. These efforts have included over 40 meetings where the public, agency partners, and stakeholders had the opportunity to discuss the project and assist in design improvements, including:

- Bus-on-Shoulder/Branch Line Feasibility Study (July 2018)
- MST Board Meeting (public information, October 2019)
- TAMC Rail Policy Committee (October 2019, January 2020, March 2020, June 2020, October 2020, February 2021, April 2021)
- TAMC Measure X Committee July 2020
- TAMC Bicycle and Pedestrian Advisory Committee (September 2020, April 2021)
- TAMC Technical Advisory Committee November 2020
- Monterey County Board of Supervisor Jane Parker community discussion via Facebook Live (September 2020)
• Public agency site visit (February 2020)
• Established a prominent, project-specific information link on MST’s public-facing project website. https://mst.org/about-mst/planning-development/surf/
• Staff-level meetings and coordination with the California Coastal Commission regarding coastal zone issues and the coastal development permit process
• Meetings with California State Parks to discuss and resolve issues related to the project’s proximity to Fort Ord Dunes State Park
• Meetings with LandWatch Monterey County
• Meeting with representatives of the Fort Ord Trail and Greenway Project
• Hosted three “Project Development Team” (PDT) stakeholder information meetings with detailed project presentations. PDT meetings involve FTA, State Parks, Coastal Commission, Caltrans, California State University at Monterey Bay, County of Monterey, City of Marina, City of Seaside, City of Sand City, and City of Monterey
• Prepared and distributed a Notice of Preparation (CEQA), printed in three publications of general circulation in English and Spanish
• Conducted a public environmental scoping meeting via teleconference
• Hosted individual City meetings with Marina, Seaside and Sand City
• Circulated CEQA (environmental) documents in March 2021 for public review
• Prepared and distributed Notice of Intent (CEQA) in March 2021 in three publications of general circulation in five languages. Notices posted in MST buses
• Public hearing on the project and related environmental review held on May 10, 2021
• Conducted a public online survey in January-February 2021 with 162 responses

In addition, MST prepared responses to Frequently Asked Questions for posting on the MST website.

Coastal Commission Jurisdiction. Comments regarding permitting jurisdiction are noted. Please also see responses to Letter 4.

Environmentally Sensitive Habitat (ESHA) and Project Alternatives. To clarify the project alignment, the project is not “mainly in the sand dunes area seaward of the TAMC rail corridor right-of-way”. In fact, the opposite is true. The alignment is within the TAMC right-of-way, but on the inland side of the railroad mainline, and deviates from this inland alignment for approximately 2,000 feet to avoid the 8th Street Bridge supports. See Initial Study Appendix 3 (Project Description), page 3-13 and Initial Study Errata. Please see responses to Letters 1 and 3 regarding alternatives.

As noted in response to Letter 4, MST understands that the Coastal Commission may be required to make findings of conflict resolution based on the type of use proposed in the Coastal Zone; however, the basic viability of the project – a transit project within a defined transportation corridor historically used for transportation and planned for future transportation - should not be pre-determined by Coastal staff prior to proper evaluation and consideration of the project’s environmental benefits.

Coastal staff’s comment that the project is not an “allowed” use in ESHA and therefore fundamentally inconsistent with the Coastal Act is noted, but appears to be an over-simplified argument with no recognition of the existing transportation corridor’s past and future intended use for transportation
infrastructure. Taken at face value, Coastal staff’s comments would suggest that no use other than ESHA resource-dependent uses could ever occur within this 100-foot right of way that has been used for rail service for 150 years. This narrow argument is inconsistent with the years of planning and public investment to purchase, maintain, and plan for public transit options in this location. Further, the Coastal Commission approved State Parks’ campground project despite finding “...the proposed campground overall is not a resource-dependent use and it is not allowed in ESHA under the Coastal Act. In addition, the campground would occupy 17 acres of dunes once complete, and it would result in indirect impacts to surrounding dune ESHA from increased activity in the area. These ESHA inconsistencies would normally require that the project be denied”. The campground project is much closer to the ocean, would require construction within habitat areas, and would appear to have the potential for greater impacts to ESHA than the proposed SURF! project.

Within the 100-foot corridor, the busway lanes and shoulders would utilize 30 feet of that width. The alignment has very little “wiggle room” within that 100 feet and has been designed to minimize grading, the use of retaining walls and habitat areas where feasible. There is very little room to maneuver or shift the alignment to avoid individual plants or potential habitat in a meaningful way within this 100-foot width, particularly while trying to keep the busway on the inland side of the corridor to minimize other impacts. For this reason, an attempt to analyze alignment alternatives within the corridor by moving the alignment a few feet here or there would do very little in terms of impact avoidance beyond what is reflected in the current design.

Outside of the 100-foot corridor, a dedicated BRT project is infeasible. The busway cannot be placed in the adjacent Caltrans right of way, which presents significant engineering constraints and would also eliminate the Coastal Recreation Trail next to the highway. The project also could not be placed on State Park land, which would result in significantly greater impacts to ESHA, park conflicts and other adverse effects. Given these inherent limitations, MST is greatly concerned about Commission staff’s request for a detailed evaluation of alternatives that quantify the effects of various alternatives at an equal level of review in order to evaluate the environmental merits of each. Such an evaluation goes well beyond even the requirements of CEQA for an EIR. The feasibility of the alternatives listed in the footnote on page 3 of the comment letter, including bus-on-shoulder, have already been reviewed and determined via the 2018 Feasibility Study to be inconsistent with other project objectives regarding safety, travel time, and direct dedicated BRT service.

Public Access and Recreation. Please see response to Letter 3 (State Parks). The potential effects of the project on recreational facilities, based on CEQA standards, is evaluated within the Initial Study beginning on page 50. This discussion explains that the project would make certain improvements to the existing trail system and could enhance public access to park and recreational facilities, and that the project would not result in the significant physical deterioration of recreational facilities. Coastal staff’s comments are conclusory and appear to simply accept comments made by State Park staff at face value that are dismissive and that ignore the analysis within the CEQA document.

Public Views. Please see responses to Letter 1 regarding nighttime lighting and limited bus operations at night. See also responses to Letter 3 regarding visual simulations. A project being visible or noticeable does not necessarily make its presence negative or adverse. Pre- and post-project changes in aesthetic
character are based on existing visual conditions, which in this case are characterized as the conditions within 100-foot TAMC corridor that currently contains rail infrastructure. See Initial Study Appendix 5 (Aesthetics), that explains that with bus headways 10 minutes apart during peak commute, the occasional appearance of a bus is not considered a significant environmental change to the surrounding environment. The analysis also explains that the aesthetic experience of future campgrounds would not be significantly impacted by the project based on distance, topography, and in fact would likely be more impacted by lighting and noise generated by private vehicles and RVs gaining access to the park’s interior once the campgrounds are operational.

**Comments Made During the May 10, 2021 MST Board of Directors Public Hearing**

Comments were voiced by two individuals during the public hearing, by Kevin Dayton (Monterey Peninsula Chamber of Commerce) and Stephen Kennedy. The comments were regarding the project and did not address the CEQA document or specific environmental concerns.

During and following the public hearing MST staff received messages and additional letters. These communications included several letters of support and additional comments regarding the project. This correspondence also did not address the CEQA document or raise specific environmental concerns.

All such communications are included in the administrative record for the project.
Keystone Retaining Wall System – Example of Installation