



California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
September 4, 2024

RE: Agenda Items Th8e/9a, Application 3-23-0288, Appeal A-3-MRA-24-0026 (MST Bus Lanes, Fort Ord Dunes)

Hearing Date: September 12 2024

Position: Substantial Issue Determination: FIND SUBSTANTIAL ISSUE

CDP Application: DENY APPLICATION

Dear Chair Hart and Commissioners,

The Sierra Club urges denial for the above-referenced application.

The Sierra Club was fully in support of the California Coastal Commission (CCC) Staff Report dated July 26, 2024, which recommended denial of this project. That Staff Report accurately described the reasons for denial, which included unmitigable impacts to coastal dune system ESHA, and the available alternatives which would not have such impacts. The Staff Report also insightfully described the problem of transportation projects being funded prior to appropriate, and required, environmental analysis. Further, the project would create significant access impediments for residents, with impacts to one of the most diverse cities in California.

The new CCC Staff Report, dated August 30, 2024, has now retreated from its earlier cogent analysis and recommendation, and has instead recommended approval of a modified project. The new Staff Report claims to be “balancing the mandates to provide and extend transit service, and to require that energy consumption and VMTs and GHG emissions (and associated climate change driven problems, like sea level rise) against specific dune ESHA impacts”. However, each and every benefit claimed (but not proven) would be equally available by other alternatives already listed by CCC in the August 30, 2024, Staff Report, which included “using one of the current three highway travel lanes as a transit/carpool land during peak commute hours”, “using the highway shoulder for bus-on-shoulder operations or using portions of the median in similar ways, and an inland alignment that uses existing surface streets.” Again, these are “promising

alternatives” listed in the original CCC Staff Report, each of which eliminates the ESHA impacts.

The purported reductions in Vehicle Miles Traveled and Greenhouse Gas emissions are not supported by analysis, nor could they be. The project proposes to take busses off of the highway and put them onto a new road adjacent to the highway. Nothing changes. To utilize these absolutely speculative reductions in GHG emissions in a balancing equation as representing a reduced impact to the dune ESHA from sea level rise is a such a stretch as to strain credulity. In this perspective, destroying the dune ESHA in fact then helps this dune ESHA, as what remains may be less impacted by sea level rise. Again, this strains credulity.

The importance and rarity of this coastal dune ESHA cannot be overstated. Illustrative of that perspective, the Sierra Club has litigated three times to protect this coastal dune ESHA. This dunes complex contains protected species including Western snowy plover, Smith’s blue butterfly, Monterey spineflower, Monterey gilia, California legless lizard, California least tern, and Yadon’s wallflower.

The project does not include any new access to the coast or the beach. Instead, the bus road project appears to eliminate the existing vertical access points for the City of Marina and the City of Seaside. These access points are heavily used by residents and visitors. The City of Marina is one of the most diverse cities in California. The project would eliminate the City of Marina’s exiting vertical access. The City of Seaside, more than half of whose residents are non-white, would lose its primary access to the coast. The purported benefits of this project to disadvantaged communities, which are speculative and not supported by analysis, would be completely overwhelmed by these impacts to the residents of the cities of Marina and Seaside.

It is impossible to adequately assess the purportedly reduced impacts of the now-scaled back project, as no final design exists. Instead, an artist’s rendering of the overlay of one small strip of the new design onto a photograph is presented as disclosing of the new project design, with the final design to be brought back later – after granting the Coastal Development Permit. This is a wholly inappropriate approach. For example, no information is provided quantifying the amount of grading, of fill, or any engineering aspects of the project design.

The proposed tradeoff of such significant impacts to this highly protected area for non-resource dependent development with such specious and speculative benefits, in light of clear available alternatives, would set a terrible precedent.

The Sierra Club urges your Commission to deny permits for this project.

Thank you for your consideration of these comments.

Sincerely,

Nancy Okada
Chair, Coastal Subcommittee
Sierra Club California

Charming Evelyn & William Martin
Chairs, Water Committee
Sierra Club California