- START -

DRAFT BOARD PACKET



REGULAR MEETING FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, April 7, 2017 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON APRIL 6, 2017.

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE (If able, please stand)
- 3. CLOSED SESSION
- 4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION
- 5. ROLL CALL

FORA is governed by 13 voting members as follows: (a) One member appointed by the City of Carmel; (b) One member appointed by the City of Del Rey Oaks; (c) Two members appointed by the City of Marina; (d) One member appointed by Sand City; (e) One member appointed by the City of Monterey; (f) One member appointed by the City of Pacific Grove; (g) One member appointed by the City of Salinas; (h) Two members appointed by the City of Seaside; and (i) Three members appointed by Monterey County. The Board also includes 12 ex-officio non-voting members.

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

7. CONSENT AGENDA

INFORMATION/ACTION

CONSENT AGENDA consists of routine items accompanied by staff recommendation. Background information has been provided to the FORA Board on all matters listed under the Consent Agenda. The Consent Agenda items are normally approved by one motion unless a Board member or the public request discussion or a separate vote. Prior to a motion being made, any member of the public or the Board may ask a question or make comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and be considered separately at the end of the Consent Agenda.

- a. Approve March 10, 2017 Board Meeting Minutes
- b. Administrative Committee
- c. Veterans Issues Advisory Committee
- d. Water/Wastewater Oversight Committee
- e. Groundwater Sustainability Agency Report
- f. Base Reuse Plan Post-Reassessment Category I Report
- g. Environmental Services Cooperative Agreement Quarterly Report
- h. Building Removal Quarterly Report
- i. Public Correspondence to the Board
- j. Executive Officer Travel Report
- k. General Engineering Service Work Order No. 1
- Legal Services Contract Amendment Kutak Rock, LLP

8. BUSINESS ITEMS ACTION

BUSINESS ITEMS are for Board discussion, debate, direction to staff, and/or action. Comments from the public are not to exceed 3 minutes or as otherwise determined by the Chair.

- a. Local Preference Policy: Amendment to Master Resolution
- b. Economic Development Quarterly Update
- c. Staff Benefit Adjustment 2d Vote
- d. Resolution fixing the Employer Contribution under the Public Employees' Medical and Hospital Care Act

9. PUBLIC COMMENT PERIOD

INFORMATION

Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes and will not receive Board action. Whenever possible, written correspondence should be submitted to the Board in advance of the meeting, to provide adequate time for its consideration.

10. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Board members as it pertains to future agenda items.

11. ADJOURNMENT

NEXT REGULAR BOARD MEETING: May 12, 2017

Persons seeking disability related accommodations should contact FORA 48 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Channel 25. The video and meeting materials are available online at www.fora.org.

Placeholder for ltem 7a

Approve March 10, 2017 Board Meeting Minutes

This attachment will be included in the final Board packet.

FORT (ORD REUSE AUTHORITY B	OARD REPORT
	CONSENT AGENDA	
Subject:	Administrative Committee	
Meeting Date: Agenda Number:	April 7, 2017 7b	INFORMATION/ACTION
RECOMMENDATIO	<u>N:</u>	
Receive a report from	n the Administrative Committee.	
BACKGROUND/DIS	CUSSION:	
The Administrative (Committee met on March 15, 2017. d (Attachment A).	The minutes approved at this
FISCAL IMPACT:		
Reviewed by the FO	RA Controller	
Staff time for the Adr	ministrative Committee is included in th	e approved annual budget.
COORDINATION:		
Administrative Comn	nittee	
Duamara III	A	
Prepared by	Approved by ominique L. Jones	Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY

8:30 a.m., Wednesday, March 1, 2017 | FORA Conference Room 920 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair, City Manager Craig Malin called the meeting to order at 8:30 a.m.

The following members were present:

AR = After Roll Call; * = voting member
Layne Long* (City of Marina)

Craig Malin* (City of Seaside)

Melanie Beretti* (Monterey County)

Elizabeth Caraker* (City of Monterey)

Jerry Edelen* (City of Del Rey Oaks)

Anya Spear (CSUMB)

Steve Matarazzo (UCMBEST) Michelle Overmeyer (MST) Mike Zeller (TAMC) Bill Collins (BRAC) Vicki Nakamura (MPC)

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Malin.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mayor Jerry Edelen, City of Del Rey Oaks advised the committee that he was attending to this meeting to represent his jurisdiction, but would abstain from voting due to his position on the Executive Committee. Mayor Edelen offered to provide any background information necessary to assist in the discussion of agenda items.

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

There were no verbal comments received from the public.

5. APPROVAL OF MEETING MINUTES

ACTION

a. February 15, 2017 Regular Meeting Minutes

<u>MOTION</u>: On motion by Committee member Long and second by Committee member Beretti and carried by the following vote, the Administrative Committee moved to approve the regular meeting minutes for February 15, 2017 with corrections to the roll call listing.

MOTION PASSED UNANIMOUSLY

6. March 10, 2017 FORA BOARD MEETING AGENDA REVIEW

Jonathan Brinkmann, Principal Planner, provided an overview of the March 10, 2017 Board meeting. Mr. Brinkmann responded to an inquiry about the Habitat Conservation Plan status. There were no changes made to the draft March 10, 2017 Board Packet.

7. BUSINESS ITEMS

INFORMATION

- a. Capital Improvement Program (CIP)
 - i. Transportation Priority Ranking
 - ii. FY 2017-2018 CIP Schedule

Jonathan Brinkmann, Principal Planner, reviewed the Capital Improvement Program items. The draft FY 2016/17 evidence based method for priority ranking chart was reviewed. The Committee identified inconsistencies on the chart and staff answered questions to clarify the data provided. The item will return on March 15, 2017 for a vote.

Public comment was received on the item and staff answered questions from both the public and the Committee.

b. Groundwater Sustainability

Mr. Brinkmann provided an update on the unresolved Groundwater Sustainability Agencies (GSA) dispute. Staff sought direction from the Committee on how to assist the agencies to resolve the dispute before June 30, 2017 when the Department of Water Resources will impose fees.

Steve Endsley, Assistant Executive Officer, provided information about the presentation regarding the GSA dispute that was made to the Water/Waste Water Oversight Committee on February 22, 2017.

Public comment was received on the item and staff answered questions from the public and the Committee. Staff was directed to return with more information about the annexation process at the March 15, 2017 meeting.

c. 2017 FORA Fee Reallocation Study Update

Consultants Kimley-Horn provided an update on the fee reallocation study and provided a copy of the deficiency analysis and fee allocation study document. The Committee was briefed on the consultant's process of how they arrived at the numbers and how the data compares with the 2005 data. Staff and the consultants responded to public comment and questions from the Committee.

d. Local Preference Policy

Sheri Damon, Prevailing Wage Coordinator/Risk Manager provided an overview and background of the local preference item. The proposed changes in accordance with the Board's direction at the February 10, 2017 meeting were reviewed. Staff responded to questions and summarized the recommendations to take to the Executive Committee.

e. Jobs Survey

Josh Metz, Economic Development Manager, provided a status of the job survey. Mr. Metz reported that the process of updating the employer database is in progress and he will be going door to door in Seaside and Marina to gather the information necessary to proceed.

8. ITEMS FROM MEMBERS

There were no items from Committee members.

9. ADJOURNMENT at 10:12 a.m.

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FORT	ORD REUSE A	AUTHORITY BOA	ARD REPORT
	CONS	SENT AGENDA	
Subject:	Veterans Issues	Advisory Committee	
Meeting Date: Agenda Number	April 7, 2017 : 7c		INFORMATION/ACTION
RECOMMENDATI	<u>ON</u> :		
Receive an update	from the Veterans	Issues Advisory Commi	ttee (VIAC).
BACKGROUND/D	ISCUSSION:		
	es Advisory Commit attached (Attachm		017. The minutes approved
FISCAL IMPACT:			
Reviewed by FOR	A Controller		
Staff time for this it	em is included in the	e approved annual budg	get.
COORDINATION:			
VIAC			
Prepared by	ominique L. Jones	_ Approved by Mich	ael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES 3:00 P.M. February 23, 2017 | FORA Conference Room

920 2nd Avenue, Suite A., Marina CA 93933

1. CALL TO ORDER

Chair, Mayor Jerry Edelen called the meeting to order at 3:00 P.M.

Committee Members:

James Bogan, Disabled American Vets
Col. Lawrence Brown, Presidio of Monterey
CSM Roberto Marshall, Presidio of Monterey
Mayor Jerry Edelen, City of Del Rey Oaks (Chair)
Edith Johnsen, Veterans Families
Jack Stewart, Fort Ord Veterans Cemetery Citizens Advisory Committee
Sid Williams, Monterey County Military & Veterans Advisory Commission (VAC)
Ian Oglesby, US Army Veteran
Mary Estrada, United Veterans Council

2. PLEDGE OF ALLEGIANCE led by Jack Stewart

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mayor Edelen acknowledged former Seaside Mayor Pro-Tem, Ian Oglesby, who is also a US Army veteran, has recently joined this committee.

4. PUBLIC COMMENT PERIOD

There were no verbal comments from the public

5. APPROVAL OF MEETING MINUTES

a. January 26, 2016 Regular Meeting Minutes

<u>MOTION:</u> On motion by Committee member Johnsen and second by Committee member Bogan and carried by the following vote, the VIAC moved to approve the January 23, 2017 meeting minutes.

MOTION: PASSED UNANIMOUSLY

6. BUSINESS ITEMS

a. California Central Coast Veterans Cemetery (CCCVC) Status Report

i. Cemetery Administrator's Status Report Robert Norris noted Daria Maher was expected to be in attendance, but had a scheduling conflict and reported that by

way of informal notice, Dan Fahey is no longer with CDVA and any communications should be directed to Angela Yamamoto.

- ii. Veterans Cemetery Land Use Status Update provided by Principal Analyst, Robert Norris
 - Mr. Norris reported on Senator Monning's CCCVC Focus Group meeting as positive and the significant take-away was that the department is committed to submitting the expansion application by June 30, 2017 and have been permitted to use the master plan as the working document. There will be some revisions, such as reduction of number of columbarium, requesting the number to be about 2,500 in-ground crypts. Expectation is that the Department of Finance sign-off to be October, but unsure if it's 2017 or 2018. Jack Stewart suggested 2017 makes more sense for the process timeline. Mr. Norris continued his report by stating the state/local share to be about \$2-\$3M, which covers the EIR. Mr. Stewart added that role of Monning's focus group is to review memorial and monument suggestions, but the real effort should be placed on Phase II.
 - Mr. Norris reported that the cemetery endowment parcel MOU would have been discussed at a Tuesday meeting, but that meeting was cancelled. There will be a working group of Monterey County staff, FORA staff and Foundation staff to go over the MOU document after receiving County comments. He added that the endowment parcel does not need to be settled to proceed with the cemetery planning application. Sid Williams reported he had a productive meeting with Supervisor Mary Adams on cemetery and VTC issue, adding that she was very receptive. Discussion followed and was agreed by all to invite Supervisor Adams and Supervisor Alejo to attend the next VIAC meeting.
 - Mr. Norris commented on environmental mitigations by saying there are a few parcels identified, but there are no specific parcels selected yet and will eventually be required to "anchor" the EIR.

b. Fundraising Status

i. CCVCF Status Report

Candy Ingram – Reported: contributions are not at a high level at this time, usually about \$1000 per month; meeting with Community Foundation will be made within the next two weeks to request help with reaching out to other community foundations in other counties; invitation was made to attend the Scottish American Military Society's annual meeting in Sacramento. Ms. Ingram and Supervisor Parker will be attending; the American Legion Riders planned cross-country ride has garnered a lot of public attention already while a national ad will be going out shortly and asked if PayPal could be set up for this. Mr. J. Fagan reported they are finalizing the donor page and noted that this campaign has been the most polished strategy he's ever seen and is glad the foundation is partnering on this. Ms. Ingram added that information on this will be sent out to all. In terms of grant writing, Ms. Ingram reported it is not very encouraging and said the foundation is in need of an intern to help with grant research/writing. Mr. J. Fagan suggested contacting CSUMB for intern assistance.

c. VA/DoD Veterans Clinic Status Report

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- i. Historic Flag Pole Variance Update Sid Williams reported an engineer's survey of the flag pole was made, with the estimated cost of repair and reducing the height to 80 feet is about \$4,000.
- ii. Operational Schedule Mr. Norris reported the clinic's estimated opening will be summer of 2017.

d. Veterans Transition Center (VTC) Housing Construction

Mr. Jack Murphy reported a ribbon cutting ceremony will be held March 31. He added a correction needs to be made on the previous meeting minutes that an application to Home Depot for \$500,000 donation was made, not funds received.

Kurt Schake has been selected as the new Executive Director.

e. Historical Preservation Project

The project is still in search of grants for funding. Suggestion was made to seek out education related grant possibilities.

7. ITEMS FROM MEMBERS

Sgt. Major Roberto Marshall announced there will be a Bronze Star presentation made to two surviving service members who were at the Battle of the Bulge and asked that any known service members serving after World War II submit their names for Bronze Star consideration to the HRC. Sgt. Marshall added that there will be a Vietnam Memorial pin presented to service members on May 12 and that any known person who served in Vietnam submit their name to HRC as well.

Col. Larry Brown asked committee members if there is any interest in moving the drill sergeant statute to the cemetery. Discussion followed on the history of this idea and the possibility of it being place at the "triangle" parcel in front of the cemetery entrance at the very least.

Mr. Michael Houlemard brought up the issue of wayfinding for members of the public who are given incorrect directional information. Discussion followed on the importance of permanent and visible directional/location signs, in addition to providing correct Google Maps information. Mr. Fagan offered to work with Daria Maher on correcting the Google Maps issue.

8. ADJOURNMENT at 3:55 P.M.

NEXT SCHEDULED MEETING: March 23, 2017

FORT O	RD REUSE A	UTHORITY BOA	ARD REPORT
	CONS	SENT AGENDA	
Subject:	Water/Wastewater Oversight Committee		
Meeting Date: Agenda Number:	April 7, 2017 7d		INFORMATION/ACTION
RECOMMENDATION	<u>ଏ</u> :		
Receive an update fro	om the Water/Was	stewater Oversight Cor	mmittee (WWOC).
BACKGROUND/DIS	CUSSION:		
The WWOC met on I	March 15, 2017.	The minutes approved	d at this meeting are
attached (Attachme r	ıt A).		
FISCAL IMPACT:			
Reviewed by FORA (Controller		
Staff time for this item	n is included in the	e approved FORA bud	get.
COORDINATION:			
WWOC, Marina Coas	it Water District		
Prepared by		Approved by	
D. C.	Caid	5 a*	bool A. Havdayeesed Ja
Pete	er Said	Mic	hael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY WATER/WASTEWATER OVERSIGHT COMMITTEE MEETING MINUTES

920 2nd Avenue, Suite A, Marina CA 93933 | FORA Conference Room 9:30 a.m., Wednesday, February 22, 2017

1. CALL TO ORDER

Confirming quorum, Peter Said called the meeting to order at 9:34 a.m. The following were present:

Committee Members:

Nick Nichols, Monterey County Steve Matarazzo, University of California Santa Cruz (UCSC) Mike Lerch, CSUMB Brian McMinn, City of Marina

Other Attendees:

Mike Wegley, Marina Coast Water District Kelly Cadiente, Marina Coast Water District Keith Van Der Maaten, MCWD Patrick Breen, Marina Coast Water District Bob Schaffer Ken Nishi Sean Kranyak, M.P.P. Andy Sterbenz, Schaaf & Wheeler

FORA Staff:

Steve Endsley Jonathan Brinkmann Peter Said

2. PLEDGE OF ALLEGIANCE

Brian McMinn led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Endsley announced FORA has seen an increase in unsubstantiated/ non-contextual information presented publically, and suggested correspondence by an impartial WWOC may be beneficial.

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

- a. <u>MOTION</u>: Nick Nichols, moved to appoint Peter Said Chair pro-tem in the absence of Rick Riedl, Seconded by Brian McMinn. <u>MOTION PASSED</u>: UNANIMOUSLY.
- b. December 14, 2016 Minutes

<u>MOTION</u>: Committee member Nick Nichols moved to approve the December 14, 2016 Water/Wastewater Oversight Committee (WWOC) minutes with the addition of Brian McMinn on the Attendees list.

MOTION PASSED: UNANIMOUSLY.

6. BUSINESS ITEMS

a. Q2 Quarterly Report

Ms. Kelly Cadiente of Marina Coast Water District (MCWD) provided the committee with the Quarter 2 (Q2) Quarterly Report. She reported that MCWD secured an agreement with the ARMY to replace 450+ meters for their Ord Community housing. Mr. Mike Wegley of MCWD provided the committee with the Capital Improvement Program updates. Mr. Wegley noted the re-prioritization of the Hatten lift Station and Ord Village Force Main due to issues exposed by the recent heavy rains. Mr. Said inquired about the status of the State Revolving Fund Loan for the RUWAP 'Pipeline'. Mr. Wegley and Mr. Van Der Maaten reported the design process is continuing as further communication with the State and Monterey Regional Water Pollution Control Agency (MRWPCA) will determine the path forward. Ms. Cadiente affirmed Mr. Nishi's questions concerning MCWD's ability to fulfill the bond covenant.

b. Review Fiscal Year (FY) 2017-2018 Draft Budget

Ms. Cadiente presented the updated Budget Approval Calendar. Mr. Endsley reminded the committee of the purposeful approach used to review the data and move the budget towards recommendation to the FORA Board in May.

c. Capital Improvement Program

Mr. Wegley reviewed the upcoming 5 year Capital Improvements Program and requested jurisdictional input to coordinate various projects such as the Intergarrison road water line to support E. Garrison. Mr. Wegley reported on the Master Planning process and speculated the WWOC review of the Master Plan in the first part of FY 2017-2018. Mr. Said requested MCWD advance the South Boundary Road Project to coincide with FORA's CIP.

7. ITEMS FROM MCWD

Mr. Van Der Maaten reported on the Ground Water Sustainability application and the overlap with Monterey County's application. He noted the State Water Board would charge up to \$40 per acre foot pumped per month to mediate overlapping GSA areas.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT

Chair Riedl adjourned the meeting at 10:45 a.m.

NEXT MEETING: March 15, 2017

FORT ORD REUSE AUTHORITY BOARD REPORT CONSENT AGENDA Subject: Groundwater Sustainability Agency Report Meeting Date: April 7, 2017 Agenda Number: 7e INFORMATION

RECOMMENDATION(S):

Receive a report regarding Groundwater Sustainability Agency (GSA) formation.

BACKGROUND:

In the fall of 2014, the California legislature adopted, and the Governor signed into law, three bills (SB 1168, AB 1739, and SB 1319) collectively referred to as the "Sustainable Groundwater Management Act" (SGMA) that initially became effective on January 1, 2015, and have been amended from time-to-time thereafter. The stated purpose of the SGMA, as set forth in California Water Code section 10720.1, is to provide for the sustainable management of groundwater basins, to enhance local management of groundwater to the greatest extent feasible, and to provide local groundwater agencies with the authority, and technical and financial assistance necessary to manage groundwater sustainably.

The SGMA requires the designation of GSAs to achieve groundwater sustainability through the adoption and implementation of Groundwater Sustainability Plans (GSPs) or alternative plans, for all medium and high priority basins/sub-basins as designated by the California Department of Water Resources (DWR). The Salinas Valley Groundwater Basin (Basin) is a high priority basin, and the 180/400 foot aquifer sub-basin is designated in critical overdraft. The SGMA also requires that basins and sub-basins have a designated GSA by no later than June 30, 2017, and high or medium priority basins in critical overdraft have an adopted GSP by no later than January 31, 2020.

DISCUSSION:

Marina Coast Water District (MCWD) and the County of Monterey Water Resources Agency (MCWRA) have each submitted Notices of Intents (NOIs) to DWR to be GSA's over the Monterey sub-basin of the Salinas Valley basin (a large portion of former Fort Ord). This creates a circumstance of service area overlap (**Attachment A**), which must be resolved before a GSA can be recognized for the sub-basin.

If an entire basin is not covered by an exclusive GSA(s) by June 30, 2017, according to Water Code section 10735.2(a), the State Board, after notice and a public hearing, may designate a high- or medium-priority basin as a probationary basin, if a local agency or a collection of local agencies has not decided to become a GSA(s) and develop GSP(s) for the entire basin – or if a local agency has not submitted an Alternative Plan for the entire basin. If multiple local agencies have decided to become GSAs in a basin, but those decisions have not taken effect due to unresolved service area overlap, then those disputed areas would be considered unmanaged areas for the purposes of groundwater extraction reporting, as no exclusive GSA(s) for the entire basin has/have been established. The local agencies involved in the GSA formation dispute need to reach agreement to allow prompt designation of a GSA. Otherwise, the State Board could intervene if necessary.

The groundwater extraction reporting requirements for unmanaged areas of a basin will begin on July 1, 2017, and are described in Part 5.2 of Division 2 of the Water Code, commencing with section 5200. The State Board's schedule of fees to recover costs associated with its intervention role is described in Water Code section 1529.5. Water Code References: section 1529.5, section 5200 et seq., section 10723 et seq., section 10724. The proposed SGMA Fee Schedule is provided under **Attachment B**.

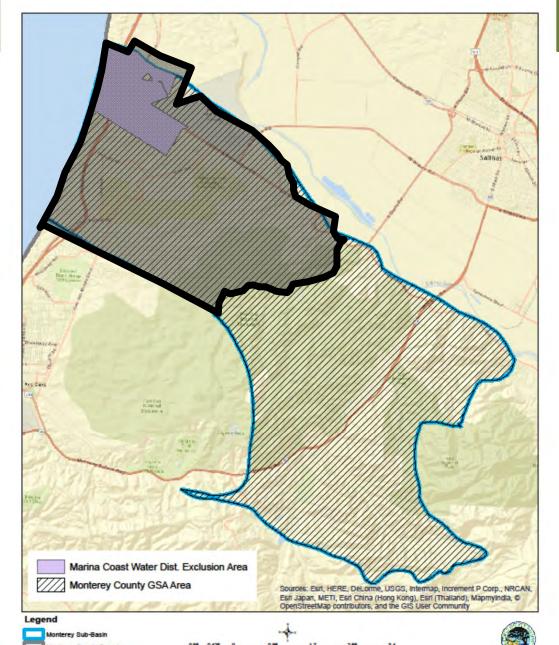
The proposed SGMA Fee Schedule includes different tiers ranging from \$10 per acre-foot per year pumped to \$55 per acre-foot per year pumped. Also, if the state intervention requires special studies and the fees are insufficient to cover these costs, the state will assess groundwater extractors for these costs as well. If the GSA overlap dispute for the Monterey sub-basin of the Salinas Valley basin (Fort Ord) continues past the June 30, 2017 deadline and the State assesses fees for its intervention, MCWD, serving as the water purveyor under contract with FORA, would be assessed the fees. As a result, MCWD would most likely be required to recover these additional costs from its former Fort Ord ratepayers until MCWD and MCWRA resolve the GSA formation dispute.

In summary, prompt resolution to the GSA formation dispute before June 30, 2017 would benefit local agencies and avoid state intervention and fees. The FORA Administrative Committee as an advisory committee to the Board is reviewing this item regularly. Staff will report committee recommendations to the Board.

FISCAL IMPACT:

Reviewed by FORA Controller
Staff time for this item is included in the approved annual budget.
COORDINATION:
Administrative Committees, land use jurisdictions.
Prepared by Approved by Michael A. Houlemard, Jr.

Monterey Hydrologic Sub-Basin





MCWDproposed GSA area

Vs

Monterey County
 proposed GSA area

INTRODUCTION

The State Water Resources Control Board (State Water Board) is conducting a series of stakeholder meetings throughout summer and fall 2016 to assist in the development of a groundwater extraction reporting fee schedule, as required by the Sustainable Groundwater Management Act (SGMA). The objectives of the stakeholder meetings are as follows:

- Engage stakeholders in the SGMA fee schedule development process.
- Explain issues considered in drafting the proposed fee schedule.
- Gain a better understanding of stakeholder interests and concerns.

Following the stakeholder meetings, State Water Board staff will develop and release a draft fee schedule emergency regulation for public comment and hold at least one public meeting to receive public comment on the draft emergency regulation. The State Water Board will consider adoption of the proposed fee schedule emergency regulation in spring 2017. The fee schedule must be effective by July 1, 2017.

BACKGROUND

SGMA requires the formation of local groundwater sustainability agencies (GSAs) in California's high- and medium-priority groundwater basins. Sustainability agencies are required to develop groundwater sustainability plans that will bring basins into sustainability within 20 years of plan implementation. If locals are unable or unwilling to sustainably manage their basin, the State Water Board is authorized to intervene. State intervention can only be triggered by one of the following events:

Date	Trigger
July 1, 2017	Failure to form a GSA.
January 21, 2020	Failure to adopt and/or adequately implement a groundwater sustainability plan for a
January 31, 2020	basin in a critical condition of overdraft.
January 31, 2022	Failure to adopt and/or adequately implement a groundwater sustainability plan in all
	other high- or medium-priority basins.
January 31, 2025	There are significant depletions of interconnected surface waters and the
	sustainability plan is not being implemented adequately.

STATE WATER BOARD FEE AUTHORITY

Portions of basins that are not within the management area of a GSA by July 1, 2017, are considered unmanaged areas. Groundwater extractors in unmanaged areas are required to file an annual groundwater extraction report with the State Water Board. (Wat. Code §5202, subd. (a)(2).) If locals fail to form a GSA, fail to develop an adequate sustainability plan, or fail to implement the plan adequately (based on the deadlines outlined above), the State Water Board may designate the basin as probationary and step in to directly manage groundwater extractions in the basin. (Wat. Code §§ 10735.2 & 10735.8.) All extractors in a probationary basin are required to submit an annual groundwater extraction report, although the State Water Board has discretion to exempt certain probationary extractors from reporting if appropriate. (Wat. Code §5202(a)(1).) Each annual extraction report must be accompanied by a fee to cover associated programmatic costs. (Wat. Code §§ 1529.5 & 5202, subd. (f).)

The State Water Board is required to adopt, by emergency regulation, a fee schedule to cover SGMA-related costs. (Wat. Code §1530.) The emergency regulation format allows the State Water Board to update the fee

schedule annually to reflect changing conditions and programmatic costs. It also important to note that the fees described below will not be applicable if local implementation of SGMA is successful.

PROPOSED FEE SCHEDULE

There are three "levels" of State Water Board intervention, each level is associated with greater staff workloads and associated costs.

- 1. <u>Unmanaged Area Intervention</u>. Unmanaged areas are portions of basins that are outside of a GSA service area. Groundwater extractors in unmanaged areas are required to submit an annual report to the State Water Board detailing monthly groundwater extraction volumes, place of use, and purpose of use, and may be required to submit other information necessary to evaluate the basin.
- 2. Probationary Basin Intervention. A probationary basin is a basin that the State Water Board has designated to be probationary in accordance with the procedures described in Chapter 11 of SGMA. (Wat. Code §10735, et. seq.) The State Water Board will evaluate conditions in the basin and may designate the basin once one of the probationary triggers described by Water Code section 10735.2 has occurred. Probationary status will result in an increased amount of staff activities as solutions to deficiencies in basin management are developed or additional information necessary for basin management is acquired.
- 3. <u>Interim Plan Intervention</u>. The State Water Board may need to manage groundwater conditions in a probationary basin if the deficiencies that resulted in probation are not corrected. In such a scenario, the State Water Board will develop and implement an interim plan to manage groundwater extractions. (Wat. Code §10735.8.) The development and implementation of interim plans will require significant staff time, in addition to technical studies or data collection performed under contract.

The draft fee schedule ties the fees to the type of Board activity occurring in the basin, as follows:

Fee Category	Applicable Parties – Reporting Extractors	Fee Amount			
Base Filing Fee ^(a)	Any extractor submitting an extraction report \$100 per well				
	Fees based on intervention status ^(a)				
1. Unmanaged Area Rate	Extractors in an unmanaged area	\$10 per acre-foot per year, if metered			
	Extractors in an unmanaged area.	\$25 per acre-foot per year, if unmetered			
2. Probationary Basin Rate	Extractors in a probationary basin.	\$40 per acre-foot per year			
3. Interim Plan Rate	Extractors in a probationary basin after the time period identified by § 10735.4 or § 10735.6 (180 days or one year, accordingly). \$55 per acre-foot per				
Fees independent of intervention status ^(b)					
Late Fee	Extractors that do not file reports by the due date.	25% of total fee amount, accrued monthly			
Special Studies Fee	May apply to extractors when basin-specific special studies are required and the probationary or interim plan rates are insufficient. The additional cost of developing special technical studies such as groundwater investigations or modeling will be apportioned to extractors based on volume of water extracted.				

⁽a) Can apply to de minimis extractors in probationary basins at the Board's discretion.

(b) These fees are paid in addition to the "Fees based on intervention status."

CHALLENGES TO DEVELOPING THE SGMA FEE SCHEDULE

There are two primary challenges in developing the SGMA fee schedule that create difficulties in anticipating programmatic costs: 1) uncertainty regarding the number and scope of unmanaged areas and probationary basins, and 2) the level of reporting compliance.

- 1) Staff workload, and resulting fees, are contingent on the number and scope of unmanaged areas and probationary basins. However, at this time there is significant uncertainty regarding the number and scope of unmanaged areas and probationary basins. In addition, the State Water Board's authority to designate probationary basins is phased in over a 10-year period and is ongoing from that point forward. Because the Board cannot pre-determine the number of unmanaged areas and probationary basins, it must rely on estimating the level of program activities.
- 2) State Water Board staff anticipate 30 to 50 percent reporting and fee submittal compliance in the first year of collecting fees; 50 to 60 percent in the second year; and 70 to 80 percent through year five. This anticipated compliance rate is applicable to the total number of extractors that must report, not the number of basins or areas generally in compliance with SGMA deadlines. SGMA authorizes the State Water Board to recover costs over a period of years, which will allow staff to create a workload history to better estimate future fees.

As a note, although there is uncertainty regarding the magnitude of program actions, the nature of the emergency regulations allows the State Water Board to update its fee schedule as the challenges described above are better understood over time.

DISCUSSION ON PROPOSED FEE CATEGORIES

The following questions are aimed at focusing input on elements of the draft fee schedule.

Establishing the Fee Structure

- 1. What are other options the State Water Board should consider? Examples include a cap on the maximum fee amount, a larger base fee, or tiered rates.
- 2. Is it appropriate to scale the fees based on volumes of water used? Examples of other options include scaling by irrigated acreage, service area size, or crop type.

Incorporating Incentives

- 1. Will the late fee incentivize report submittal compliance?
- 2. Are there are other incentives the State Water Board should consider?
- 3. Will the metering discount for unmanaged areas incentivize more accurate data reporting?

Fee Stability

- 1. Is it appropriate to apply the Special Studies Fee to individual basins?
- 2. Do you have suggestions on how the State Water Board can recover programmatic costs resulting from activities in specific basins during probationary or interim plan periods?

SUPPORTING INFORMATION AND CLARIFICATIONS

Fee Example Scenarios

1. The following table provides examples of how the proposed probationary fee rates for eight hypothetical farms would approximately relate to a fee based on irrigated acreage:

Crop	Irrigated Acreage	Acre Feet of Water Applied Annually Per Acre (DWR ^(b))	Probationary Rate	Cost per Acre	Total Cost
Alfalfa	150	5.05	\$40	\$202	\$30,300
Almonds	150	3.54	\$40	\$142	\$21,240
Corn	150	2.83	\$40	\$113	\$16,980
Cotton	150	3.09	\$40	\$124	\$18,540
Grapes	150	1.86	\$40	\$74	\$11,160
Misc. Fruit Trees	150	3.3	\$40	\$132	\$19,800
Pistachios	150	3.54	\$40	\$142	\$21,240
Rice	150	4.56	\$40	\$182	\$27,360

⁽b) State-wide averages, Department of Water Resources, Agricultural Land and Water Use Estimates, 2010

2. The following table provides examples of how the proposed probationary fee rates would apply to a municipal water supplier and industrial user:

Purpose of Use	Example Volume	Probationary Rate	Total Cost
Municipal Water Supply	3,600 acre-feet	\$40	\$144,000
Semiconductor Factory (Industrial)	5,200 acre-feet	\$40	\$208,000

De Minimis Extractors

Water Code Section 10721, subdivision (e), defines a de minimis extractor as "a person who extracts, for domestic purposes, two-acre feet or less per year." A person who extracts two acre-feet or less per year for a non-domestic purpose will not be considered a de minimis extractor. Domestic purposes do not include growing commercial crops or supporting commercial livestock. De minimis users are exempt from reporting in unmanaged areas. However Water Code Section 10735.2, subdivision (c)(2), authorizes the State Water Board to require de minimis extractors to report in a probationary basin if necessary. De minimis extractors that are required to report in a probationary basin will only pay the base filing fee and, if applicable, the late fee, but will not pay a per acre-foot rate.

Interim Plans and Groundwater Sustainability Plans

State intervention is intended to be a temporary measure to address conditions of long-term overdraft or significant depletions of interconnected surface waters. An interim plan is not intended for permanent management of a basin. Local efforts to address the deficiencies that caused state intervention will need to be funded by local agencies while groundwater extractors are also paying intervention fees to the State Water Board, likely resulting in the potential scenario of extractors paying both local and state fees.

State Water Board Flexibility during Intervention

SGMA provides the State Water Board flexibility in how intervention proceeds in three important ways:

- 1. Areas in compliance with the sustainability goal will be excluded from probation. (Wat. Code §10735.2, subd. (e).);
- 2. Extractors may be exempted from probationary reporting and related fees if appropriate. (Wat. Code §10735.2, subd. (c).); and
- 3. Successful elements of a GSP will be incorporated into an interim plan. (Wat. Code §10735.8, subd. (e).)

FORT ORD REUSE AUTHORITY BOARD REPORT CONSENT AGENDA Subject: Base Reuse Plan Post-Reassessment Category I Report Meeting Date: April 7, 2017 Agenda Number: 7f INFORMATION

RECOMMENDATION(S):

Receive staff report on Base Reuse Plan Post-Reassessment Category I tasks completion.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (FORA) adopted a Base Reuse Plan (BRP) Reassessment Report in December, 2012 which identified four categories of work for the Board to consider in completing/implementing the BRP. Category I focused on BRP corrections, and Category II addressed prior Board actions and regional plan consistency. In March 2013, the FORA Board created the Post-Reassessment Advisory Committee (PRAC) to provide recommendations regarding Categories I and IV. Subsequently, the PRAC met and discussed Category I section of the Reassessment Report, and recommended FORA complete the corrections noted in this category. At the February, 2014 FORA Board meeting, the Board approved the BRP Reassessment "Work Plan," which identified Categories I and II items for completion.

In October 2015, FORA selected Michael Baker International (MBI) to make recommendations for completing Categories I and II and to assess whether Categories I and II activities required California Environmental Quality Act (CEQA) review. As part of their work, MBI hired Holland & Knight, a reputable law firm, to review MBI's Determination Opinion of Categories I and II. The response, in the form of a letter, was presented at the May 13, 2016 FORA Board meeting. MBI opined that Categories I and II do not meet the definition of "project" under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies (Attachment A). MBI added a supplemental statement in response to questions posed by Board members and public concerning Categories I and II (Attachment B).

At the July 8, 2016 FORA Board meeting, the Board voted to accept the Determination Opinion of Categories I and II Report by MBI and directed staff to provide a compiled document with tracked changes for Categories I and II to the Board as an information item. This report includes Category I tracked changes and Category I figure modifications (**Attachments C and D**).

FORA staff, working with MBI, completed Category I work tasks as appropriate, including text and figure corrections. Sources for this task came from the Fort Ord Reuse Plan Reassessment Report (2012), the Scoping Report, and Post-Reassessment Advisory Committee comments (as presented to the Board May 10, 2013). Staff also found additional formatting, typographical or "internal consistency" errors, and corrected them in the text as part of the tracked changes document. Internal consistency was an area of concern during the consistency determination hearing for the Monterey County General Plan (2010), which resulted in the FORA Board not finding the Monterey County General Plan consistent with the BRP. This also resulted in the issue of a memo on the matter from Alan Waltner, Esq. on December 26, 2013 (Attachment E). To address the internal consistencies between the BRP Volume IV (Final Environmental Impact Report) and Volume II (Reuse Plan Elements), FORA staff contrasted the two volumes, correcting some of Volume II policies and programs to conform to those in Volume IV. Instances of Volume IV conformance are included in the tracked changes document.

Each specific modification is listed in the accompanying Category I Text Corrections table and Category I Figure Corrections table (**Attachments F and G**). MBI and Authority Counsel reviewed each correction to confirm it met the scope of Category I. As a result, some figure and text corrections that the Reassessment Report noted as Category I were determined to be beyond Category I scope. In a similar format, FORA staff will provide Category II prior Board actions and regional plan consistency to the Board in the coming months.

FISCAL IMPACT:	
Reviewed by FORA Controller	_
Staff time for this item is included in	the approved annual budget.
COORDINATION:	
Authority Counsel, Michael Baker In	ternational, Holland & Knight, Administrative Committee.
Prenared by	Annroyed by

Mary Israel

Michael A. Houlemard, Jr.





May 3, 2016

Ted Lopez, Associate Planner **FORT ORD REUSE AUTHORITY** 920 2nd Avenue, Suite A Marina, CA 93933

RE: DETERMINATION OPINION OF CATEGORIES I AND II

Dear Mr. Lopez:

Pursuant to Task 1 of our scope of work, Michael Baker International, in coordination with Holland & Knight LLP, has reviewed all relevant documents and supporting materials related to Category I and II of the Final Reassessment Report (2012). Review of this material was conducted to provide an informed opinion as to whether the Fort Ord Base Reuse Plan (BRP) activities, past and present, as identified and categorized during the reassessment process, constitute a project as defined by California Environmental Quality Act (CEQA) Guidelines Section 15378.

FORA prepared the Fort Ord BRP pursuant to the provisions of Senate Bill 899 to guide the development of the Former Military Reservation. The BRP is a first-tier programmatic policy document that guides all land use decisions for any lands located within the former Fort Ord. Local land use agencies, such as the cities cited below, can refine BRP elements and act as independent lead agencies for environmental review purposes for lands that fall within their planning jurisdiction. Nonetheless, each lead local land use agency that approves projects on land located within the former Fort Ord needs to ensure such changes are consistent with the BRP. These changes can be either related to a specific development project or additional changes in land use designations. The FORA Board of Directors determines the subsequent changes' consistency with the BRP.

The Reassessment Report sorted the prior and pending changes to the BRP into five categories. For the purposes of this determination, our scope focuses only on Categories I and II. Category I, BRP Corrections and Updates, are mainly corrections to bring the BRP text and graphics up to date. These include correction of typographical errors, correction of outdated references, and revisions to the BRP maps to correct inconsistencies.

Category II, Prior Board Actions and Regional Plan Consistency, consists of text and map changes that would bring the BRP into conformance with previous FORA Board actions, particularly "consistency determinations" and other changes that would serve to improve BRP consistency with regional plans that have evolved since 1997. Such changes, taken in whole or in part, would result in modifications to the Land Use Concept map. The map changes are meant to reflect FORA Board decisions and consistency determinations that have already occurred. Category II also includes potential options for new BRP programs or policies and/or revisions to existing programs and policies to ensure the BRP is consistent with regional plans.

Based on our review of the BRP Category I and Category II revisions, it is our opinion that the individual actions and changes that have occurred or are recommended to occur do not, by themselves, meet the definition of "projects" under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies. Past actions by FORA and local land use agencies that affect the BRP can be compared to amendments to an agency's General Plan over time. Individual General Plan Amendments may be processed, analyzed and approved over time, but those changes are not always physically incorporated into the body of the General Plan until the text or graphic changes are physically made within document. In this case, the past actions and amendments have been processed, analyzed and approved by several land use agencies, and the need for minor technical corrections have been identified. Updating the BRP at a future date to reflect these past actions is an administrative exercise necessary to memorialize the changes in one place.

CATEGORY I EVALUATION SUMMARY

Table 5, Index of BRP Corrections in the Reassessment Report, lists the identified corrections under Category I, and the text following that table outlines the specific corrections to be considered. During 2013, after the FORA Board received the BRP Reassessment Report, the public and FORA staff identified additional errata not included in the August 2001 Republished BRP, which also fall into Category I. Those corrections have no material effect on the purpose, intent, or guidance provided in the BRP, but are meant solely as BRP "cleanup" items. All of the Category I corrections are minor and incidental, such as typographical, grammar, incorrect references, minor figure changes, and formatting associated with BRP policies, programs, or mitigation measures. In addition, the Post-Reassessment Advisory Committee (PRAC) adopted figure Category I recommendations to reflect land use designation changes, to clarify how boundaries and names have changed, to correct labels and legends, and to properly cite the sources for the various changes on each map. These changes to the BRP would not result in direct or indirect physical impacts on the environment and would be considered administrative activities of governments per CEQA Guidelines Section 15378(b)(5). Therefore, Category I changes do not constitute a distinct "project," and an errata to the EIR can be prepared to address these changes.

CATEGORY II EVALUATION

Category II addresses two types of possible modifications to the BRP. The first type is based on actions the FORA Board has already taken (labelled II.a). These actions have resulted in draft modifications to BRP Figure 3.3-1, Land Use Concept Ultimate Development, and modifications to BRP transportation-related figures and text. The second type of modification reflects new policies or programs or the expansion of existing BRP policies or programs to ensure BRP consistency with regional and local plans (labelled II.b).

Our evaluation of Category II (II.a and II.b) for CEQA compliance follows.

II.A. MODIFICATIONS OF THE BRP LAND USE CONCEPT MAP

Prior Del Rey Oaks General Plan Consistency Determinations

This is a previously approved project under CEQA. The City of Del Rey Oaks General Plan (1997) included a General Plan designation change of approximately 7 acres of Open Space/Recreation under the BRP to General Commercial–Visitor/Office. In addition, the plan included other minor land use designation changes such as from Visitor Serving to General Commercial–Visitor/Office.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Land use changes in Del Rey Oaks are documented in the General Plan's Land Use Map (see Del Rey Oaks General Plan Figure 2). Environmental impacts from these changes were analyzed in the City's General Plan EIR (State Clearinghouse [SCH] #1996041076) and certified by the City Council in May 1997.

Because the City of Del Rey Oaks reviewed the impacts of this exact change, no additional CEQA review is needed. Public Resources Code (PRC) Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 7-acre designation (see also 14 California Code of Regulations (CCR) Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Del Rey Oaks General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

Prior Marina General Plan Consistency Determinations

This is a previously approved project under CEQA. The City of Marina General Plan (2005) plan included a General Plan designation change of approximately 11 acres of Open Space under the BRP to High Density Residential. The plan also changed approximately 60 acres from Planned Development Mixed Use to Parks and Recreation. In addition, the plan included other minor land use designation changes such as from Regional Retail to Light Industrial/Service Commercial.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Environmental impacts from most of the land use changes in Marina were analyzed in the City's General Plan EIR (SCH #1999031064), certified by the City Council in October 2000 (see Marina General Plan EIR Figure 2.4 and pages 2-13 and 2-14). The change in the city's eastern portion, which corresponds to the Marina Heights development, was analyzed in the Marina Heights Specific Plan EIR (SCH #2003021012), certified in November 2003 (see Marina Heights Specific Plan EIR Table 2.2 and pages ES-4 and ES-5). Therefore, these land use changes have been addressed under CEQA.

Because the City of Marina reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 11-acre designation (see also 14 California CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Marina General Plan and the Marina Heights Specific Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

Prior Seaside General Plan Consistency Determinations

This is a previously approved project under CEQA. The City of Seaside General Plan (2003) included a General Plan designation change of approximately 43 acres of Open Space/Recreation under the BRP to Regional Commercial and approximately 11 acres of Open Space/Recreation to High Density

Residential. The plan also changed approximately 100 acres from Military Enclave and about 10 acres from Medium Density Residential to Park and Open Space. In addition, the plan included other minor land use designation changes such as from High Density Residential to Medium Density Residential.

This was a discretionary project undertaken by the City and is considered a project under CEQA. Environmental impacts from land use changes in Seaside were analyzed in the City's General Plan EIR (SCH #2003031021), certified by the City Council in August 2003 (see Seaside General Plan EIR Figure 5.8-1 and pages 5.8-3 through 5.8-7).

Because the City of Seaside reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 54-acre designation (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Seaside General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

City of Monterey General Plan

This is a previously approved project under CEQA. The City of Monterey General Plan (amended 2013) was a discretionary project undertaken by the City and would be considered a project under CEQA. The plan included General Plan designation changes of approximately 8 acres of Public Facility/Institutional under the BRP to Industrial and approximately 7 acres of Public Facility/Institutional to Parks and Open Space.

Although FORA has not yet analyzed the City of Monterey General Plan for consistency, environmental impacts from land use changes in Monterey were analyzed in the City's General Plan EIR (SCH #2003081011), certified by the City Council in January 2005 (see City of Monterey General Plan EIR Figure 4 and pages S-3, 1-17, 1-18, and 3-3).

Because the City of Monterey reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the 15-acre designation (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the City of Monterey General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

2010 Monterey County General Plan

This is a previously approved project under CEQA. The County of Monterey adopted the Fort Ord Master Plan concurrently with its General Plan (2010). Both were discretionary projects undertaken by the County and would be considered projects under CEQA. The Fort Ord Master Plan land use map

essentially matches the BRP Land Use Concept, with the following exceptions: (1) the Youth Camp site near East Garrison is shown in the BRP as Public Facility/Institutional and in the Fort Ord Master Plan as Habitat Management; and (2) the Fort Ord Master Plan describes the East Garrison/Parker Flats land swap but does not reflect changes on the land use map.

Although FORA has not yet analyzed the Monterey County General Plan for consistency with the BRP, environmental impacts from land use changes in Monterey County were analyzed in the County's General Plan EIR (SCH #2007121001), certified by the Board of Supervisors in October 2010 (see Monterey County General Plan EIR Exhibit 3.2 and pages 4.1-13 and 4.1-14).

Because the County of Monterey reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding land use designation changes (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Monterey County General Plan are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

FORA Board-Approved East Garrison/Parker Flats Land Swap

This is a project that was previously approved under CEQA. On December 13, 2002, the FORA Board authorized execution of the Memorandum of Understanding (MOU) Concerning the Proposed East Garrison/Parker Flats Land-Use Modification between the Fort Ord Reuse Authority, Monterey Peninsula College, County of Monterey, US Bureau of Land Management, and US Army as parties to the agreement MOU. The MOU documented several land use modifications to the BRP, primarily the relocation of Monterey Peninsula College public safety training facilities from East Garrison, and amendments to the Habitat Management Plan (approved by the US Fish and Wildlife Service). The five parties signed the MOU between August 3, 2004, and December 20, 2005.

The purpose of the land swap agreement was to resolve land use conflicts stemming from a long history of ordnance and explosives use, as well as competing conveyance requests for surplus property at the former base, and to address impacts associated with potential East Garrison development conflicts. The land swap agreement amended the 1997 Fort Ord Installation-Wide Multispecies Habitat Management Plan (HMP) for Fort Ord and was also signed by the US Fish and Wildlife Service and the California Department of Fish and Game. Although the land swap agreement affected the areas of allowable development, it resulted in a net increase of 246.7 acres in habitat reserve areas. The exchange of lands based on the MOU resulted in a transfer in densities without intensification, consistent with Section 8.02.010 of the Master Resolution. The land swap agreement amended the HMP designations for the territory within the East Garrison Specific Plan from Development with Reserve Areas/Restrictions to Development. Under the original HMP, the East Garrison area was permitted a 200-acre development footprint, 10 acres of development at the site of existing utilities, and a 31-acre road corridor; under the revised HMP, the East Garrison area has 451 acres of Development area with no restrictions (Zander Associates 2002).

At the time it was signed, MOUs were not legally considered a project under CEQA and in 2007 a case specifically found that a land swap agreement was not a project under CEQA (Friends of the Sierra

Railroad v. Tuolumne Park and Recreation Dist. (2007) 147 Cal.App.4th 643). Since that time, case law has evolved and an MOU that included wording that commits an agency to an action is now considered a project under CEQA (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116). Here, the terms of the MOU could be considered a project. However, since the MOU was entered, it is our understanding that all the parcels subject to the land swap have been legally exchanged and are owned by the entity contemplated under the exchange, or have since been sold to others. Those actions are complete and based on the MOU are valid since the time to challenge the actions has long since passed. FORA's amendments to make the BRP consistent with the land exchange merely restate the exchanges that were previously approved in the MOU and in the contractual land exchanges that already occurred.

Moreover, any subsequent projects or land use designation changes on the land that has been swapped are or were subject to CEQA. For example, Monterey County certified the project-level East Garrison Specific Plan Subsequent EIR (SCH #2003081086) in 2005, which analyzed impacts of the new land uses on that portion of the land swap. As such, all potential impacts associated with the action have been fully analyzed, with appropriate findings made by the County.

The City of Seaside is currently reviewing the Parker Flats portion of the land swap under the Monterey Downs and Horse Park and Central Coast Veteran's Cemetery Specific Plan Subsequent EIR (SCH #2012091056). Similar to East Garrison, any and all impacts will be disclosed and analyzed in the City's Final EIR, and findings will be required by the City Council if the project is ultimately approved. A separate consistency determination will also need to be made for that project.

Designation of the Fort Ord National Monument

This is <u>not</u> a project under CEQA. On April 20, 2012, the President of the United States established the Fort Ord National Monument (Proclamation 8803). Presidential proclamations are not subject to CEQA because CEQA applies to decisions of all California state, regional, or local agencies, but not to federal agencies. Therefore, this designation was not previously analyzed under CEQA and it does not need to be under California environmental law.

Modification of BRP Circulation Maps, Text, and Capital Improvement Program

Part of this is not a project and part is a previously approved project under CEQA. The reassessment plan identifies two potential changes to the circulation maps in the BRP:

- 1. A Memorandum of Agreement (MOA) adopted by FORA on December 10, 2010, resulted in changing the alignment of the multimodal corridor along Imjin Parkway/Blanco Road.
- 2. Abandoning planned improvements that would have realigned General Jim Moore Boulevard and 2nd Avenue where they intersect with Lightfighter Drive.

Change 1 is <u>not</u> a project under CEQA. The MOA is an agreement to cooperate. It is not a project under CEQA because it is not a discretionary action undertaken by a public agency per CEQA Section 21080(a). Under the California Supreme Court reasoning in Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, the MOU by its terms and circumstances is not a project because it does not commit any agency to any particular action. Also per CCR Section 15004(b)(2)(B), the MOU does not approve a project "in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project." CEQA review would begin when Monterey-Salinas Transit (MST) begins the

process of approving the corridor for construction. MST would be the lead agency at that time, and the MOU does not foreclose or predetermine any part of their analysis.

Change 2 is a previously approved project under CEQA. Realignment of a road would impact the physical environment because it could result in development of land that was not previously analyzed. As such, it would need to be analyzed under CEQA. To that end, environmental impacts from this change were analyzed in the California State University Monterey Bay Campus Master Plan EIR (SCH #1997081036), certified by the California State University Trustees in 2009 (see California State University Monterey Bay Campus Master Plan EIR Figure 11-4 and page 11-2). Therefore, Change 2 has been addressed under CEQA and no further analysis is necessary.

II.B. BRP MODIFICATIONS REGARDING CONSISTENCY WITH REGIONAL AND LOCAL PLANS

Transportation Agency for Monterey County (TAMC) Monterey County Regional Transportation Plan

This is a previously approved project under CEQA. The 2005 Monterey County Regional Transportation Plan (RTP) was prepared under the direction of the California Transportation Commission Regional Transportation Plan Guidelines, pursuant to Government Code Section 14522. This would be considered a project under CEQA. The plan includes many new or expanded policies, including one that directs TAMC to "implement road and highway capacity improvements" that would be subject to CEQA. Other policy changes, such as "identify and prioritize funding for elimination of bicycle network gaps," would not impact the physical environment and would not be analyzed under CEQA.

Environmental impacts from these changes were analyzed in the RTP Program EIR (SCH #2004061013), certified by the TAMC Board in 2005 (see RTP Program EIR Chapter 3). Subsequently, the TAMC Board adopted an addendum in 2008 that evaluated the environmental impacts of the Investment Plan for Transportation Sales Tax in Monterey County and the Development Impact Fee program. The addendum did not identify any significant environmental impacts that were not previously identified in the program EIR (see Addendum EIR page 5). Therefore, these changes have been addressed under CEQA. Recently, the Association of Monterey Bay Area Governments, in partnership with Council of San Benito County Governments, the Santa Cruz County Regional Transportation Commission and TAMC started preparing the 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (as an update to the RTP). This most recent update will yet again undergo individual environmental review.

Because TAMC reviewed the impacts of this exact change, no additional CEQA review is needed. PRC Section 21080.1(a) requires FORA to rely on the existing document unless substantial evidence shows that there are significant new circumstances surrounding the policy change (see also 14 CCR Section 15162(c)). As there are no substantial changes to the circumstances, no new environmental review is required per CEQA Guidelines Section 15162 (see 14 CCR Section 15096(e), (h)). Additionally, no formal finding is necessary to rely on a prior EIR.

The BRP changes to reflect the Monterey County RTP are considered administrative. The procedure is intended to update the document and make it consistent with the local agency's approvals and findings.

Monterey Bay Unified Air Pollution Control District (MBUAPCD) Air Quality Management Plan

This is an exempt project under CEQA. The 2008 MBUAPCD Air Quality Management Plan (AQMP) was drafted to comply with the California Clean Air Act, which requires each nonattainment district in the state to adopt a plan showing how the California ambient air quality standard for ozone would be met in its area of jurisdiction. The AQMP is a State-certified regulatory program (PRC Section 21080.5; CCR Section 15251(d)). Under PRC Section 21080(b)(15), there is an applicable statutory exemption for "projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5." As such, no CEQA review is necessary for the addition of policies that implement policies from the Air Quality Management Plan in the BRP. In addition, the MBUAPCD is considered exempt from CEQA under Class 8, Actions by Regulatory Agencies for the Protection of the Environment (CEQA Guidelines Section 15308). Similarly, the amendments to the BRP to be consistent with the AQMP are also exempt.

Regional Water Quality Control Board (RWQCB) Water Quality Control Plan for the Central Coast Basin

This is an exempt project under CEQA. The RWQCB Water Quality Control Plan for the Central Coast Basin (2011, updated 2016) (Basin Plan) was drafted to comply with the state Porter-Cologne Water Quality Control Act (1969) and portions of the federal Clean Water Act (1977). The Basin Plan is a State-certified regulatory program that was reviewed under a Substitute Environmental Document (SED) which was approved by the State Water Resources Control Board on June 19, 2012 (PRC Section 21080.5; CCR Section 15251(g)). Under PRC Section 21080(b)(15), there is an applicable statutory exemption for "projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5." As such, no CEQA review is necessary for the addition of policies that implement policies from the Basin Plan in the BRP.

CONCLUSION

Based on our review of the BRP Category I and Category II revisions, it is our opinion that the individual actions and changes that have occurred or are recommended to occur do not, by themselves, meet the definition of "projects" under CEQA that warrant detailed environmental review or are actions that have been previously reviewed by other agencies. Past actions by FORA and local land use agencies that affect the BRP can be compared to amendments to an agency's General Plan over time. Individual General Plan Amendments may be processed, analyzed and approved over time, but those changes are not always physically incorporated into the body of the General Plan until the text or graphic changes are physically made within document. In this case, the past actions and amendments have been processed, analyzed and approved by several land use agencies, and the need for minor technical corrections have been identified. Updating the BRP at a future date to reflect these past actions is an administrative exercise necessary to memorialize the changes in one place.

Sincerely,

Tad Stearn
Project Director

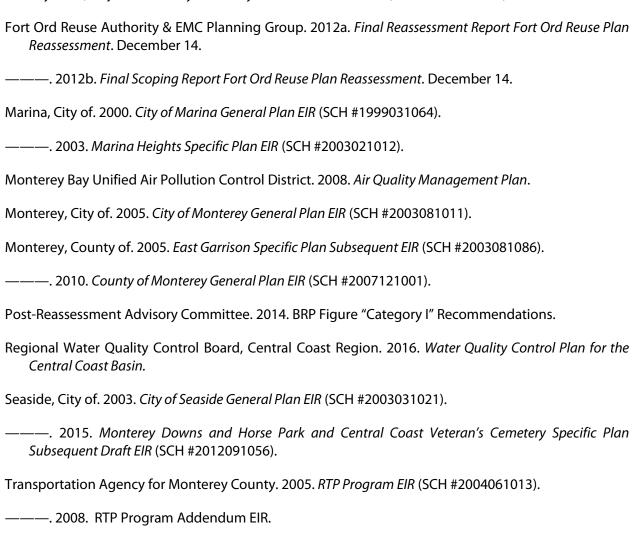
Darcy Kremin Project Manager

REFERENCES

California.

California State University Trustees. 2009. *California State University Monterey Bay Campus Master Plan EIR* (SCH #1997081036).

Del Rey Oaks, City of. 1997. City of Del Rey Oaks General Plan EIR (SCH #1996041076).



Zander Associates. 2002. Assessment of East Garrison Parker Flats Land Use Modifications Fort Ord,



May 26, 2016

Ted Lopez, Associate Planner FORT ORD REUSE AUTHORITY 920 2nd Avenue, Suite A Marina, CA 93933

RE: RESPONSE TO COMMENTS ON DETERMINATION OPINION OF CATEGORIES I AND II

Dear Mr. Lopez:

Michael Baker International, in coordination with Holland & Knight LLP, has provided responses to the Fort Ord Reuse Authority (FORA) Board of Directors and public comments on the Determination Opinion of Categories I and II Memo, dated May 5, 2016. The comments were received at the May 13, 2016 meeting. For clarification purposes, we want to emphasize that Michael Baker International and Holland & Knight reviewed the land use decisions, which occurred subsequent to the adoption of the Base Reuse Plan in 1997, in light of the California Environmental Quality Act (CEQA). We looked at whether those decisions were adequately covered under CEQA or if they require additional environmental review. Consistent with our scope of work, we did not provide a conclusion as to whether those changes are consistent with the BRP; rather, we focused on the scope direction to determine whether additional CEQA review is needed.

One member of the public mentioned the equal-dignities rule. The equal-dignities rule refers to a legal doctrine related to written contracts whereby an agent must have written authority to enter the contract on the principal's behalf for the contract to be binding. The equal-dignities rule is a corollary to the Statute of Fraud and does not apply to CEQA. Therefore it is not applicable to our determination opinion. Moreover, the point the commenter seemed to be making was that the revisions to the BRP needed by be made through an ordinance amendment. The process for revising the BRP is outside the scope of the Determination Opinion. The Determination Opinion simply addresses whether additional CEQA review is necessary. CEQA review can be satisfied in CEQA documents prepared by other agencies as CEQA seeks to avoid duplicative environmental review (Public Resources Code Section 21080.1(a)).

Another member of the public also inquired about the Monterey County General Plan and the relationship between that plan and the previous Board decisions regarding it. FORA analyzed the Monterey County General Plan in 2012 for consistency with the BRP. The board voted 6 to 6 at that time, thus per the Board rules the General Plan was not found to be consistent or inconsistent with the BRP and was returned to the County "without prejudice." However, the Board's vote does not preclude a finding regarding the adequacy of CEQA analysis for the Monterey County General Plan. The Determination Opinion does not address consistency, rather it found that environmental impacts from land use changes in Monterey County were analyzed in the County's General Plan EIR and therefore, no further environmental analysis would be required.

Fort Ord Reuse Authority

RE: Response to Comments on response to comments on Determination Opinion of Categories I and II Page 2

Lastly, the public inquired about the East Garrison/Parker Flats land swap agreement. The agreement included several conditions that may or may not have been met prior to exchange of the parcels. However, our review focused on whether land use changes were covered under CEQA and if additional environmental review would be needed. Our review determined that, regardless of the conditions, all of the exchanges have occurred. No subsequent environmental review is required to update the BRP.

Sincerely,

Tad Stearn

Project Director

Darcy Kremin Project Manager

Placeholder for Item 7f Attachment C

This item will be included in the final Board packet.

3.2 Existing Setting and Character of Fort Ord

3.2.1 Regional Character

The former Fort Ord is part of the gentle crescent that frames Monterey Bay, situated between the great Salinas River Valley and the dramatic coastal range that juts into the Pacific to form the Peninsula (see Figure 3.2-1). The historic "cantonment area" within the former Fort Ord visible from State Highway 1 is bounded by the freeway to the west and the native landscapes of the upper elevations to the east. West of State Highway 1 are the remnant firing ranges and tall sand dunes continuously modeled by the winds off the Pacific. Figure 3.2-2 illustrates the topographic relief at the former Fort Ord in a perspective view.

Salinas River Valley

The Salinas River Valley to the north of the former Fort Ord is in continuous cultivation. The broad, flat expanse created by the flood plain is a green and fertile contrast to the subdued colors of the native grasslands, coastal chaparral and oak wood landscape that dominate the upper elevations of the former Fort Ord and stretch beyond to the rugged back-country of the Los Padres Mountains.

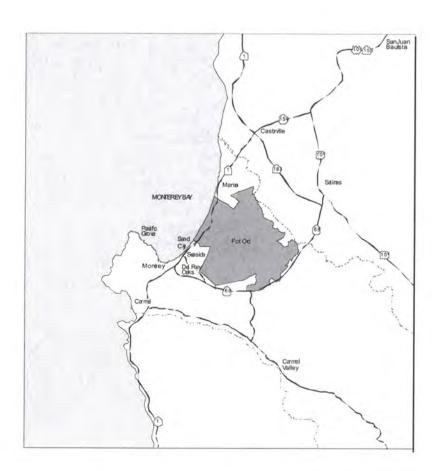


Figure 3.2-1 Regional Vicinity

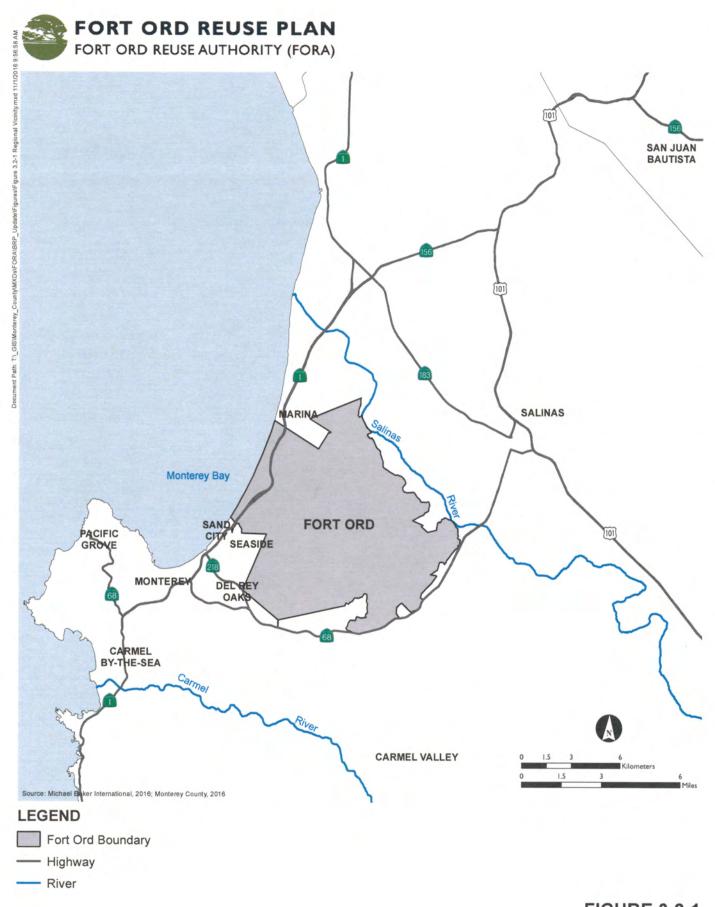
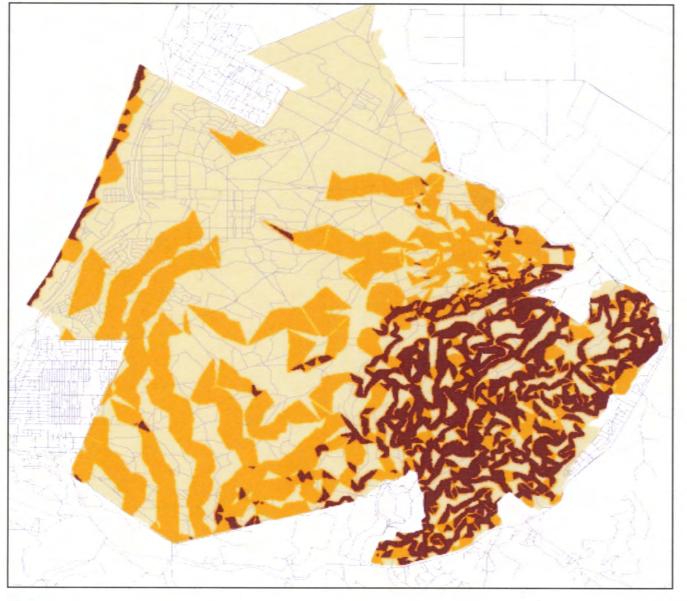
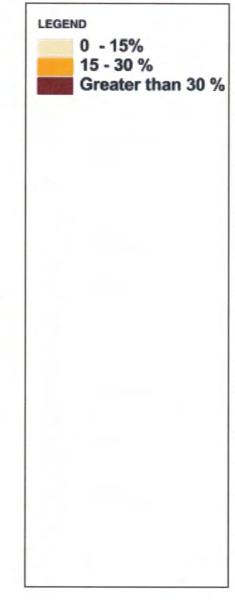


FIGURE 3.2-1 REGIONAL VICINITY



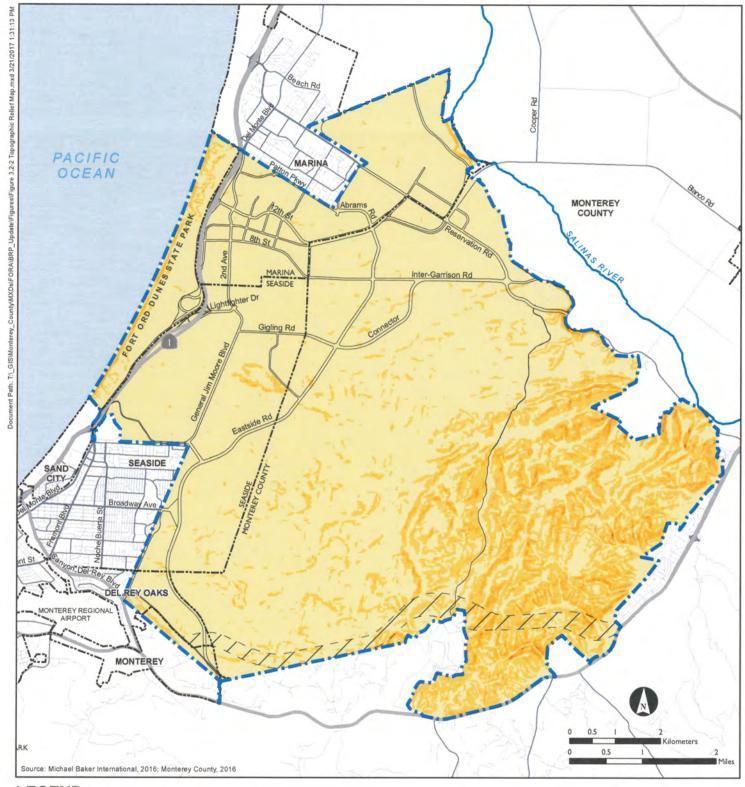




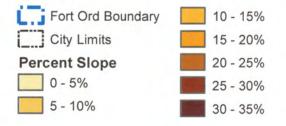


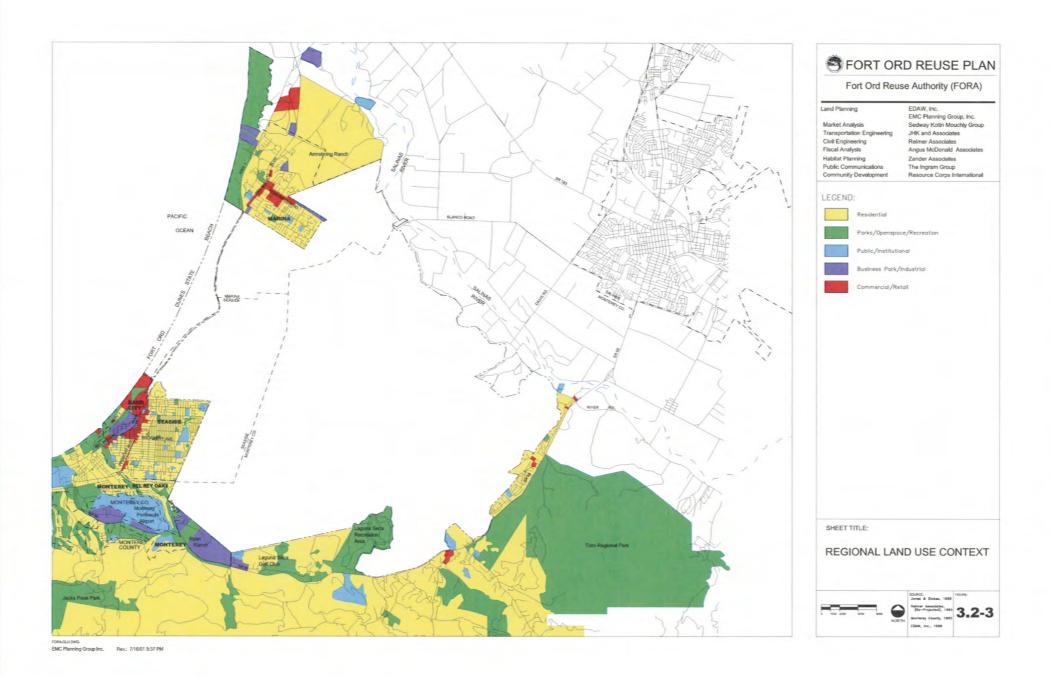
Source: US Army Corps of Engineers, 1993

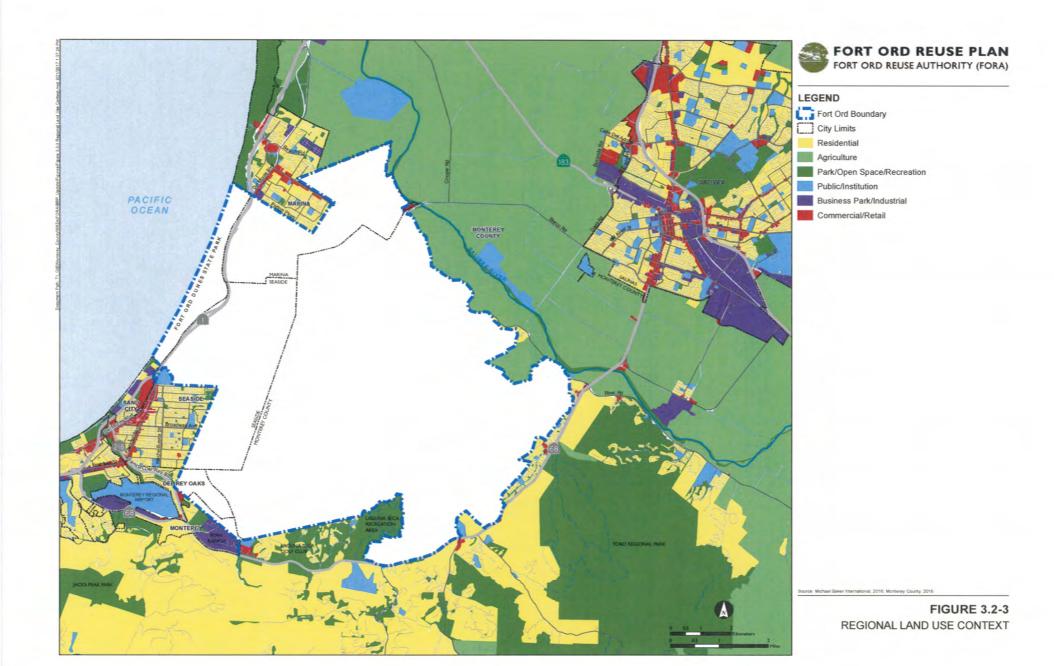
Figure 3.2-2
Topographic Relief



LEGEND











LEGEND: CSUMB Campus Bureau of Land Management Lands UC MBEST Center Existing Housing Resources Military Enclave Existing Primary/Middle Schools

FIGURE 3.2-5 FORT ORD ASSETS AND OPPORTALINITIES



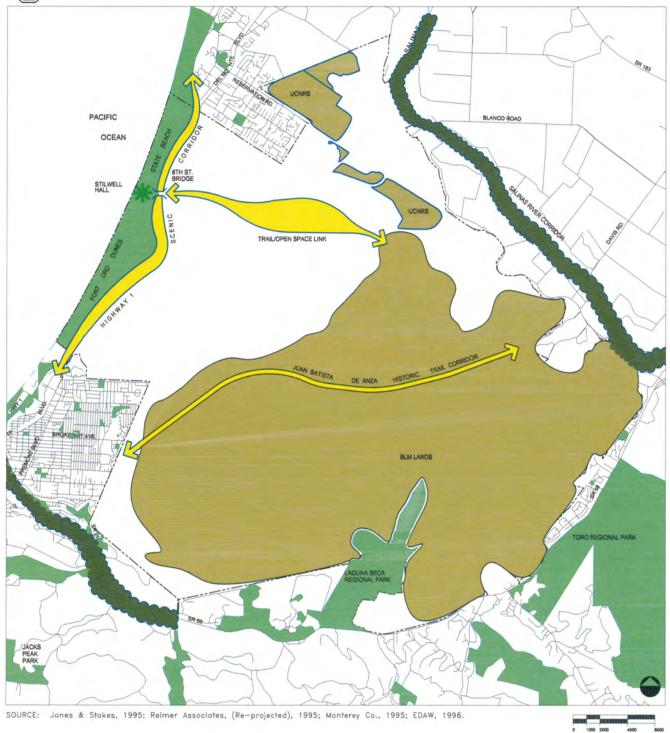
LEGEND CSUMB Campus Fort Ord National Monument UC MBEST Center Existing Housing Resources Fort Ord Dunes State Park Military Enclave S Existing Primary/Middle Schools

NOTE: Final Reassessment Report (2012) Category I modifications only are made on this figure.

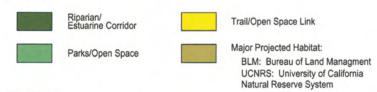
FEET

FIGURE 3.2-5 FORT ORD ASSETS AND OPPORTUNITIES





LEGEND:



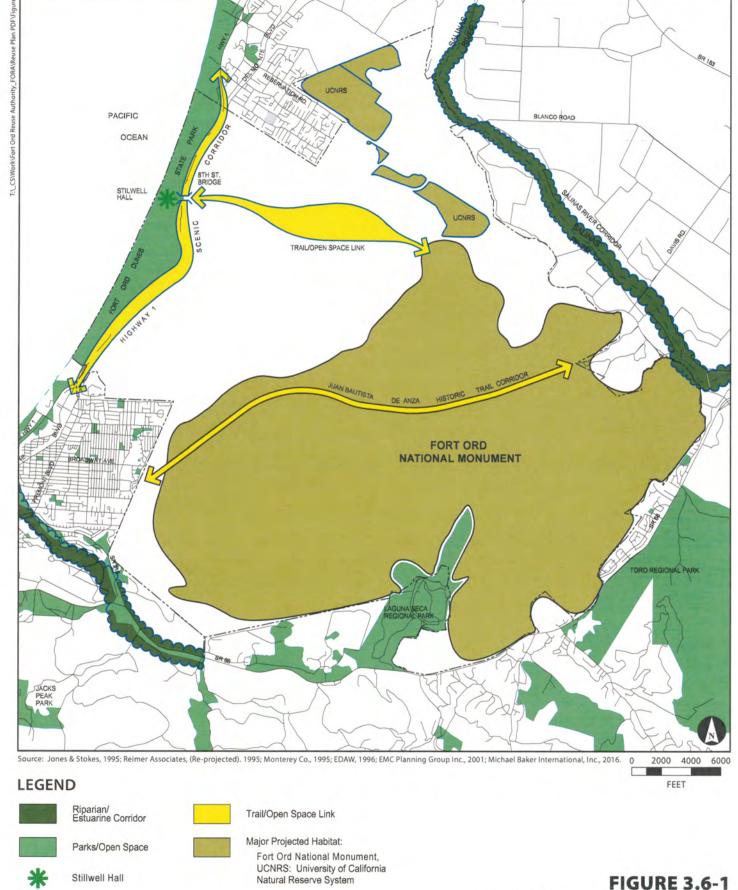
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EMC Planning Group Inc.

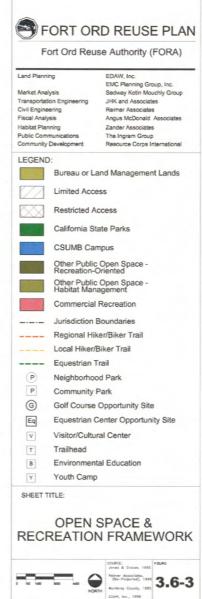
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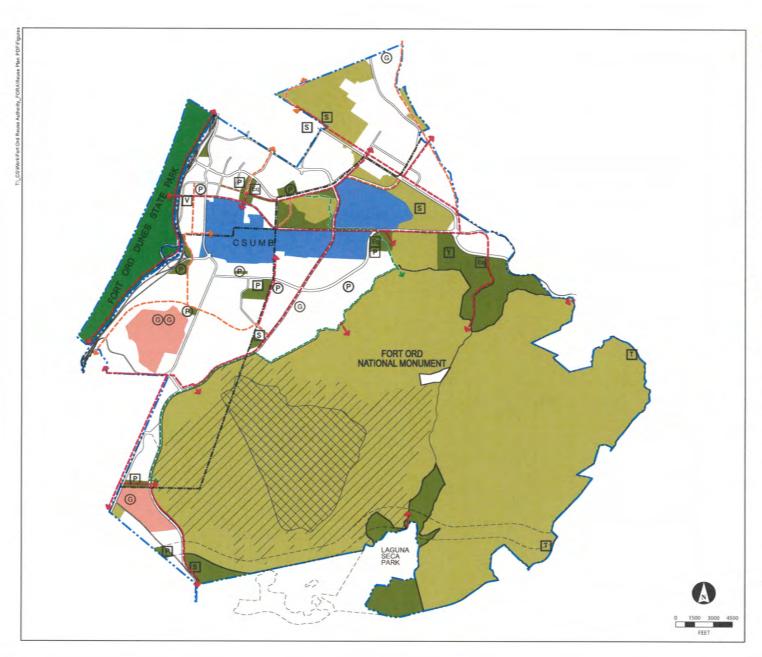
FIGURE 3.6-1

REGIONAL OPEN SPACE SYSTEM











FORT ORD REUSE PLAN FORT ORD REUSE AUTHORITY (FORA)

Land Planning

Market Analysis

Market Analysis
Transportation Engineering
Civil Engineering
Fiscal Analysis

Habitat Planning Public Communications Community Development EDAW, Inc.
EMC Planning Group, Inc.
Sedway Kotin Moughly Gro

Sedway Kotin Mouchly Group JHK and Associates Reimer Associates Angus McDonald Associates Zander Associates

The Ingram Group Resource Corps International

LEGEND

Other Open Space -Habitat management & Fort Ord National Monument

Other Public Open Space -Recreation-Oriented

// Limited Access

Restricted Access

California State Parks

CSUMB Campus

Commercial Recreation
Fort Ord Boundary

Jurisdiction Boundaries

-----> Regional Hiker/Biker trail

---> Local Hiker/Biker trail

---> Equestrian Trail

P Neighborhood Park

P Community Park

G Golf Course Opportunity Site

Visitor/Cultural Center

Trailhead

V

s Environmental Education

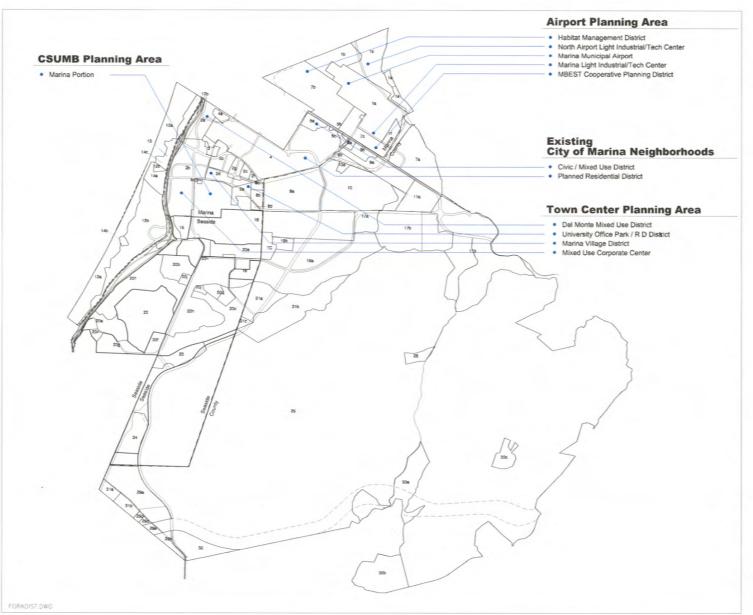
Y Youth Camp

Eq Equestrian Center Opportunity Site

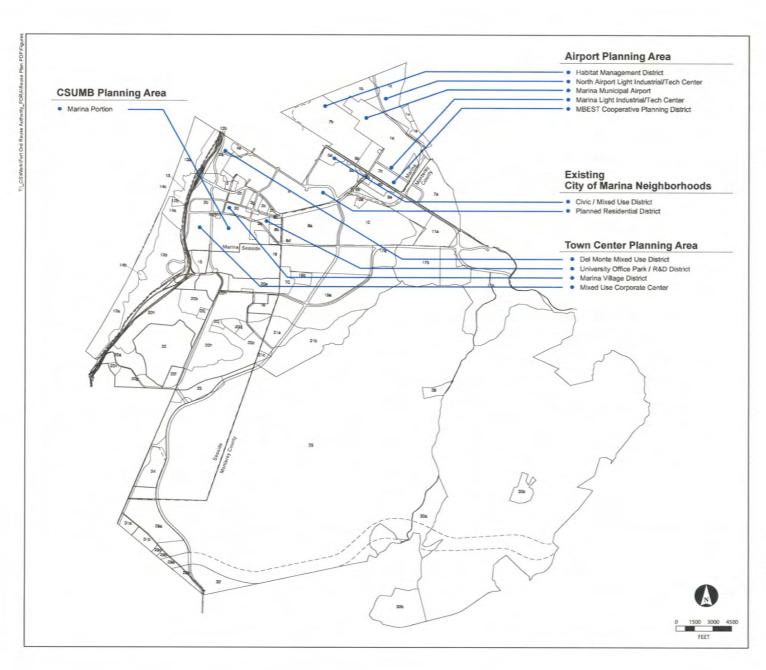
Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected). 1995; Monterey Co., 1995; EDAW, 1996; EMC Planning Group Inc., 2001; Michael Baker International, Inc., 2016.

FIGURE 3.6-3

OPEN SPACE & RECREATION FRAMEWORK









FORT ORD REUSE PLAN FORT ORD REUSE AUTHORITY (FORA)

Land Planning

Market Analysis

Transportation Engineering Civil Engineering

Fiscal Analysis Habitat Planning

Community Development

Public Communications

EDAW, Inc.

EMC Planning Group, Inc. Sedway Kotin Mouchly Group

JHK and Associates Reimer Associates Angus McDonald Associates

Zander Associates The Ingram Group

Resource Corps International

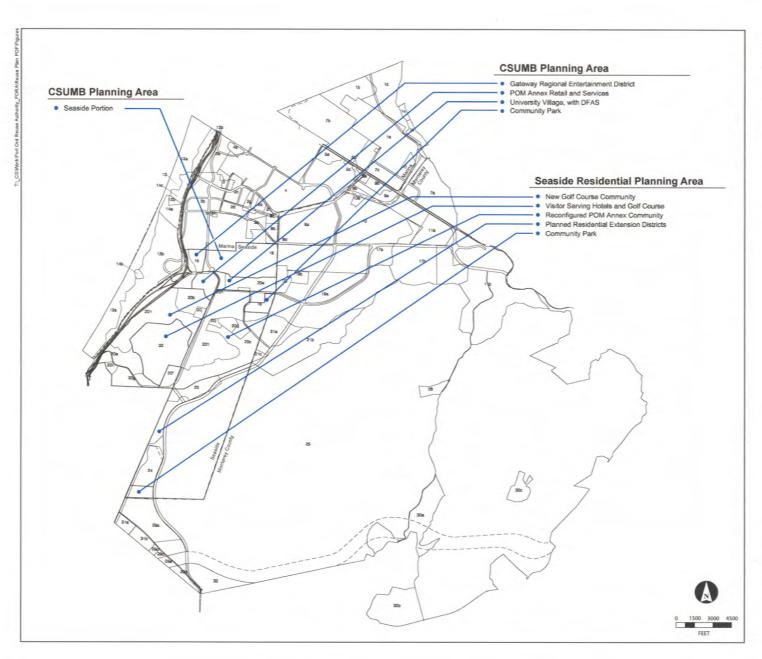
Note: Final Reassessment Report (2012) Category I modifications only are made on this figure.

Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected), 1995; Monterey Co., 1995; EDAW, 1996; Michael Baker International, Inc., 2016.

FIGURE 3.8-1 MARINA PLANNING AREAS









Land Planning

Market Analysis

Transportation Engineering Civil Engineering Fiscal Analysis

Habitat Planning Public Communications

Community Development

EDAW, Inc.

EMC Planning Group, Inc. Sedway Kotin Mouchly Group

JHK and Associates Reimer Associates

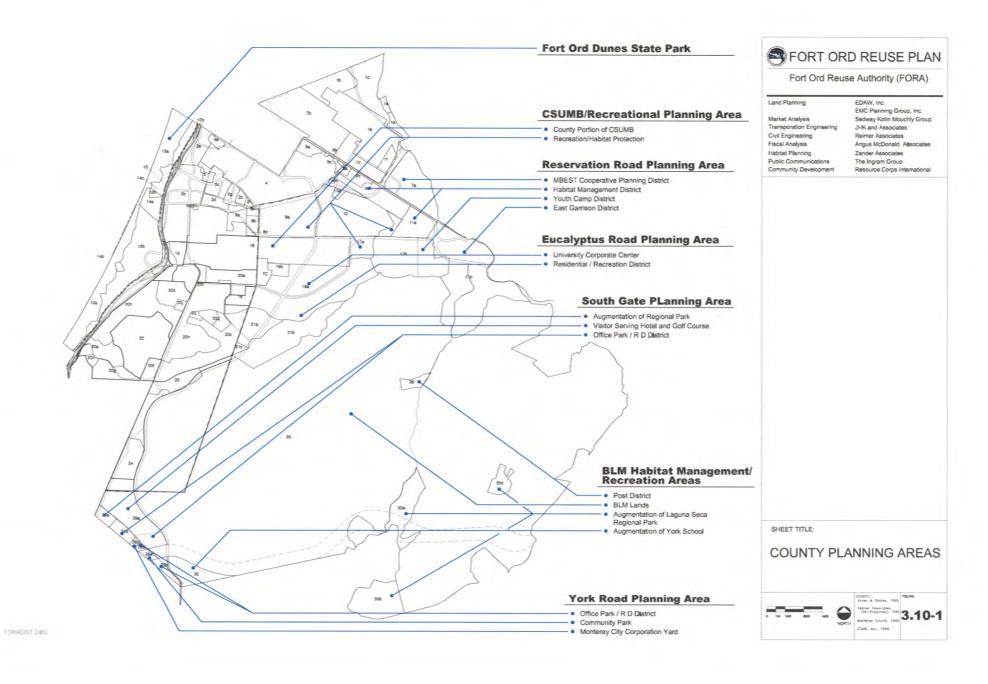
Angus McDonald Associates Zander Associates The Ingram Group

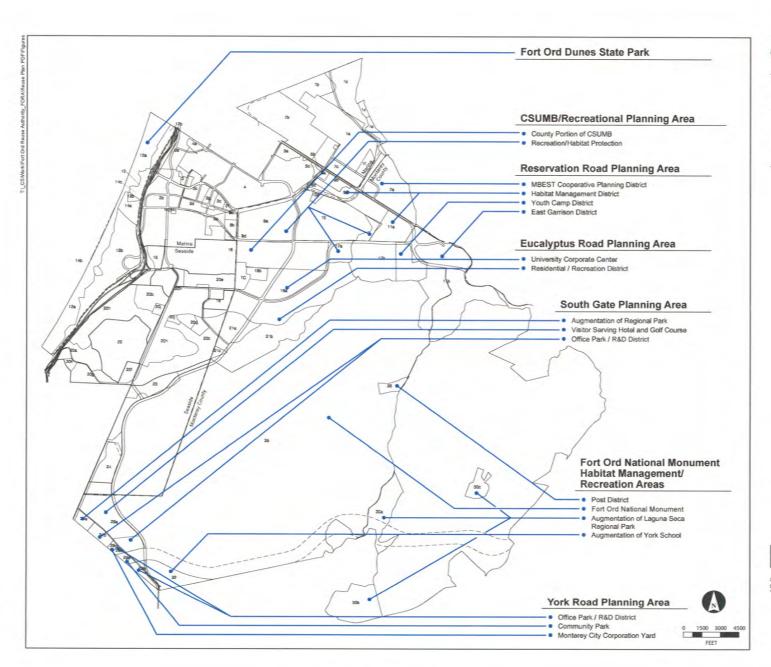
Resource Corps International

Note: Final Reassessment Report (2012) Category I modifications only are made on this figure.

Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected), 1995; Monterey Co., 1995; EDAW, 1996; Michael Baker International, Inc., 2016.

FIGURE 3.9-1 SEASIDE PLANNING AREAS







Land Planning

Market Analysis Transportation Engineering Civil Engineering Fiscal Analysis

Fiscal Analysis
Habitat Planning
Public Communications
Community Development

EDAW, Inc. EMC Planning Group, Inc. Sedway Kotin Mouchly Group JHK and Associates Reimer Associates

Angus McDonald Associates Zander Associates The Ingram Group Resource Corps International

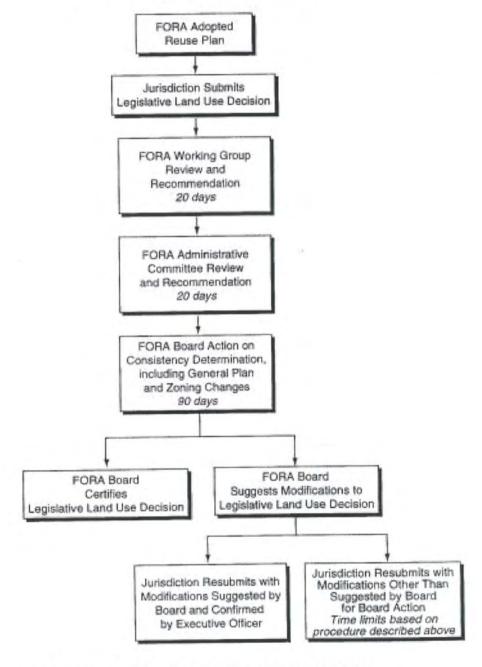
Note: Final Reassessment Report (2012) Category I modifications only are made on this figure.

Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected), 1995; Monterey Co., 1995; EDAW, 1996; Michael Baker International, Inc., 2016.

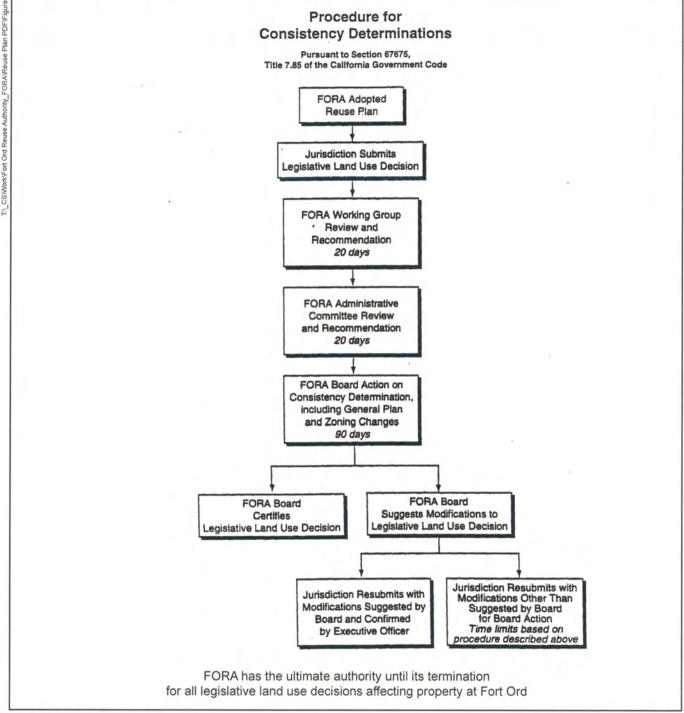
FIGURE 3.10-1 COUNTY PLANNING AREAS

Procedure for Consistency Determinations

Pursuant to Section 67675, Title 7.85 of the California Government Code



FORA has the ultimate authority until the year 2015 for all legislative land use decisions affecting property at Fort Ord

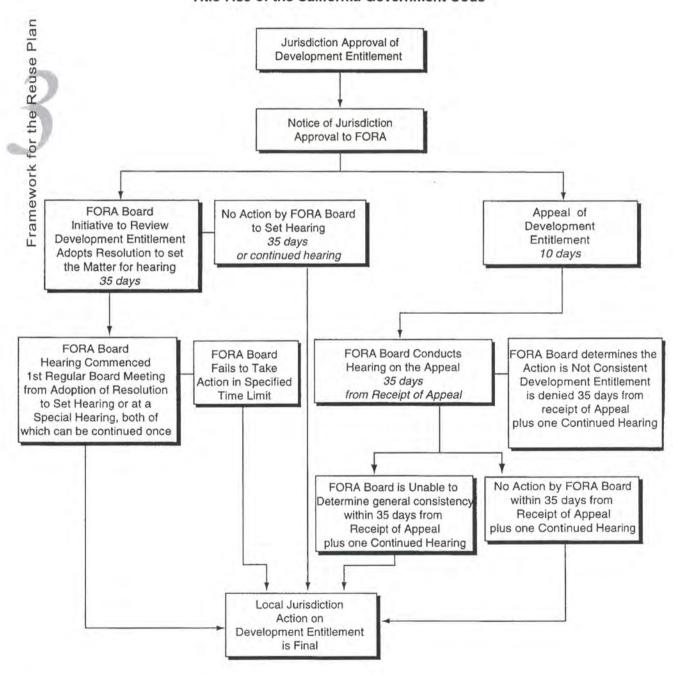


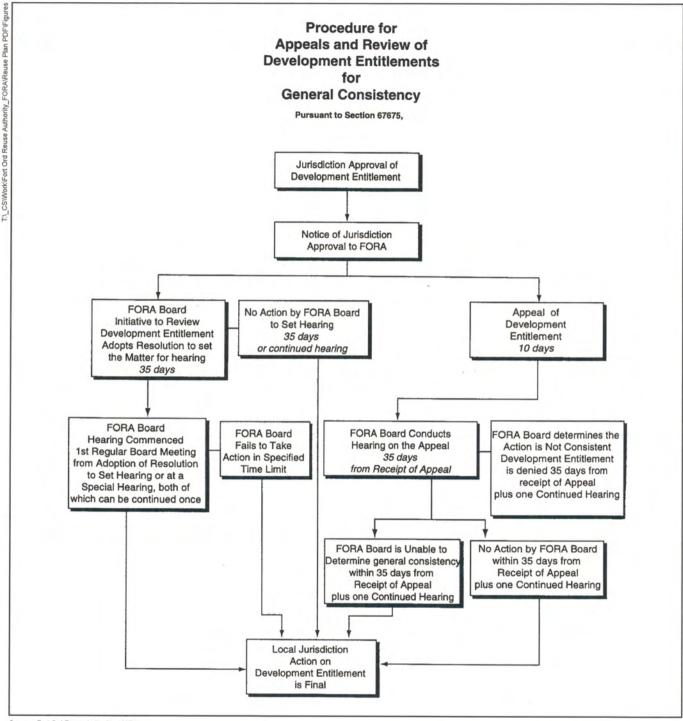
Source: Fort Ord Reuse Authority, 1997

FIGURE 3.11-1 LEGISLATIVE LAND USE CONSISTENCY DETERMINATIONS

Procedure for Appeals and Review of Development Entitlements for General Consistency

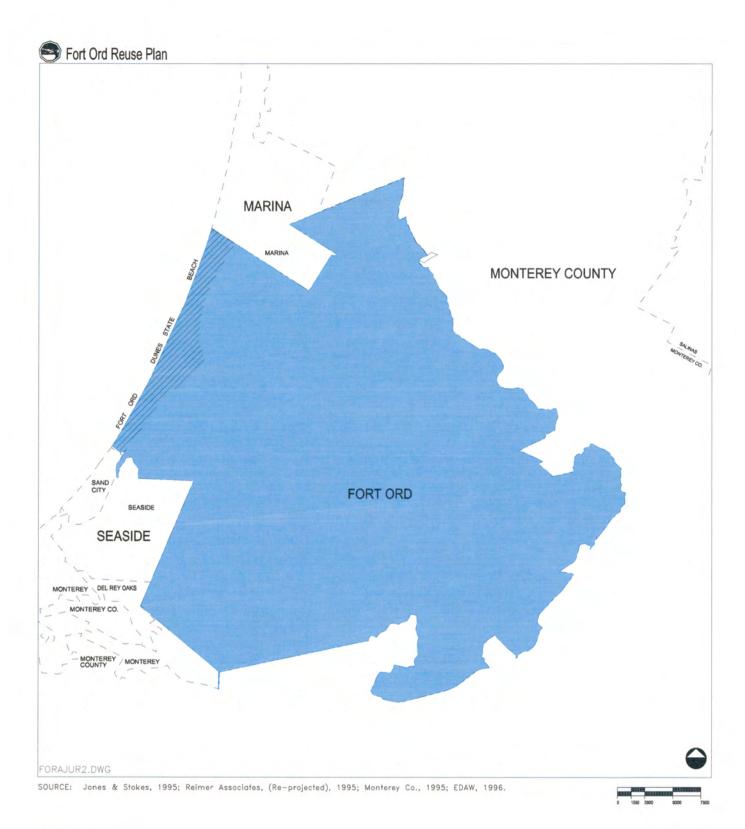
Pursuant to Section 67675, Title 7.85 of the California Government Code





Source: Fort Ord Reuse Authority, 1997

FIGURE 3.11-2 APPEALS AND REVIEW OF DEVELOPMENT ENTITLEMENTS

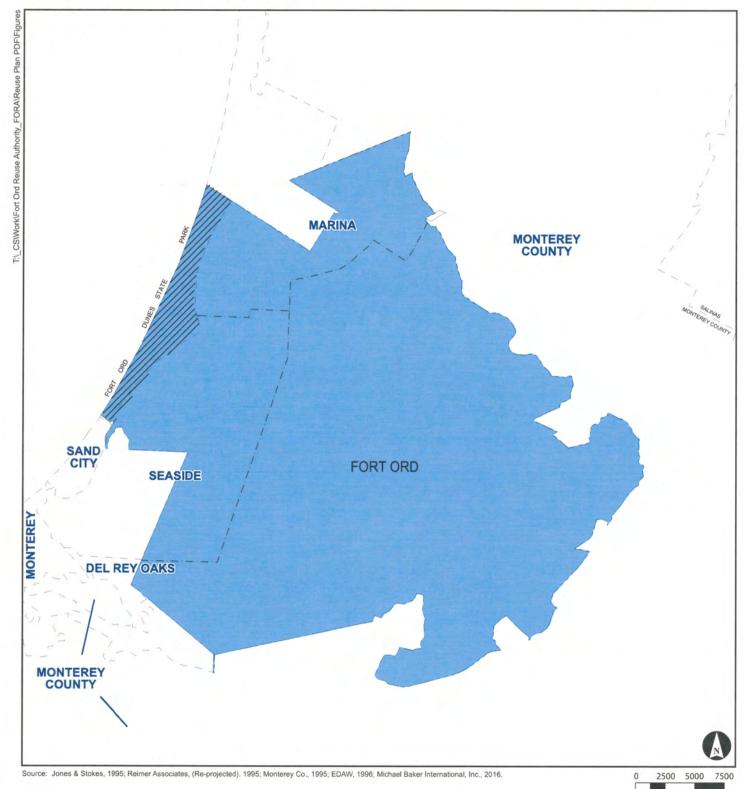


LEGEND:

---- Jurisdiction Boundary

California Coastal I

California Coastal Commission Coastal Management Zone



LEGEND

Jurisdiction Boundary



California Coastal Commission Coastal Management Zone in Fort Ord

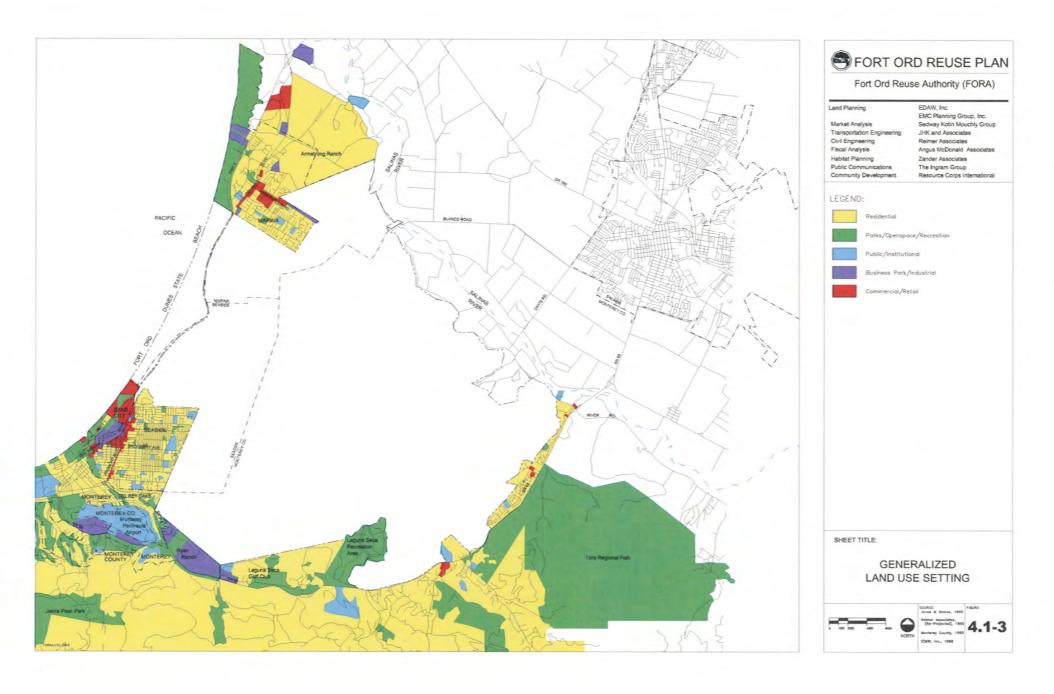


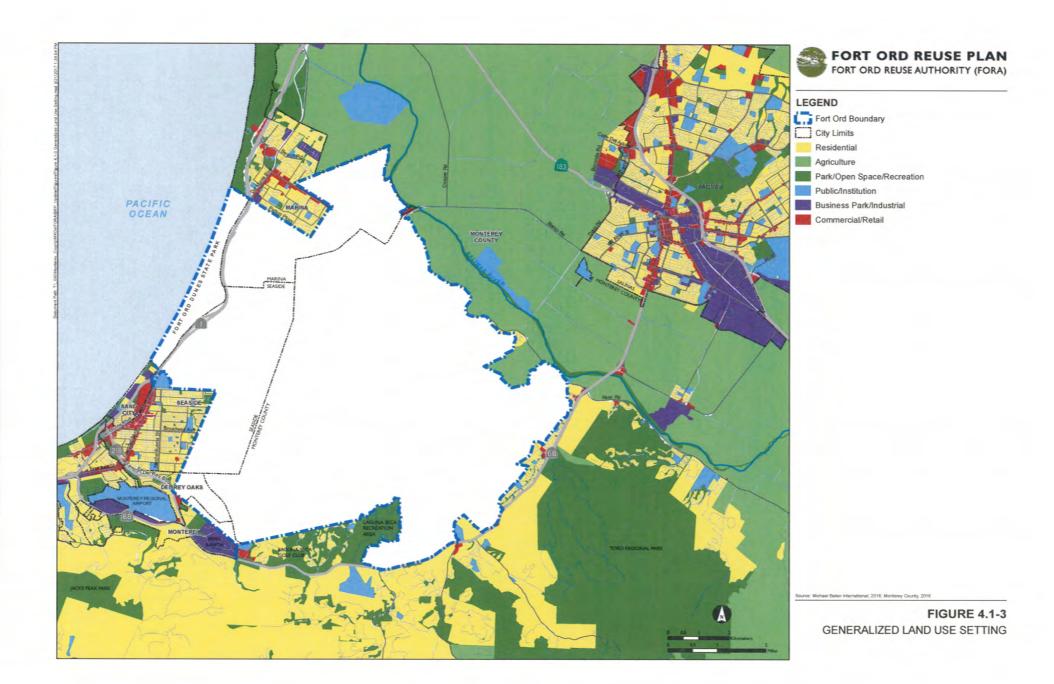
Fort Ord

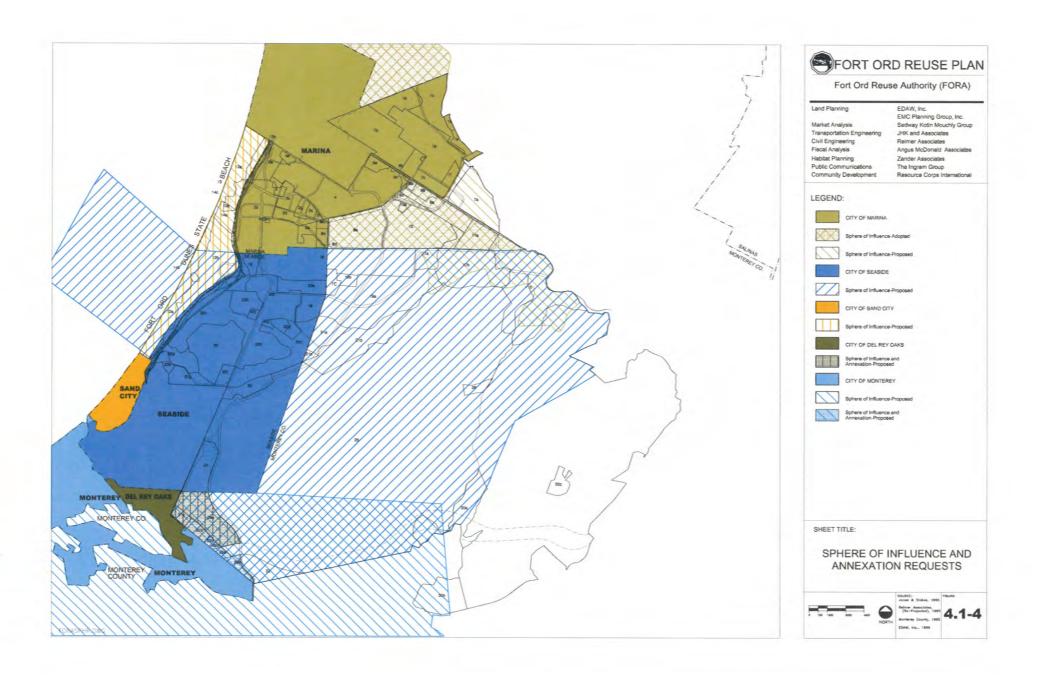
FIGURE 4.1-2

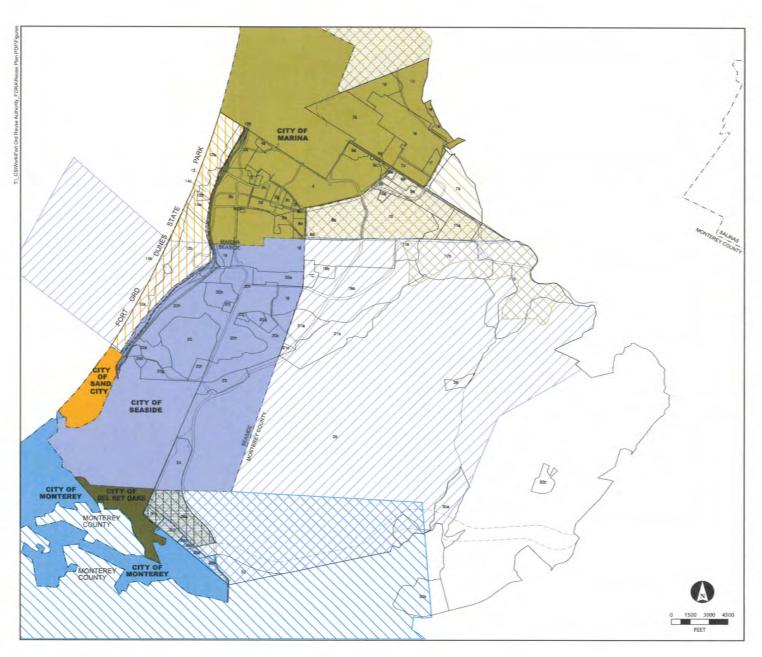
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PLANNING AREAS AND LOCAL JURYSTONS











Land Planning

Market Analysis Transportation Engineering

Civil Engineering Fiscal Analysis

Habitat Planning Public Communications

Community Development

EDAW, Inc.

EMC Planning Group, Inc. Sedway Kotin Mouchly Group JHK and Associates

Reimer Associates Angus McDonald Associates

Zander Associates The Ingram Group Resource Corps International

LEGEND

CITY OF MARINA

Sphere of Influence-Adopted



Sphere of Influence-Proposed



CITY OF SEASIDE



Sphere of Influence-Proposed



CITY OF SAND CITY



Sphere of Influence-Proposed



CITY OF DEL REY OAKS



Sphere of Influence and Annexation-Proposed



CITY OF MONTEREY



Sphere of Influence-Proposed

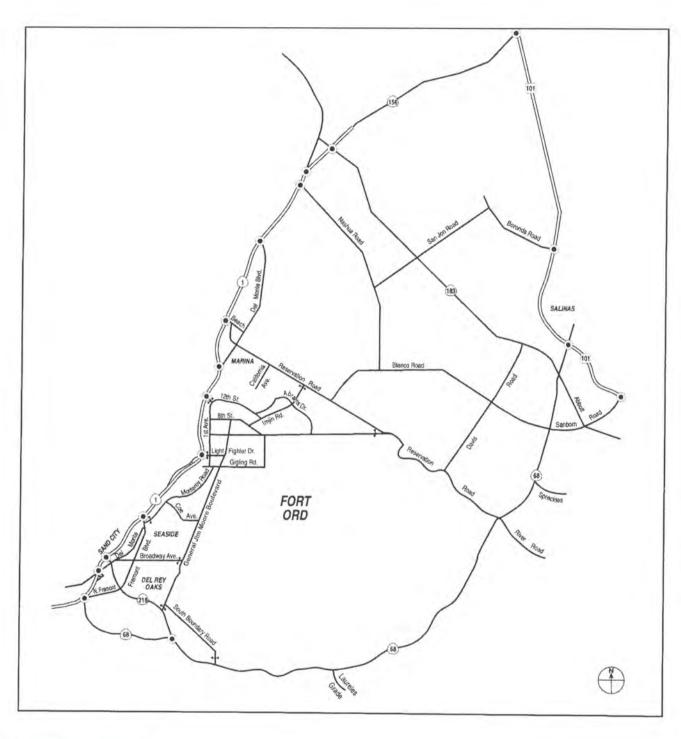


Sphere of Influence and Annexation-Proposed

Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected). 1995; Monterey Co., 1995; EDAW, 1996; Michael Baker International, Inc., 2016.

FIGURE 4.1-4

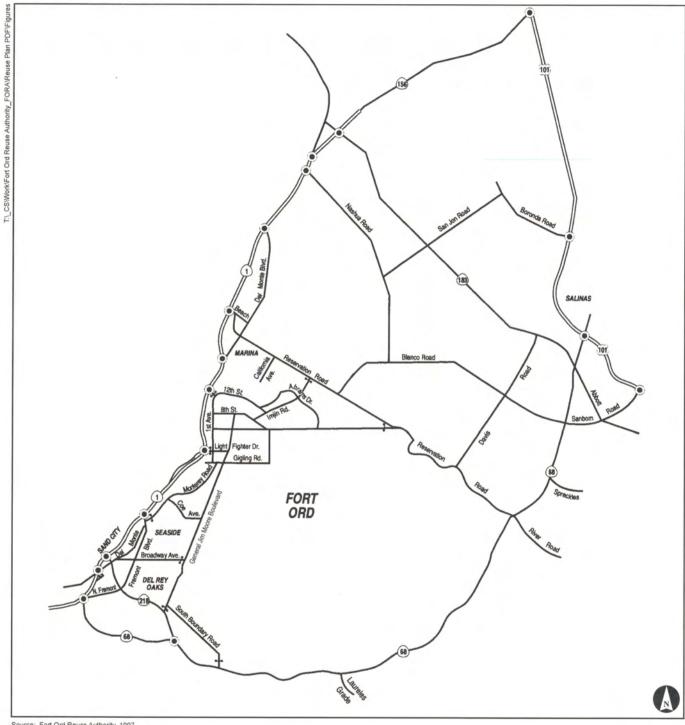
SPHERE OF INFLUENCE AND ANNEXATION REQUESTS



LEGEND	
_	Freeway
	Interchange
1	Fort Ord Access Gate

Figure 4.2-1

Existing Transportation Network



Source: Fort Ord Reuse Authority, 1997

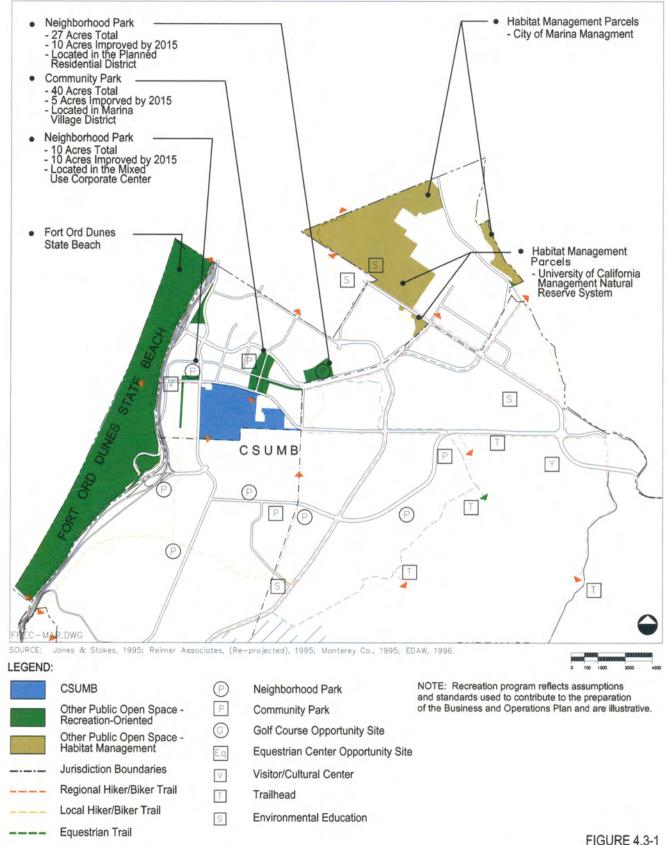
LEGEND

Freeway

Interchange

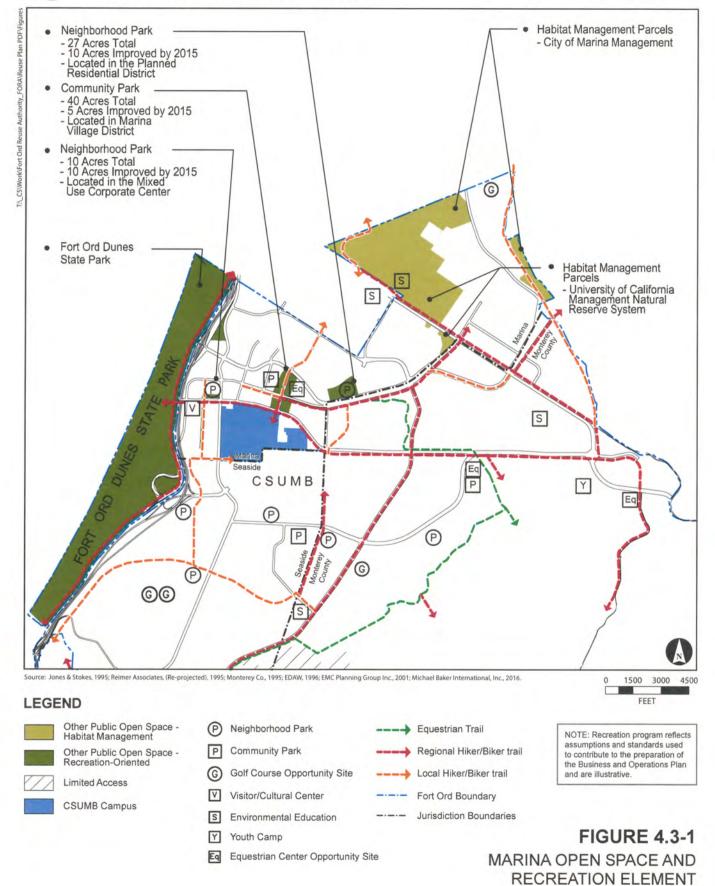
Fort Ord

FIGURE 4.2-1

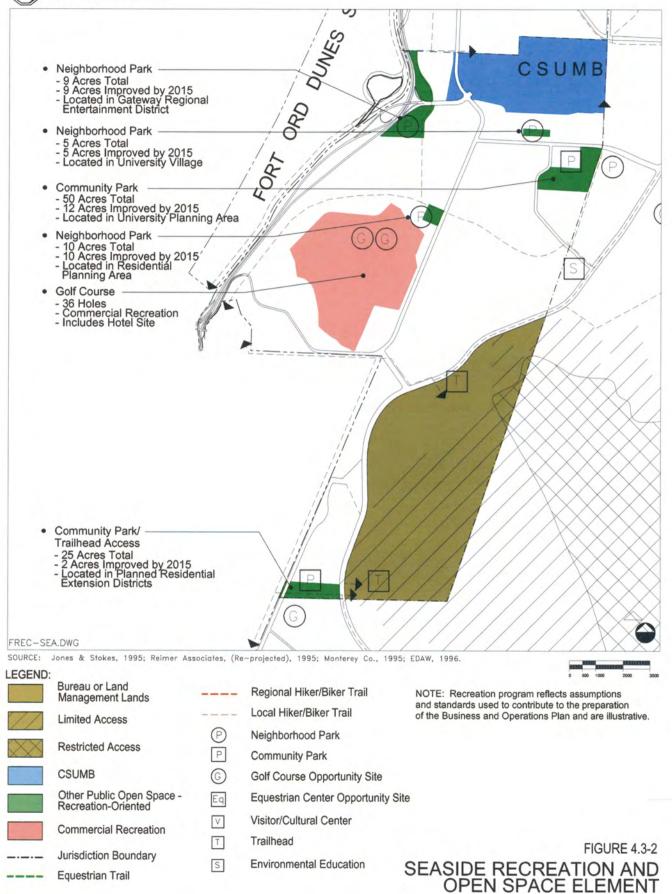


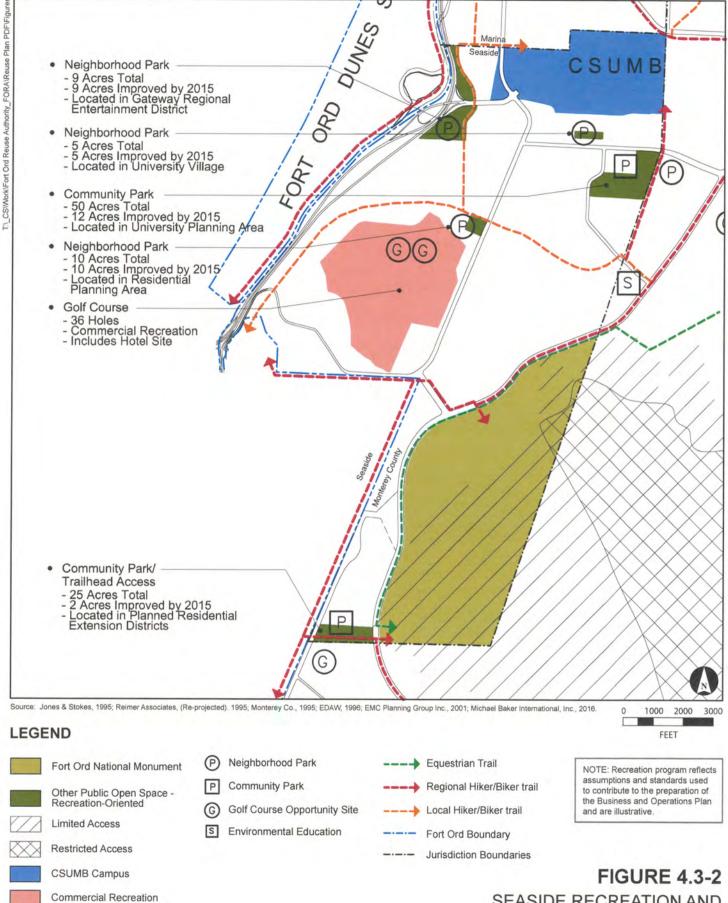
MARINA OPEN SPACE AND RECREATION ELEMENT

FORT ORD REUSE PLAN FORT ORD REUSE AUTHORITY (FORA)

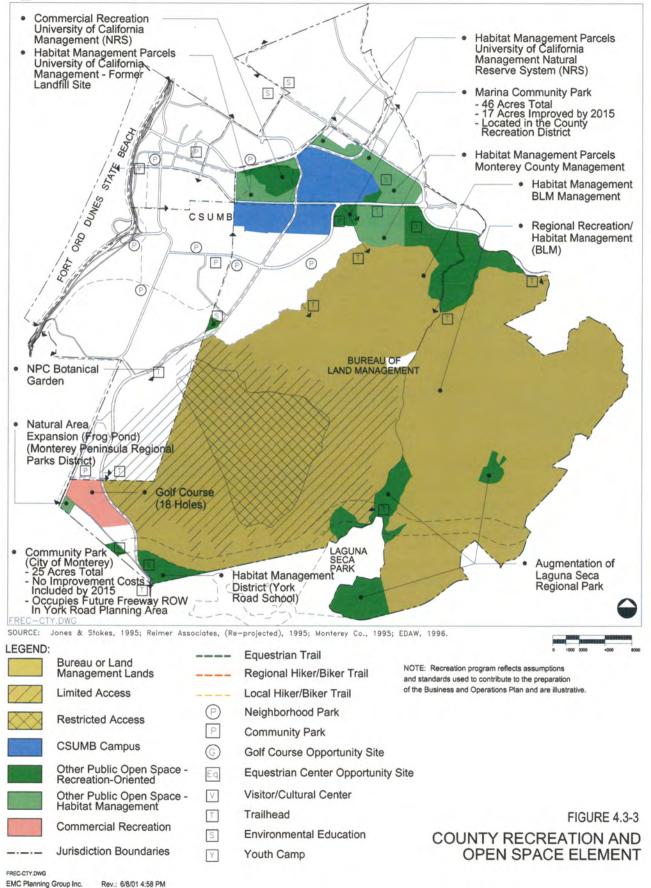




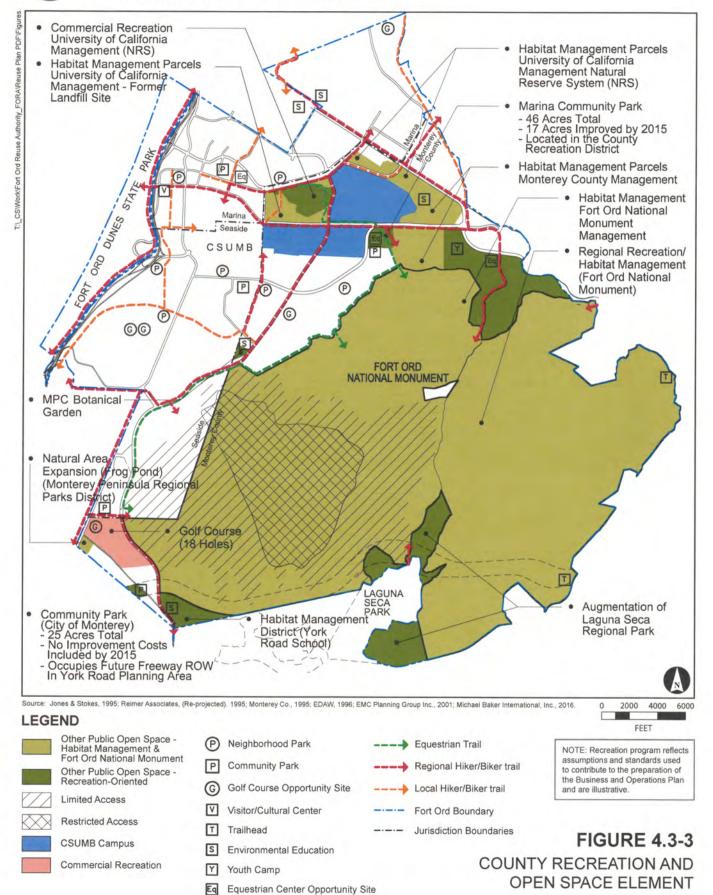


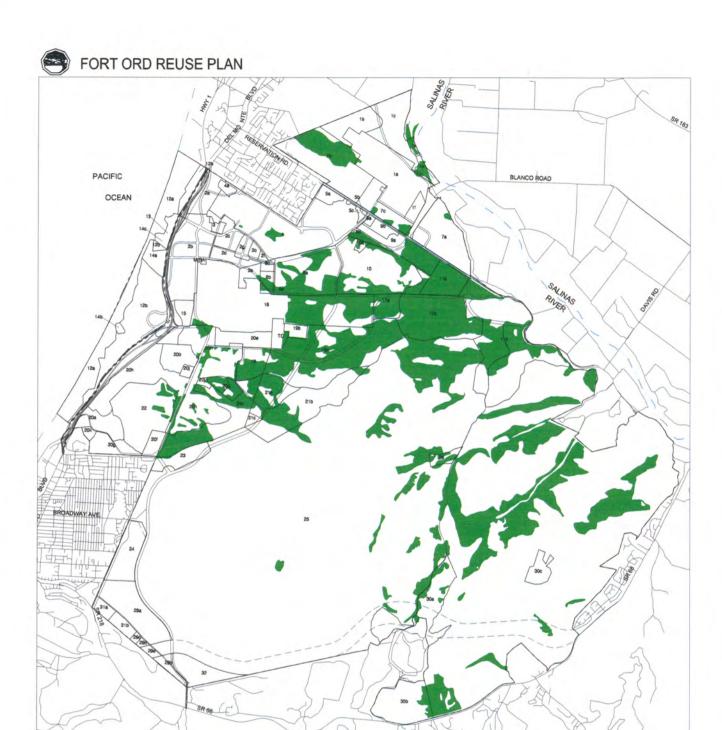


SEASIDE RECREATION AND OPEN SPAGE ELEMENT



FORT ORD REUSE PLAN FORT ORD REUSE AUTHORITY (FORA)



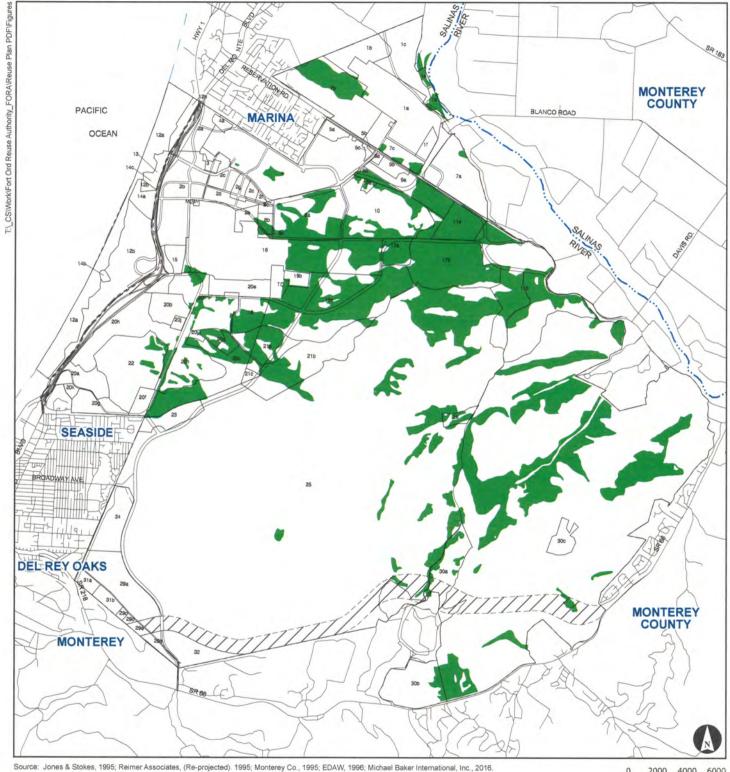


LEGEND:

Existing Oak Woodlands

SOURCE: Jones & Stokes, 1995; Reimer Associates, (Re-projected), 1995; Monterey Co., 1995; EDAW, 1996.

FIGURE 4.4-1 OAK WOODLAND AREAS



LEGEND

Existing Oak Woodlands

Highway 68 Bypass

2000 4000 6000

NOTE: Original source documents (U.S. Army Corps of Engineers, December 1992 Flora and Fauna Baseline Study of Fort Ord, California) included three different subtype areas that are herein combined.

FIGURE 4.4-1 OAK WOODLAND AREAS



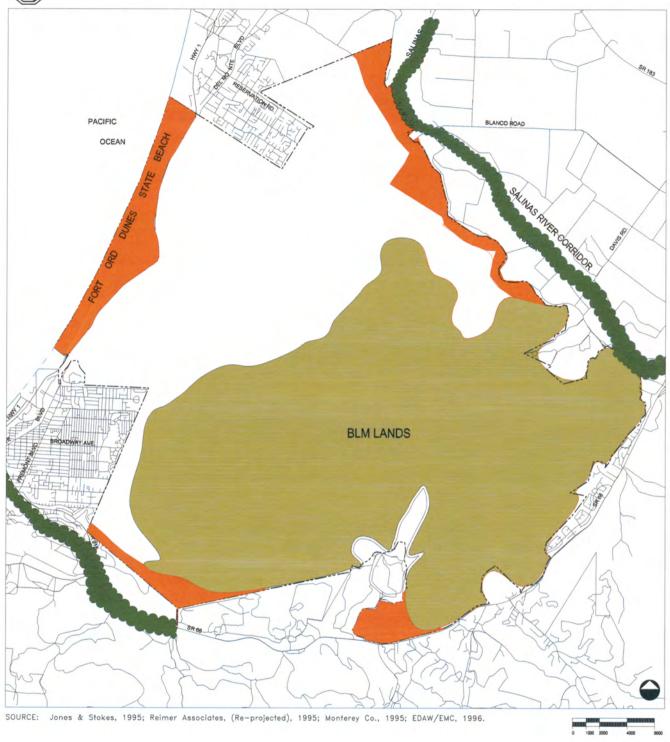




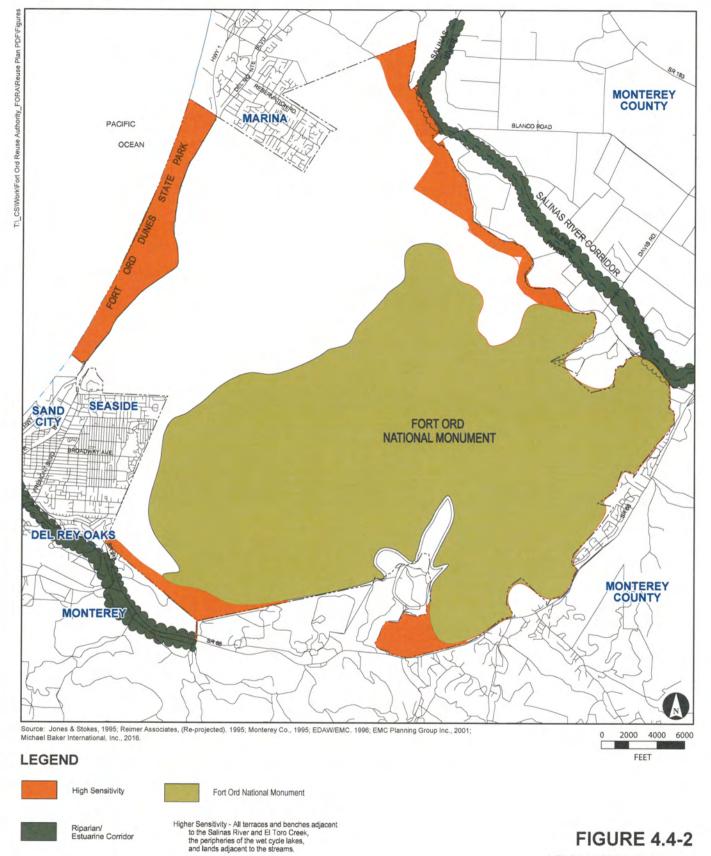


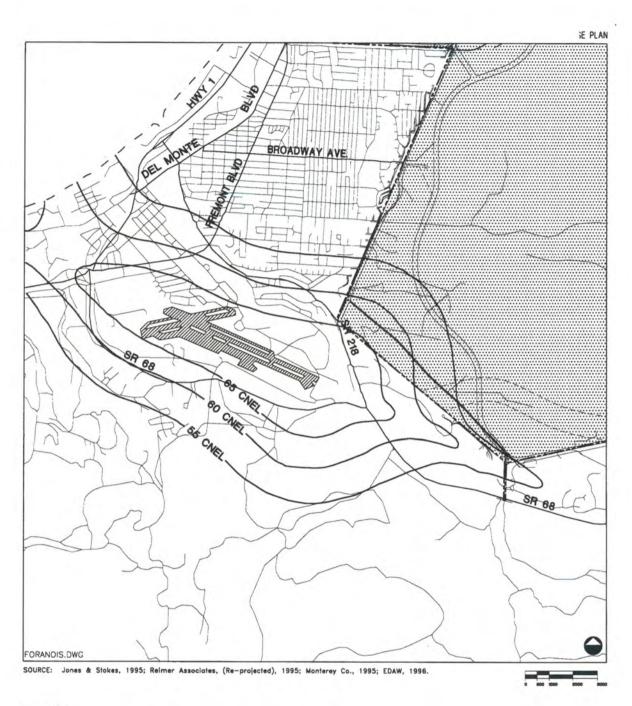
FIGURE 4.4-2

ARCHAEOLOGICAL RESOURCE SENSITIVITY

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EMC Planning Group Inc.

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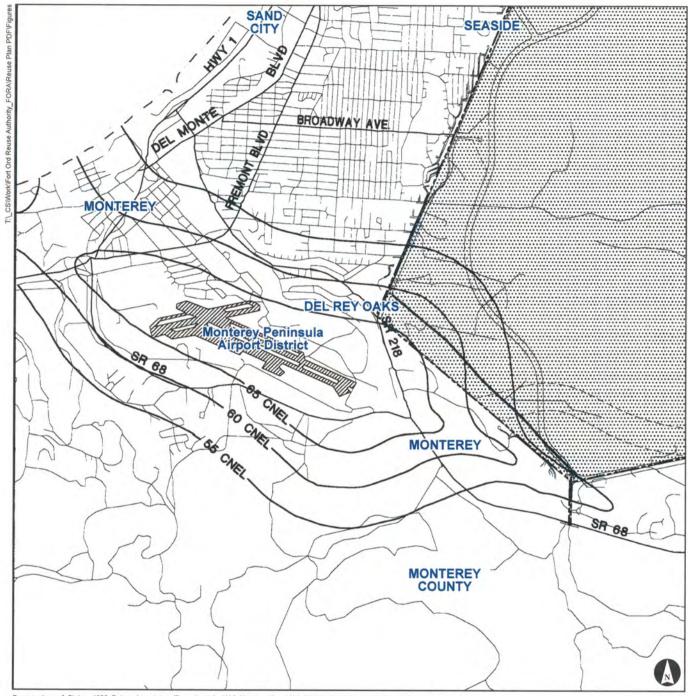




LEGEND.

CNEL Noise Contour

NOISE CONTOURS FOR MONTEREY PENINSULA AIRPORT



Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected), 1995; Monterey Co., 1995; EDAW 1996; Michael Baker International, Inc., 2016.

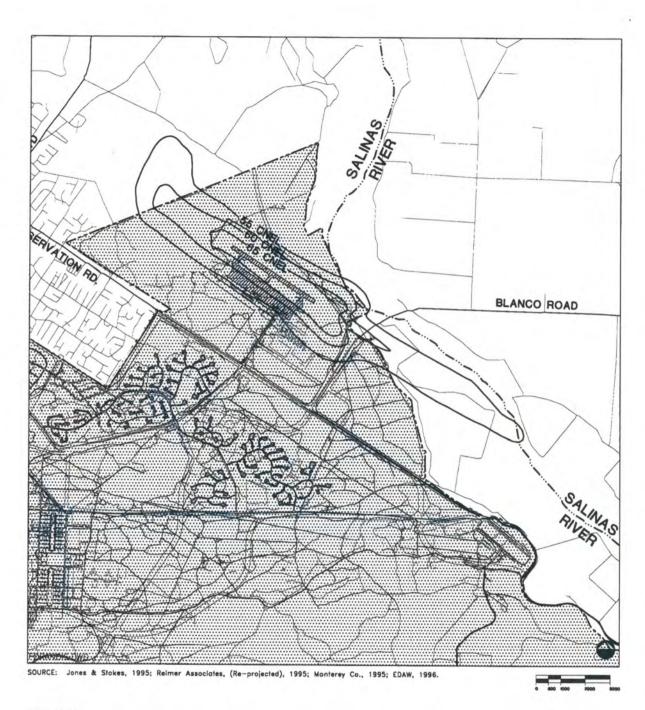
LEGEND

Fort Ord

— CNEL Noise Contour

FIGURE 4.5-1

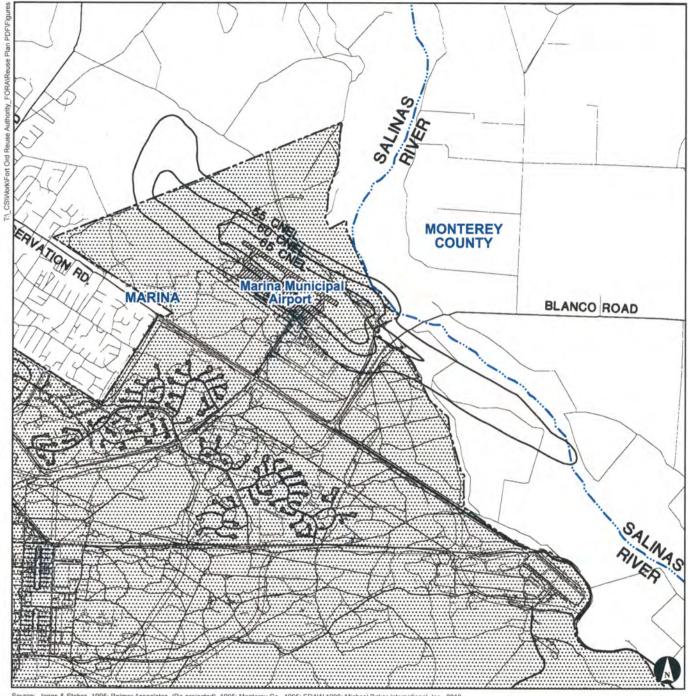
NOISE CONTOURS FOR
MONTEREY PENINSULA AIRPORT



LEGEND.

CNEL Noise Contour

FORECAST YEAR 2015
AIRPORT NOISE CONTOURS



Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected). 1995; Monterey Co., 1995; EDAW 1996; Michael Baker International, Inc., 2016.

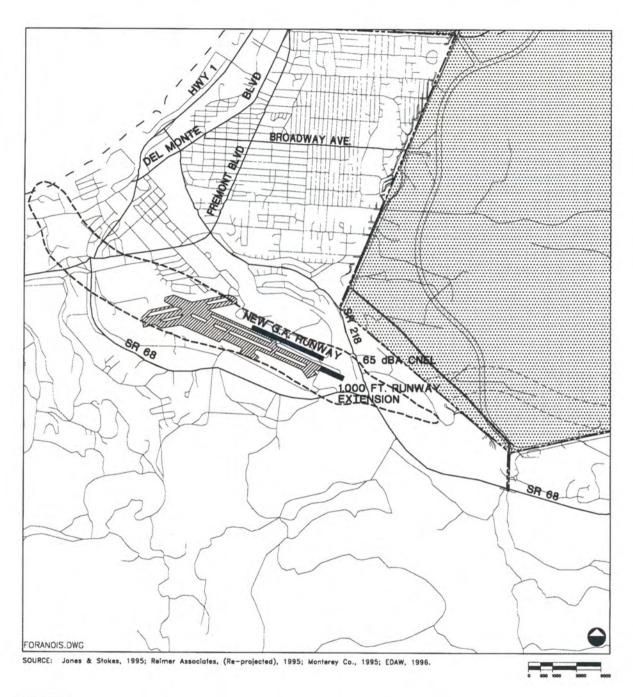
LEGEND

Fort Ord

CNEL Noise Contour

FIGURE 4.5-2 FORECAST YEAR 2015 AIRPORT NOISE CONTOURS

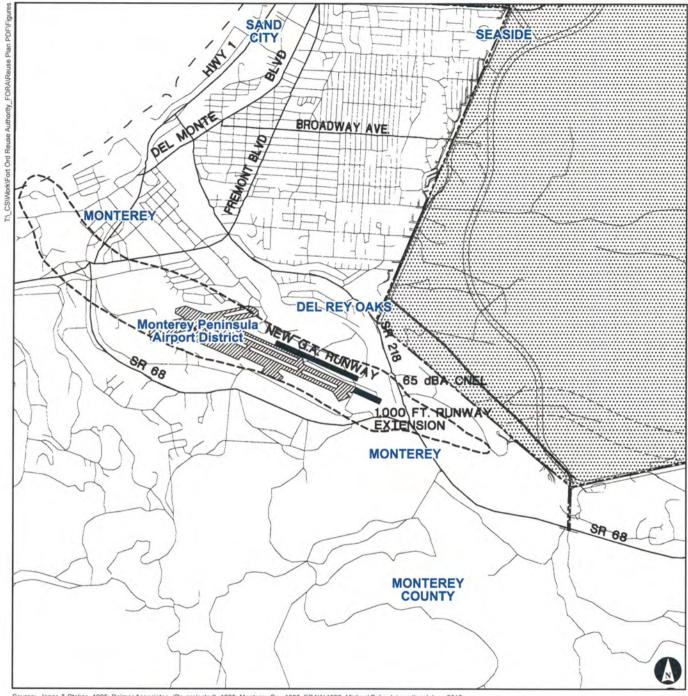




LEGEND.

CNEL Noise Contour - Adjusted for Runway Improvements

FORECAST YEAR 2010 AND CNEL 65db
NOISE CONTOUR FOR MONTEREY PENINSULA AIRPORT



Source: Jones & Stokes, 1995; Reimer Associates, (Re-projected). 1995; Monterey Co., 1995; EDAW 1996; Michael Baker International, Inc., 2016.

LEGEND

.....

Fort Ord

— CNEL Noise Contour

FIGURE 4.5-3

FORECAST YEAR 2010 CNEL 65db NOISE CONTOUR FOR MONTEREY PENINSULA AIRPORT



FORT ORD REUSE PLAN

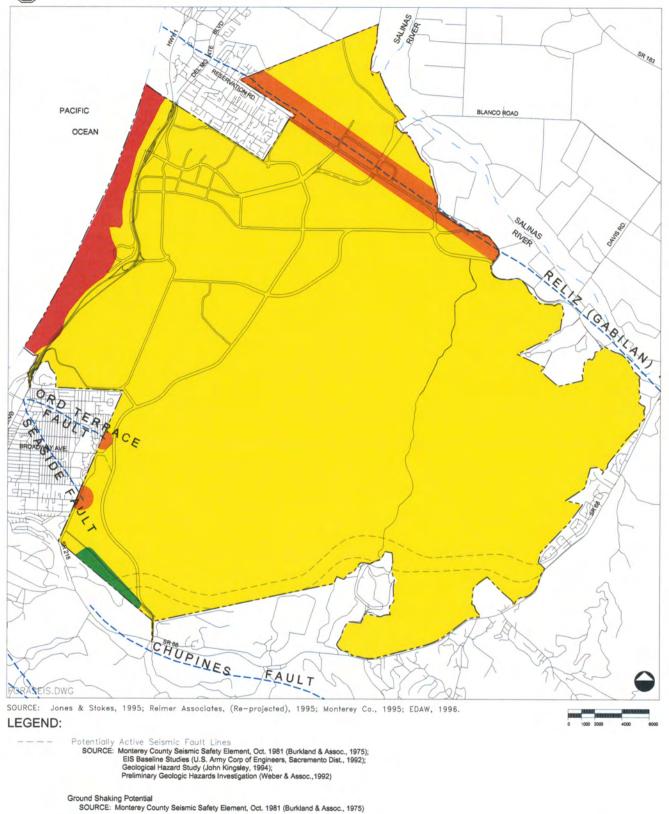
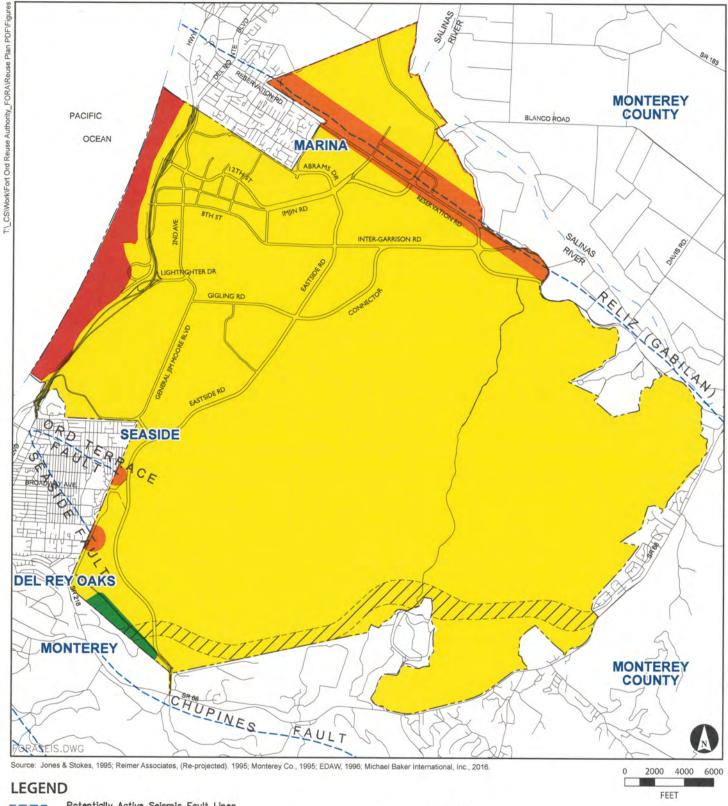




FIGURE 4.6-1

SEISMIC HAZARDS



Potentially Active Seismic Fault Lines
SOURCE: Monterey County Seismic Safety Element, Oct. 1981 (Burkland & Assoc., 1975);
ElS Baseline Studies (U.S. Army Corp of Engineers, Sacremento Dist., 1992);
Geological Hazard Study (John Kingsley, 1994);
Preliminary Geologic Hazards Investigation (Weber & Assoc., 1992)

Ground Shaking Potential SOURCE: Monterey County Seismic Safety Element, Oct. 1981 (Burkland & Assoc., 1975)

MODERATELY HIGH

LOW



HIGH

Highway 68 Bypass

FIGURE 4.6-1 SEISMIC HAZARDS Page 81 of 140

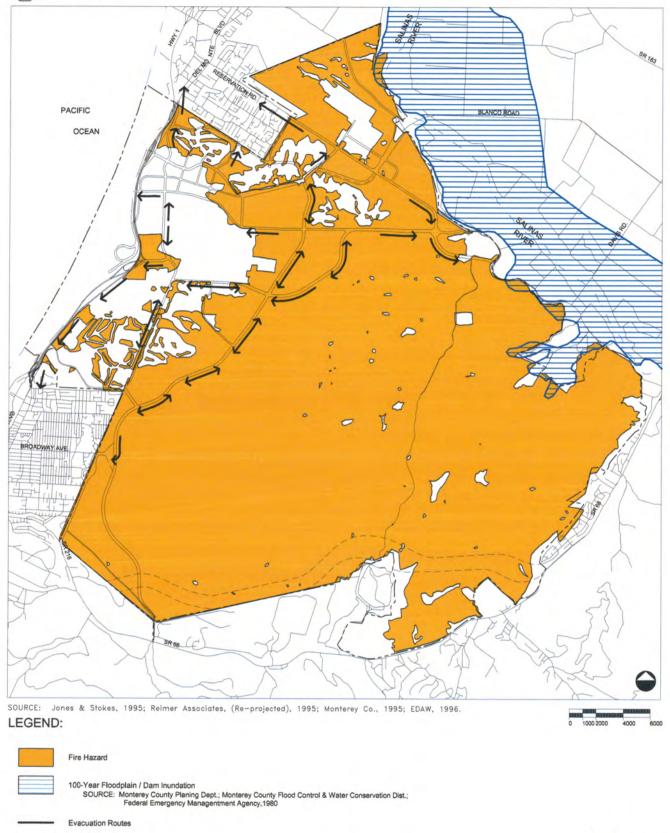
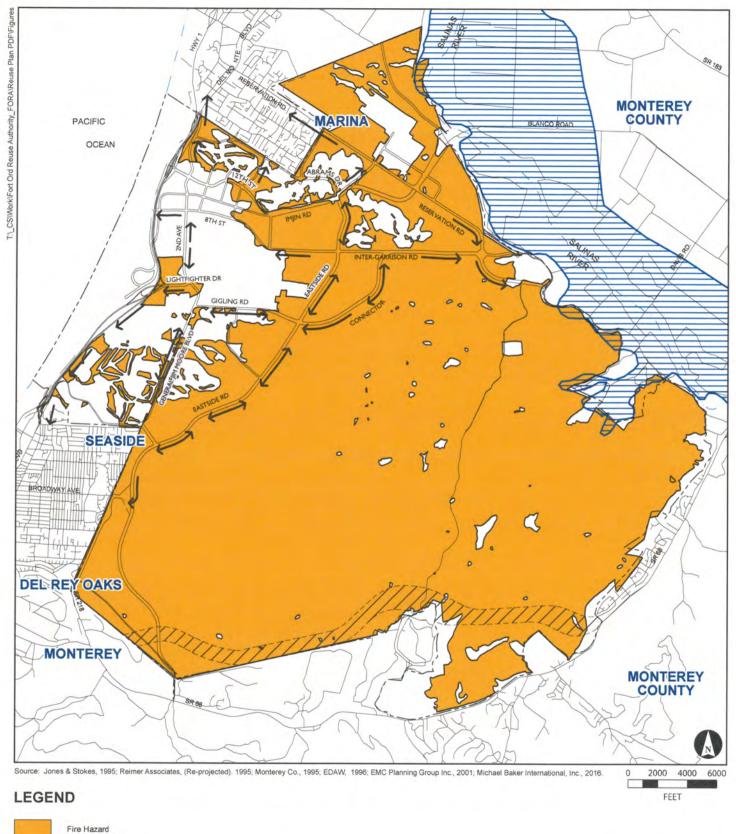


FIGURE 4.6-2

FIRE AND FLOOD HAZARDS AND EVACUATION ROUTES





Fire Hazaro

100-Year Floodplain / Dam Inundation SOURCE: Monterey County Planing Dept.; Monterey County Flood Control & Water Conservation Dist.; Federal Emergency Managentment Agency, 1980



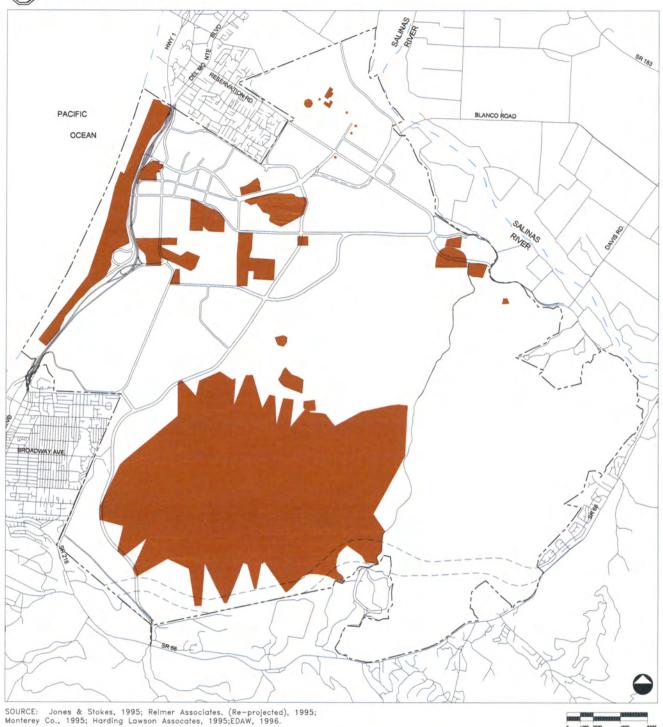
Evacuation Routes

772

Highway 68 Bypass

FIRE AND FLOOD HAZARDS AND EVACUATION REDUTES





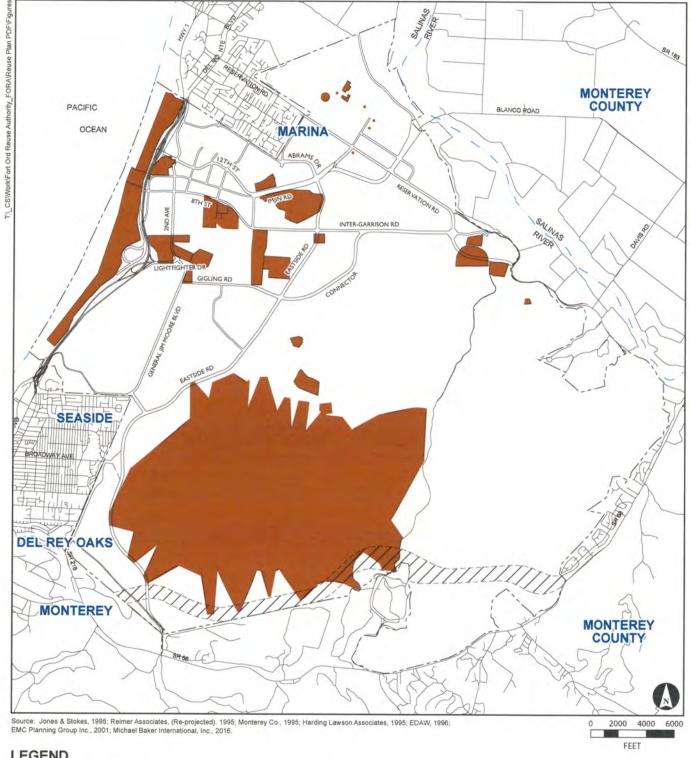
LEGEND:



Hazardous and Toxic Waste Sites

HAZARDOUS AND TOXIC WASTE SITES (JUNE 1995)





LEGEND



Hazardous and Toxic Waste Sites

Highway 68 Bypass

FIGURE 4.6-3 HAZARDOUS AND TOXIC WASTE SITES (JUNE 1995) Page 85 of 140

Attachment E to Item 7f FORA Board Meeting, 4/7/17

779 DOLORES STREET SAN FRANCISCO, CALIFORNIA 94110 TEL (415) 641-4641 WALTNERLAW@GMAIL.COM

Memorandum

Date: December 26, 2013

To: Fort Ord Reuse Authority

Board of Directors

Mayor Jerry Edelen, Board Chair

Michael Houlemard, Executive Officer

From: Alan Waltner, Esq.

RE: Response to Certain Comments on the Monterey County General Plan

Consistency Review

This memorandum responds to your request that we address certain comments made in a series of letters submitted to FORA¹ by Jane Haines regarding the Monterey County General Plan Consistency Review that is currently pending before FORA. In general, this response highlights points made in our two previous memoranda that have been overlooked in these letters.

Although the letters are extensive in length, they largely repeat three basic arguments. First, they argue that Section 8.02.010 or the FORA Master Resolution effectively modified the consistency review standards of the FORA Act and Master Resolution to require "strict adherence to the 1997 Reuse Plan" before consistency can be found. Second, they argue that substantial evidence has been provided triggering disapproval of the Monterey County General Plan under one or more of the provisions of Master Resolution Section 8.02.010 – specifically provisions relating to the intensity of land uses, the density of land uses, and substantial conformance with applicable programs in the Reuse Plan. Third, they argue that there is no legal authority supporting a consistency review standard that parallels the standard applying in the local planning context under the Planning and Zoning Law. All three of these arguments were addressed in our previous memoranda, as summarized in this memorandum.

First, there is no support in the FORA Act or Master Resolution for a "strict adherence" standard for consistency reviews. The FORA Act itself simply requires that the FORA Board find that "the portions of the general plan or amended general plan applicable to the territory of the base . . . are consistent with the reuse plan." Government Code Section 67840.2. As with all statutes, this provision is to be interpreted in accordance with the "plain meaning" of the word chosen by the Legislature, which is "consistent."

¹ Abbreviations, acronyms and references used in our previous memoranda dated July 3 and September 3, 2013 will be applied in this memorandum.

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Regardless of the dictionary chosen, the definition of the word is similar. For example, the Merriam-Webster online dictionary defines the term as: "marked by harmony, regularity, or steady continuity: free from variation or contradiction." The term does not require that two items be identical or strictly adhere to one another. Instead, it only requires harmony and a lack of conflict. This is the approach taken in extensive case law interpreting the Legislature's intention in using the same word in the Planning and Zoning Law, as summarized in our previous memoranda.² It is also reflected in various provisions of the Master Resolution. For example, Section 8.02.010(b) clearly allows the "transfer of the intensity of land uses and/or density of development" between specific locations on the base, so long as "the cumulative net density or intensity of the Fort Ord Territory is not increased." This means that "strict adherence" to the uses on specific parcels is not required so long as a base-wide balance of intensity and density is demonstrated. Regarding compliance with BRP programs, Section 8.02.010(a)(3) of the Master Resolution requires only "substantial conformance" with "applicable" programs. Again, this is much different than the "strict adherence" standard urged in the comment letters. We continue to conclude that the standards being applied by FORA accurately implement the FORA Act and the Master Resolution.

The comment letters argue that language in Master Resolution Section 8.02.010(a) stating that the Board "shall disapprove any legislative land use decision for which there is substantial evidence of [six listed factors]" implicitly modifies the meaning of the word "consistent" or alters the consistency review criteria of the Master Resolution to create a "strict adherence" standard. This implied modification of the applicable standard is unsupported by the structure or language of the provision. Such an interpretation would also conflict with several rules of statutory construction, particularly the rule against rendering language surplussage (the interpretation would effectively read Section 8.02.010(b) and the "substantial conformance" language out of the Master Resolution) and the rule disfavoring implied repeals.³ The plain meaning of the term "consistent" still applies, as do the limitations of the Master Resolution embodied in the "substantial conformance" and "applicable" references.

Second, there is no substantial evidence that any of the six criteria of Master Resolution Section 8.02.010(a) have been triggered.⁴ The comment letters reflect several

² The extensive discussion in the comment letters of differences between the FORA Act and the Planning and Zoning Law does not alter the fact they both use the same term ("consistent") in a similar context.

³ There are also substantial questions as to whether the 1997 FORA Board could adopt provisions in the Master Resolution that conflict with the FORA Act, establish review standards binding on a reviewing Court, or limit the police power discretion of subsequent FORA Boards. These issues are reserved for subsequent elaboration if needed.

⁴ We note that the six criteria of this section are connected with the word "and." Literally read, then, there would need to be substantial evidence that all six criteria have been triggered before disapproval is required. The comment letters focus on three of the six criteria and no argument is made regarding the other three. Since there is no substantial evidence that any of the criteria have been triggered, this memorandum does not rely upon the use of the word "and" in this provision, but the argument is reserved. Master Resolution 8.02.010(a)(3) also refers only to substantial conformance with "programs" and does not reference substantial conformance with "policies" of the BRP. Again, this memorandum does not rely

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fundamental flaws in making this argument. Most importantly, the comment letters generally do not point to any specific evidence of a lack of consistency, but instead simply reference the Monterey County General Plan and FORA BRP as a whole and urge that within them are unspecified inconsistencies. In other words, the comment letters do not identify the "substantial evidence" upon which they are relying. The comment letters also do not attempt to rebut Monterey County's analyses of consistency that support the application. The argument further erroneously applies the "strict adherence" standard addressed earlier herein. Thus, for example, regarding the requirement of "substantial conformance" with "applicable" programs of the BRP, there is no specifically identified evidence in any of the comment letters that any particular applicable program has not met the substantial conformance test.

We note in this regard that the entirety of the BRP has been incorporated by reference into the Monterey County General Plan that is the subject of the pending consistency review application. See Monterey County 2010 General Plan, Chapter 9.E ("This plan incorporates all applicable policies and programs contained in the adopted Reuse Plan as they pertain to the subject area."). The comment letters do not attempt to explain how, despite this incorporation, "substantial conformance" with applicable BRP programs has not been achieved.

Given the general lack of specific objections in the comments, a more detailed response to the commenter's substantial evidence argument cannot be made. The most specific objection made is to the fact that a natural ecosystem easement has not yet been recorded by Monterey County for the Monterey Downs area. See October 10, 2013 letter from Jane Haines. However, a commitment has been made by Monterey County, through incorporation of the BRP program requiring such an easement. The fact that implementation of this easement obligation is not yet applicable (there is not yet a specific Monterey Downs proposal and adjustments to any protected areas are likely to be made, meaning that the property description in an easement cannot yet be defined and recording such an easement is not yet possible) does not provide any evidence that substantial conformance with this BRP program is not reflected in the Monterey County General Plan. Any specific development entitlements for Monterey Downs will be subject to further review by the FORA Board at which time the easement obligation can be enforced if necessary. The other objections in the comment letters are very cursory and do not describe the substantial evidence purported to demonstrate a lack of substantial conformance with applicable BRP programs.

Third, although no challenge to a FORA consistency determination has ever been brought, and no other challenge to a FORA land use action has ever proceeded to a written judicial opinion, this does not mean that there is no legal authority for the interpretation and application of the consistency standard. As discussed earlier herein, the Legislature's use of the word "consistent" in the FORA Act, and FORA's interpretations and implementation of this language in the Master Resolution, are the applicable law, as discussed earlier herein and in our earlier memoranda.

upon this omission, since there is no substantial evidence of applicable BRP policies that have not been substantially complied with, but this argument is likewise reserved.

Table 1. Category I Text Corrections

lable 1	. Ca	tegor	y I Text Correct	ions						
Correction Type	Volume	2001 Published Page # (redline page # in parentheses if different)	Plan Element	Program/Secti	Type of Error	Source	Delete	Insert	PRAC Comments (presented to board May 10, 2013)	Additional Notes
									Identified by the District 4 office via	NOT IN FINAL REASSESSMENT.
RR	Ш	226	Land Use	4.1.1.3	Internal reference	ID'd by District 4 Office		3.4-1	email, 4/8/13	Two references to incorrect table on this page.
RR	Ш	237	Land Use	E-1.3	Internal reference	Initial Reassessment Report	E-1.2	E-1.3		
RR	II	241		C-1.2	Formatting, style, consistency	Initial Reassessment Report	district	District		
RR	II	241	Land Use	C-1.2	Reflect changes since BRP	Initial Reassessment Report	North-South Road	General Jim Moore Boulevard		
RR	II	241	Land Use	C-1.3	Reflect changes since BRP	Initial Reassessment Report	North-South Road	General Jim Moore Boulevard		
Volume IV conformance	II	247	Residential Land Use	l-1.1	inconsistency with Vol IV	Vol. IV page 189	Community Design Element of the Reuse Plan.	regional urban design guidelines (to be prepared by FORA) and the General Development Character and Design Objectives of the Fort Ord Reuse Plan Framework. regional urban design guidelines and the General Development Character and Design	N/A	
Volume IV							Community Design principles and the	Objectives of the Fort Ord Resuse Plan		
conformance	Ш	247	Residential Land Use	I-1.2	inconsistency with Vol IV	Vol. IV page 4-189	County's design guidelines.	Framework.	N/A	
RR	II	255 (256)	Land Use	E-2.3	Spelling, grammar, syntax	Initial Reassessment Report	TheCity	The City		
PRAC redirect	=	265	Land Use	B-2.4	Internal reference	Initial Reassessment Report		s 5a and	On hold (identified as needing further clarification as to the reasons underlying the change). Examine further as pat of a Category IV policy discussion.	add s to Polygon and add 5a as well
RR	=	265 (266)	Land Use	B-2.4	Spelling, grammar, syntax	Initial Reassessment Report		of		of added between City and Marina
PRAC redirect	=	266	Land Use	C-1.3	Grouping, placement	Initial Reassessment Report	Community Park with equestrian trailhead (Polygon 17A): 46 acres		Staff-proposed "Post-April 19 Committee review" additional edit related to Recommendation iii of Item 7b (May 10, 2013 Board report): Place the Reassessment Report's suggested corrections to pages 266 and 271 on hold, pending a Category IV policy-level discussion of appropriate future uses of the site.	Note: Polygon 17A is near the Youth Camp and is not within the City of Marina.
	- "	200	Land OSC	C-1.3	Grouping, placement	mittai Reassessment Report	trainicad (i olygon 17A). 40 acres		uses of the site.	within the city of Marina.
Volume IV		250		5.4.3		\/-L \\/ 4 404	Davis.	now.	A1/A	
conformance Volume IV	II	269	Recreation and Open Space	D-1.3	inconsistency with Vol IV	Vol. IV page 4-191	Row	ROW	N/A	
conformance		270	Recreation and Open Space	D_2 1	inconsistency with Vol IV	Vol. IV page 4-23	future, and s on projects		N/A	
Volume IV		270	Recreation and open space	D 2.1	medialistency with voliv	VOI. 14 page 4 25	ratare, and son projects		14//	
conformance	Ш	270	Recreation and Open Space	B-2.2	inconsistency with Vol IV	Vo.l IV page 4-23	encourage	require	N/A	
PRAC redirect	=	271		C-1.2	Grouping, placement	Initial Reassessment Report			Staff-proposed "Post-April 19 Committee review" additional edit related to Recommendation iii of Item 7b (May 10, 2013 Board report): Place the Reassessment Report's suggested corrections to pages 266 and 271 on hold, pending a Category IV policy-level discussion of appropriate future uses of the site.	
Volume IV										
conformance	Ш	272	Recreation and Open Space	Policy E-1	inconsistency with Vol IV	Vol. IV page 4-15		[comma]	N/A	
Volume IV					,					
conformance	п	272	Recreation and Open Space	F-1 1	inconsistency with Vol IV	Vol. IV page 4-15		former	N/A	
Volume IV							coordinate with the State Department of Parks and Recreation to resolve the issue of a frontage roadway to connect the cities of Marina and Sand City.	assist CDPR to carry out a dune restoration program for the Fort Ord Dunes State Park.		Page 89 of 140
conformance	- II	272	Recreation and Open Space	[C-1.Z	inconsistency with Vol IV	Vol. IV page 4-15	the cities of ivial illa allu Sallu City.	program for the Fort Ord Dunes State Park.	N/A	<u> </u>

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		£								
		olished Page # page # in sses if different)								
		Pag in iiffe								
		e # i								
		page ss es								
		Pub ne p							PRAC Comments (presented to board	
Composition Tuno	Values	2001 redli	Plan Element	Dua sua un /Ca ati	Tunn of Funny	6	Dalata	Incomb		Additional Notes
Correction Type	volume	258	Plan Element	Program/Secti	Type of Error	Source	Delete	Insert	May 10, 2013)	Additional Notes
RR	Ш	276 (277)	Land Use	A-1.1	Clarification	Initial Reassessment Report	uses into	use transitions		
RR	II	276 (277)	Land Use	B-1.1	Spelling, grammar, syntax	Initial Reassessment Report		and		and added b/t schools and ensure
Volume IV		- , ,			0,0 - , , ,					,
conformance	п	278	Institutional Land Use	A-1.2	inconsistency with Vol IV	Vol. IV page 4-21	ensure	provide	N/A	
	<u>;;</u>		Streets and Roads	Objective D	,	Staff review	ensure		IN/A	
Staff-noted					spelling, syntax, grammar			[period]		
Staff-noted	II	<u> </u>		A-1.2	spelling, syntax, grammar	Staff review		[comma]		
RR	II			D-1.3	Clarification	Initial Reassessment Report	on-street			
Staff-noted	II	303 (304)	Transit	4.2.3.1 Existing	spelling, syntax, grammar	Staff review	life	lift	N/A	
Staff-noted	Ш	311	Transportation Demand Mngn	4.2.6.1 Existing	spelling, syntax, grammar	Staff review		I' to spell policies correctly	N/A	
RR	Ш	312	Circulation	A-2.1	Formatting, style, consistency	Initial Reassessment Report	A.2-1	A-2.1		
RR	Ш	312	Circulation	A-2.1	Clarification	Initial Reassessment Report	all	[in]to		delete all and change in to into for consistency
Staff-noted	11	312	Transportation Demand Mngn		spelling, syntax, grammar	Staff review	national	natural	N/A	and an arrange and a series for considering
RR	- 11	321		A-1	Reflect changes since BRP	Initial Reassessment Report	Beach	Dunes		Recreation Policy
IVI	- 11		Recreation and Open Space				Deacil			·
RR 	- 11	321	Recreation and Open Space	A-2	Spelling, grammar, syntax	Initial Reassessment Report	_	to		added b/t adjacent and the
KK	- 11	321	Recreation and Open Space	A-2	Reflect changes since BRP	Initial Reassessment Report	Beach	Dunes		Recreation Policy
RR	II	321	Recreation and Open Space	A-2	Spelling, grammar, syntax	Initial Reassessment Report	а	an		Recreation Policy
PRAC Cat I									PRAC recommeded against this change:	
redirect		221	Decreation and Ones Cases	۸. ۵	Formatting stude consistency	Initial Description and Depart	all		"Keep the word 'all' in place.	
	- !!	321		A-2	Formatting, style, consistency	Initial Reassessment Report	all		·	
Staff-noted	<u>II</u>	321		A-2	Spelling, grammar, syntax	Staff review	of		N/A	
RR	Ш	324	Recreation and Open Space	A-1	Reflect changes since BRP	Initial Reassessment Report	Beach	Dunes		Recreation Policy
RR	II	324	Recreation and Open Space	G-1	Spelling, grammar, syntax	Initial Reassessment Report	neighborhood's	neighborhoods		Recreation Policy
									Substitution of "planning for	
									"development" is agreeable. Further	
									discussion of the subject matter	
									(jurisdictions seeking early consideration	
RR/PRAC									of parks and open space) should be	
beyond Cat I									considered in the context of Cat. IV	
scope	П	324	Recreation and Open Space	G-1	Clarification	Initial Reassessment Report	development	planning	policy options.	Recreation Policy
		324	Recreation and Open Space	0-1	Clarification	ilitiai keassessillelit keport	development	pidititing	policy options.	necreation rolley
Volume IV										
conformance	II	326 (327)	Recreation	B-1.2	inconsistency with Vol IV	Vol. IV page 4-192		screen	N/A	sentence unclear with word missing
									Identified by the District 4 office via	
RR	Ш	327 (329)	Recreation and Open Space	F-2.1	Incorrect jurisdiction	ID'd by District 4 Office	Marina's	Seaside's	email, 4/8/13	NOT IN FINAL REASSESSMENT.
KK	II	327 (329)	Recreation and Open Space	G-1	Spelling, grammar, syntax	Initial Reassessment Report	neighborhood's	neighborhoods		Recreation Policy
									6 1	
									Substitution of "planning for	
									"development" is agreeable. Further	
									discussion of the subject matter	
									(jurisdictions seeking early consideration	
RR/PRAC									of parks and open space) should be	
beyond Cat I									considered in the context of Cat. IV	
scope	Ш	327 (329)	Recreation and Open Space	G-1	Clarification	Initial Reassessment Report	development	planning	policy options.	Recreation Policy
		1,	- p p				<u>'</u>	<u> </u>	' '	,
									Substitution of "planning for	
									"development" is agreeable. Further	
									discussion of the subject matter	
									(jurisdictions seeking early consideration	
RR/PRAC									of parks and open space) should be	
									considered in the context of Cat. IV	
beyond Cat I		222	Daniel C. C.	6.4	Clarification	Initial Bassassas 1.5	developed and	alamin -		Decreation Deline
scope	- 11	330	Recreation and Open Space	ს-1	Clarification	Initial Reassessment Report	development	planning	policy options.	Recreation Policy
RR/PRAC										
beyond Cat I										
scope	Ш	330	Recreation and Open Space	G-1	Spelling, grammar, syntax	Final Reassessment Report	neighborhood's	neighborhoods	as above	Recreation Policy
Valuma 114						Vol. IV page 4.42 == 4.151 "				D- 00 (440
Volume IV		220 (2.55)	6 11 16 1			Vol. IV page 4-43 and Vol. II		1 ,	21/2	Page 90 of 140
conformance	Ш	339 (340)	Soils and Geology	A-2.2	inconsistency with Vol IV	page 336		and non-invasive non-native plant	N/A	

		01 Published Page # cdline page # in rentheses if different)							PRAC Comments (presented to board	
Correction Type RR beyond Cat I	volume	200 (rec par	Plan Element	Program/Secti	Type of Error	Source	Delete	Insert	May 10, 2013)	Additional Notes "applicable" more inclusive than Reassessment Report
scope	П	337 (338)	Conservation	A-4	Reflect changes since BRP	Initial Reassessment Report	Uniform	California- applicable		recommendation
RR	Ш	337 (338)	Conservation	A-6.1	Clarification	Initial Reassessment Report	study area	former Fort Ord		
RR	П	337 (338)	Conservation	A-6.1	Spelling, grammar, syntax	Initial Reassessment Report	slope pose	slopes pose		
RR	П	338 (339)	Conservation	C-2.1	Clarification	Initial Reassessment Report	recipients of properties	recipients of land		
			_			_				
RR beyond Cat I	II	339 (340)	Conservation	A-2.3	Formatting, style, consistency	Initial Reassessment Report	A.2.3	A-2.3		"applicable" more inclusive than Reassessment Report
scope	Ш	339 (340)	Conservation	A-4	Reflect changes since BRP	Initial Reassessment Report	Uniform	California- applicable		recommendation
RR	П	339 (340)	Conservation	A-6.1	Clarification	Initial Reassessment Report	study area	former Fort Ord		
00							,			
RR beyond Cat I	II	339 (340)	Conservation	A-6.1	Spelling, grammar, syntax	Initial Reassessment Report	slope pose	slopes pose		"applicable" more inclusive than Reassessment Report
scope	П	341	Conservation	A-4	Reflect changes since BRP	Initial Reassessment Report	Uniform	California applicable		recommendation
RR	Ш	341	Conservation	C-2.1	Clarification	Initial Reassessment Report	recipients of properties	recipients of land		
20		242 (242)					4.2.2	4.2.2		
RK	II	342 (343)	Conservation	A-2.3	Formatting, style, consistency	Initial Reassessment Report	A.2.3	A-2.3		
RR	II	343 (344)	Conservation	C-2.1	Clarification	Initial Reassessment Report	recipients of properties	recipients of land		
										These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, they are being separated out to match the predominant BRP format.
RR	Ш	347	Conservation	B-1-2	Formatting, style, consistency	Initial Reassessment Report	/County			Hydrology and Water Quality Policy.
RR	=	346	Conservation	Policy B-1	Formatting, style, consistency	Initial Reassessment Report	/County			No correction made. County should remain in the policy even though it is City of Marina's policy. They would work with County on a long term water supply by virtue of the Army agreements.
PRAC Cat I		2.47		5.4.5	01 :6: 1:				PRAC recommended just deleting	
redirect	II	347	Conservation	B-1.5	Clarification	Initial Reassessment Report	surface	rain	"surface" without inserting "rain."	
RR	II	347	Conservation	B-1.3	Formatting, style, consistency	Initial Reassessment Report	/County			These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, they are being separated out to match the predominant BRP format.
RR	II	347	Conservation	B-1.4	Formatting, style, consistency	Initial Reassessment Report	/County			These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, they are being separated out to match the predominant BRP format.
RR	II	347	Conservation	B-1.5	Formatting, style, consistency	Initial Reassessment Report	/County			These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, they are being separated out to match the predominant BRP format.
RR	II	347	Conservation	B-1.6	Formatting, style, consistency	Initial Reassessment Report	/County			These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; the reference they are being separated out to match the predominant BRP format.

		ge#								
		ublished Page # page # in neses if different)								
Connection Type	Valuma	of line	Plan Element	Dungung /Saati	Time of Funci	Sa	Dalata	Incomb	PRAC Comments (presented to board	Additional Nation
Correction Type	volume	258	Plan Element	Program/Secti	Type of Error	Source	Delete	Insert	May 10, 2013)	Additional Notes
RR	II	347	Conservation	B-1.7	Formatting, style, consistency	Initial Reassessment Report	/County			These programs were originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, they are being separated out to match the predominant BRP format.
RR	=	348	Conservation	C-2.1	Formatting, style, consistency	Initial Reassessment Report	/County			This program was originally presented to apply to both the cities and County, inconsistent with the presentation of other policies in the BRP; therefore, it is being separated out to match the predominant BRP format.
			Hydrology and Water Quality	0 1.1	remacing, style, consistency	milia neassessment neport	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
RR	II	348	Policy	C-3	Clarification	Initial Reassessment Report	MCWRA and the			
RR	=	348	Conservation	C-1.2	Reflect changes since BRP	Initial Reassessment Report	in November 1991	current version of the		We cannot be sure what the current version states and for those General Plans we have already deemed consistent, this change would not apply.
Volume IV	=	240		D. II. G. 2					21/2	
conformance PRAC redirect	11	348	Hydrology and Water Quality Conservation	B-1.2	inconsistency with Vol IV Formatting, style, consistency	Vol IV page 4-55 Initial Reassessment Report		The City shall work with FORA and the MCWRA to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option(s).	N/A On hold, discuss poss. Language revisions in the context of Cat IV. Policy options	
RR	II	350	Conservation	B-1.3	Formatting, style, consistency	Initial Reassessment Report	See description of this program under Marina above.	The City shall adopt and enforce a water conservation ordinance developed by the Marina Coast Water District		These separate programs are added for format consistency. See note above for Page 347.
RR	II	350	Conservation	B-1.4	Formatting, style, consistency	Initial Reassessment Report	See description of this program under Marina above.	The City shall continue to actively participate in and support the development of "reclaimed" water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies in the former Fort Ord.		These separate programs are added for format consistency. See note above for Page 347.
RR	II	350	Conservation	B-1.6	Formatting, style, consistency	Initial Reassessment Report	See description of this program under Marina above.	The City shall work with FORA to assure the long-range water supply for the needs and plans for the reuse of the former Fort Ord.		These separate programs are added for format consistency. See note above for Page 347.
RR	11	350	Conservation	B-1.7	Formatting, style, consistency	Initial Reassessment Report		The City, in order to promote FORA's DRMP, shall provide FORA with an annual summary of the following: 1) the number of new residential units, based on building permits and approved residential projects, within its former Fort Ord boundaries and estimate, on the basis of the unit count, the current and projected population. The report shall distinguish units served by water from other available sources; 2) estimate of existing and projected jobs within its Fort Ord boundaries based on development projects that are on-going, completed, and approved; and 3) approved projects to assist FORA's monitoring of water supply, use, quality, and yield.		These separate programs are added for format consistency. See note above for Page 34page 92 of 140

We cann for those	cional Notes
Correction Type Volume	ional Notes
Correction Type Volume	ional Notes
We cann for those	
for those	
for those	annot be sure what the current version states and
	nose General Plans we have already deemed
in 35 Colorvitor C12 Colorvitor C12 Colorvitor C155 Colorvitor	istent, this change would not apply.
	sterre, this change would not appry.
The City shall promote the use of on-site water	
collection, incorporating measures such as	
cisterns or other appropriate improvements to	
	e separate programs are added for format consistency.
	ote above for Page 347.
Hydrology and Water Quality	
RR II 351 (352) Policy Policy Policy C-3 Clarification Initial Reassessment Report MCWRA and the	
Volume IV	
conformance II 351 (352) Hydrology and Water Quality Policy C-3 inconsistency with Vol IV Vol IV page 4-55 the	
Volume IV	
conformance II 351 (352) Hydrology and Water Quality C-4.1 inconsistency with Vol IV Vol IV page 4-68 and other appropriate entities N/A	
The City shall work closely with other Fort Ord	
jurisdictions and the CDPR to develop and	
implement a plan for stormwater disposal that Already completed? As a Cat IV. Item,	
will allow for the removal of the ocean outfall consider addition of "crossing out"	
structures and end the direct discharge of already achieved programs in a future	
stormwater into the marine environment. The BRP republication as a new Cat. IV topic.	
program must be consistent with State Park	
RR/PRAC goals to maintain the open space character of PRAC also said to change page number	
beyond Cat I the dunes, restore natural landforms, and in footnote from 348 to 349; however,	
scope II 352 (353) Conservation C-6.1 Formatting, style, consistency Initial Reassessment Report See program C-6.1 above. restore habitat values. there are no corrections listed for 349. This separates the separates of the sepa	eparate program added for format consistency.
Staff-noted II 354 (357) Conservation C-6.1 Formatting, style, consistency Initial Reassessment Report See program C-6.1 above. Incorrection Incorre	rectly located.
The County shall work with FORA and the	
MCWRA to determine the feasibility of	
developing additional water supply sources for	
the former Fort ord, such as water importation On hold, discuss poss. Language	
See description of this program under and desalination, and actively participate in revisions in the context of Cat IV. Policy	
PRAC redirect II 353 Conservation B-1.2 Formatting, style, consistency Initial Reassessment Report Marina above. implementing the most viable option(s). options	
71- 6	
The County shall work with FORA to assure the	s congrate programs are added for format consistency
	e separate programs are added for format consistency. ote above for Page 347.
	Ac above for ruge 547.
The County, in order to promote FORA's DRMP,	
shall provide FORA with an annual summary of the	
following: 1) the number of new residential units, based on building permits and approved residential	
projects, within its former Fort Ord boundaries and	
estimate, on the basis of the unit count, the current	
and projected population. The report shall	
distinguish units served by water from other	
available sources; 2) estimate of existing and	
projected jobs within its Fort Ord boundaries based	
In development projects that are on-going	
on development projects that are on-going, completed, and approved; and 3) approved	
completed, and approved; and 3) approved	e separate programs are added for format consistency.
completed, and approved; and 3) approved See description of this program under projects to assist FORA's monitoring of water These sep	e separate programs are added for format consistency. ote above for Page 347. Page 93 of 140

		d Page # # in i different)								
		shed F ige #in es if di								
		Publi							PRAC Comments (presented to board	
Correction Type	Volume	2001 (redl pare	Plan Element	Program/Secti	Type of Error	Source	Delete	Insert	May 10, 2013)	Additional Notes
RR	=	353 (355)	Conservation	B-2.4	Formatting, style, consistency	Initial Reassessment Report	See description of this program under Marina above.	The County shall continue to actively participate in and support the development of "reclaimed" water supply sources by the water purveyor and the MRWPCA to insure adequate water supplies for the former Fort Ord.	2.7 to group them under Policy B-1	These separate programs are added for format consistency. See note above for Page 347.
		, ,			<i>3.</i> , , , , , , , , , , , , , , , , , , ,					We cannot be sure what the current version states and for those General Plans we have already deemed
RR	П	353 (355)	Conservation	C-1.2	Reflect changes since BRP	Initial Reassessment Report	in November 1991	current version of the		consistent, this change would not apply.
RR/PRAC Cat I redirect	II		Conservation	B-2.5	Formatting, style, consistency	Initial Reassessment Report	See description of this program under Marina above.	The County shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect rain water for in-tract irrigation and other non-portable use.	PRAC recommended deleting "rain" from the insert text.	These separate programs are added for format consistency. See note above for Page 347.
RR	Ш	354 (357)	Hydrology and Water Quality Policy	C-3	Clarification	Initial Reassessment Report	MCWRA and the			
RR/PRAC beyond Cat I scope	11	354 (357)	Conservation	C-6.1	Formatting, style, consistency	Initial Reassessment Report	See program C-6.1 above.	The City shall work closely with other Fort Ord jurisdictions and the CDPR to develop and implement a plan for stormwater disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of stormwater into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural landforms, and restore habitat values.	Already completed? As a Cat IV. Item, consider addition of "crossing out" already achieved programs in a future BRP republication as a new Cat. IV topic. PRAC also said to change page number in footnote from 348 to 349; however, there are no corrections listed for 349.	
Volume IV										
conformance	II	354 (357)	Hydrology and Water Quality	Policy C-3	inconsistency with Vol IV	Vol IV page 4-55		the	N/A	
Staff-noted	II		Conservation		Spelling, grammar, syntax	Staff review		[period]	N/A	Missing period at end of section.
Staff-noted	II	365	Biological Resources	A-3.1	typo	Staff review	d		N/A	
Staff-noted Staff-noted	II II	370 374	Biological Resources Biological Resources	D-2 C-2.5	typo spelling, syntax, grammar	Staff review Staff review	biodiverstiy [semicolon]	biodiversity colon	N/A N/A	
Volume IV conformance			Biological Resources	C-2.1	inconsistency with Vol IV	Vol. IV page 4-177	of a certain size,	equal to or greater than six inches in diameter 2 feet off the ground	N/A	
Volume IV conformance	п	374	Biological Resources	C-2.1	inconsistency with Vol IV	Vol. IV page 4-177		and/	N/A	
Volume IV conformance	=			C-2.1	inconsistency with Vol IV	Vol. IV page 4-177	requirements for obtaining permits for removing oaks of the size defined, and specifications for relocation or replacement of oaks removed.	During construction or groups of trees that may be affected by construction activities shall be fenced off at the dripline.	N/A	
Staff-noted	II		Biological Resources	C-2.1	spelling, syntax, grammar	Staff review	or	[comma]	N/A	
Volume IV conformance	II		Biological Resources	C-2.6	inconsistency with Vol IV	Vol. IV page 4-178	should (4 times)	shall (4 times)	N/A	
RR	Ш	378	Conservation	A-3.2	Clarification	Initial Reassessment Report	the parcel	Polygon 17b		Note: Polygon 17b is referenced in the related policy.
RR	П	379	Conservation	A-3.3	Clarification	Initial Reassessment Report	the parcel	Polygon 17b		Note: Polygon 17b is referenced in the related policy.
RR	Ш	381	Conservation	A-7.1	Formatting, style, consistency	Initial Reassessment Report	Process	process		Page 94 of 140

		e # rent)								
		lished Page # oage # in ses if different)								
		Publis ne pag nthese							DDAC Community (amount of the bound	
Correction Type	Volume	덤블힐	Plan Element	Program/Secti	Type of Error	Source	Delete	Insert	PRAC Comments (presented to board May 10, 2013)	Additional Notes
									Footnote with a brief discussion of the	Note: The Frog Pond Natural Area was unincorporated
									reason for the change (site's annexation into Del Rey Oaks) with dates identified.	
									Note: Footnote currently mentions	been afficient to befiney daks.
RR	II	381	Conservation	A-8	Reflect changes since BRP	Initial Reassessment Report	County	City of Del Rey Oaks	annexation but not dates.	Biological Resources Policy
RR	п	381	Conservation	A-8.1	Spelling, grammar, syntax	Initial Reassessment Report	devvelopment	development		
RR/PRAC						,			Add "A portion of Polygon 31 is	Note: Polygons 31a and 31b were unincorporated County
beyond Cat I									anticipated to be transferred to the City	land when the BRP was adopted but have since been
scope	II	381	Conservation	A-8.2	Reflect changes since BRP	Initial Reassessment Report	County	City of Del Rey Oaks	of Monterey."	annexed to Del Rey Oaks.
Volume IV conformance	п	381	Biological Resources	A-8.1	inconsistency with Vol IV	Vol. IV page 172		(OP)	N/A	
	"	501	S.O.Ogical Nesources	0.1		1014 page 1/2		(0.7	,	
Volume IV conformance	II	381	Biological Resources	A-8.1	inconsistency with Vol IV	Vol. pages 172		(NAE)	N/A	
			5		•	1 0		background levels will be allowed.		
Volume IV		204	Dialogical Deservace	4.0.4	:	V-I 172 2		Stormwater runoff from developed areas in	21/2	
conformance RR	II II	381 383	Biological Resources Conservation	A-8.1 C-2.2	inconsistency with Vol IV Spelling, grammar, syntax	Vol. pages 172-3 Initial Reassessment Report	restriction	excess of background restrictions	N/A	
Staff-noted	II.	384	Biological Resources	C-2.4	spelling, syntax, grammar	Staff review	[semicolon]	colon	N/A	
Staff-noted	II	384	Biological Resources	C-2.3	spelling, syntax, grammar	Staff review	s		N/A	
Volume IV										
conformance	П	384	Biological Resources	C-2.5	inconsistency with Vol IV	Vol. IV page 4-179	should (4 times)	shall (4 times)	N/A	
								the County shall collect and propogate		
Volume IV							the County shall recommend -ion/ -	plants. However, this program does not		
conformance	II	384	Biological Resources	C-2.3	inconsistency with Vol IV	Vol. IV page 4-178	ation material.	exclude the use of non-native plants species.	N/A	
								oversees issuance of air pollution permits for toxic air contaminants, and thus is responsible		
								for U.S. EPA health standards as the relate to		
Volume IV								air emissions. As a Responsible Agency, the		
conformance	II	391	Air Quality	A-2.1	inconsistency with Vol IV	Vol. IV page 4-128		MBUAPCD	N/A	
RR/PRAC									Add the date that the change (land	
beyond Cat I	п	200	Conconvation	B-2.3	Poflect changes since PPD	Initial Passassment Panart	in association with Monterey Peninsula		exchange involve MPC) became	Note: Monterey Peninsula College no longer has land at East
scope	"	398	Conservation	D-2.3	Reflect changes since BRP	Initial Reassessment Report	College	and accordated land uses as a condition of	effective [to footnote].	Garrison, where this program applies.
Volume IV conformance	II	398	Cultural Resources	A-1.1	inconsistency with Vol IV	Vol. IV page 4-19 Mitigation		and associated land uses as a condition of project approval	N/A	
Volume IV					•					
conformance	II	412	Noise	B-1.2	inconsistency with Vol IV	Staff review	Vol. IV page 4-139	planning	N/A	
RR	II	414	Noise	B-2.1	Formatting, style, consistency	Initial Reassessment Report	3-2.1	B-2.1		
Volume IV	II	414	Noise	B-2.2	Formatting, style, consistency	Initial Reassessment Report	3-2.2	B-2.2		
Volume IV conformance	II	414	Noise	B-1.2	inconsistency with Vol IV	Staff review	Vol. IV page 4-139	planning	N/A	
RR	II	416	Noise	B-2.1	Formatting, style, consistency	Initial Reassessment Report	3-2.1	B-2.1		
RR	II	416	Noise	B-2.2	Formatting, style, consistency	Initial Reassessment Report	3-2.2	B-2.2		
Volume IV conformance	II	416	Noise	B-1.2	inconsistency with Vol IV	Staff review	Vol. IV page 4-139	planning		
Staff-noted	II		Seismic and Geological		Spelling, grammar, syntax	Staff review	d	t	N/A	
Staff-noted	II		Seismic and Geological		Spelling, grammar, syntax	Staff review	Pietra	Prieta	N/A	
RR beyond Cat I										"applicable" more inclusive than Reassessment Report
scope	II		Safety		Reflect changes since BRP	Initial Reassessment Report	Uniform	California applicable		recommendation Page 95 of 140
RR	II	427	Safety	A-2.3	Spelling, grammar, syntax	Initial Reassessment Report	from	1	1	

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Correction Type	Volume	11 Publisl dline pag enthese	Plan Element	Program/Secti	Type of Error	Source	Delete	Insert	PRAC Comments (presented to board May 10, 2013)	Additional Notes		
Volume IV conformance		438	Fire Flood and Emergency Ma	۸ 1 1	inconsistency with Vol IV	Vol. IV page 4-78		at the former Fort Ord	N/A			
Staff-noted	"	439	Fire, Flood and Emergency Mn Fire, Flood and Emergency Mn		inconsistency with Vol IV	Vol. IV page 4-78		[comma]	N/A			
Staff-noted		439	Fire, Flood and Emergency Mn		inconsistency with Vol IV	Vol. IV page 4-78		[apostrophe] to correct punctuation	N/A			
Volume IV conformance	"	439	Fire, Flood and Emergency Mn		inconsistency with Vol IV	Vol. IV page 4-78		[comma]	N/A			
Staff-noted	"	439			,	Staff review	Uniform	[comma]	N/A			
Stall-Hoteu	"	439	Fire, Flood and Emergency Mn	W-T'T	inconsistency with Vol II	Stail review	Official		IV/A			
Staff-noted	П	439	Fire, Flood and Emergency Mn	A-1.1	inconsistency with Vol II	Staff review	UCB	applicable				
Staff-noted	Ш	443	Ordnance and Explosives	N/A	spelling, syntax, grammar	Staff review	extend	extent	N/A			
Staff-noted	П	444	Future use of Hazardous Mate	N/A	spelling, syntax, grammar	Staff review	an	a	N/A			
Staff-noted	Ш	445	Hazardous and Toxic Materials	N/A	spelling, syntax, grammar	Staff review		[comma]	N/A			
Staff-noted	Ш	N/A	Document Preparers	N/A	spelling, syntax, grammar	Staff review	Farncisco	Francisco	N/A			
Staff-noted	Ш	450	Hazardous and Toxic Materials	B-2.1	spelling, syntax, grammar	Staff review		[space]	N/A			
RR	IV	4-173	Environmental Setting, Impacts, and Mitigation		Spelling, grammar, syntax	Initial Reassessment Report	shall be used	for		Mitigation for Biological Resources policies		
RR	IV	4-66	Environmental Setting, Impacts, and Mitigation		Spelling, grammar, syntax	Initial Reassessment Report	should be developed			Mitigation for Hydrology and Water Quality policies		
Notes: "DD" mas		ians fallau	utha Daggaggamant Danaut who	ara DDAC mada		d the report	I					
					no comment or merely reinforce							
"RR beyond Cat I	scope" m	eans Reass	sessment Report corrections wo	uld result in the	e need to repeat correction should	d conditions change.						
						ort corrections that involve change sessment Report directions were	es that relate to past Board decisions and followed, but PRAC's were not.	T.				
"PRAC redirect" and the table row			eassessment Report corrections	with PRAC cor	nments about insufficient evidend	ce, take no action, or Category IV.	In these instances, no action was taken					
			s of Reassessment Report corrective and the table rows are not		C comments that redirected corre	ections and remained within the s	cope of Category I work. In these					
"Staff-noted" me												
"Volume IV confe	Volume IV conformance" means, as noted in public comment during 2010 Monterey County General Plan Consistency Determination (Fall, 2013), staff corrected Volume II programs and volicies to match Volume IV in adherence with Category I methodology.											

Table 2. Category I Figure Corrections

Table 2. Category	, <u>g</u> c											
							PRAC R	ecommenda	tion for Fig	gure		
Rule of Execution	Voume	Page	Plan Element	Figure	Type of Error	Description	Incorporate the Reassessment Report's Cat. I corrections into a future modified/updated version of the	Take no action to prepare a modified/up dated version of the figure	Additional clarification regarding map content is required before updating the figure		PRAC Comments (presented to board May 10, 2013)	Additional Notes
Rule of Execution	Voullie	rage	Flan Element	riguie	Type of Effor	Description	figure	the ligure	the figure	ii outcomes	board Iviay 10, 2013)	Additional Notes
RR	I	72	Framework	3.2-1 Regional Vicinity Map	Missing map items	Salinas and Carmel Rivers need labels	√					
RR	ı	72	Framework	3.2-1 Regional Vicinity Map	Formatting, style, consistency	Various font problems with labels	✓					
RR	ı	73	Framework	3.2-2 Topographic Relief Map	Missing map items	No street names (inconsistent with other maps)	√					
RR	I	73	Framework	3.2-2 Topographic Relief Map	Missing map items	No jurisdiction labels (inconsistent with other maps)	√					
RR	1	77	Framework	3.2-3 Regional Land Use Context	Formatting, style, consistency	Inconsistent labeling: Monterey County vs. Monterey Co.	✓					11X17
RR		77	Framework	3.2-3 Regional Land Use Context	Missing map items	Does not show land use to northeast of former Fort Ord	✓					11X17
PRAC redirect		83	Framework	3.2-4 Existing Development	Missing map items	No Legend items - make it unclear what elements in map represent		✓			Insufficient information exists to provide clarification of 2001 existing development conditions.	
RR/PRAC beyond Cat I scope	I	87	Framework	3.2-5 Fort Ord Assets and Opportunities	Reflect changes since BRP	Fort Ord Dunes State Park identified as State Beach			✓	ļ ļi	Clarify how boundaries/names have changed, but that this map presents historic context.	
RR	I	129	Framework	3.6-1 Regional Open Space System	Reflect changes since BRP	Change BLM to Fort Ord National Monument	√					
RR	I	129	Framework	3.6-1 Regional Open Space System	Spelling, grammar, syntax	"Bautista" misspelled "Batista"	√					
RR	ı	129	Framework	3.6-1 Regional Open Space System	Missing map items	Star symbol not in legend	√					
RR	ı	137	Framework	3.6-3 Open Space & Recreation Framework	Reflect changes since BRP	Change BLM to Fort Ord National Monument	√		✓			11X17
RR	ı	137	Framework	3.6-3 Open Space & Recreation Framework	Map legend coloration	CSUMB on map is shown in two different shades of blue (only one shade of which is identified in legend)	√		√			11X17

							1			T
						Light Green & Lime Green colors				
				3.6-3 Open Space & Recreation		on map are not identified on				
RR	ı	137	Framework	Framework	Map legend coloration	legend	✓	✓		11X17
					1 0					
				3.6-3 Open Space & Recreation		Dark Brown item in legend is not				
RR	i	137	Framework	Framework	Legibility	shown (clearly) on map	✓	/		11X17
	· ·	137	Trumework	Trumework	Legionity	Shown (cicarry) on map	·	•		11/17
				3.6-3 Open Space & Recreation		Golf Course Item on Legend is not				
RR	1	137	Framework	Framework	Missing map items	shown on map	✓	_		11X17
IXIX	'	137	Trainework	Trainework	iviissing map items	SHOWIT OIT HIAP	V	V		IIAI7
				3.6-3 Open Space & Recreation		Favortaina Contra itana na Ingana				
DD.		127	Farment		Naissing was its ma	Equestrian Center item on legend	✓	,		111/17
RR	ı ı	137	Framework	Framework	Missing map items	is not shown on map	V	V		11X17
				26206		Vicina (C. II. addita a a discardia				
				3.6-3 Open Space & Recreation		Visitor/Cultural item on legend in	,	,		
RR	ļ	137	Framework	Framework	Missing map items	not shown on map	✓	√		11X17
			1			Fort Ord boundary (in green on				
				3.6-3 Open Space & Recreation		map) not identified on legend/not	,	,		
RR	<u> </u>	137	Framework	Framework	Formatting, style, consistency	consistent with other figures	✓	√		11X17
						Update trailhead locations to			Update of trailhead locations	
				3.6-3 Open Space & Recreation		reflect existing conditions and	_		requires review and	
RR	1	137	Framework	Framework	Reflect changes since BRP	current plans	√	✓	documentation.	11X17
						Jurisdictional boundary labels:				
						Monterey County as "County"				
RR	ı	149	Framework	3.8-1 Marina Planning Areas	Formatting, style, consistency	inconsistent with other maps	✓		\checkmark	11X17
RR	1	149	Framework	3.8-1 Marina Planning Areas	Formatting, style, consistency	Font issue	✓		✓	11X17
									Would be affected by potential	
									adjustments to Land Use Concept	
									Map to reflect completed	
						Leader lines inconsistent with			consistency determinations (to	
						Seaside and Monterey County			undergo review as part of Cat. II	
RR/PRAC beyond Cat I scope	1	149	Framework	3.8-1 Marina Planning Areas	Formatting, style, consistency	maps	✓		√ topics/options).	11X17
					<i>5.</i> , , , , , , , , , , , , , , , , , , ,	i i				
									Would be affected by potential	
			1						adjustments to Land Use Concept	
									Map to reflect completed	
						Jurisdictional boundary labels:			consistency determinations (to	
			1			Monterey County as "County"			undergo review as part of Cat. II	
RR/PRAC beyond Cat I scope	ı	163	Framework	3.9-1 Seaside Planning Areas	Formatting, style, consistency	inconsistent with other maps	_/		√ topics/options).	11X17
, into beyond carriscope		103		5.5 2 Seaside Flamming / Weds	g, style, consistency	monosteric with other maps	*		topics/options/.	
									Would be affected by potential	
			1						adjustments to Land Use Concept	
			1			No City/County boundary labels,			Map to reflect completed	
						inconsistent with other maps –			consistency determinations (to	
						Identify City of Monterey and Del			•	
DD/DDAC howard Cat I care		172	Framowork	2 10 1 County Planning Asses	Missing man itoms		,		undergo review as part of Cat. II	11717
RR/PRAC beyond Cat I scope	1	173	Framework	3.10-1 County Planning Areas	Missing map items	Rey Oaks	V		√ topics/options).	11X17

			,								1
RR/PRAC beyond Cat I scope	ı	173	Framework	3.10-1 County Planning Areas	Reflect changes since BRP	Change BLM to Fort Ord National Monument	√		√	Would be affected by potential adjustments to Land Use Concept Map to reflect completed consistency determinations (to undergo review as part of Cat. II topics/options).	11X17
RR	1	173	Framework	3.10-1 County Planning Areas	Spelling, grammar, syntax	Typographical error in South Gate Planning Area	✓		\checkmark		11X17
THE STATE OF THE S		1/3	Tramework	3.10 1 county 1 lanning / weas	Spennig, grammar, syricax	Tidining / tied	·		•		
RR	ı	206	Framework	3.11-1 Legislative Land Use Consistency Determinations	Missing map items	Not identified as a "Figure" (no figure number) on the figure	Subsequently ID'd by FORA staff. Figure not addressed by PRAC				
				,	<u>G</u>	3					
				3.11-2 Appeals and Review of		Not identified as a "Figure" (no	Subsequently ID'd by FORA staff. Figure not addressed by				
RR	l	210	Framework	Development Entitlements	Missing map items	figure number) on the figure	PRAC				
PRAC redirect	II	215	Land Use	4.1-1 Existing Development Patter at Fort Ord	Missing map items	No legend items - unclear what elements in map represent		√		Insufficient information exists to provide clarification of 2001 existing development conditions.	
PRAC redirect	II	215	Land Use	4.1-1 Existing Development Patter at Fort Ord	Missing map items	Add historic U.S. Army Housing Area names		√		Insufficient information exists to provide clarification of 2001 existing development conditions.	
				4.1.2 Diaming Assessment Local		la consistant lab alian. Mantaus.					
RR	П	218	Land Use	4.1-2 Planning Areas and Local Jurisdictions	Formatting, style, consistency	Inconsistent labeling: Monterey County vs. Monterey Co.	✓				
RR	 II	218	Land Use	4.1-2 Planning Areas and Local Jurisdictions	Formatting, style, consistency	Two labels for Seaside and Marina	√				
					,						
RR	II	218	Land Use	4.1-2 Planning Areas and Local Jurisdictions	Missing map items	No legend item for Fort Ord boundary – Area shown in blue	√				
RR	II	218	Land Use	4.1-2 Planning Areas and Local Jurisdictions	Missing map items	Coastal zone in legend does not appear on map	✓				

4.1-2 Planning Areas and Local Fort Ord Dunes State Park	
RR II 218 Land Use Jurisdictions Reflect changes since BRP identified as State Beach	
Inconsistent labeling: Monterey	
RR II 221 Land Use 4.1-3 Generalized Land Use Setting Formatting, style, consistency County vs. Monterey Co.	11X17
Does not show land use to	
RR II 221 Land Use 4.1-3 Generalized Land Use Setting Missing map items northeast of former Fort Ord √	11X17
Fort Ord Dunes State Park	
RR II 221 Land Use 4.1-3 Generalized Land Use Setting Reflect changes since BRP identified as State Beach √	11X17
4.1-4 Sphere of Influence and Inconsistent labeling: Monterey	
RR II 227 Land Use Annexation Requests Formatting, style, consistency County vs. Monterey Co.	11X17
	II/I/
Legend item description can be 4.1-4 Sphere of Influence and confusing – Jurisdiction titles need	
RR II 227 Land Use Annexation Requests Clarification to be added	11X17
4.1-4 Sphere of Influence and Fort Ord Dunes State Park	
RR II 227 Land Use Annexation Requests Reflect changes since BRP identified as State Beach \(\)	11X17
4.1-4 Sphere of Influence and Polygon 1d mislabeled as Polygon	
RR incorrect II 227 Land Use Annexation Requests Internal reference 1e $\sqrt{}$	Incorrect, as per Fort Ord BRP Dec 1994 maps
	A man of the final confinuention
	A map of the final configuration
Out of date – should also show	should be presented alongside the
RR beyond Cat I scope II 239 Land Use 4.1-8 Reconfigured POM Annex Reflect changes since BRP final configuration	BRP version.
Outdated reference to "Fort Ord	
4.2-1 Existing Transportation Access Gate" on Legend/Map —	Add the 1997 date otherwise leave
PRAC Cat I redirect II 287 Circulation Network Reflect changes since BRP add "1997" to figure title ✓	as-is for context.
rivac dat riedilect ii 267 Circulation Network Nenect changes since bitr and 1997 to right title	as-is ioi context.
	The exhibit shows a minimum
	safety standard. Future efforts to
RR/PRAC beyond Cat I scope II 302 Circulation 4.2-4 Roadway Design Standards Reflect changes since BRP No changes noted.	√ improve may be warranted.
, , , , , , , , , , , , , , , , , , ,	
lustralistica lines on which the second	
Jurisdiction lines on map do not	
Recreation and 4.3-1 Marina Open Space and include city name label	
RR II 323 Open Space Recreation Element Missing map items (inconsistent with other maps)	
	Por the subsequent figure legends:
	Per the subsequent figure legends:
	Y=youth camp, hatching denotes
	limited access. Arrows appear to
Recreation and 4.3-1 Marina Open Space and Y symbol on map not identified in RR II 323 Open Space Recreation Element Missing map items legend	indicate nonspecific trail
RR II 323 Open Space Recreation Element Missing map items legend √	continuaiton.

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Received name of 3-31 Marina Open Space and Moting map teams contribute trigging of the subsequent ligared agreement of the subsequent ligared agreement ligared ligar
RE UI 371 Open Space and A3.1 Marine Open Space and Mosting map items (Society and Particular Vision Control Vision Control Vision Control Vision Control Vision Control Visio
Bit 1 23 Normal Open Space and excession interest Moduling map Horne Orange arrows on map not destinitied in legend
RE II STO Open Space and Mosting map Renex Corrange arrows on map my C
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RR II 325 Open Space Space Element Reflect changes since BRP Monument (legend)

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			Recreation and	4.3-2 Seaside Recreation and Open						
RR	п	325	Open Space	Space Element	Formatting, style, consistency	North Arrow mistake	✓	✓		
					8, 11, 1, 11					
			Recreation and	4.3-2 Seaside Recreation and Open		Remove color from hatching in				
RR	II	325	Open Space	Space Element	Map legend coloration	legend	✓	\checkmark		
						Jurisdiction lines on map do not				
			D	1226 - 1 Beredie - 100		•				
			Recreation and	4.3-3 County Recreation and Open		include city name label	,	,		
RR	II	329	Open Space	Space Element	Formatting, style, consistency	(inconsistent with other maps)	✓	✓		
						"Trail" Legend items are color				
			Recreation and	4.3-3 County Recreation and Open		coated in legend, but one color				
RR	II	329	Open Space	Space Element	Map legend coloration	(black) on map	✓	✓		
			Recreation and	4.3-3 County Recreation and Open		Trails marker on map displays				
RR	П	329	Open Space	Space Element	Legibility	poorly	✓	✓		
	1	1	pp			<u> </u>				
									The meaning of black arrows not	
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									identified in legend, requires	
						Black arrows on map not identified			additional research. Update of	
			Recreation and	4.3-3 County Recreation and Open		in legend and inconsistent with			trailhead locations requires review	
RR	п	329	Open Space	Space Element	Formatting, style, consistency	Marina map	✓	✓	and documentation.	
	-		- p p		8, 21, 2, 22, 22, 21, 21, 21, 21, 21, 21,			-		
			Recreation and	4.3-3 County Recreation and Open		Change BLM to Fort Ord National				
RR	1 11	329	Open Space	Space Element	Reflect changes since BRP	Monument	√	./		
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			Recreation and	4.3-3 County Recreation and Open		Golf Course and Equestrian items				
RR		220			Naissing was its and	· ·	✓	_		
KK	II	329	Open Space	Space Element	Missing map items	in legend are not shown on map	V	V		
						"Other Public Open Space –				
						Habitat Management" areas				
						_				
						shown in green, not consistent				
			Recreation and	4.3-3 County Recreation and Open		with other maps (where it's shown				
RR	II	329	Open Space	Space Element	Formatting, style, consistency	as brown)	✓	✓		
	1									
			Recreation and	4.3-3 County Recreation and Open		Fort Ord Dunes State Park				
RR	П	329	Open Space	Space Element	Reflect changes since BRP	identified as State Beach	✓	✓		
				1220 1 81 11 15		B				
			Recreation and	4.3-3 County Recreation and Open		Remove color from hatching in	,	,		
RR	II	329	Open Space	Space Element	Map legend coloration	legend	✓	√		
									The meaning of black arrows not	
									identified in legend, requires	
						Undete toelle end le estima de				
						Update trailhead locations to			additional research. Update of	
			Recreation and	4.3-3 County Recreation and Open		reflect existing conditions and			trailhead locations requires review	
RR	II	329	Open Space	Space Element	Reflect changes since BRP	current plans	✓	✓	and documentation.	

		1		T.						
RR	11	369	Conservation Element	4.4-1 Oak Woodland Areas	Formatting, style, consistency	No jurisdiction names – inconsistent with other maps	√	√	Add a footnote that the source documents (Jones and Stokes study) includes more detail of the three different subtype areas that are shown with one shading in the BRP Figure. This is show Reassessment are shown with one shading in the BRP Figure.	ent Report, but under Recreation and e in the BRD Packet Attachment B to
			Conservation			Delugen 1d misleheled as Delugen				
RR incorrect	П	369	Element	4.4-1 Oak Woodland Areas	Internal reference	Polygon 1d mislabeled as Polygon 1e	√	√	Incorrect, a	s per Fort Ord BRP Dec 1994 maps
RR	11	369	Conservation Element	4.4-1 Oak Woodland Areas	Missing map items	Highway 68 Bypass not labeled	√	√		
RR	II	393	Conservation Element	4.4-2 Archaeological Resource Sensitivity	Formatting, style, consistency	No jurisdiction names – inconsistent with other maps	√		Add jurisdiction names. Leave Reassessme	vn as "Conservation Element" in the ent Report, but under Recreation and e in the BRD Packet Attachment B to page 39.
RR	II	393	Conservation Element	4.4-2 Archaeological Resource Sensitivity	Reflect changes since BRP	Change BLM to Fort Ord National Monument	√		Add jurisdiction names. Leave Reassessme	vn as "Conservation Element" in the ent Report, but under Recreation and e in the BRD Packet Attachment B to page 39.
RR	II	393	Conservation Element	4.4-2 Archaeological Resource Sensitivity	Reflect changes since BRP	Fort Ord Dunes State Park identified as State Beach	√		Add jurisdiction names. Leave Reassessme	vn as "Conservation Element" in the ent Report, but under Recreation and e in the BRD Packet Attachment B to page 39.
RR	II	403	Noise Element	4.5-1 Noise Contours for Monterey Peninsula Airport	Missing map items	Legend does not include Fort Ord area shown on map	√			
RR	II	403	Noise Element	4.5-1 Noise Contours for Monterey Peninsula Airport	Formatting, style, consistency	No jurisdiction names – inconsistent with other maps	√			
RR	Ш	408	Noise Element	4.5-2 Forecast Year 2015 Airport Noise Contours	Missing map items	Legend does not include Fort Ord area shown on map	√			

				4.5-2 Forecast Year 2015 Airport		No jurisdiction names –				
RR	п	408	Noise Element	Noise Contours	Formatting, style, consistency	inconsistent with other maps	✓			
IXIX	- "	400	NOISE LIEITIETT	Noise Contours	Torriacting, style, consistency	inconsistent with other maps	V	1		
				4.5-3 Forecast Year 2010 and CNEL						
				65db Noise Contour for Monterey						
RR	II	409	Noise Element	Peninsula Aiport	Formatting, style, consistency	North Arrow mistake	✓			
				4.5-3 Forecast Year 2010 and CNEL						
				65db Noise Contour for Monterey		Legend does not include Fort Ord				
RR	п	409	Noise Element	Peninsula Aiport	Missing man itoms	area shown on map	✓			
NN		409	Noise Element	Ferinisula Alpoi t	Missing map items	area shown on map	V			
				4.5-3 Forecast Year 2010 and CNEL						
				65db Noise Contour for Monterey		No jurisdiction names –				
RR	II	409	Noise Element	Peninsula Aiport	Formatting, style, consistency	inconsistent with other maps	✓			
						No jurisdiction names –				
RR	11	424	Safety Element	4.6-1 Seismic Hazards	Formatting, style, consistency	inconsistent with other maps	✓			
KK	"	424	Safety Element	4.0-1 Seisiffic Hazarus	Formatting, style, consistency	inconsistent with other maps	V			
						Legend does not include Highway				
RR	II	424	Safety Element	4.6-1 Seismic Hazards	Missing map items	68 Bypass shown on map	✓			
						Fort Ord streets shown but no				
RR		424	Safety Element	4.6-1 Seismic Hazards	Missing man itoms	street names	✓			
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				4.6-2 Fire, Flood, and Evacuation		No jurisdiction names –				
RR	II	434	Safety Element	Routes	Formatting, style, consistency	inconsistent with other maps	✓			
				4.6-2 Fire, Flood, and Evacuation		Legend does not include Highway				
RR		434	Safety Element	Routes	Missing man itoms	68 Bypass shown on map	./			
KK	l II	434	Salety Element	noutes	Missing map items	оо руразу эноми он шар	V	il		

RR	II	434	Safety Element	4.6-2 Fire, Flood, and Evacuation Routes	Missing map items	Fort Ord streets shown but no street names	√			
RR	II	442	Safety Element	4.6-3 Hazardous and Toxic Waste Sites	Formatting, style, consistency	No jurisdiction names – inconsistent with other maps	√			
RR	II	442	Safety Element	4.6-3 Hazardous and Toxic Waste Sites		Legend does not include Highway 68 Bypass shown on map	√			
				4.6-3 Hazardous and Toxic Waste		Fort Ord streets shown but no				
RR	11	442	Safety Element	Sites	Missing map items	street names	✓			

Notes: "RR" means corrections follow the Reassessment Report, where PRAC made no comment or merely reinforced the report.

"RR beyond Cat I scope" means Reassessment Report corrections would result in the need to repeat correction should conditions change.

"RR/PRAC beyond Cat I scope" means instances of PRAC-recommended modifications beyond the Reassessment Report corrections that involve changes that relate to past Board decisions and Category II updates and/or create inconsistency between the text and corresponding figures. In these instances, Reassessment Report directions were followed, but PRAC's were not.

"PRAC redirect" means instances of Reassessment Report corrections with PRAC comments about insufficient evidence, take no action, or Category IV. In these instances, no action was taken and the table rows are grayed out.

"PRAC Cat I redirect" means instances of Reassessment Report corrections with PRAC comments that redirected corrections and remained within the scope of Category I work. In these instances, PRAC comments were followed and the table rows are not grayed out.

"RR incorrect" means that Reassessment Report direction was erroneous. In this instance, report recommendation was not followed and the corresponding table rows are grayed out.

	FORT ORD REUSE AUTHORITY BOARD REPORT					
CONSENT AGENDA						
Subject:	Subject: Environmental Services Cooperative Agreement-Quarterly Report Update					
Meeting Date: Agenda Number:	April 7, 2017 7g	INFORMATION				

RECOMMENDATION:

Receive an Environmental Services Cooperative Agreement (ESCA) quarterly update.

BACKGROUND:

In Spring 2005, the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered negotiations toward an Army-funded Environmental Services Cooperative Agreement (ESCA) for removal of remnant Munitions and Explosives of Concern (MEC) on portions of the former Fort Ord. FORA and the Army entered into a formal ESCA agreement in early 2007. Under the ESCA terms, FORA received 3,340 acres of former Fort Ord land prior to regulatory environmental sign-off and the Army awarded FORA approximately \$98 million to perform the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) munitions cleanup on those parcels. FORA also entered into an Administrative Order on Consent (AOC) with U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC) defining contractual conditions under which FORA completes Army remediation obligations for the ESCA parcels. FORA received the "ESCA parcels" after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer on May 8, 2009.

In order to complete the AOC defined obligations, FORA entered into a Remediation Services Agreement (RSA) with the competitively selected LFR Inc. (now ARCADIS) to provide MEC remediation services and executed a cost-cap insurance policy for this remediation work through American International Group (AIG) to assure financial resources to complete the work and to offer other protections for FORA and its underlying jurisdictions.

The ESCA Remediation Program (RP) has been underway for ten (10) years.

DISCUSSION:

The ESCA requires FORA, acting as the Army's contractor, to address safety issues resulting from historic Fort Ord munitions training operations. This allows the FORA ESCA RP team to successfully implement cleanup actions that address three major past concerns: 1) the requirement for yearly appropriation of federal funding that delayed cleanup and necessitated costly mobilization and demobilization expenses; 2) state and federal regulatory questions about protectiveness of previous actions for sensitive uses; and 3) the local jurisdiction, community and FORA's desire to reduce, to the extent possible, risk to individuals accessing the property.

Under the ESCA grant contract with the Army, FORA received approximately \$98 million in grant funds to clear munitions and secure regulatory approval for the former Fort Ord ESCA parcels (see table below). FORA and ARCADIS executed the RSA, a guaranteed fixed-price contract for ARCADIS to perform the ESCA grant Technical Specifications and Review Statement work. As part of the RSA, FORA paid \$82.1 million upfront, to secure an AIG "cost-cap" insurance policy. Under the terms of the ESCA grant, the EPA AOC requirements and AIG insurance provisions, AIG controls the \$82.1 million in a commutation account and pays ARCADIS directly as work is performed. AIG provides up to \$128 million to assure additional work (both known and unknown)

is completed to the Regulators satisfaction. Under these agreements, AIG pays ARCADIS directly while FORA oversee ARCADIS compliance with the grant and AOC requirements.

On January 25, 2017, ARCADIS notified FORA that the ESCA commutation account and future ARCADIS work would be paid for through the AIG "cost-cap" insurance policy. ARCADIS originally provided to AIG \$82.1 million; \$2.4 million for California tax, \$102,647 for insurance Surplus Lines Filing Fee, \$7.9 million for the cost-cap insurance policy, and \$74.5 million (\$71.6 plus \$2.9 million interest) for ESCA work. The difference between \$74,568,752 for the ESCA work and the \$74,588,716 ARCADIS invoices submitted to AIG (reported to the Board below) is \$19,964 which represents invoice items that AIG did not reimburse ARACADIS for as "reasonable and necessary work."

Status as reported to FORA Board January 13, 2017:

Item	Revised Allocations	Accrued through September 2016
FORA Self-Insurance or Policy	\$ 916,056	\$ 916,056
Reimburse Regulators & Quality Assurance	3,280,655	3,094,205
State of California Surplus Lines Tax, Risk Transfer, Mobilization	6,100,000	6,100,000
Contractor's Pollution Liability Insurance	477,344	477,344
Work Performed ARCADIS/AIG Commutation Account	82,117,553	\$74,588,716
FORA Administrative Fees	4,837,001	3,924,288
Total	\$ 97,728,609	89,100,609
	ESCA	
	Remainder	\$8,628,000

ARCADIS will continue to provide FORA with quarterly invoicing estimates that they send to AIG for payment from the cost-cap insurance policy. Staff will provide the Board with that information as part of the ESCA Quarterly Board Report.

ESCA fund status as of January 2017:

Item	Revised Allocations	Accrued through January 2017
FORA Self-Insurance or Policy		
Reimburse Regulators & Quality Assurance		
State of California Surplus Lines Tax, Risk Transfer, Mobilization		
Contractor's Pollution Liability Insurance		
ARCADIS/AIG Commutation Account		
FORA Administrative Fees		
Total		
	ESCA Remainder	

In December 2016, FORA and Army Base Realignment and Closure (BRAC) Headquarters (HQ) staff held a meeting to discuss the as-yet unfunded ESCA Grant Long Term Obligations and resume final ESCA negotiations. Army BRAC HQ agreed to review a draft Grant Amendment scope package. On February 12, 2017, the FORA Board Chair and two (2) staff members met with Army BRAC HQ to address the ESCA Grant Amendment scope of services. This meeting was successful in reaching agreement on the scope of services, but additional meetings with the Army Grant Administrator staff are expected to negotiate pricing the ESCA Amendment.

In addition to funding for long-term obligations, FORA notified BRAC HQ that existing ESCA Grant Regulatory Reimbursement funds will be exhausted as early as March 2018. ESCA Grant Section C 4.1.16.2 stipulates that "requests for additional funds for Regulatory Response Costs may be submitted by FORA at the time FORA recognizes a need. Costs will be paid by the Army contingent upon approval of the overruns in question by the Grants Officer."

FORA ESCA staffing/overhead estimated in 2006, includes Executive Officer, Program Manager, and Coordinator compensation, office supply, equipment needs; and legal review. Original estimates assumed a seven (7) to ten (10) year completion period, which was impacted by delays from unknown factors, external economic and several agency policy deliberations/adjustments issues outside of FORA's control. FORA notified BRAC HQ that the ESCA FORA administrative funds are projected to be exhausted by April 2017.

The unfunded short term ESCA needs are:

- Regulatory oversight reimbursement
- FORA administrative costs

The ESCA Grant Amendment Long Term Obligation Request addresses funding Army CERCLA Long Term Obligation responsibilities that were anticipated during the ESCA negotiations and award, but could not be known until the CERCLA process was implemented and remedies were selected. Records of Decision (RODs) have been developed which identify the Army's requirements for implementing and maintaining; Post-Closure MEC Find Assessments, Remedy Long Term Management and Land Use Controls. Remedy requirements were further refined in subsequent Land Use Control Implementation Plan/Operation and Maintenance Plans (LUCIP/OMP).

The currently identified unfunded Army Long Term Obligations are:

- Long Term Management
- Land Use Controls
- Post-Closure MEC Find Assessments

FORA assembled a Grant Amendment request package providing estimates for the unfunded short term and Army Long Term Obligations with scenarios to 2028 and 2038. This estimate package focuses and guides FORA/Grant Administrator ESCA Grant Amendment discussions/negotiations.

ESCA Activity Status:

Data collected during the ESCA investigation stage remains under regulatory review to determine when remediation is complete. The review and documentation process is dependent on Army and regulatory agency responses and decisions. They will issue written confirmation that CERCLA MEC remediation work is complete (known as regulatory site closure).

On November 25, 2014, EPA signed the Record of Decision (ROD) for the ESCA Group 3 properties located in County of Monterey (at Laguna Seca); City of Monterey (south of South Boundary Road); Del Rey Oaks (south of South Boundary Road); and, Monterey Peninsula College (MPC) Military Operations in Urban Terrain property. On February 26, 2015, the Regulators signed the ROD for the ESCA Group 2 California State University Monterey Bay property (south of Inter-Garrison Road). The ROD records the EPA, DTSC and Army's decision on the cleanup of these properties and what controls are required to continue to protect public health and safety.

The process for implementing, operating and maintaining ROD controls is prescribed under a Land Use Control Implementation, Operation and Maintenance Plan (LUCIP OMP) document based on site conditions and historic MEC use. LUCIP OMP documents are approved by the Regulators prior to issuing regulatory site closure. The ESCA team and Regulatory agencies held workshops with the FORA Administrative Committee in May; June; July 2015; and, June and July 2016, to help the jurisdictions understand and develop comments to the Group 2 and Group 3 LUCIP OMP documents. The Group 3 Draft LUCIP/OMP comment period ended on August 23, 2016. Currently, the ESCA team released the Draft Final Group 3 LUCIP for comments.

In January of 2017, DTSC during their review of past Army cleanup work asked the ESCA Team to expand fieldwork designed to assure the effectiveness of past munitions remediation work. This work is in the Seaside area east of where Hilby Avenue intersects with General Jim Moore Boulevard. The field work is expected to be complete mid-2017.

Future Actions:

Until regulatory review, concurrence and site closure is received, the ESCA property is not open to the public. Regulatory approval does not determine end use. When regulatory site closure is received, FORA will transfer land title to the appropriate jurisdiction for reuse programming. Underlying jurisdictions are authorized to impose or limit zoning, decide property density or make related land use decisions in compliance with the FORA Base Reuse Plan.

The ESCA team completed collecting information, site inspections and providing content for the draft ESCA sections to support the Army's fourth Fort Ord CERCLA Five Year Review. The ESCA team contacted jurisdiction staff, via the FORA Administrative Committee, to collect this information. The CERCLA Five Year Review is performed to collect information on the Fort Ord land use controls operation and maintenance for the Regulatory agency review and to determine if the controls remain effective. The Army's fourth Five Year Review will be completed and released in 2017.

The ESCA team continues to actively monitor biological resources and track restoration activities on ESCA properties and anticipates publishing the ESCA 2016 Annual Natural Resource Monitoring, Mitigation and Management Report in January 2017. The ESCA RP provides environmental stewardship on a yearly basis for 3,340 ESCA acres through erosion control; managing trespassing and illegal dumping; and, performing Army sensitive species monitoring and reporting.

FISCAL IMPACT: Reviewed by FORA Controller		
The funds for this review and report are adjustments may be forthcoming to add		
COORDINATION: Administrative Committee; Executive Co EPA; and DTSC.	mmittee; FORA Authority C	ounsel; ARCADIS; U.S. Army
Prepared byStan Cook	Approved by Michae	I A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT CONSENT AGENDA Subject: Building Removal Quarterly Report Meeting Date: April 7, 2017 Agenda Number: 7h INFORMATION

RECOMMENDATION(S):

Accept a Building Removal Update.

BACKGROUND/DISCUSSION:

In 2006, the Fort Ord Reuse Authority (FORA) Board included building removal in the Capital Improvements Program (CIP) and identified Surplus II in Seaside and the Stockade in Marina to be remaining obligations. Between 2006 and 2016, the City of Seaside and Marina explored alternatives to building removal.

The City of Marina currently owns and leases the Stockade property. Early in 2016, FORA and Marina staff began Stockade removal discussions. FORA staff prepared an open solicitation for professional Industrial Hygienist services to sample, test, characterize hazardous materials and monitor removal at the Stockade. In February 2017, the FORA Boarded awarded an Industrial Hygienist professional services contract to Vista Environmental and they have commenced the Stockade hazardous materials assessment.

The City of Seaside owns the Surplus II properties. In 2016, FORA performed a Hazardous Materials assessment of the site and presented the results and a course of action to the City of Seaside. Seaside has concurred with the plan to utilize FORA's \$5.2M CIP obligation to remove 17 of the 27 buildings at Surplus II enabling economic development of the site. In March 2017, the FORA Board awarded a General Engineering Services Contract to BKF. The Engineer assessed the level of effort required to prepare specifications sufficient to solicit for Hazardous Materials Removal, Building Removal and Site Restoration Contractors. The scope of the General Service Work Order #1 has been provided (Item 7k, Attachment B).

FISCAL IMPACT:	
Reviewed by FORA Controller _	
Funding for these building re Improvement Program and FY 1	emoval efforts is included in the approved FY 16-17 Capital 16-17 FORA Midyear Budget.
COORDINATION:	
Administrative Committee, Seas	side, Marina.
Prepared by	Reviewed by
Peter Said	Stan Cook
Appro	ved by
	Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT					
CONSENT AGENDA					
Subject:	Public Correspondence to the Board				
Meeting Date: Agenda Number:	April 7, 2017 7i	INFORMATION/ACTION			

Public correspondence submitted to the Board is posted to FORA's website on a monthly basis and is available to view at http://www.fora.org/board.html.

Correspondence may be submitted to the Board via email to board@fora.org or mailed to the address below:

FORA Board of Directors 920 2nd Avenue, Suite A Marina, CA 93933

FORT ORD REUSE AUTHORITY BOARD REPORT CONSENT AGENDA Subject: Executive Officer Travel Report Meeting Date: April 7, 2017 Agenda Number: INFORMATION/ACTION

RECOMMENDATION:

Receive a report from the Executive Officer

BACKGROUND/DISCUSSION:

Per the FORA Travel Policy, the Executive Officer (EO) submits travel requests to the Executive Committee on FORA Board/staff travel. The Committee reviews and approves requests for EO, Authority Counsel and board members travel; the EO approves staff travel requests. Travel information is reported to the Board.

COMPLETED TRAVEL

None to report

UPCOMING TRAVEL

Dates: June 19-21, 2017 Location: Washington D.C.

Purpose: Association of Defense Communities 2017 Annual Summit Attendees: Michael Houlemard Jr., three (3) FORA Board members

Dates: June 25-27, 2017 Location: Newport Beach, CA

District Concret		Cuma ma id	
•	Manager Leadership S	Summit	
Attendee: Michael	Houlemard Jr.		
FISCAL IMPACT:			
Reviewed by FOR	A Controller		
Travel expenses a	are paid/reimbursed ac	cording to the FC	RA Travel policy.
COORDINATION			
Executive Commit	tee		
Prepared by		_ Approved by	
	Dominique Jones		Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT CONSENT AGENDA Subject: General Engineering Service Work Order No. 1 April 7, 2017 **Meeting Date: ACTION** Agenda Number: 7k RECOMMENDATION(S): Approve General Engineering Service Work Order #1 (GE-SWO-1) with BKF Engineering (Attachment A). **BACKGROUND/DISCUSSION:** In 2016, Fort Ord Reuse Authority (FORA) Staff identified the need for professional services and construction support of engineering efforts to remove buildings at Seaside's Surplus II and Marina's Stockade, as well as peer review the various transportation and implementation efforts. In February 2017, after a competitive bid process, the Board approved a contract with BKF Engineering to supply General Engineering and Construction Management Services. A Work Scope has been prepared identifying the following tasks: 1) Surplus Area II Building Removal Specifications Creation 2) Stockade Building Removal Specifications Creation 3) Develop Hazardous Material & Building Removal Bid Documents & Generic Guidelines 4) Eucalyptus Road Infiltrator Repair (Peer Review) and Construction Management The budget for the identified work scope is , and is based upon the agreed Fee Schedule in Executed Contract FC-20170308, and shall not exceed the total combined budget of the programs as set forth in the Capital Improvements Program. Staff is recommending the Board approve the General Engineering Service Work Order No. 1 (GE-SWO-1) with BKF Engineering (Attachment A). Staff expects to commence work immediately following approval. FISCAL IMPACT: Reviewed by FORA Controller Funding for these building removal and transportation efforts is included in the approved FY 16-17 Capital Improvement Program and FY 16-17 FORA Midyear Budget. COORDINATION: Administrative Committee, Seaside, Marina Prepared by___ Reviewed by Peter Said Jonathan Brinkmann

Michael A. Houlemard, Jr.

Approved by

Placeholder for Attachment A to Item 7k

General Engineering Service Work Order No. 1

This attachment will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT CONSENT AGENDA Subject: Legal Services Contract Amendment – Kutak Rock, LLP Meeting Date: April 7, 2017 Agenda Number: 7I ACTION

RECOMMENDATION(S):

Authorize the Executive Officer to sign Amendment #1 (**Attachment A**) to the Kutak Rock contract (FC-091407- **Attachment B**) reflecting hourly rate increases for legal services. Kutak Rock provides Special Counsel for existing federal contract implementation, property transfer issues and any related counsel for interaction with federal agencies.

BACKGROUND/DISCUSSION:

Kutak Rock has been providing specialized real property, federal agency and other legal services to the Fort Ord Reuse Authority since the Economic Development Conveyance negotiations from the 1990s. In 2007, Agreement No. FC-0914070 was signed. This is the first amendment to that contract.

FISCAL IMPACT:	
Reviewed by FORA Controller	
The fiscal impact of this amendment was anticipated and included budget. FY 2016-17 budget includes a total amount of \$75,000 fo services.	• •
COORDINATION:	
Administrative Committee, Executive Committee, Authority Counsel, and Giffen, and Kutak Rock.	Kennedy, Archer,
Prepared by Reviewed by	
Sheri L. Damon D. Stever	n Endsley
Approved by	<u></u>
Michael A Houlemard Ir	

Amendment No. 1 to

Agreement for Professional Services No. FC-091407

This Amendment No. 1 to the Agreement for Professional Services No. FC-091407 ("Agreement") between the Fort Ord Reuse Authority (FORA) and Kutak Rock LLP ("Consultant") is hereby amended as follows:

1.	The Scope of Work	for the Agreeme	nt, as set	t forth in	Exhibit A,	is amended	tc
change the Co	onsultant's hourly billa	able rate as follow	/s:				

(i) Effective January 1, 2017: George Schlossberg \$400.00/hour

Barry Steinberg \$400.00/hour Joey Fuller \$350.00/hour

(ii) Effective July 1, 2017: George Schlossberg \$450.00/hour

Barry Steinberg \$450.00/hour Joey Fuller \$400.00/hour

2. This Amendment No. 1 shall be effective on January 1, 2017.

IN WITNESS WHEREOF, FORA and CONSULANT execute this Agreement as follows:

FORT ORD REUSE AUTHORITY	KUTAK ROCK LLP
By: Michael A. Houlemard, Jr.	By: George R. Schlossberg
Date:	Date:
Approved as to form:	
FORA Counsel	

Agreement for Professional Services

This Agreement for Professional Services (hereinafter referred to as "Agreement") is by and between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter referred to as "FORA") and Kutak Rock LLP (hereinafter referred to as "CONSULTANT")

The parties agree as follows:

- 1. <u>SERVICES</u>. Subject to the terms and conditions set forth in this Agreement, CONSULTANT shall provide FORA with legal services associated with property transfers as described in Exhibit "A". Such services will be at the direction of the Executive Officer of the Fort Ord Reuse Authority or the Executive Officer's designee.
- 2. <u>TERM</u>. CONSULTANT has been providing services since February of 2001 and shall continue work under this Agreement until the maximum amount of the compensation as noted above is reached. The term of the Agreement may be extended upon mutual concurrence and amendment to this Agreement.
- 3. COMPENSATION AND OUT OF POCKET EXPENSES. In consideration for services, FORA shall pay CONSULTANT for services rendered at the hourly rate and time frame specified in Exhibit "A". In addition, FORA shall reimburse CONSULTANT for reasonable business expenses incurred in response to a request by FORA for CONSULTANT to travel.
- 4. FACILITIES AND EQUIPMENT. CONSULTANT shall, at its sole cost and expense, furnish all facilities and equipment required for furnishing services pursuant to this Agreement.
- 5. <u>GENERAL PROVISIONS</u>. The general provisions set forth In Exhibit "B" are incorporated into this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with the General Provisions.
- 6. <u>EXHIBITS</u>. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

IN WITNESS WHEREOF, FORA and CONSULTANT execute this Agreement as follows:

By Michael A. Houlemard, Jr. Date George R. Sohlossberg Date

Approved as to form:

Authority Counsel

SCOPE OF WORK

Professional Legal Services for Programmatic Activities

Kutak Rock LLP will continue to provide professional legal services to FORA on general legal and administrative matters such as FORA's legislative mission and agenda; conflict resolution in the East Garrison; reviewing insurance policies and provisions concerning environmental matters such as unexploded ordinance; and drafting and negotiating general agreements and documents relating to the closure and reuse of the former Fort Ord.

Professional Legal Services for Transactional Matters

Kutak Rock LLP will continue to provide professional legal services to FORA on specific transactions involving both the acquisition of parcels of property from the United States and the transfer or resale of those parcels to FORA member jurisdictions in accordance with the Implementation Agreements. In this regard, Kutak Rock will continue to provide our customary professional and legal services in the negotiation, drafting and execution of all necessary transfer documents as well as conduct closings both with the government and FORA member Jurisdictions at times to be agreed upon by both parties.

Professional Legal Services for MEC Cleanup Activities

Requirements of and Advice concerning DoD Grant Regulations for Cooperative Agreement; EPA, DTSC, LFR and Insurance questions, disputes, risk allocation issues, Responsibilities of FORA's successors to the AOC; Negotiation of future insurance products; Development of Institutional Controls and components of final Record of Decision; Reporting requirements for Grant money expenditures; Reconciliation of AOC, ESCA and insurance requirements; Insurance Claim notifications; Relationship of FORA and Successors; Implementation of final remedies; Negotiation of covenants not to sue, insurance policy amendments, transfer of long term obligations, amendments to existing agreements and partial payments by the Army.

George Schlossberg \$355/hour Seth Kirshenberg \$305/hour Barry Steinberg \$355/hour Joey Fuller \$265/hour

COMPENSATION: CONSULTANT is entitled to be paid each fiscal year the maximum amount approved in an annual budget for this CONSULTANT. If the cost of CONSULTANT'S services exceeds the budgeted amount, the excess will be paid from unencumbered land sale proceeds and may be delayed until such funds become available.

- 1. CONSULTANT shall submit quarterly invoices to FORA. The invoice is due by the 25th day following the end of each calendar quarter.
- 2. CONSULTANT shall separate each task from the scope of services on the invoice.
- 3. CONSULTANT shall be reimbursed for reasonable business expenses if consistent with FORA policy and IRS guidelines and directly incurred pursuant to the terms of this agreement. Invoices for expenses must contain detailed itemizations and any expense of \$50.00 or more must be accompanied by a receipt.

CONTRACT AMENDMENTS: Any changes in services or financial terms will require an amendment to this Agreement.

GENERAL PROVISIONS

- 1. <u>INDEPENDENT CONSULTANT</u>. At all times during the term of this Agreement, CONSULTANT shall be an independent CONSULTANT and shall not be an employee of FORA. FORA shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement.
- 2. <u>TIME</u>. CONSULTANT shall devote such services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT'S obligations pursuant to this Agreement. CONSULTANT shall adhere to the Schedule of Activities shown in Exhibit "A".
- 3. INSURANCE.

CONSULTANT shall maintain and shall provide to FORA the following insurance policies:

COVERAGES

General Liability

Including Bodily Injury and

Property Damage

Limits

\$1,000,000 each occurrence

Automobile Liability \$1,000,000 each occurrence Including Bodily Injury and Property Damage

Professional Liability \$1,000,000 each claim \$1,000,000 aggregate

Worker's Compensation \$1,000,000 each occurrence

- 4. <u>CONSULTANT NO AGENT</u>. Except as FORA may specify in writing, CONSULTANT shall have no authority, express or implied to act on behalf of FORA in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind FORA to any obligation whatsoever.
- 5. <u>ASSIGNMENT PROHIBITED</u>. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.
- 6. <u>PERSONNEL</u>. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that FORA, in its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT. CONSULTANT shall remove any such person immediately upon receiving notice from FORA of the desire for FORA for the removal of such person or person.
- 7. STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. All products and services of whatsoever nature, which CONSULTANT delivers to FORA pursuant to this Agreement, shall be prepared in a substantial, first-class, and workmanlike manner, and conform to the standards of quality normally observed by a person practicing in CONSULTANT'S profession. FORA shall be the sole judge as to whether the product or services of the CONSULTANT are satisfactory.

- 8. <u>CANCELLATION OF AGREEMENT</u>. Either party may cancel this Agreement at any time for its convenience, upon written notification. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt entitled to no further compensation for work performed after the date of receipt of written notice to cease work shall become the property of FORA.
- 9. <u>PRODUCTS OF CONTRACTING.</u> All completed work products of the CONSULTANT, once accepted, shall be the property of FORA. CONSULTANT shall have the right to use the data and products for research and academic purposes.
- 10. <u>INDEMNIFY AND HOLD HARMLESS</u>. CONSULTANT is to indemnify, defend, and hold harmless FORA, its officers, agents, employees and volunteers from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONSULTANT or any person directly or indirectly employed by or acting as agent for CONSULTANT in the performance of this Agreement, including the concurrent or successive passive negligence of FORA, its officers, agents, employees or volunteers.

It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies have been determined to be applicable to any of such damages or claims for damages.

FORA is to indemnify, defend, and hold harmless CONSULTANT, the State of California, the Trustees of the California State University, and California State University Monterey Bay, its officers, agents, employees and volunteers from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by FORA or any person directly or indirectly employed by or acting as agent for FORA in the performance of this Agreement, including the concurrent or successive passive negligence of CONSULTANT, its officers, agents, employees or volunteers.

- 11. <u>PROHIBITED INTERESTS</u>. No employee of FORA shall have any direct financial interest in this agreement. This agreement shall be voidable at the option of FORA if this provision is violated.
- 12. <u>CONSULTANT-NOT PUBLIC OFFICIAL</u>. CONSULTANT possesses no authority with respect to any FORA decision beyond the rendition of information, advice, recommendation or counsel.

FORT ORD REUSE AUTHORITY BOARD REPORT					
BUSINESS ITEMS					
Subject:	Local Preference Policy: Amendment to Master Resolution				
Meeting Date: Agenda Number:	April 7, 2017 8a	ACTION			

RECOMMENDATION(S):

- 1. Adopt Resolution 17-xx amending the Fort Ord Reuse Authority (FORA) Master Resolution to delete subsection (d) from Section 3.03.040.
- 2. Adopt Resolution 17-xx amending the Master Resolution to add Section 3.02.135 encouraging local preference in services contracts.

BACKGROUND:

At its February 9, 2017 Board meeting, the FORA Board directed staff to prepare/resume a local preference policy. At the March 10, 2017 Board meeting, staff presented background information regarding local preference and proposed related draft amendments to the Master Resolution. Staff made two basic suggestions. One, eliminate the expiration date of December 31, 1999 contained in Section 3.03.040d) of the Master Resolution; and two add a new section to address service contracts and non-bid non-public works contracts. The Board chose not to adopt either of the suggestions, instead providing comment and direction to staff to bring back revisions at the April meeting.

The predominant discussion at the March Board meeting was focused on the addition of a new subsection relating to procurement of services and non-public works contracts. The Board raised concerns that no specific criteria for employment of the local workforce, that inclusion of a "bid" preference would conflict with other provisions of the Master Resolution, and that the Board's flexibility in awarding service contracts might be overly/improperly limited.

The debate did not focus on the elimination of the expiration date in Section 3.03.040(d). Accordingly, today, we are bringing forward two separate actions. One is to eliminate the expiration date in Section 3.03.040(d). The other is to amend the Master Resolution by adding the proposed language of Section 3.02.135 to encourage local preference in services contracts.

DISCUSSION:

AMEND Section 3.03.040. Delete subsection (d) in its entirety.

The Master Resolution includes Section 3.03.040(d) relating to contractors performing work to which FORA is a signatory on the contract which expired by its own terms on December 31, 1999. FORA staff is recommending that the Board eliminate the expiration date. This deletion will have the effect of reenacting the provisions of 3.03.040 for as long as the Master Resolution remains in effect.

II. ADD Section 3.02.135: Local Preference for Services.

The Master Resolution is currently silent as to local preference in awarding service contracts. Service contracts are generally exempt from the competitive bidding process. FORA has historically procured personal, consultant and/or professional services through the Request for Qualification (RFQ) or Request for Proposal (RFP) process. FORA has also informally applied a local preference policy where it has been able to do so. It is noteworthy that personal, professional, and consultant service contracts are not subject to state law low bidding requirements. Contracts for private architectural, landscape architectural, environmental, land surveying or construction project management professional services are subject to

Government Code section 4525. This code section requires that those types of professional services be awarded upon the basis of demonstrated competence and qualifications for the types of services to be performed at fair and reasonable prices to public agencies. In summary, the Board currently has a great deal of discretion in how to award service contracts.

The proposed addition to the Master Resolution has been narrowly tailored to address personal, professional and consultant services which are procured through an RFP or RFQ. FORA staff reviewed a large number of source materials in preparing this revised draft Master Resolution section. As currently drafted, the section would not apply to services which are unique or which are not procured through the RFP and RFQ processes. The revised section amends the Master Resolution only as to procurement of services. This revision clarifies that the Board retains its discretion to reject FORA staff's evaluation of applicants and instead award these types of contracts based upon the demonstrated competence and qualifications which best meet the requirements of the Agency at a fair and reasonable value to the Agency.

An example of how the Preference would work is as follows:

- 1. Proposer A submits a proposal which certifies that 50% of its workforce lives within the tri-county area and has an office in Monterey for the last 3 years and his proposal is \$350,000.
- 2. Proposer B submits a proposal which certifies 85% of its workforce lives within the tri-county area. Proposer B has an office in Oakland for the last 3 years and a satellite office in Salinas for the past year and its proposal is \$400,000.

100 points are available:

- 5% are available for Local Preference (5 Points)
- 95% are allocated on other provisions (95 Points)
- Proposer A would receive 2 points for Workforce and 1 point for local office.(Total of 3 LP points)
- Proposer B would receive 4 points for Workforce and 0 points for local office.(Total of 4 LP points)
- Price of the proposal would most likely be included in the evaluation of the remaining 95 points

However, under the revised Section 3.02.135, the Board continues to maintain <u>discretion</u> to reject recommendations that FORA hire Proposer A and instead select the higher proposal of Proposer B on the basis that the latter better meets the needs of the Agency, in the sense that the extra 35% of local workforce is one of the FORA needs.

The Board has multiple options in moving forward (it is anticipated that FORA will issue between **5-10 new requests** for qualifications or proposals through June 30, 2020):

- 1. **Do nothing.** FORA's legislative direction and "informal" policy to apply local preference where it can through solicitation documents would remain in effect.
- 2. **Formalize a Local Preference policy, maintain discretion.** Adopt a new Master Resolution provision relating to service contracts, preserving to the extent possible Board discretion when awarding contracts to provide the best value to FORA while promoting local preference.
- 3. **Formalize a Local Preference policy, limit discretion.** Limit the Board's discretion and mandate the application of a local preference to the maximum extent possible.

A draft Resolution for Master Resolution amendment as noted above is attached for your consideration.

FISCAL IMPACT:

Reviewed by FORA Controller

Staff time for this item is included in the approved annual budget.

ATTACHMENT:

EXHIBIT A: Draft Master Resolution Section 3.02.135

EXHIBIT B: Draft Resolution 17-xx Deleting (d) from Section 3.03.040

EXHIBIT C: Draft Resolution 17-xx Adding Section 3.02.135 EXHIBIT D: Master Resolution sections 3.02.090, 3.02.130, 3.03.040

Prepared by Sheri Damon Approved by Michael A. Houlemard, Jr.

Section 3.02.135: LOCAL PREFERENCE FOR SERVICES

EXHIBIT A

This section applies to contracts for personal, professional and consultant services when procured through requests for proposal or qualifications. FORA's policy is to grant local preference where able, but not at the expense of demonstrated competence and qualification for the types of services to be performed. Nothing in this Section shall limit the authority of the Board to reject the recommendations of staff and make any such award it determines best meets the demonstrated competence and qualifications at a fair and reasonable value to the Agency.

- (i) In every case where FORA seeks personal, professional and consultant services through the Request for Proposal or Request for Qualification process, FORA staff shall grant preference points to a **qualified responsible local provider** which submits a fully responsive proposal or meets the qualifications of the solicitation request. Up to five percent (5%) of the total points awardable will be made for local preference. The award of total points may be allocated between the location of a **local office** of a provider and the use of **local workforce** in any response submitted.
 - a. When using an award of points evaluation, greater emphasis shall be placed upon the use of local workforce and/or local sub-consultants or subcontractors in performing requested services:
 - i. Proposals or **qualified providers** who certify to use 86%-100% of local workforce shall receive 80% of the preference points awardable;
 - ii. Proposals or **qualified providers** who certify to use 71%-85% of the local workforce shall only receive 70% of the preference points awardable;
 - iii. Proposals or **qualified providers** who certify to use 51-70% of the local workforce shall only receive 60% of the preference points awardable; and
 - iv. Proposals or **qualified providers** who use between 25-50% of the local workforce shall receive 40% of the preference points awardable;
 - v. Proposals or **qualified providers** who have a local office, for a two year period prior to the request for proposal or qualification shall receive 20% of the total preference points awardable.
- (ii) Each solicitation for proposals or qualifications made by the FORA staff shall contain terms expressly describing the application of local preference as outlined in this Section. Local preference shall not be granted, unless a responder to a solicitation for proposal or qualifications verifies and certifies under penalty of perjury information sufficient to meet the qualifications for application of the preference as outlined herein.
- (iii) Local preference shall not apply where precluded by state or federal law or regulation or in any case where funding for said services may be withdrawn as a result of the application of local preference.

(iv) Definitions.

- a. <u>"Local"</u> as used in this Section shall mean located within the tri-county area of Santa Cruz, Monterey, or San Benito County.
- b. <u>"Qualified provider"</u> means a provider's quality, fitness, and capacity to perform or otherwise meet the particular requirements of the contract, purchase order or that there has been a demonstrated competence and qualification for the types of services requested.
- c. <u>"Workforce"</u> means an independent contractor, employee, or sub-consultant whose residence address is located within the tri-county area of Santa Cruz, Monterey or San Benito County.
- d. <u>"Responsive proposal or qualifications"</u> means compliance with the instructions and requirements established by FORA and set forth in the request for proposals or qualifications.

RESOLUTION NO. 17-xx

EXHIBIT B

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY AUTHORIZING AMENDMENT OF THE MASTER RESOLUTION DELETING SUBSECTION (d) from SECTION 3.03.040

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. WHEREAS, the Fort Ord Reuse Authority ("FORA") Board of Directors established a local preference policy on or about July 14, 1995 by adopting Ordinance No. 95-01; and
- B. WHEREAS, FORA has had an informal policy of providing local preference where it is legally available; and
- C. WHEREAS, the FORA Board of Directors desire to formalize local preference policies in order to address the devastating economic effects of the closure of the Fort Ord Base on the local region, and promote the hiring of local vendors and suppliers of services where available; and
- D. WHEREAS, the FORA Board of Directors has heard testimony that clarifying and amending the language of the Master Resolution would further the implementation of local jobs; and
- E. WHEREAS, the FORA Board of Directors finds that the overall economic recovery to local contractors and businesses has not occurred as quickly as originally anticipated in 1995 when it adopted the procurement code; and
- F. WHEREAS, the FORA Board of Directors intends this language to take effect from and after the date of adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the FORA Board of Directors that the Master Resolution be amended as follows:

1. Subsection (d) shall be deleted from Section 3.03.040 as set forth below.

3.03.040. LOCAL PREFERENCE.

- (a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:
 - (1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.
 - (2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.
 - (3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.
- (b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection. A Contractor seeking such an exemption must file a written application therefor with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer. (d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.
Upon motion by, seconded by, the foregoing Resolution was passed on this day of,, by the following vote:
AYES: NOES: ABSTENTIONS: ABSENT:
Ralph Rubio, Chair
ATTEST:
Michael A. Houlemard, Jr.

RESOLUTION NO. 17-xx

EXHIBIT C

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY AUTHORIZING AMENDMENT OF THE MASTER RESOLUTION ADDING SECTION 3.02.135 LOCAL PREFERENCE FOR SERVICES

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- G. WHEREAS, the Fort Ord Reuse Authority ("FORA") Board of Directors established a local preference policy on or about July 14, 1995 by adopting Ordinance No. 95-01; and
- H. WHEREAS, FORA has had an informal policy of providing local preference where it is legally available; and
- WHEREAS, the FORA Board of Directors desire to formalize the language in order to address the
 devastating economic effects of the closure of the Fort Ord Base on the local region, and promote
 the hiring of local vendors and suppliers of services where available; and
- J. WHEREAS, the FORA Board of Directors has heard testimony that clarifying and amending the language of the Master Resolution would further the implementation of local jobs; and
- K. WHEREAS, the FORA Board of Directors finds that the overall economic recovery on local contractors and businesses has not occurred as quickly as originally anticipated in 1995 when it adopted the procurement code; and
- L. WHEREAS, the FORA Board of Directors intends this language to take effect from and after the date of adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the FORA Board of Directors that the Master Resolution be amended as follows:

Section 3.02.135 shall be added to the Master Resolution as set forth below.

Section 3.02.135: LOCAL PREFERENCE FOR SERVICES

This section applies to contracts for personal, professional and consultant services when procured through requests for proposal or qualifications. FORA's policy is to grant local preference where able, but not at the expense of demonstrated competence and qualification for the types of services to be performed. Nothing in this Section shall limit the authority of the Board to reject the recommendations of staff and make any such award it determines best meets the demonstrated competence and qualifications at a fair and reasonable value to the Agency.

- (v) In every case where FORA seeks personal, professional and consultant services through the Request for Proposal or Request for Qualification process, FORA staff shall grant preference points to a qualified responsible local provider which submits a fully responsive proposal or meets the qualifications of the solicitation request. Up to five percent (5%) of the total points awardable will be made for local preference. The award of total points may be allocated between the location of a local office of a provider and the use of local workforce in any response submitted.
 - a. When using an award of points evaluation, greater emphasis shall be placed upon the use of local workforce and/or local sub-consultants or subcontractors in performing requested services:
 - i. Proposals or **qualified providers** who certify to use 86%-100% of local workforce shall receive 80% of the preference points awardable;

- ii. Proposals or qualified providers who certify to use 71%-85% of the local workforce shall only receive 70% of the preference points awardable;
- iii. Proposals or qualified providers who certify to use 51-70% of the local workforce shall only receive 60% of the preference points awardable; and
- iv. Proposals or qualified providers who use between 25-50% of the local workforce shall receive 40% of the preference points awardable;
- v. Proposals or **qualified providers** who have a local office, for a two year period prior to the request for proposal or qualification shall receive 20% of the total preference points awardable.
- (vi) Each solicitation for proposals or qualifications made by the FORA shall contain terms expressly describing the application of local preference as outlined in this Section. Local preference shall not be granted, unless a responder to a solicitation for proposal or qualifications verifies and certifies under penalty of perjury information sufficient to meet the qualifications for application of the preference as outlined herein.
- Local preference shall not apply where precluded by state or federal law or regulation or in any (vii) case where funding for said services may be withdrawn as a result of application of local preference.

Definitions. (viii)

- a. "Local" as used in this Section shall mean located within the tri-county area of Santa Cruz, Monterey, or San Benito County.
- b. "Qualified provider" means a provider's quality, fitness, and capacity to perform or otherwise meet the particular requirements of the contract, purchase order or that there has been a demonstrated competence and qualification for the types of services requested.
- c. "Workforce" means an independent contractor, employee, or sub-consultant whose residence address is located within the tri-county area of Santa Cruz, Monterey or San Benito County.
- d. "Responsive proposal or qualifications" means compliance with the instructions and requirements established by FORA and set forth in the request for proposals or qualifications.

Upon motion by,	, seconded by, by the following vote:		Resolution was	passed on this
AYES: NOES: ABSTENTIONS: ABSENT:				
		Ralph Rubio, 0	Chair	
ATTEST:				
Michael A. Houlemard, J	<u>lr.</u>			

EXHIBIT D

3.02.090. PREFERENCE FOR LOCAL SUPPLIERS.

- (a) Each local supplier providing goods or supplies funded in whole or in part by Authority funds, or funds which the Authority expends or administers, is eligible for a local preference as provided in this section.
- (b) Each local supplier who is within five percent of the lowest responsible bid is provided the opportunity to reduce the local supplier's bid to the amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts is provided first to the lowest eligible local bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of bids. In the event an eligible local supplier reduces the bid to the amount of the lowest responsible bid, the eligible local supplier will be deemed to have provided the lowest responsible bid and will be awarded the contract.
- (c) For the purpose of this section, the term "local supplier" means a business or resident doing business as a supplier in the jurisdiction of the Authority for the past five years.

3.02.130. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT.

- (a) Notwithstanding any provision of this Article to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:
- (1) When the estimated amount involved is less than \$25,000.00.
- (2) When the commodity can be obtained from only one vendor.
- (3) When the Board finds that the commodity is unique and not subject to competitive bidding.
- (4) The Board may authorize the purchase of materials, supplies, equipment, and services where an emergency is deemed to exist and it is determined that service involving the public health, safety, or welfare would be interrupted if the normal procedure were followed.
- (5) Any agreement involving acquisition of supplies, equipment, or service entered into with another governmental entity.
- (b) Contracts for personal services, for professional and consultant services, and for other, non-public projects and contractual services may be executed without observing the bidding procedures provided in this Article. The Executive Officer is authorized to enter into such contracts where the amount of the contract does not exceed \$25,000.00, provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. Where the amount of the contract exceeds \$25,000.00, the contract will be approved by the Authority Board. In the case of professional services, qualifications and experience to the benefit of the Authority will receive first consideration. Upon determination of these factors, a price or fee may be negotiated.

3.03.040. LOCAL PREFERENCE.

- (a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:
- (1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.
- (2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.

- (3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.
- (b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.
- (c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection. A Contractor seeking such an exemption must file a written application therefore with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer.
- (d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.

3.03.110. MINORITY, FEMALE, AND HANDICAPPED-OWNED BUSINESSES.

The rules and regulations, as amended, promulgated by the Department of Transportation of the State of California pursuant to Section 10115 of the Public Contract Code for the certification and establishment of specified preferences applicable to minority, female, and handicapped-owned businesses are applicable to contracts for construction awarded by FORA.

FORT ORD REUSE AUTHORITY BOARD REPORT BUSINESS ITEMS Subject: Economic Development Quarterly Status Update Meeting Date: April 7, 2017 Agenda Number: 8b INFORMATION/ACTION

RECOMMENDATION(S):

Receive Economic Development ("ED") Quarterly Status Update.

BACKGROUND/DISCUSSION:

The primary goal of FORA's ED effort, as referenced in the 1997 Base Reuse Plan ("BRP") and 2012 Reassessment Report ("RR"), is to assist the three county region in general and FORA jurisdictions specifically in economic recovery from the employment, business, and other economic losses resulting from the departure of soldiers, civilians, and families after the base closure. BRP projections for full recovery include: 37,000 replacement population; 15-18,000 jobs to replace military employment; 11-12,000 homes (6160 new units); and approximately 3 million sf commercial/office. Progress towards these targets to date include: 14,600 population; 4500 FTE jobs; 5191 homes (1000 new + 4191 reused); and 660k sf commercial.

FORA's ongoing ED strategy is based on the following key components:

- **Build upon Regional Economic Strengths** (Agriculture, Tourism, Higher Education/Research, Military Missions)
- Pursue New & Retain Existing Businesses/Enterprises.
- Engage Internal & External Stakeholders (i.e. FORA Jurisdictions, California State University Monterey Bay ("CSUMB"), University of California Santa Cruz ("UCSC"), Monterey Bay Economic Partnership ("MBEP"), Monterey County Business Council ("MCBC"), Monterey Peninsula Chamber of Commerce (MPCC), and others).
- Develop and Maintain Information Resources.
- Report Success Metrics.

Per ongoing Board direction and following the strategy outlined above, staff continues to make progress on a number of key projects. The following notes summarize and highlight progress since the January 13, 2017 Economic Development Quarterly Status Update:

- Business Recruitment/Retention. FORA staff continues efforts to both respond to and broadly refer inquiries from businesses/contacts interested in location or relocation and reuse of former Fort Ord real estate. Working with the Monterey County Economic Development office, staff continued recruitment efforts of a new international cosmetics production company. Staff has contributed to the successful reconstitution of the Central Coast Marketing Team ("CCMT") as a regional business attraction/retention organization/entity. Efforts are underway to develop a new CCMT website TeamCentralCoast.org, which will integrate the use of OppSites software as an attraction/retention resource. Efforts are also underway to prepare/package marketing content for sites in collaboration with partners. Staff continues working with relevant jurisdiction staff and elected officials where appropriate to advance new and emerging opportunities.
- UCMBEST. The vision for UCMBEST as a regional R&D tech innovation and regional employment center has yet to be realized. Even after 21 years of UC ownership only a small fraction of new venture and employment opportunities exist on the lands conveyed

for that purpose. FORA has a critical interest in seeing progress made on the UCMBEST vision. To that end, Executive Officer Michael Houlemard and Mr. Metz have taken active roles in convening relevant stakeholders to infuse the effort with new energy and craft a viable route forward. Advancing existing planning efforts to conclusion and entitlement for future sale, lease or other transfer, as well as exploring a wide range of future ownership/management structures are key areas of staff/stakeholder focus.

Vice Chancellor Scott Brandt provided a UCSC-UCMBEST Status Report at the November 14, 2016 Board meeting. Since then Mr. Metz has continued to represent FORA in bi-weekly status update calls with UC Santa Cruz and Monterey County representatives. Focus of the planning group includes: Moving West Campus parcels to auction in Q2 2017; Completing North Central Campus sub-division map and specific plan (City of Marina) – then water and environmental – targeting completion in Q4 2017; advancing East Campus mixed-use development planning with UCSC and County.

• Start-up Challenge Monterey Bay/CSUMB Collaboration. FORA continues to support expansion of regional entrepreneurship through support of CSUMB and Start-up Challenge Monterey Bay. This multi-day competitive pitch event cultivates entrepreneurship skills and identifies promising start-up concepts. Registration for the 2017 Startup Challenge closed Monday March 13 with a total of 90 completed applications (49 Venture Division, 29 Main Street Division, 12 Student Division), which represents a 9% increase over 2016 numbers (82 total: 40 Venture Division, 34 Main Street Division, 8 Student Division). Qualifying round pitches will be presented April 8, 2017. Final round pitches and Venture showcase will be held Friday May 12 at the CSUMB BIT Building. FORA continues working with campus partners to grow Startup Challenge quantity and quality; supporting entrepreneur and developer efforts to realize new coworking facilities; supporting campus economic development staff in realizing goals; and supporting success of CSUMB-SBDC.

Collaborating with CSUMB Institute for Innovation and Economic Development (iiED) faculty, Mr. Metz led a Coworking Space Market Feasibility Study. This completed study demonstrates Monterey Bay region market readiness for additional shared workspaces, with particular emphasis on the Monterey Peninsula to Salinas sub-region. The study is available to interested parties via the FORA website - results were presented to the Monterey Tech Meetup and MBEP Workforce Committee meetings. The study has generated active interest from entrepreneurs advancing plans to open coworking facilities as well as developers interested in potential inclusion of coworking facilities in evolving plans. Since January, Mr. Metz joined by CSUMB iiED Faculty and a developer representative visited active coworking/accelerators in San Luis Obispo (*SLO Hothouse*) and Santa Barbara (*ImpactHubSB, Work Zones, SandboxSB*) on a fact finding and potential recruitment mission. This effort yielded insights into potential financial and operating models; business sector and university partnerships; management strategies; and market opportunities. A summary presentation including images and business links can be accessed at FORA.org/EconDev.html.

On February 23, 2017, FORA supported the Sustainable Hospitality Development Symposium put on by the CSUMB Sustainable Hospitality Department, held at the Intercontinental Hotel – The Clement on Cannery Row. This first of its kind, 1-day symposium brought together 130 participants including a distinguished list of speakers including remote appearances from the President of Costa Rica; a delegation of business and government representatives; regional hospitality and tourism industry leaders; university leaders; and elected officials. The vision for the symposium was to further the

establishment of the Monterey Bay region as an international example of quality sustainable tourism development, hospitality and eco-recreation. Symposium outcomes include deepening of the international relationship with tourism leaders and developers in Costa Rica, plans for subsequent exchanges, and future symposium. Additional information including presentations and video can be found at https://csumb.edu/green.

• Community Engagement/Jurisdiction Support:

The MBEP staff and Workforce Committee in partnership with the Bright Futures program at CSUMB recently launched CareerCoachMB.org as a new web resource to help students and the community at large navigate career planning. This valuable web resource provides tools to explore specific career pathways, required education, salary information and links directly to posted vacancies. This new resource enables students to plan for specific careers to close the gap between job seekers and employers.

Staff continues serving as a technical and information resource to support jurisdiction economic development initiatives. Specific examples include: securing ESRI Business Analyst license to support site characterization and marketing; participating in Main Gate RFP review and developer recruitment; working with City of Marina staff to advance economic development projects; continuing support and engage with City of Salinas staff in agtech sector growth efforts.

 Metrics: <u>Housing Starts:</u> New residential development at the Dunes on Monterey Bay, Marina Heights, and East Garrison continues to gain momentum. A summary of CFD fees collected over the past 3 years is provided below:

New Residential	FY 14/15 Full year	FY 15/16 Full year	FY 16/17 Projected
Total Units	89	256	300
Total CFD Fees	\$1,982,669	\$5,202,626	\$7,096,500

<u>Jobs</u>: Staff began conducting the 2017 Jobs Survey in January, through email surveys, followed by phone calls, then site visits. Initial results indicate a total of 4989 jobs (3576 Full-time Equivalent ("FTE") and 1413 part-time ("PT")) on the former Fort Ord. These results suggest a 14% increase in total jobs from 2015 (1% growth in FTE and and 49% growth in PT jobs). Factors affecting these numbers include 18 new employers to the region, and 27 previously un-reported businesses. Most new employers are located at the Marina Dunes Fast Casual Restaurants. In addition, we estimate there are in excess of 10,000 students (7122 at CSUMB). A full Jobs Report will be released during Q2 2017.

FISCAL IMPACT:		
Reviewed by FORA Controller		
Funding for staff time and ED program	activities is includ	led in the approved FORA budget.
COORDINATION:		
Administrative and Executive Committe	ees	
Prepared by	Approved by_	Mishael A. Herriemend, In
Josh Metz		Michael A Houlemard Jr

FORT ORD REUSE AUTHORITY BOARD REPORT BUSINESS ITEMS Subject: 2nd Vote: Staff Benefit Adjustment Meeting Date: April 7, 2017 Agenda Number: 8c ACTION

RECOMMENDATION:

Adopt the fiscal year 2016-17 (FY 16-17) mid-year budget approving staff benefit adjustment as recommended by Executive Committees - 2nd Vote.

BACKGROUND / DISCUSSION:

At the March 10, 2017 meeting, the FORA Board reviewed the FY 16-17 mid-year budget.

The Board voted to approve the mid-year budget excluding the staff benefit adjustment. The vote was not unanimous (6 dissenting votes), therefore, the 2nd vote is required to approve the change in staff health cost benefits. **(Attachment A)**

The FORA Finance Committee Chair asked that staff note for the Board that the FY 16-17 budget approved by the Board on May 13, 2016 anticipated a 10% increase in health insurance premium cost. The actual premium increase is 4%. The Executive Committee was unable to provide salary/benefits recommendation to the Board prior to the first vote. They met on March 29, 2017 reviewed and recommend approval of the staff benefit adjustment.

FISCAL IMPACT:

The combined fund ending balance at June 30, 2017 is anticipated to be about \$41.0 Million Per the approved FY 116-17 mid-year budget. The fiscal impact for FY 16-17 is \$4,939.

COORDINATION:

Finance Committee, Executive Committee

Helen Rodriguez

Prepared by	Approved by	

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY FY 16-17 PROPOSED BENEFITS ADJUSTMENT

Health insu	rance/employ	er share premi	ium increase	Fiscal Impact FY 16-17
<u>EE</u>	<u>EE+1</u>	<u>Family</u>		
798	1,447	1,826	FY 16-17 Approved employer contribution	
32	64	83	Increase in premium - effective 1/1/17	
32	01		moreuse in premium egyecute 1/1/17	
PTIONS a) Keep ER	contribution c	onstant until s	unset/next review	None
b) Keep EE	contribution o	constant until s	sunset/next review	
830	1,511	1,909	Employer contribution	\$4,939
				\$10,000 annually
c) Both ER	and EE contrib	ution share inc	crease	
c) Both ER 814	and EE contrib	ution share inc	crease Employer contribution	\$2,846

FORT ORD REUSE AUTHORITY BOARD REPORT		
BUSINESS ITEMS		
Subject:	Resolution fixing the Employer Contribution under the Public Employees' Medical and Hospital Care Act	
Meeting Date: Agenda Number:	April 7, 2017 8d	ACTION

RECOMMENDATION:

Adopt Resolution No. 17-XX titled "<u>Fixing the Employer's Contribution at Unequal Amounts for Employees and Annuitants under the Public Employees' Medical and Hospital Care Act (PEMHCA)" updating Fort Ord Reuse Authority's (FORA) contribution to employees' health premium (**Attachment A**), approved on April 7, 2017 (Item 8c in this Agenda).</u>

BACKGROUND/DISCUSSION:

PEMHCA requires that contracting agencies adopt a resolution when modifying the employer contribution to employees' health premium. This provides the California Public Employees' Retirement System (CalPERS) proper authority to process the modification. On April 7, 2017, the FORA Board approved an adjustment in contributions to employees' health premium effective January 1, 2017. Therefore, Resolution No. 17-XX is required to replace Resolution No. 16-02 currently on file with CalPERS.

	Expiring contributions Resolution No. 16-02 FY 15-16	New Contributions Resolution No. 17-XX FY 16-17
1 party (employee)	\$ 798.00	\$ 830.00
2-party (employee+1 dependent)	\$ 1,447.00	\$ 1,511.00
Family (employee+ 2 or more dependents)	\$ 1,826.00	\$ 1,909.00

FISCAL IMPACT:

Annual cost of this adjustment is \$10,000 based on current health insurance coverage/enrollment. The FY 16-17 cost is \$4,939 and is included in the revised FY 16-17 approved mid-year budget.

COORDINATION:

Executive Committee

Prepared by	Approved by			
. , , , ,	Helen Rodriguez		Michael A. Houlemard, Jr.	

RESOLUTION NO. 17-xx

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY FIXING THE EMPLOYER CONTRIBUTION AT UNEQUAL AMOUNTS FOR EMPLOYEES AND ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. WHEREAS, the Fort Ord Reuse Authority ("FORA") is a contracting agency under Government Code section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- B. WHEREAS, Government Code section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- C. WHEREAS, Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- D. WHEREAS, Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by 5 percent of the current monthly employer contribution for employees, until such time as the amounts are equal.

NOW THEREFORE, BE IT RESOLVED by the FORA Board of Directors as follows:

1.	That the employer contribution for each employee shall be the amount necessary to pay
	the full cost of his/her enrollment, including the enrollment of family members in a health
	benefits plan up to a maximum of \$ per month with respect to employee enrolled for
	self alone, \$ per month for employee enrolled for self and one family member, and
	\$ per month for employee enrolled for self and two or more family members, plus
	administrative fees and Contingency Reserve Fund assessments; and

- 2. That the Fort Ord Reuse Authority has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and
- 3. That the participation of the employees and annuitants of Fort Ord Reuse Authority shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that Fort Ord Reuse Authority would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and
- 4. That the executive body appoint and direct, and it does hereby appoint and direct,

Executive Officer, Michael A. Houlemard Jr., to file with the Board a verified copy of this resolution, and to perform on behalf of Fort Ord Reuse Authority all functions required of it under the Act.

	Reuse Authority Board of Directors at 920 2 nd , seconded by, the foregoing,, by the following vote:
AYES: NOES: ABSTENTIONS: ABSENT:	
	Ralph Rubio, Chair
ATTEST:	
Michael A. Houlemard, Jr. Clerk	

- END -

DRAFT BOARD PACKET