



FORT ORD REUSE AUTHORITY

REGULAR MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, September 9, 2016 at 2:00 p.m.
910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON SEPTEMBER 8, 2016.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. Prevailing Wage Jurisdictional Training on November 1
- b. Letter to Governor Brown for AB 2730
- c. California Central Coast Veterans Cemetery Opening Ceremony
- d. Major General William H. Gourley VA-DOD Clinic "Soft Opening"

5. CONSENT AGENDA

CONSENT AGENDA consists of routine items accompanied by staff recommendation.

- a. Approve July 8, 2016 Board Meeting Minutes (p.1-5) ACTION
- b. Authorization to Approve Section 457 ICMA Plan "Hardship Loan" Resolution (p.6-8) ACTION
- c. Administrative Committee (p.9-12) INFORMATION
- d. Veterans Issues Advisory Committee (p.13-19) INFORMATION
- e. Public Correspondence to the Board (p.20) INFORMATION

6. PUBLIC COMMENT PERIOD

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.

7. BUSINESS ITEMS

- a. Receive Report from Bryce Consulting and Consider Approval of Recommended Salary Range Adjustments (p.21-33) INFORMATION/ACTION
- b. Capital Improvement Program (CIP) - Eastside Parkway Environmental Contract Amendment (p.34-55) INFORMATION/ACTION
- c. Receive Monterey Base Realignment and Closure Symposium Report (p.58) INFORMATION

- d. Habitat Conservation Plan Update (p.57-79)
 - i. Status Report
 - ii. ICF Contract Amendment #9
 - iii. DD&A Contract Amendment #11

INFORMATION/ACTION

8. ITEMS FROM MEMBERS

- a. Request to Reschedule December 9 Board Meeting to December 2

9. ADJOURNMENT

NEXT BOARD MEETING: October 14, 2016

Persons seeking disability related accommodations should contact FORA 24 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 Chanel 25. The video and meeting materials are available online at www.fora.org.



FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, July 8, 2016 at 2:00 p.m.

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

1. CALL TO ORDER

Chair O'Connell called the meeting to order at 2:00 p.m. and requested a moment of silence for those who lost their lives during recent shooting incidents in Dallas and Louisiana.

2. PLEDGE OF ALLEGIANCE

Chair O'Connell led the pledge of allegiance.

3. ROLL CALL

Mayor Pro-Tem O'Connell (City of Marina)	Mayor Kampe (City of Pacific Grove)
Mayor Edelen (City of Del Rey Oaks)	Mayor Pro-Tem O'Connell (City of Marina)
Mayor Pro-Tem Oglesby (City of Seaside)	Mayor Edelen (City of Del Rey Oaks)
Mayor Pendergrass (City of Sand City)	Mayor Pro-Tem Oglesby (City of Seaside)
Mayor Rubio (City of Seaside)	Mayor Pendergrass (City of Sand City)
Mayor Gunter (City of Salinas)	Mayor Rubio (City of Seaside)

Mayor Kampe (City of Pacific Grove)
Supervisor Phillips (County of Monterey) AR
Supervisor Parker (County of Monterey)
Councilmember Reimers (City of Carmel)
Council member Haffa (City of Monterey)
Council member Morton (City of Marina)

Ex-officio (Non-Voting) Board Members Present: Vickie Nakamura (MPC), Scott Brandt (UCSC), Jim Laughlin (US ARMY), Bill Collins (Ft Ord BRAC Office); Erica Parker (29th State Assembly member Stone); Lisa Reinheimer (MST), and, Thomas Moore (MCWD), Mike Zeller (TAMC).

Absent: Supervisor Potter (County of Monterey), Hunter Harvath (MST), Dr. Ochoa (CSUMB), 20th Congressional District Alec Arago, Nicole Charles (17th State District Sen. Monning), PK Diffenbaugh (MPUSD), and Donna Blitzer.

Chair O'Connell requested slight modifications to the Agenda: to move Closed session and Announcement of Closed session items after Item 6 and they become Items 7 and 8 respectively; and, to review Business items as Item 9.

Chair O'Connell asked for public comment. There were no comments from public.

MOTION: Mayor Edelen moved, seconded by Mayor Rubio to modify the Agenda as requested by Chair O'Connell.

MOTION PASSED UNANIMOUSLY.

4. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Michael Houlemard announced the annual conference of the Association of Defense Communities (Washington DC June 20-22) was valuable to FORA board members Oglesby and Phillips who also participated. Congressman Sam Farr received the President's Award for his work on recovery on Fort Ord, dedication of national Monument and removal of

munitions explosives. Councilmember Oglesby provided comments on this conference, he and Supervisor Phillips were able to meet with high level US Army representatives, and others in the reuse community who impact the work FORA does and thanked the Executive Officer.

5. CONSENT AGENDA

Chair O'Connell asked if there were items to be pulled from Consent Agenda and noted incorrect date of 2016 referenced on the staff report, page 9. Board member Parker requested Item "5i" be pulled from Consent Agenda.

- a. Approve June 10, 2016 Board Meeting Minutes
- b. Environmental Services Cooperative Agreement-Quarterly Report Update
- c. Fort Ord Reuse Authority Building Removal Program Update
- d. Prevailing Wage Update
- e. Economic Development Quarterly Status Update
- f. Annual Report FY 2015-16
- g. Habitat Conservation Plan Update
- h. Administrative Committee
- j. Regional Urban Design Guidelines Task Force
- k. Veterans Issues Advisory Committee
- l. Water/Wastewater Oversight Committee
- m. Travel Report
- n. Public Correspondence to the Board

Chair O'Connell asked for public comment. The board did not receive public comment.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter to approve all items on Consent Agenda, except Item "5i" (pulled by Sup. Parker). (Chair O'Connell abstained from vote on approval of Minutes as he was not in attendance).

MOTION PASSED UNANIMOUSLY.

5i. Post Reassessment Advisory Committee

Board member Parker noted the hard work of this committee and thanked its members for accomplishing this task. She hopes the Transition Task Force can continue to accomplish those remaining tasks. Chair O'Connell thanked Post Reassessment Advisory Committee members for all the work accomplished.

MOTION: Mayor Rubio moved, seconded by Mayor Kampe to approve staff's recommendation as presented by staff.

MOTION PASSED UNANIMOUSLY

Chair O'Connell asked for public comment. No public comment was received.

6. PUBLIC COMMENT PERIOD

Chair O'Connell asked for public comments. The Board did not receive public comment. The Board did not receive public comment.

7. BUSINESS ITEMS (Changed to Item 9; Closed Session occurred as item 7).

- a. Consultant Determination Opinion Report Categories I and II Post Reassessment Actions - 2d Vote

Chair O'Connell opened the item for discussion. Board member Haffa asked if/once category corrections are made, that they be brought back to Board. Mr. Houlemard indicated it would be brought back to show corrections. Steve Endsley informed the Board that the item is not subject to Board approval and it will be brought back to Board for information. Mr. Haffa requested the document be redlined with changes so Board can see those changes. Board member Morton asked if Mr. Haffa was asking the proposed redlined come back for review before they are implemented. Mr. Haffa said Board must have ability to review those changes to ensure their accuracy. Board member Parker said Board should be able to review the proposed changes, but asked if Board Haffa is asking Board have the ability to make corrections. Mr. Houlemard said staff can provide the document with the changes for Board review and reiterated that no action is being taken to alter the Base Reuse Plan. This is a second vote to accept the MBI opinion on Categories I and II and the report provides information to republish what the FORA Board uses for consistency determinations.

Chair O'Connell asked for public comment. The Board received public comment.

Additional comments from Board: Mayor Kampe raised concerns with Staff directly and believes it absurd to do this all over again. Does not want to start from scratch. Chair O'Connell said Board will provide the document and asked Staff to bring it again in future. Supervisor Parker said she appreciated statements from fellow members, but she is still not comfortable; first, BRP is a major planning document, and not convinced that it can be revised without the Board taking the action to implement revisions. She believes the BRP is being revised for more comprehension regarding changes beyond the typographical changes, which are changes to the BRP. She added that some past actions on BRP were not agendized in that format. She wants everything clear before Board gives it approval. Board member Morton said she echoes Sup. Parker's statement. There is CEQA question, delegation of a change to an administrative act, changes to BRP, believes the changes to BRP cannot be done administratively and is concerned with changing the meaning of BRP and that she will not support this motion. Mayor Edelen emphasized this motion is not modifying the Base Reuse Plan and that the action is to accept the report. He noted that it has taken years of work and that there will never be full agreement; he will support it and is the only logical and rational thing to do. Mayor Gunter called for the question.

MOTION: Mayor Rubio moved, seconded by Mayor Edelen, to accept MBI's determination opinion on Categories I and II report and staff bring a compiled document with tracked changes.

MOTION PASSED Noes: Morton and Parker.

- b. Adoption of FORA FY 2016/17 Capital Improvement Program - 2d Vote
Mr. Houlemard introduced this item, there were 2 no votes previously.

Chair O'Connell asked for public comment. There was no public comment.

Board member Morton stated two options were presented at last meeting and that she will vote against them again. Mayor Gunter said FORA board members vote twice on everything and finds it offensive and a disservice to the public. He added that to vote "no" to CIP and projects needed, means opportunities are missed to do something to benefit the public. He is

ready to vote and support this. Board member Parker said she voted for motion last time, but will be voting against it as the request and recommendation from Administrative Committee was to continue the FY15-16 budget until the results from TAMC study are brought back and incorporated. She said there are concerns from one of the jurisdictions as to whether the CIP was skewed to all parties and after TAMC study this will shed more information on fairness to all jurisdictions and she was voting "no." Mayor Kampe said he hoped the entity concerned on equity is present to speak for themselves and hopes Board can move this forward and not delay actions as clock is running down and that he supports its approval.

MOTION: Rubio moved, seconded by Oglesby to approve staff's recommendation as presented.

MOTION PASSED

Noes: Morton, O'Connell, Parker.

- c. University of California Monterey Bay Education Science and Technology Center (UC MBEST) Quarterly Status Update

Mr. Houlemard introduced Scott Brandt from University of California Santa Cruz (UCSC). The Board was informed that the agreement was signed by Supervisor Parker (for County) and Chair O'Connell (for Marina). Josh Metz reported on Economic Development on projects going forward and Mr. Brandt spoke on the signed Memorandum of Understanding; and that it calls for mutual cooperation for development of jobs and development of parcels. One proposal is for an artisan wine and food that it is consistent with MBEST. Mr. Brandt introduced Mohamed Absalem who is responsible for patent portfolio and licensing agreements and economic develop activities for UCSC. Mr. Brandt described Mr. Mohamed's background which includes tech experience, building a not-for profit in Canada, and obtained an Engineering degree/MSP/MBA from Santa Clara business school. Mr. Brandt stated he will return in 3 months to report progress to Board.

Chair O'Connell asked for public comment. The Board received public comment.

- d. Consider a Pipeline Financing Reimbursement Agreement with Marina Coast Water District

Mr. Houlemard introduced item and Peter Said presented to the Board. Chair O'Connell requested clarification from the Executive Officer, as to whether FORA staff was asking for authorization for executing this agreement. Mr. Houlemard confirmed this assertion. Mr. Said gave a brief summary on the background on this item and asked the Board to consider a pipeline financing reimbursement agreement with MCWD. Diagrams with current pipelines and construction of new pipelines for completion of this project were provided. Steve Endsley indicated Phase 1 can be completed and that by 2020 FORA can fulfill its obligations.

Board received comments from its members.

Chair O'Connell asked for public comments. The Board did not receive public comments.

MOTION: Board member Haffa moved, seconded by Mayor Rubio to approve staff's recommendation as presented.

MOTION PASSED UNANIMOUSLY

Mr. Moore said Marina Coast Water District approved this item at their last meeting and expects agencies' counsels to fix additional details. He appreciates FORA's contributions which resulted in reduced cost for water to rate payers.

e. Consistency Determination: City of Marina Housing Element 2015-2023

Mr. Houlemard introduced the item and informed the Board that the City of Marina asked for this to be approved. Another final Housing Element will be provided in a few months. Jonathan Brinkmann indicated no presentation was needed.

Chair O'Connell asked for public comment. There was no public comment.

MOTION: Board member Morton moved, seconded by Mayor Gunter to approve staff's recommendation as presented.

MOTION PASSED UNANIMOUSLY

8. CLOSED SESSION (changed to Item 7)

Chair O'Connell said Item 7b relates to Item 9a (Consultant Determination Opinion report). He said comments can be taken before the closed session or can be taken after. Chair O'Connell introduced this item to Board before going to closed session. The Board did not receive public comment.

The Board adjourned into closed session at 2:12 p.m.

a. Public Employment, Gov. Code 54959.7(b) - Executive Officer

b. Conference with Legal Counsel – Potential Litigation, Gov. Code 54956.9(d)(2)

9. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION (changed to Item 8)

The Board reconvened into open session at 2:43 p.m.

Authority Counsel, Jon Giffen, announced there was no reportable action taken by Board.

Chair O'Connell asked for public comment. The Board did not receive public comment.

10. ITEMS FROM MEMBERS

None.

11. ADJOURNMENT

The meeting adjourned at 3:55 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Authorization to Approve Section 457 ICMA Plan "Hardship Loan" Resolution	
Meeting Date:	September 9, 2016	ACTION
Agenda Number:	5b	

RECOMMENDATION:

Authorize the approval of Section 457 ICMA Plan "Hardship Loan" Resolution No. 16-XX titled Amendment to Resolution 96-3 "Suggested Resolution for a Legislative Body Relating to a Money Purchase Plan that includes the 457 Deferred Compensation Plan" (**Attachment A**).

BACKGROUND/DISCUSSION:

In order to offer "hardship" loans within the FORA retirement plan, the Internal Revenue Code (the "Code") requires that there be written guidelines that govern the Plan's loan program. The loan purpose is only in the case of hardship. Under the Code, only employers can authorize a loan for hardship purposes. Generally, for loan purposes, the IRS defines "hardship" situations for these purposes to include, but not to be limited to: unreimbursed medical expenses, buying or rehabilitating the participant's principal residence, and paying for college education for the participant or his/her qualified dependents.

FISCAL IMPACT:

Staff time for this item is included in the approved FORA FY 16-17 Budget and there is no fiscal impact to FORA.

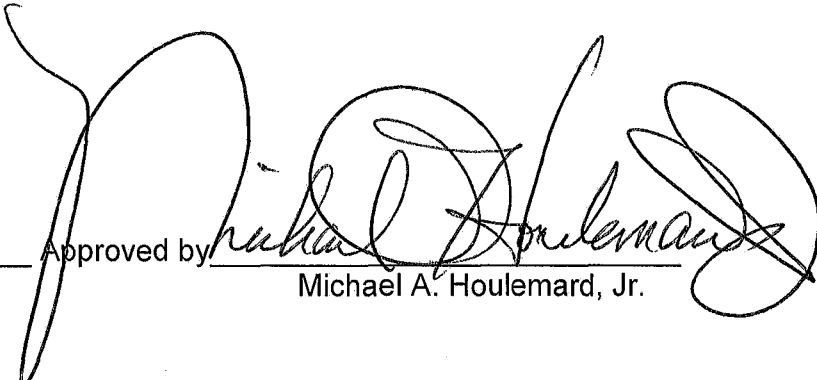
COORDINATION:

Executive Committee

Prepared by


Helen Rodriguez

Approved by


Michael A. Houlemard, Jr.

RESOLUTION NO. 16-XX

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY AMENDING RESOLUTION 96-3 ESTABLISHING A MONEY PURCHASE PLAN - ICMA 457 DEFERRED COMPENSATION PLAN TO INCLUDE A HARDSHIP LOAN PROVISION

WHEREAS, the Fort Ord Reuse Authority (“FORA”) adopted Resolution 96-3 establishing a Money Purchase Plan with the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust (the “Plan”), pursuant to the specific provisions of the Adoption Agreement.

WHEREAS, FORA has employees rendering valuable services; and,

WHEREAS, the establish of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and,

WHEREAS, FORA desires that its money purchase retirement plan be administered by ICMA Retirement Corporation and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation; and,

WHEREAS, FORA has established the Plan for such employees to serve the interest of FORA by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, FORA has determined that permitting participants in the retirement plan to take loans from the Plan will serve these objectives.

NOW THEREFORE BE IT RESOLVED that the governing body of FORA hereby adopts the amendments to Resolution 96-3 authorizing ICMA retirement plan participants to take Hardship Loans from the Plan.

ADOPTED this 9th day of September, 2016 by the Fort Ord Reuse Authority by the following votes listed by name:

AYES:

NOES:

ABSENTIONS:

ABSENT:

ATTEST:

APPROVED:

Michael A. Houlemard, Jr.,
Executive Officer

Frank O'Connell, FORA Board Chair

DRAFT

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Administrative Committee	
Meeting Date: September 9, 2016 Agenda Number: 5c	INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on August 3, 2016. The approved minutes from this meeting is attached (**Attachment A**).


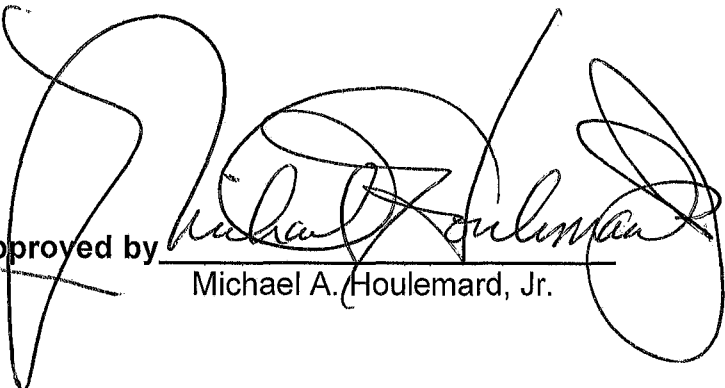
FISCAL IMPACT:

Reviewed by the FORA Controller 

Staff time for the Administrative Committee is included in the approved annual budget.

COORDINATION:

Administrative Committee

Prepared by  Approved by 
Dominique Jones Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, August 3, 2016 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Daniel Dawson called the meeting to order at 8:30a.m. The following were present:

**voting members, AR = arrived after call to order*

Craig Malin, City of Seaside*

Elizabeth Caraker, City of Monterey*

Layne Long, City of Marina*

Melanie Baretta, County of Monterey*

Anya Spear, CSUMB

Steve Matarazzo, UCSC

Vicki Nakamura, MPC

Wendy Elliott, MCP

Patrick Breen, MCWD

Todd Muck, TAMC

Doug Yount, MCP

Gage Dayton, UCSC Natural

Reserves

Mike Zeller, TAMC

Bill Collins, US Army

Bob Schaffer

FORA Staff:

Michael Houlemard

Steve Endsley

Jonathan Brinkmann

Peter Said

Robert Norris

Sherri Damon

Josh Metz

Nicole Valentino

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Craig Malin.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Bill Collins (of the U.S. Army) distributed a 5 year review of the munition removal program and the announcement of the coming burn season. Envelopes will be left at the FORA desk and the public to comment. Although this is burn season, there is no burning now due to resources being used for local fire needs. The Army does plan to burn this year, but do not yet have a specific date. When they have one it will be on their website and published in local newspapers.

Michael Houlemard announced that Deputy Clerk, Maria Buell is leaving FORA. A new Deputy Clerk/Executive Assistant will be begin in mid-August.

Josh Metz announced that RUDG guidelines are now available at the meeting. He encouraged those present to take the guidelines with them.

Robert Norris shared the donations list for the California Central Coast Veteran Cemetery-online on the Marina Foundation website. He emphasized that there is a great need for items not covered by available funding, and items are needed before the grand opening.

4. PUBLIC COMMENT PERIOD

There were no comments from the public.

5. APPROVAL OF MEETING MINUTES

a. June 29, 2016 Administrative Committee Minutes

MOTION: Craig Malin moved, seconded by Elizabeth Caraker to approve the June 29, 2016 Administrative Committee minutes with minor edits.

6. BUSINESS ITEMS

a. Capital Improvement Program Update Reports

i. TAMC Status Update

Peter Said made a presentation of the EPS and TAMC study. He distributed the CIP and discussed the elements of the studies. He provided an update of the TAMC study and their four part modeling process. He also discussed the analysis of future potential options and acknowledged the complex process with an enormous amount of data. There was a request that jurisdictions provide data for the last portion of the analysis. Once the distribution of funds for approved road projects is resolved there can be a discussion of how that fits into the financial analysis that EPS has prepared.

ii. EPS Preliminary Report

Looks at how developer fees have been determined. A first draft was presented to the group for review and assessment proposing 1.9% increase that Mr. Said explained in detail. There are a number of factors regarding land sales revenue – many of which are nuanced – according to EPS. Jonathan Brinkmann further elaborated on the formulas, contingencies and sensitivities. Dan Dawson commented on analysis of the proposed fees and the potential impact on jurisdictions. Peter Said explained the formula used to arrive at the proposal. Michael Houlemard commented on the complexity of land sales, building removal, land sales revenue and FORA obligations across the base. Sheri reiterated that it is a formula that generalizes averages rather than considering parcel by parcel across the base.

Michal Houlemard stated that the implementation agreement clearly states the standard approach taken by FORA and jurisdictions. Peter Said stated that comments are welcome from the Committee, jurisdictions as well as from developers – especially those most impacted. There will be a presentation for the full Board in September as agreed when the Board approved the CIP in July.

iii. CIP Report Distribution

The FY 2016/2017 through 2021/22 FORA Board adopted CIP was distributed by Jonathan Brinkmann, who provided a brief summary to the Committee.

b. Prevailing Wage Jurisdictional Training and Software

Sheri Damon provided a brief presentation. A State training with a focus on Public Works projects will be available in November, if that works for the jurisdictions. Developers, contractors and sub-contractors are all welcome and encouraged to attend. Ms. Damon announced that the FORA website will have a web page dedicated to prevailing wage issues and items. The page will include a video tape of the training, as well as other video seminars. The intention is to minimize confusion about prevailing wage mandates at FORA. Michael Houlemard strongly encouraged jurisdictions to participate. He emphasized the benefit to and the importance of jurisdictions familiarizing themselves with the new post redevelopment legislation and the many issues involved that impact not only FORA property but other properties in the jurisdictions as well. Robert Norris stated that jurisdictions would behoove themselves by becoming familiar with the State regulated activity that is being managed by the Department of Industrial Relations. Sheri stated that FORA has a License Acquisition for software they would like to share with the jurisdictions as it will support their work and better methodology can be cultivated to bring in more local workers. FORA is extending use of the software to the jurisdictions to help develop statistics on the local work force to project out the future demand for workforce on Fort Ord. Jurisdictions can use the software for free and can monitor their prevailing wage projects. Sheri passed out applications to the group and asked that they review and submit them. Sheri will subsequently register jurisdictions.

c. **Post Reassessment Advisory Committee Assignments**

Jonathan Brinkmann made a brief presentation to the Committee. It was followed by extensive discussion. Jonathan announced that at the July 8, 2016 Board meeting a decision was made to dissolve the PRAC and to redistribute some of the topics work to other committees as appropriate. The four main topics include: Water augmentation; Building Removal; Economic Development/Affordable Housing and the Trails Concept. What is being folded into the Administrative Committee is water augmentation and building removal as a part of the annual CIP review process. The Transition Task Force is also looking at building removal and CIP obligations post 2020. Michael Houlemard distributed and briefly provided an overview of a synopses of the nine most significant governing documents that govern how FORA operates. These documents are available on the FORA website. The synopses were created and provided to the TTF at the August 2, 2016 meeting. Sheri emphasized that the documents are neither a conclusive legal opinion, nor are they exhaustive; rather they are designed to be used as tools to explore what is possible and practical going forward. The documents reflect that there are a number of activities in which FORA is engaged and will continue to be obligated post 2020. There are another two significant documents that are directly tied to the Environmental Cooperative Services Agreement and were reviewed in the last two months by Barry Steinberg. Per Michael Houlemard, FORA has an obligation to provide a transition plan to LAFCO in 2018. Michael encouraged Administrative Committee members to attend the next Transition Task Force meeting. Steve Endsley proposed questions to the group to consider as they explore possible transition scenarios. What would it look like with FORA? What would it look like without FORA? What are the most important functions of FORA? What are the expenses? He suggested jurisdictions begin to make some educated assumptions to examine unfunded liabilities.

d. **Habitat Conservation Plan Status Update**

Jonathan provided a brief update about discussions with Fish and Wildlife. FORA staff shared their concerns on US Fish and Wildlife withdrawing mitigation on federal land, and how to avoid litigation. There is a collective agreement to work toward a public draft of the HCP by the end of the year. FORA received a letter from US Fish and Wildlife agreeing to work together towards this goal. Steve Endsley stated the FORA bottom line is: No additional time. No additional money.

7. ITEMS FROM MEMBERS

None.

8. ADJOURNMENT

The meeting adjourned at 9:48 a.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Veterans Issues Advisory Committee

Meeting Date: September 9, 2016

Agenda Number: 5d

INFORMATION

RECOMMENDATION:

Receive an update from the Veterans Issues Advisory Committee (VIAC).

BACKGROUND/DISCUSSION:

The VIAC met on July 28, 2016 and discussed the status of the California Central Coast Veterans Cemetery, the Veterans Affairs/Department of Defense Veterans Clinic status and potential to use the historic flag pole, Veterans Transition Center housing construction logistical support, and the Historical Preservation Project status. The approved July 28, 2016 minutes are attached (**Attachment A.**)

FISCAL IMPACT:

Reviewed by FORA Controller 

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

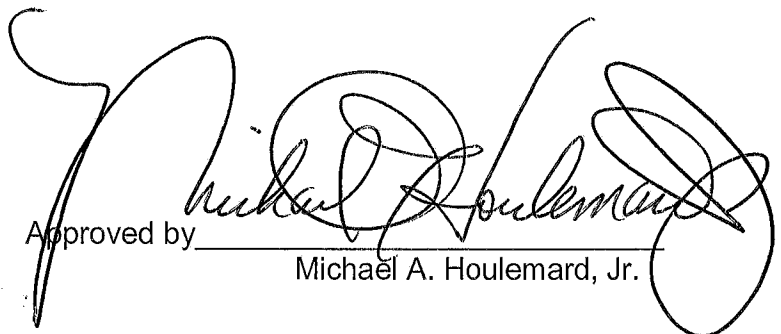
COORDINATION:

VIAC

Prepared by


Nicole Valentino

Approved by


Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES**

3:00 P.M. Thursday, July 28, 2016

920 2nd Avenue, Ste A., Marina California | FORA Conference Room

1. CALL TO ORDER

Confirming quorum, Chair Jerry Edelen called the meeting to order at 3 p.m.

Committee Members:

Mayor Jerry Edelen, City of Del Rey Oaks (Chair)

Richard Garza, Central Coast Veterans Cemetery Foundation (CCVC Foundation)

Edith Johnsen, Veterans Families

Jack Stewart, Fort Ord Veterans Cemetery Citizens Advisory Committee

Sid Williams, Monterey County Military & Veterans Advisory Commission (VAC)

FORA Staff:

Robert Norris

Michael Houlemard

Nicole Valentino

Others in Attendance:

G. 'Cliff' Guinn, Forthm

Tammy Jakl, Bureau of Land Management

Edwin Marticorena, Veterans Transition Center

Eric Morgan, Bureau of Land Management

Erica Parker, Office of CA Assemblymember Stone

Bob Schaffer, member of the public

2. PLEDGE OF ALLEGIANCE

Robert Norris led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None.

4. PUBLIC COMMENT PERIOD

Fort Ord Monument Manager Eric Morgan, introduced himself and Park Ranger Tammy Jakl of the Bureau of Land Management. Park Ranger Jakl announced that BLM is in the early stages of exploring an idea to honor veterans by providing special day access and/or a tour to a highly desirable but not easy to access central area called *Lightfighter LZ*, of the Fort Ord National Monument. A tentative date being considered is November 19, 2016. The date was selected to not interfere with Veterans Day activities. Park Ranger Jakl and Monument Manger Morgan welcome ideas and comments from VIAC Committee members. Ranger Jakl can be reached at the Bureau of Land Management (BLM) at (831) 582-2246 or by e-mial at TJakl@BLM.gov.

BLM welcomes ideas and comments from VIAC Committee members. Edith Johnsen asked if families would be welcome to participate. Ranger Jakl agreed that was a good idea, but acknowledged that the numbers may need to be limited if the anticipated number of participants were to be too great to accommodate everyone.

5. APPROVAL OF MEETING MINUTES

a. June 23, 2016

MOTION: Jack Stewart moved, seconded by Edith Johnsen, to approve the June 23, 2016 Veterans Issues Advisory Committee minutes with two minor edits.

MOTION PASSED UNANIMOUSLY.

6. BUSINESS ITEMS

a. California Central Coast Veterans Cemetery Status Report

i. Cemetery Administrator's Status Report

Principal Analyst Robert Norris said that he reached out to CDVA to see if the new Cemetery Administrator Daria Maher, would be attending. In Ms. Maher's absence, Mr. Norris provided a brief report. Mr. Norris stated that as of his last check-in, the Cemetery Project had posted jobs for positions to be filled ~~at the cemetery~~. Mr. Norris also stated that construction is forecasted to be complete near the end of September.

Edith Johnsen stated *James* is working on a letter to Monterey County Veteran's Office that spells out the particulars including such details as the inscriptions on the benches. According to Mr. Norris, there are some final regulations being proposed by the Cemetery Advisory Committee to be submitted to the VIAC. Mr. Norris requested that an item to discuss the proposed regulations be placed on a future agenda. Mr. Norris offered to bring available written comments regarding the proposals to the next VIAC committee meeting for review.

ii. Cemetery Advisory Committee (CAC) Working Meeting Agenda

Mr. Norris reported that there was a July 14, 2016 meeting with Senator Monning in attendance. He stated there were a number of follow up issues that Kathy Smith, Michael Houlemard and Dan Fahey are working on a resolution of the issue of donor site visits for the wall for getting the donor checks processed? There are also other issues regarding the financing...Mr. Norris reported that there remain questions about what the contents of the memorial wall will be, as well as there are questions regarding what will the procedures will be for processing donations.

iii. Endowment Parcel MOU

Per Mr. Norris, the MOU is currently being worked through the County of Monterey FORA Committee. FORA has provided staff support to the committee for drafting the MOU for the endowment parcel. The draft is currently being circulated to the *County*, the *City* and the *Foundation* for review and comment. The anticipated next step is that the draft be agendized for discussion at the next County Committee meeting.

iv. Opening Ceremony

Mr. Norris stated he has no information regarding the opening ceremony for the cemetery. He does know that there are plans going forward for the clinic ceremony.

v. Military and Veterans Affairs Pre-Enrollment Report

Mr. Norris stated that last he heard there is an over enrollment of 654 pre-screened applications and that approximately 20 additional applications have been returned for further information and/or corrections. Mr. Williams stated that as spouses may also be buried in the cemetery, the actual number may more closely approximate 1,400 requests for burial. Mr. Norris stated that will definitely underscore/impact the needs statement being developed to substantiate the need for in ground burials in the future phase. There was a question about an application from Sgt. McDonald (the war horse veteran). Mr. Norris responded that he did not know, but would inquire.

b. Fundraising Status

i. CCVC Foundation Status Report

Richard Garza stated that he was not in the CAC meeting in which it was interpreted and reported that the Community Foundation would not be contributing anything to the cemetery. Mr. Garza stated the information was presented by Dan Fahey to Jimmy Panetta, but Mr. Garza does not know if it was said directly to the CAC. Mr. Garza stated that CCVCF has contributed all that it has been asked to contribute, and it is currently holding the next contribution to phase II. According to Mr. Garza, CCVCF had a major donor who requested a tour of the cemetery site. He stated that Candy Ingram and Jan Parks asked the Department of Veterans Affairs if that was possible, and they were told "We'll give them a tour of the site if they will give us the money instead of you". Mr. Norris stated that this is one of the issues to which he made reference earlier when he mentioned that Senator Monning's office was working with Michael Houlemard and others how to best resolve the issue of site visits and other issues. Chair Edelman suggested that Mr. Garza document the issue and send a letter on organization letterhead. Mr. Norris reiterated that Senator Monning's Office is working to resolve the issue. Specifically, Senator Manning's Chief of Staff has been in contact with Mr. Fahey's supervisor and the Senator and the Secretary are aware of the need to improve communication and resolve conflicts. Chair Edelen reiterated his suggestion to document incidences. He also stated that he is waiting for a notice of the first meeting of the Central California Veterans Advisory Committee, as without having a meeting, it is difficult to work some of this out. Mr. Garza agreed to document the incident

c. VA/DoD Veterans Clinic Status Report

i. Historic Flag Pole Variance Update

Mr. Williams stated that he had a lengthy conversation with a representative of the land owner, and that he was told that the owner of the property has reservations about putting the flag pole up on the property. Mr. Williams assesses the likelihood of that changing being about 10%. He has been in conversation with Jimmy Panetta about this issue. Mr. Williams received an e-mail from Mr. Schaeffer in which it was expressed that "they" have an idea for how to use the flagpole in a meaningful way for a project and they will have further conversation as to how to best use the flagpole in the most appropriate way. There was a suggestion made to contact the owner directly and ask for his permission. Mr. Williams stated that he has tried and will continue to work on the issue.

ii. Clinic Construction Schedule

Mr. Norris said the construction is on track for the scheduled October 14th ribbon cutting ceremony.

d. Veterans Transition Center (VTC) Housing Construction

Mr. Norris asked FORA Executive Officer Michael Houlemard to give a brief report to the Committee, as he was instrumental in resolving a critical water issue for the Veteran's Transition Center. Mr. Houlemard stated that it was discovered that with increased opportunity to provide more housing, comes an increased need for water. This need is greater than that originally anticipated in the earlier transfer. Mr. Houlemard stated that he worked with the City of Marina and the Army BRAC to ensure that through negotiations water resources could be procured to support the housing needs of the Veteran's Transition Center. VIAC committee members expressed their appreciation for the efforts made by FORA on behalf of veterans. Mr. Garza expressed that the VTC receives several calls a day from veterans – many of whom once served at Fort Ord and would like to return to Fort Ord - requesting housing. He also expressed appreciation for the support the VTC receives from FORA.

e. Historical Preservation Project

G. "Cliff" Guinn stated that he and Jack Stewart met with the City of Marina City Manager. He asked Mr. Stewart to elaborate. Mr. Stewart stated the meeting was very productive and that the goal was to set some parameters in place regarding how to get it done and to establish a time frame. Mr. Guinn, Mr. Stewart and Mr. Williams spent approximately 90 minutes at the earmarked site. The City Manager gave them permission to move equipment and materials from certain buildings (e.g., barracks) to take them to the newly designated site. A design consultant has been hired, and there will be a historical group involved in the planning process. There are some safety concerns, especially as they pertain to ADA compliance issues. Completion of the process that has begun is anticipated to be at least five years. The next step is for the design group to contact the VIAC. Eventually there will be an RFP.

A question was asked regarding placing the historic flag pole on the Historical Preservation Project site. Mr. Williams stated that it could be complicated, but that certainly other areas could be considered.

7. ITEMS FROM MEMBERS

Jack Stewart stated that there is an unmet need for items at the cemetery. The United Veterans Council under the direction of President Jim Bogan met with Dan Fahey and created an extensive wish list of items needed for the cemetery once funding runs out. The Marina Foundation which has a veterans committee and is an associate member of the UVC, stepped up to act as an interim fund raising group to ensure that the unmet needs would be met in time for the grand opening of the Veterans Cemetery. Their recommendation to the Veterans Council is to establish a veterans friendly fundraising mechanism that is "not bogged down in bureaucracy". Donors have already committed to the purchase of six benches. Mr. Stewart stated that he, Mr. Williams and Mary Estrada, are all members of the Marina Foundation. Mr. Williams spoke and referred to both the donations list that was distributed with the agenda at the beginning of the meeting, as well as to the letter from the Marina Foundation. He stated that the Marina has is an established 501c3, making donations tax deductible. It also has a list of preferred vendors, saving individuals and organizations the time to look for them. Mr. Stewart emphasized that time is of the essence. Ms. Johnsen acknowledged her pleasure that that there is now a donations list and a coordinated effort.

8. ADJOURNMENT

Chair Edelen adjourned the meeting at 3:35 p.m.

NEXT SCHEDULED MEETING: 3 p.m. August, 25, 2016

FORT ORD REUSE AUTHORITY BOARD REPORT
CONSENT AGENDA

Subject: Public Correspondence to the Board	
Meeting Date: September 9, 2016 Agenda Number: 5e	INFORMATION

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

BUSINESS ITEMS

Subject: Salary Study Update and Range Adjustments

Meeting Date: September 9, 2016

Agenda Number: 7a

INFORMATION/ACTION

RECOMMENDATION(S):

- i. Receive a report from staff/Bryce Consulting in response to Board direction to perform an update implementing a recommendation to periodically conduct analyses of the 2011 Bryce Consulting Salary Survey (**Attachment A**).
- ii. Adopt the staff recommended Bryce Consulting report Salary Range adjustments, acknowledging that the Board may choose to restrict Cost of Living Adjustments for above market level position classifications and that below market placements will be at the Step closest to current salary (**Attachment B**).

BACKGROUND/DISCUSSION:

The FORA Board directed staff to perform a salary survey in 2011 through consultant services by Bryce Consulting. That survey resulted in salary adjustments for most positions and the consultant recommended periodic updates. After this past spring budget considerations, the Board directed staff to perform such an update. As part of the FY 16-17 budget process a salary study was initiated and was completed subsequent to the approval of the fiscal year budget. It is important to note that the Board approved the FY 16-17 budget on May, 2016, and provided the Executive Officer with authority to implement a 3% cost of living adjustment (COLA), all appropriate step, merit, longevity increases and/or stipends pending the salary survey conclusions. The 3% COLA was taken into account by the consultants performing the salary survey.

The Executive Committee (EC) received the updated study from Bryce Consulting, Inc. and expressed concerns about the clarity of certain items in the presentation. Staff agreed to modify for Board consumption and the EC recommendation is to 1) receive report from staff/Bryce Consulting in response to Board direction to perform an update implementing a recommendation to periodically conduct analyses of the 2011 Bryce Consulting Salary Survey; and 2) adopt the recommended Salary Range adjustments in the Bryce Consulting report, acknowledging the Board may choose to restrict future Cost of Living Adjustments to market level position classifications and that salary placements within the ranges will be at the Step closest to current salary.

What remains is Board approval of the consultants'/staff's recommendation that employees begin to be brought toward equity by adoption of recommended salary ranges effective October 1, 2016.

FISCAL IMPACT:

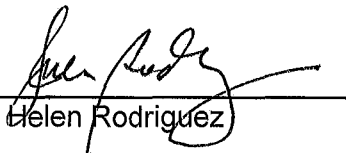
Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 15-16 budget. The Consultant's services were limited to \$10,000 in the FY 15-16 budget and were accomplished within this authority. There is no anticipated fiscal impact to the FY 16-17 Approved Budget.

COORDINATION:

Bryce Consulting, Inc. and Executive Committee.

Prepared by


Helen Rodriguez

Approved by


Michael A. Houlihan, Jr.

Fort Ord Reuse Authority

2016 Base Salary Study
Board of Directors
September 9, 2016

Agenda

- Study Objectives
- Survey Agencies
- Survey Classifications
- Survey Results
- Conclusion
- Recommendations

Study Objectives

- Update base salary study that was conducted in 2011 to verify if Authority salaries are consistent with the labor market
- Review survey data including:
 - Salary schedules
 - Job descriptions
 - Organizational charts
- Analyze base salary data for survey classes
- Review existing salaries and identify inconsistencies with market
- Present findings and recommendations to the Executive Committee and Board of Directors

Survey Agencies

- Carmel Area Wastewater District
- City of Marina
- City of Salinas¹
- City of Sand City
- City of Seaside
- Marina Coast Water District
- Monterey Bay Unified Air Pollution Control District
- Monterey County
- Monterey Regional Waste Management District
- Monterey Regional Water Pollution Control Agency
- Monterey-Salinas Transit District
- Transportation Agency for Monterey County

¹Replaced Salinas Valley Solid Waste Authority

Survey Classifications

- Accountant
- Administrative Assistant
- Administrative Coordinator
- Assistant Executive Officer
- Associate Planner
- Controller/Finance Manager
- Deputy Clerk/Executive Assistant
- Economic Development Coordinator
- ESCA Program Coordinator
- ESCA/Senior Program Manager
- IT-Communications Coordinator
- Principal Analyst
- Principal Planner
- Project Coordinator/Specialist

Survey Results

FORA Classification	FORA's Maximum Base Salary	Labor Market Maximum Base (60 th percentile)	% FORA is Above or Below Market (60 th percentile)
Accountant	\$6,776	\$7,209	-6.39%
Administrative Assistant	\$4,643	\$5,299	-14.14%
Administrative Coordinator	\$7,265	\$6,890	5.17%
Assistant Executive Officer	\$14,297	\$15,000	-4.92%
Associate Planner	\$7,265	\$7,494	-3.15%
Controller/Finance Manager	\$10,924	\$13,088	-19.81%
Deputy Clerk/Executive Assistant	\$7,265	\$6,536	10.03%
Economic Development Coordinator	\$10,189	\$8,923	12.43%
ESCA Program Coordinator	\$7,337	\$6,890	6.10%
ESCA/Senior Program Manager	\$11,597	Insuff Data	---
IT-Communications Coordinator	\$6,258	Insuff Data	---
Principal Analyst	\$10,189	\$10,093	0.94%
Principal Planner	\$9,317	\$9,665	-3.74%
Project Coordinator/Specialist	\$7,337	\$8,359	-13.92%

Conclusion

- The following classification is more than 15% but less than 20% behind market:
 - Controller/Finance Manager
- The following classifications are more than 10% but less than 15% behind market:
 - Administrative Assistant
 - Project Coordinator/Specialist
- The following classification is more than 5% but less than 10% behind market:
 - Accountant
- The following classifications are less than 5% behind market:
 - Assistant Executive Officer
 - Associate Planner
 - Principal Planner

Conclusion

- The following classifications are more 10% but less than 15% over market:
 - Deputy Clerk/Executive Assistant
 - Economic Development Coordinator
- The following classifications are more than 5% but less than 10% over market:
 - ESCA Program Coordinator
 - Administrative Coordinator
- The following classification is less than 5% over market:
 - Principal Analyst

Recommendations

Classification Title	Current Maximum Monthly Base Salary	Labor Market 60 th Percentile	Recommended Range	Recommended Maximum Monthly Base Salary	Recommended Internal Relationship
Accountant	\$6,776	\$7,209	132	\$7,192.89	Market
Administrative Assistant	\$4,643	\$5,299	91	\$4,783.30	10% Below Market
Administrative Coordinator	\$7,337	\$6,890	122	\$6,912.23	Same as ESCA Program Coordinator
Assistant Executive Officer	\$14,297	\$15,000	206	\$15,020.53	Market
Associate Planner	\$7,265	\$7,494	136	\$7,484.95	Market
Controller/Finance Manager	\$10,924	\$13,088	192	\$13,067.31	Market
Deputy Clerk/Executive Assistant	\$7,265	\$6,536	122	\$6,511.63	Market
Economic Development Coordinator	\$10,189	\$8,923	154	\$8,953.11	Market
ESCA Program Coordinator	\$7,337	\$6,890	122	\$6,912.23	Market
ESCA/Senior Program Manager	\$11,597	Insuff Data (Federal data is \$10,860)	173	\$10,816.33	Market (Federal data)
IT-Communications Coordinator	\$6,258	Insuff Data	122	\$6,912.23	Same as ESCA Program Coordinator
Prevailing Wage/Risk Coordinator	\$7,337	---	157	\$9,224.40	10% below Principal Analyst
Principal Analyst	\$10,189	\$10,093	167	\$10,189.47	Market
Principal Planner	\$9,317	\$9,665	162	\$9,694.93	Market
Project Coordinator/Specialist	\$7,337	\$8,359	147	\$8,350.73	Market

Implementation

- It is recommended that the ranges be set as recommended by the consultant to be competitive with the market and internally consistent
- It is recommended that incumbent salaries be placed in the new range at a point that is closest to their current salary

Fort Ord Reuse Authority
Staff Recommendation Based on Salary Survey Report
For the Fiscal Year Ending June 30, 2017

RECOMMENDED SALARY SCHEDULE

Classification		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Max per FORA Schedule	Per Survey Report	Over/ (Under)
Accountant	132	67,630	71,011	74,562	78,290	82,204	86,315	7,192.89	7,192.89	0.00%
Administrative Assistant *	91	44,974	47,223	49,584	52,063	54,666	57,400	4,783.30	4,783.30	0.00%
Administrative Coordinator *	128	64,991	68,241	71,653	75,235	78,997	82,947	6,912.23	6,912.23	0.00%
Assistant Executive Officer	206	141,228	148,289	155,704	163,489	171,663	180,246	15,020.53	15,020.53	0.00%
Associate Planner	136	70,376	73,895	77,589	81,469	85,542	89,819	7,484.95	7,484.95	0.00%
Controller/Finance Manager	192	122,863	129,006	135,456	142,229	149,341	156,808	13,067.31	13,067.31	0.00%
Deputy Clerk/Executive Assistant	133	68,306	71,721	75,308	79,073	83,027	87,178	7,264.82	6,511.63	10.37%
Economic Development Specialist	167	95,805	100,595	105,625	110,906	116,451	122,274	10,189.47	8,953.11	12.13%
ESCA / Senior Program Manager	180	109,035	114,486	120,211	126,221	132,532	139,159	11,596.57	10,816.33	6.73%
ESCA Program Coordinator	134	68,989	72,439	76,061	79,864	83,857	88,050	7,337.47	6,912.23	5.80%
IT /Communications Coordinator	128	64,991	68,241	71,653	75,235	78,997	82,947	6,912.23	6,912.23	0.00%
Prevailing Wage/Risk Coordinator	157	86,731	91,067	95,621	100,402	105,422	110,693	9,224.40	9,224.40	0.00%
Principal Analyst	167	95,805	100,595	105,625	110,906	116,451	122,274	10,189.47	10,189.47	0.00%
Principal Planner	162	91,155	95,713	100,498	105,523	110,799	116,339	9,694.93	9,694.93	0.00%
Project Manager	147	78,516	82,442	86,564	90,892	95,437	100,209	8,350.73	8,350.73	0.00%
	Total	1,271,393	1,334,963	1,401,711	1,471,797	1,545,386	1,622,656	135,221.31	132,026.27	2.36%

* Position currently under recruitment

CURRENT SALARY SCHEDULE - FY 16-17

Classification		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Max per FORA Schedule	Per Survey Report	Over/ (Under)
Accountant	126	63,710	66,896	70,241	73,753	77,440	81,312	6,776.03	7,192.89	-6.15%
Administrative Assistant	88	43,651	45,834	48,126	50,532	53,059	55,711	4,642.62	4,783.30	-3.03%
Administrative Coordinator	133	68,306	71,721	75,308	79,073	83,027	87,178	7,264.82	6,912.23	4.85%
Assistant Executive Officer	201	134,429	141,150	148,208	155,618	163,399	171,569	14,297.40	15,020.53	-5.06%
Associate Planner	133	68,306	71,721	75,308	79,073	83,027	87,178	7,264.82	7,484.95	-3.03%
Controller/Finance Manager	174	102,716	107,851	113,244	118,906	124,851	131,094	10,924.50	13,067.31	-19.61%
Deputy Clerk/Executive Assistant	133	68,306	71,721	75,308	79,073	83,027	87,178	7,264.82	6,511.63	10.37%
Economic Development Coordinator	167	95,805	100,595	105,625	110,906	116,451	122,274	10,189.47	8,953.11	12.13%
ESCA / Senior Program Manager	180	109,035	114,486	120,211	126,221	132,532	139,159	11,596.57	10,816.33	6.73%
ESCA Program Coordinator	134	68,989	72,439	76,061	79,864	83,857	88,050	7,337.47	6,912.23	5.80%
IT /Communications Coordinator	118	58,835	61,777	64,866	68,109	71,515	75,091	6,257.55	6,912.23	-10.46%
Prevailing Wage Coordinator	134	68,989	72,439	76,061	79,864	83,857	88,050	7,337.47	9,224.40	-25.72%
Principal Analyst	167	95,805	100,595	105,625	110,906	116,451	122,274	10,189.47	10,189.47	0.00%
Principal Planner	158	87,598	91,978	96,577	101,406	106,476	111,800	9,316.64	9,694.93	-4.06%
Project Coordinator/Specialist	134	68,989	72,439	76,061	79,864	83,857	88,050	7,337.47	8,350.73	-13.81%
	Total	1,203,469	1,263,643	1,326,825	1,393,166	1,462,824	1,535,966	127,997.14	132,026.27	-3.15%

Fort Ord Reuse Authority Salary Range Adjustments

Fiscal Impact

\$ 0.00 - Negligible impact to FY 16-17 approved Budget offset by staffing changes.

Recommendation:

- 1) Accept Study performed by Bryce Consulting, Inc.
- 2) Adoption of Salary Range Adjustments:
 - a) As recommended by Consultants: with the exception of maintaining salary ranges for classifications above market.
 - b) Salaries to be adjusted to nearest Step within adjusted salary range.
 - c) Acknowledge that the Board may choose to restrict future Cost of Living Adjustments for above market level position classifications.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Capital Improvement Program (CIP) – Eastside Parkway Environmental Contract Amendment	
Meeting Date:	September 9, 2016	INFORMATION/ACTION
Agenda Number:	7b	

RECOMMENDATION(S):

Authorize the Executive Officer to execute contract amendment #3 (**Attachment A**) to Whitson and Associates, Inc. (Whitson) professional services FC-05102010 agreement to proceed with Eastside Parkway Environmental Review, not to exceed \$568,100 in additional funding.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (FORA) Board established Capital Improvement Program (CIP) funding priority for Eastside Parkway in December 2009. Now that development projects such as East Garrison and the Dunes on Monterey Bay are paying FORA Community Facilities District Special Taxes for new development, CIP projections show collecting sufficient dollars to fund this 1997 BRP roadway mitigation within the next four to five years. As with past roadway mitigations, FORA hired a contract engineer, Whitson in this instance, to prepare roadway plans sufficient to write a project description for the environmental review document. Staff recommends Board authorization to proceed with a contract amendment for Eastside Parkway Environmental Review. The proposed contract amendment includes portions of Intergarrison and Gigling Road improvements since those FORA CIP roadways are proposed adjacent to Eastside Parkway. At the August 31, 2016 FORA Administrative Committee meeting, members commented on: 1) a need to include coordination meetings and 2) questioned why a civil engineering firm was the prime consultant for the contract instead of environmental consulting firm.

Concerning item #1, if the Board approves the contract amendment, FORA intends to hold coordination meetings with stakeholders such as the County of Monterey, Monterey Peninsula College (MPC), and California State University Monterey Bay (CSUMB) since the proposed alignment would affect these property owners directly. Task 8 in the proposed contract amendment would allow FORA to conduct stakeholder coordination meetings.

Concerning item #2, FORA certainly has the ability to acquire professional services from an environmental consulting firm for this work. FORA staff recommends using Whitson as the prime consultant for this work because of the following reasons: 1. Whitson has completed draft roadway plans need to write a project description. Therefore, their expertise and experience with the project would facilitate them providing direction to an environmental consultant as they perform their work. 2. Whitson has a broad range of experience on former Fort Ord and in Monterey County that will assist in providing alternatives descriptions to an environmental consultant as part of this work.

Staff notes that, during the environmental review process, the Board will have the discretion to approve the proposed project or a project alternative.

FISCAL IMPACT:

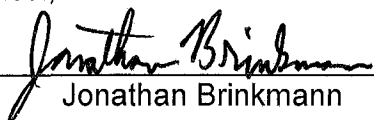
Reviewed by FORA Controller 

Staff time for this item is included in the FY 2016 - 2017 budget. Funding for Whitson contract amendment #3, not to exceed \$568,100 is also included in the FY 2016 - 2017 budget.

COORDINATION:

Authority Counsel, Administrative and Executive Committees, and Whitson.

Prepared by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.

Agreement for Professional Services – Amendment #3

This is Amendment #3 to Agreement No. FC-052010 (“AGREEMENT”) between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter “FORA”) and Whitson and Associates, Inc., dba Whitson Engineers (hereinafter “CONSULTANT”).

Except for the following amendments, all terms and conditions in the AGREEMENT remain the same:

1. SERVICES. Subject to the terms and conditions set forth in this Amendment and activities described in **Exhibit A** (attached), CONSULTANT shall provide to FORA additional services.
2. TERM. The term of the AGREEMENT is extended until June 30, 2018 or until the maximum amount of authorized compensation is reached.
3. COMPENSATION AND OUT OF POCKET EXPENSES. The AGREEMENT is increased by \$568,100 to compensate CONSULTANT for all of the additional services described in “SERVICES” section above and **Exhibit A** (attached). The overall maximum amount of FORA’s liability over the full term of the AGREEMENT is not to exceed \$1,619,970, including out of pocket expenses.

IN WITNESS WHEREOF, AUTHORITY and CONSULTANT execute this Amendment as follows:

AUTHORITY

CONSULTANT

By _____ Date _____
Michael A. Houlemard, Jr.
Executive Officer

By _____ Date _____
Trina L. Prince
Contracts Administrator

Approved as to form:

By _____ Date _____
Jon Giffen, Authority Counsel

August 25, 2016

2146.00

Mr. Jonathan Brinkmann
FORT ORD REUSE AUTHORITY (FORA)
920 2nd Ave., Suite A
Marina, CA 93933

Via email: Jonathan@fora.org

**Re: Proposal for Environmental Impact Report
Eastside Parkway, Monterey County, California**

Dear Mr. Brinkmann:

Thank you for the opportunity to provide FORA with continuing Civil Engineering, Land Surveying and Environmental Consulting services in conjunction with the Eastside Parkway project. Our team has a long working history with Eastside Parkway, in addition to having a proven track record of entitling projects in Monterey County.

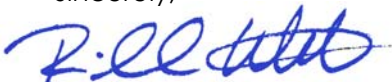
Per your request and in conjunction with Denise Duffy & Associates (DD&A), we are pleased to present FORA with the enclosed 2016 proposal to prepare an Environmental Impact Report (EIR) for Eastside Parkway in compliance with the California Environmental Quality Act (CEQA). The scope of the project is from Eucalyptus Road to Inter-Garrison Road, Inter-Garrison Road from Eastside Parkway to East Garrison, and Gigling Road from the County Boundary to Eastside Parkway (approximately 4.3 miles). The EIR will be based on the 90% Submittal Eastside Parkway Improvement Plans dated September 2012 previously prepared by Whitson Engineers.

The attached proposal is intended to be comprehensive, with the assumption that the project will be met with some opposition. It is our understanding that FORA will act as the lead agency under CEQA and that federal funding is unlikely to be available for this project, therefore compliance with the federal National Environmental Policy Act (NEPA) is not included. Furthermore, as requested by FORA, a task has been included for environmental legal services by Jacqueline M. Zischke, Attorney at Law, on a time and materials basis to ensure that the EIR is thoroughly vetted throughout the process.

The scope of work identifies the anticipated tasks our team will undertake to successfully complete the CEQA documentation. Please note however that further refinement might be required once the scoping process is complete.

We thank you again for the opportunity to continue our work with FORA on this project. If you have any questions or need more information, please contact me at (831) 649-5225.

Sincerely,



Richard Weber PE, LS
RCE 55219
Principal

August 25, 2016
Job No.: 2146.00**SCOPE OF SERVICES FOR
CEQA DOCUMENTATION****Eastside Parkway**

(Eastside Parkway from Eucalyptus Road to Inter-Garrison Road – 16,260', Inter-Garrison Road from Eastside Parkway to East Garrison – 5,570', and Gigling Road from the County Boundary to Eastside Parkway – 1,290')

**Fort Ord Reuse Authority
Monterey County, California****SCOPE OF SERVICES****Task 1 – Project Initiation / Data Collection**

The objective of this task is to ensure that the CEQA document is completed in a technically accurate manner, will result in a legally defensible environmental document acceptable to FORA, and is completed within the scheduled timeframe. One of the most important results of this task is an agreed-upon schedule of deliverables and deadlines.

1.1 Project Initiation / Scope Development

- a. Attend a kick-off meeting with FORA to review and refine the scope of work, identify and prepare a list of needs (i.e., background documents, plans, and other relevant project information), confirm deliverables, and establish schedules and protocols for communication.
- b. Assemble and review the available maps, surveys, reports, and studies that have previously been completed for the roadway corridor and distribute them to the project team.
- c. Review previous environmental documents (e.g., Preliminary Initial Study Checklist and associated technical studies, FORA Reuse Plan and EIR, Reassessment Report, and other environmental documents) to determine how much information can be utilized and identify any data gaps.
- d. Prepare regular status reports to update FORA and the Consultant Team on the on-going activities, recent accomplishments, and outstanding items throughout the duration of the project. This report will be emailed to all agreed-upon recipients in a memorandum format. The status report will allow for the project team to understand where we are in the CEQA process and keep the team on-track with deadlines and expectations.
- e. Develop a detailed draft outline for the Draft CEQA document. The purpose of the outline is to provide the team with an early understanding of the final work product. The outline will guide the incorporation of technical data into the draft document and also state the appropriate significance thresholds assumed for each environmental impact category so there is a clear understanding of the criteria for evaluation.

Responsibilities/Deliverables:

- **Consultant Team:** Refined scope of work and budget, list of needs, confirmation of schedule, status reports for the duration of the project (assume one report per month for 16 months), and Draft CEQA Outline including appropriate significance thresholds
- **FORA:** Facilitate kick-off meeting, coordinate with Consultant Team to provide requested information, review and comment on draft CEQA outline.

Task 2 – Confirmation and Finalization of Project Description and Alternatives

2.1 Project Description

- a. Update the existing project description defining all aspects of the project, including, but not limited to, project background, location, goals and objectives, planning and engineering details, limits of construction, affected properties and phasing (if any), construction schedule and equipment, graphics to illustrate the project plans, and anticipated permitting and approval actions. The update will be based on the review of the Preliminary Initial Study Checklist (January 2012) and current design plans (September 2012).

2.2 Draft Conceptual Alternatives Descriptions

The EIR will require a detailed evaluation of project alternatives. The Project Description and Alternatives Section of the EIR will identify and describe the proposed project, no project alternative, additional alternatives that will be evaluated in the EIR, and alternatives considered but eliminated. Consultant Team will work closely with FORA, to develop the draft conceptual alternatives descriptions.

- a. Currently, the following 4 alternatives are anticipated/budgeted:
 - i. No Eastside Parkway and all traffic utilizing existing roadways with improvements per the 2014 Regional Transportation Plan (RTP).
 - ii. Eastside Parkway along current planned alignment per the 90% design with 2014 RTP projects.
 - iii. Eastside Parkway alignment along 7th/8th Street and Inter-Garrison Road with 2014 RTP projects.
 - i. Highway 68 bypass, which is not in the current RTP, but historically has been an alternative alignment to provide capacity between Salinas and the Peninsula. The previous Plan Line alternative will be evaluated.
- b. Submit a Draft Project Description and Alternatives Section electronically to FORA for review and comment.
- c. Based on comments received, finalize the Project Description and Alternatives Section for inclusion in the EIR. This scope of work assumes one round of comments from FORA. This scope and budget assumes that after this task is complete, the project description will not significantly

change and result in additional environmental analysis and an amendment to this scope of work.

Responsibilities/Deliverables:

- **Consultant Team:** Assist with development of the draft conceptual alternatives descriptions, Draft and Final Project Description, and Alternatives Section.
- **FORA:** Assist with development of the draft conceptual alternatives descriptions; Review and comment on Draft Project Description and Alternatives Section.

Task 3 – Agency Scoping, Preparation of NOP, and Summary of Comments

3.1 Notice of Preparation (NOP)

The general purpose of the NOP under CEQA is to solicit guidance from appropriate regulatory agencies, interested parties, and other groups concerning the scope and content of the environmental analysis contained in the EIR.

- a. Based upon information contained in the Preliminary IS Checklist, prepare a Draft NOP, which will be electronically submitted to FORA for review and comment prior to public distribution. The NOP will include a brief project description and identification of potential environmental impacts in accordance with CEQA Guidelines §15082.
- b. Upon receipt of FORA comments, revise the NOP and electronically submit a final version to FORA for distribution. This task assumes only one (1) round of comments on the Draft NOP.
- c. Coordinate with FORA on compiling the distribution list for the NOP. This task also assumes that FORA will be responsible for distribution of the NOP, and publishing the NOP and meeting notice in local publications.

3.2 Meetings

- a. During the course of the 30-day NOP public comment period (see CEQA Guidelines §15082 and §15375), the Consultant Team will attend and participate in one (1) public scoping hearing. This task will include the preparation of presentation materials, including a PowerPoint presentation, agenda, comment cards, and other materials that may be required. Provide a brief presentation on the nature of the scoping meeting and the general requirements of CEQA, including an overview of the environmental process and anticipated project impacts.
- b. All comments received at the scoping meeting and during the NOP comment period will be used to determine the appropriate scope of the environmental analysis contained in the EIR. A summary of the scoping meeting proceedings will be prepared and provided to FORA.
- c. A summary of NOP comments, which will include a matrix table listing the environmental topics and issues specified in each comment letter, will be prepared and provided to FORA at the end of the public review period.

Responsibilities/Deliverables:

- **Consultant Team:** Prepare Draft and Final NOP, assist with compilation of distribution list, Draft and Final Public Scoping Materials (e.g., PowerPoint presentation, agenda, displays, etc.), meeting attendance and participation, and summary of public comments.
- **FORA:** Compile distribution list, reserve meeting venues, review and comment on presentation materials, and facilitate/participate in scoping meeting.

Task 4 – Prepare First Administrative Draft EIR

Prepare an Administrative Draft EIR for the project, in accordance with CEQA requirements. The First Administrative Draft EIR will include an objective analyses of all relevant topics. The topics expected to be addressed, a description of the analyses to be conducted, and the contents of those sections are discussed below. In addition, the significance of the impacts after implementation of the mitigation measures will be included in the analysis. Impacts considered would include the following: direct, indirect, construction/short-term, operational/long-term, growth inducing and cumulative. The First Administrative Draft EIR will identify and summarize significant impacts and whether they can or cannot be avoided, and will also identify any beneficial environmental impacts of the project, if any. The format of the document will be consistent with the format and outline determined earlier in the EIR process, but will also include all topics discussed below:

- a. Introduction, Goals and Objectives
 - i. This section will indicate that the documentation has been prepared for FORA pursuant to CEQA regulations and guidelines to evaluate the effects of the proposed project and identify the goals and objectives, the foundation of the alternatives analysis.
- b. Proposed Project and Alternatives
 - i. The proposed project and all other reasonable alternatives to the proposed project must be defined and discussed, including the No Project Alternative. CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed plan that could feasibly obtain most of the basic objectives of the proposed project. The Consultant Team will coordinate with FORA to determine a range of feasible alternatives as part of Task 2; however, potential feasible alternatives may emerge during the environmental review process and these will be considered and evaluated throughout the process.

c. Environmental Setting

- i. Existing information from the Preliminary IS Checklist, Fort Ord Base Reuse Plan and EIR, and other recent relevant environmental documents will be used to describe the baseline environmental conditions within the project vicinity. This section will describe those aspects of the environment that may be affected by implementation of the proposed project. This section will focus on existing conditions within and surrounding the former Fort Ord with specific reference to the following topics.
- Physical environment – visual resources; air quality; geology, soils, seismic hazards, mineral resources, hydrology and water quality; and hazardous materials.
 - Biological environment – vegetation and wildlife, including migratory birds; and
 - Social environment – cultural resources; land use; noise; population and housing; public health hazards; public services and recreation; and transportation and traffic.

d. Impacts and Mitigation Measures

- i. This section analyzes the environmental effects that could result from implementing the proposed project. It also describes the potential environmental effects of the other alternatives.

Specific Sections to be Addressed

The EIR will evaluate the impacts that will likely result from implementing the proposed project; address the requirements to monitor, minimize, and mitigate such impacts; and the impacts of the alternatives and the reasons why such alternatives are not proposed to be used. The impact analysis will apply specific criteria for determining the significance of impacts, consistent with criteria set forth in CEQA, and applicable professional and local standards. Mitigation measures will be identified for significant environmental impacts identified in the EIR. The major issues to be addressed in the environmental document are described below.

- | | |
|-------------------------------------|---------------------------------|
| • Land Use/Planning | • Geology/Soils |
| • Traffic and Circulation | • Hydrology/Water Quality |
| • Air Quality | • Aesthetics/Visual |
| • Greenhouse Gases & Climate Change | • Public Services |
| • Biological Resources | • Utilities and Service Systems |
| • Hazardous Materials | • Recreation |
| • Cultural Resources | • Noise |
| | • Population and Housing |

Technical Studies

Technical studies will be prepared or updated to support the environmental documents being prepared. This scope assumes that the geotechnical and hydrology reports completed for the project are sufficient for analysis in the EIR. The following technical studies and/or updates to existing studies are proposed as part of our work:

a. Traffic and Circulation

- i. A Year 2030 Traffic Operation Analysis utilizing the 2010 AMBAG model was previously completed in 2011 as part of the 90% Eastside Parkway Improvement Plans. The model has since been updated and the new RTP and SCS have been adopted by the AMBAG Board. A new analysis will be prepared to show consistency with the 2010 and the newer model. An evaluation will be prepared on the potential impacts for the preferred alignment and up to three (3) additional alternative alignments.
- i. Obtain the new 2014 RTP/SCS Travel Demand model, enter into a model use agreement with AMBAG, and conduct model runs for each roadway scenario and extract model volumes. *Note that any AMBAG related fees or deposit payable to use the model is not included in our proposal and fee schedule.*
- i. Produce daily, AM and PM peak hour bi-directional segment volumes for each scenario on the following 31 segments. It should be noted that the model is not calibrated for peak hour conditions and this effort does not include calibrating the model, merely extracting data from the model once road network links are run. Adjustment of model volumes may be conducted manually to more accurately reflect trip diversions because of the shifts in lane capacity.
 1. SR 68 between: Blanco and Reservation, Reservation and Toro Park, Toro Park and Ragsdale, Ragsdale and SR 218, and SR 218 and SR 1 (5 segments).
 2. Blanco Road between Davis Road and Reservation Road (1 segment).
 3. Davis Road between Blanco Road and Reservation Road (1 segment).
 4. Reservation Road between: SR 68 and Davis Road, Davis and Inter-Garrison, Inter-Garrison and Blanco, Blanco and Imjin, Imjin and Del Monte (5 segments).
 5. Del Monte Blvd between Reservations and SR 1 (1 segment).
 6. Imjin Pkwy between: Reservation and Imjin Road, Imjin Road to SR 1 (2 segments).
 7. SR 1 between: Del Monte Blvd and Imjin, Imjin and Lightfighter, Lightfighter and SR 218, and SR 218 and SR 68 (4 segments).
 8. Gen Jim Moore Blvd between: Gigling and Eastside Parkway, and Eastside Parkway and SR 218 (2 segments).

9. SR 218 between Gen Jim Moore Blvd and SR 68 (1 segment).
 10. 7th/8th Street between Gigling and Inter-Garrison Road (1 segment).
 11. Gigling between Gen Jim Moore and 7th/8th Street (1 segment).
 12. Inter-Garrison Road between 7th/8th and Abrams Road, Abrams Road and Eastside Parkway, and Eastside Parkway and Reservation Road (3 segments).
 13. Eastside Parkway between Gen Jim Moore and Gigling, Gigling and Inter-Garrison, and Inter-Garrison and Reservation (3 segments).
 14. SR 68 bypass between SR 218 and Toro Park (1 segment).
- ii. Evaluate the 31 segments for the various scenarios with a lookup table for Level of Service (LOS) and number of lanes required to accommodate traffic volumes, maintaining LOS D or better. Prepare a technical memorandum documenting the analysis.
- b. Air Quality and Greenhouse Gas Emissions
- i. An Air Quality and Greenhouse Gas Impact Assessment will be prepared. The assessment will include a description of regional and local air quality, applicable air quality regulatory framework, standards, attainment status, and significance thresholds. The evaluation of GHG emissions will include a discussion of existing climate change conditions and applicable regulatory framework. GHG emissions will be quantified utilizing the most current recommended guidance and methodologies available. This assessment will also include an evaluation of potential changes in carbon sequestration associated with the planned removal of existing trees, as well as, the planting of any new trees. Monterey Bay Unified Air Pollution Control District (MBUAPCD)-recommended control measures for construction related emissions will be provided as mitigation measures for construction impacts. The effectiveness of proposed mitigation measures will be evaluated and discussed.
- c. Cultural Resource
- i. A Phase 1 Archaeological Report was prepared in 2010. However, due to remediation activities being conducted at the time, portions of the alignment were prohibited from being surveyed. In addition, new legislation, AB 52, came into effect on July 1, 2015.
 - Survey the remaining portions of the alignment
 - Contact the Native American Heritage Commission and federally and non-federally recognized tribes in compliance with AB 52.
 - Prepare an updated report.
- d. Biological Resources
- i. A Biological Resources Report was prepared in January 2012. Due to the time passed since the botanical surveys and preparation of the report, DD&A will conduct a site visit to document existing conditions and

conduct focused spring and summer botanical surveys at the site. DD&A will prepare a report addendum describing any differences in the site conditions, the results of the botanical surveys, and determine whether any additional impacts to biological resources would occur. This scope of work does not include protocol-level wildlife surveys, mapping of sensitive habitat, or wetland delineation. The surveys completed for the report are assumed to be valid for the EIR analysis.

e. Forest Resources

i. A Forest Resource Evaluation Report was prepared in September 2011. Due to the time passed since the previous evaluation, the Consultant Team will provide the following services:

- Review and update description of the forest resources within the project area and estimate of the total tree population by size class and general condition rating using stratified random sampling;
- Review and update presence of “landmark” trees and other notable forest resource occurrences or unique values;
- Review and update information regarding ongoing forest impacts such as erosion or invasive species; and
- Update the outline potential impacts of grading and road development on forest resources as well as opportunities for tree preservation and protection, including transplanting.

ii. The arborist will analyze up to three alignment alternatives to the proposed project. The analysis will include a field survey, mapping existing forest resources utilizing field survey results and aerial photos, qualitatively estimating tree removal required for each alternative, and preparing a memorandum describing the results.

f. Noise and Groundborne Vibration

i. A Noise & Groundborne Vibration Impact Assessment will be prepared. The noise assessment will include a description of the existing noise environment, based on existing environmental documentation and a review of site reconnaissance data. To assess potential construction noise impacts, sensitive receptors and their relative exposure to the proposed project area (considering topographic barriers and distance) will be identified. Noise levels of specific construction equipment will be summarized in included in the report. Groundborne vibration levels typically associated with construction activities and long-term operations will be discussed. Groundborne vibration levels associated with construction-related activities and potential impacts to nearby receptors will be assessed. Long-term changes in groundborne vibration levels are anticipated to be minor and, therefore, will be qualitatively assessed.

Other Statutory Sections

Above and beyond the analysis of topical issues in the Environmental Setting, Impacts, and Mitigation Measures sections,¹ CEQA requires that an EIR contain specific discussions, which include, but are not limited to, those listed below. The Consultant Team will assure that the EIR complies with all local and state environmental requirements.

- a. Indirect Impacts of Growth/Growth Inducement
 - i. We recognize that this is a key issue to the local community. CEQA requires an EIR to discuss the ways in which a project could promote or induce economic or population growth, either directly or indirectly, in the surrounding area. This section will address the potential growth inducement effects of the project based on the assessment of the potential new growth that could be fostered by implementation of the project. This section will also review the proposed project, and the environmental and physical constraints to additional growth. The growth inducing analysis will describe components of the project and why they are or not considered to be growth inducing.
- b. Cumulative Impacts
 - i. This section will discuss potential significant cumulative impacts to which the project would contribute. A region-wide review of the impacts will be considered. The section will address the potential cumulative effects of the project in conjunction with other land uses, resource management, and development actions recently enacted or proposed in the project area. The Consultant Team will work with FORA to identify potential future regional growth to be considered in this analysis. This section will discuss cumulative impacts relating to the project if and when they are significant.
- c. Unavoidable Significant Adverse Impacts
 - i. The unavoidable significant adverse impacts identified in the above analyses, if any, will be summarized in this section. The purpose of this discussion is to call out any permanent or significant degradation in the quality of the environment, or the destruction of important natural and cultural resources, which cannot be prevented by the incorporation of mitigation measures.

Responsibilities/Deliverables:

- **Consultant Team:** First Administrative Draft EIR. Submit the First Administrative Draft EIR electronically to the project team for review and comment. This task assumes only one (1) round of comments on the First Administrative Draft EIR.
- **FORA:** Review and comment on First Administrative Draft EIR.

¹ The CEQA content requirements of the Environmental Setting, Impacts, and Mitigation Measures sections will be included in the EIR as part of the "Affected Environment" and "Environmental Consequences."

Task 5 – Prepare Screencheck and Public Draft EIR

5.1 Document Revisions

- a. Upon conclusion of the review of the First Administrative Draft EIR, revise the document based on FORA comments, as appropriate, and submit the Screencheck Draft EIR electronically to the project team for final review before publishing the document for public review. Incorporate minor comments anticipated on the Screencheck Draft EIR, and prepare the Draft EIR for formal public review. This task assumes only one (1) round of comments on the Screencheck Draft EIR.
- b. Provide copies of the document on CD and in a pdf file so that it can be posted on the FORA website upon publication. Provide five (5) hard copies of the Public Draft EIR to FORA and thirty (30) CDs for public distribution. The Consultant Team will be responsible for circulating the Public Draft EIR to the approved distribution list, which will be updated, if necessary, during this task with internal team input. The Consultant Team will also be responsible for the preparation of the CEQA notices (Notice of Availability and Notice of Completion), and filing and posting with the State Clearinghouse and County Clerk. FORA will be responsible for posting the Notice of Availability in local publications.
- c. During the public review phase attend one public meeting in the project area. FORA will be responsible for facilitating the public meeting. Public notice of this meeting will be included in the Notice of Availability. Prepare comprehensive documentation of the public meeting(s) and the Draft EIR circulation. This will include preparation of the Record of Public Meeting (including a certified transcript of the public meeting proceedings) and a Record of Draft EIR Circulation.

Responsibilities/Deliverables:

- **Consultant Team:** Screencheck Draft EIR, Public Draft EIR, distribution list, notices, meeting attendance and materials (e.g., PowerPoint presentation, agenda, displays, etc.), Record of Public Meeting, and Record of Draft EIR Circulation.
- **FORA:** Review and comment on Screencheck Draft EIR, posting Notice of Availability in Monterey Herald, finalize distribution list, reserve meeting venues, review and comment on presentation materials, facilitate meeting.

Task 6 – Respond to Public Comments & Prepare First Administrative Draft Final EIR

After the comment period for the public draft is closed, review the comments and begin preparation of the Final EIR. Work closely with FORA to prepare draft initial responses on the public comments on the Public Draft EIR and revisions to the Public Draft EIR, if required. Submit the First Administrative Draft Final EIR electronically to FORA for review and comment. This task assumes only one (1) round of comments on the First Administrative Draft Final EIR. Due to the controversial nature of the proposed project,

this scope and budget assumes a high level of effort to respond to public comments.

Responsibilities/Deliverables:

- **Consultant Team:** First Administrative Draft Final EIR
- **FORA:** Review and comment on First Administrative Draft Final EIR

Task 7 – Prepare Screencheck Draft EIR and Final EIR

7.1 Document Revisions

- Upon conclusion of the review of the First Administrative Draft Final EIR, revise the document based on comments and internal team direction and submit the Screencheck Draft Final EIR electronically to FORA for final comments prior to public distribution.
- Prepare a Draft Mitigation Monitoring and Reporting Program (MMRP) in accordance with CEQA requirements, and submit to FORA electronically for review and comment concurrent with the Screencheck Draft Final EIR review. The MMRP will document the impacts identified in the EIR, compliance and monitoring actions to be performed, responsible party(ies), and timing of compliance and monitoring activities.
- Incorporate minor comments anticipated on the Screencheck Draft EIR and Draft MMRP, and prepare the Final EIR and MMRP for public distribution. This task assumes only one (1) round of comments on the Screencheck Draft Final EIR.
- Provide copies of the Final EIR and MMRP on CD and in a pdf file so that it can be posted on the FORA website upon publication. Provide five (5) hard copies of the Final EIR and MMRP to FORA and thirty (30) CDs for public distribution. The Consultant Team will be responsible for distribution, utilizing the distribution list for the Public Draft EIR, which will be updated, if necessary, during this task with FORA input.

7.2 Project Management

- Provide up to twenty (20) hours of project management services to specifically assist FORA with the finalization of the CEQA process. These services may include assistance with the preparation of CEQA Findings, Resolution, and Staff Report. This task also includes preparing a draft and final Notice of Determination (NOD) within five (5) business days of project approval and EIR certification, and filing the NOD with the State Clearinghouse and Monterey County Clerk. This scope of work assumes project approval and EIR certification; however, if that does not occur, the NOD will not be prepared.
- Attend and participate at two (2) FORA Board meetings. FORA will be responsible for facilitating the presentation. Public notice of the meetings will be provided by FORA. This task will include the preparation of presentation materials, including a PowerPoint presentation and other

materials that may be required. A brief presentation on the environmental review process, public comments received, and impacts and mitigation measures identified in the Draft EIR will be provided. A public hearing will be held at the FORA Board meeting to solicit public comments on the approval of the project and EIR certification. The Consultant Team will be available to respond to public comments made during the hearing and address any questions from the public and Board of Directors.

7.3 California Department of Fish and Wildlife CEQA Filing Fee

- a. Please note that the budget includes a cost estimate for the California Department of Fish and Wildlife CEQA filing fee. The fee increases every year and assuming a similar increase from last year, it is estimated that the fee will be \$3,110; however, FORA will be billed the actual fee.

Responsibilities/Deliverables:

- **Consultant Team:** Final EIR and MMRP, Findings/Resolution/Staff Report assistance, and Draft and Final NOD, distribution list, meeting attendance and materials (e.g., PowerPoint presentation, displays, etc.),
- **FORA:** Review and comment on Screencheck Draft Final EIR and MMRP, publishing public hearing/FORA Board meeting notices, finalize distribution list, reserve meeting venues, review and comment on presentation materials, facilitate meeting presentations, and provide Draft Findings/Resolution/Staff Report to Consultant Team for review.

Task 8 – Meetings

8.1 Meetings and Coordination

- a. Attend and participate in a variety of meetings as necessary throughout the project either in person or on telephone conferences, including regular communication with FORA and others on the project team to address key issues and confer on environmental impacts and what types of actions are suitable for avoidance, mitigation or conservation measures. For meetings called by the Consultant Team, we shall prepare agendas and minutes with the action items, give presentations, and provide presentation materials as needed. A log of all action items will be maintained to ensure that the required actions occur. This scope of work assumes a budget of 80 hours.

Responsibilities/Deliverables:

- **Consultant Team:** Meeting attendance and participation, meeting materials
- **FORA:** Reserve meeting venues, review and provide meeting materials, facilitate meetings

Task 9 – Attorney Review and Coordination

Whitson Engineers shall retain the services of Jacqueline M. Zischke, Attorney at Law to provide environmental legal services on a time and materials basis as required for CEQA matters related to the Eastside Parkway project. Typical Services could include:

1. Review of Existing Materials, Project Description, and Alternatives to be included.
2. Legal Research and Memorandums.
3. Administrative Draft EIR Review and Discussions.
4. Review and Revisions to Public Notices.
5. Draft EIR Review and Discussions.
6. Final EIR Review and Discussion of Draft Responses.

Responsibilities/Deliverables:

- **Consultant Team:** Provide legal review of CEQA matters related to the Eastside Parkway project for the duration of the above Scope of Services.
- **FORA:** Provide direction and input on items to receive legal review.

Assumptions:

1. The EIR will be based on the 90% Submittal Eastside Parkway Improvement Plans dated September 2012 by Whitson Engineers.
2. The Draft Preliminary Initial Study Checklist (January 2012) and existing technical studies will be used to maximum extent possible.
3. Geotechnical Reports have been completed (October 7, 2010) and it is assumed that no updates will be needed.
4. Hydrology Reports were completed with the 90% Plans and it is assumed that no updates will be needed.
5. We have assumed the following 4 alignments to be studied with a traffic analysis:
 - a. No Eastside Parkway
 - b. Eastside Parkway along current planned alignment
 - c. Eastside Parkway alignment along 7th/8th Street and Inter-Garrison Road
 - d. Highway 68 bypass instead of the current Eastside Parkway alignment
6. Due to the controversial nature of the proposed project, this scope and fee assumes a high level of effort to respond to public comments, but no new technical analyses.
7. Legal review of CEQA matters related to the Eastside Parkway project will be provided on a time and materials basis per the following:
 - Principal / Of Counsel: \$360 per hour
 - Legal Clerk: \$195 per hour
 - Legal Assistant: \$160 per hour
 - Secretarial Services: \$35 per hour

Exclusions:

The following work is specifically excluded from the Scope of Services:

1. Completion of Project Plans beyond the current 90% design.
2. Payment of governmental fees, other than those noted above.
3. Land Surveying or staking/flagging of road alignments.
4. Soil Management Plans.
5. Monterey Salinas Transit Bus Rapid Transit (BRT) evaluation and coordination.
6. Additional technical studies other than those listed above.
7. Appraisals.
8. Any work not specifically included in the above Scope of Services.

Please note that the Consultant Team can provide any of the above services for an additional budget if specifically requested by FORA.

Draft Schedule Estimate for the Eastside Parkway CEQA Documentation		
	Task	Estimated Timeframe
1	Project Initiation/Data Collection	1 month
2	Confirmation and Finalization of Project Description and Alternatives	3 months
3	Agency Scoping, Preparation of NOP, and Summary of Comments	2 months
4	Prepare 1st Admin Draft EIR	4 months
5	Prepare Screencheck Draft and Public Draft EIR	4 months (1 month + estimated 3 month public review)
6	Prepare 1st Admin Draft Final EIR	2 months
7	Prepare Screencheck Draft Final EIR and Final EIR	2 months
8	Meetings	On-going
9	Attorney Review and Coordination	On-going
ESTIMATED TOTAL		Approximately 18 months

Note: Timeline is consecutive

Fee Summary

Eastside Parkway
CEQA DOCUMENTATION
Fort Ord Reuse Authority
Monterey County, California

Description of Work	Fee
1. Project Initiation/Data Collection	\$6,000
2. Confirmation and Finalization of Project Description and Alternatives	\$10,500
3. Agency Scoping, Preparation of NOP, and Summary of Comments	\$8,200
4. Prepare 1st Admin Draft EIR	\$281,400
4.1 Aesthetics/Visual	\$19,700
4.2 Air Quality	\$18,300
4.3 Biological Resources	\$8,700
4.4 Botanical Surveys	\$11,500
4.5 Update Biological Report	\$14,100
4.6 Cultural Resources	\$14,800
4.7 Geology/Soils	\$5,000
4.8 Greenhouse Gases & Climate Change	\$5,200
4.9 Hazards/Hazardous Materials	\$1,600
4.10 Hydrology/Water Quality	\$3,700
4.11 Land Use/Planning	\$4,800
4.12 Noise	\$11,500
4.13 Public Services	\$1,400
4.14 Recreation	\$5,900
4.15 Traffic & Circulation	\$33,200
4.16 Utilities & Service Systems	\$4,000
4.17 Other Statutory Sections	\$2,100
4.18 Indirect Impacts of Growth/Growth Inducement	\$3,400
4.19 Cumulative Impacts	\$10,300
4.20 Unavoidable Significant Adverse Impacts	\$600
4.21 Alternatives Analysis	\$100,300
4.22 Permitting, Consultation, & Coordination Section	\$1,300
5. Prepare Screen Check Draft and Public Review Draft EIR	\$25,300
6. Prepare 1st Admin Draft Final EIR	\$40,000
7. Prepare Screencheck Draft Final EIR and Final EIR	\$57,200
8. Meetings	\$39,400
9. Attorney Review and Coordination (Budget)	\$54,000
10. Reimbursable Expenses	\$6,100
Subtotal	\$528,100
Administration / Project Management	\$40,000
Total Fee Amount	\$568,100

**Fee Worksheet
August 2016
Eastside Parkway
CEQA DOCUMENTATION**

Task	Description	DD&A										Whitson Engineers				Total Budget Per Task			
		Principal	Senior Project Manager	Senior Planner	Senior Environmental Specialist	Assoc. Planner or Biologist	Assist. Planner	GIS	Word Processing/ Admin. Assistant	Graphics	Hours Per Task	Budget Per Subtask	Principal	Director of Civil Engineering	Associate Engineer		Hours Per Task	Budget Per Subtask	
1	Project Initiation/Data Collection	1	6	2	2	8			2	2	23	\$ 2,819	4	12		16	\$ 3,160	\$ 5,979	
2	Confirmation and Finalization of Project Description and Alternatives	2	4	18		8	14		4	8	58	\$ 6,612	4	16		20	\$ 3,920	\$ 10,532	
3	Agency Scoping, Preparation of NOP, and Summary of Comments	2	8	10	4	4	16		6	4	54	\$ 6,244	2	8		10	\$ 1,960	\$ 8,204	
4	Prepare 1st Admin Draft EIR																	\$ 144,942	
Key Topics/Sections:																			
1	Aesthetics/Visual		7	8		10	16		4	20	65	\$ 6,487	8	16	60	84	\$ 13,200		
2	Air Quality		7	4		8	4		2	2	27	\$ 3,127				0	\$ -		
3	Biological Resources		3	2	4	6	30		4	6	55	\$ 5,403				0	\$ -		
4	Botanical Surveys		12			34	52	8	5	4	115	\$ 11,530				0	\$ -		
5	Update Biological Report		11		24	40	42		4	10	131	\$ 14,159				0	\$ -		
6	Cultural Resources		5	6			6		2		19	\$ 2,317				0	\$ -		
7	Geology/Soils		3	1			6		2	2	14	\$ 1,432				0	\$ -		
8	Greenhouse Gases & Climate Change		8	8		12	16		2		46	\$ 5,228				0	\$ -		
9	Hazards/Hazardous Materials		4	1			6		2	2	15	\$ 1,587				0	\$ -		
10	Hydrology/Water Quality		4	2		2	6		2	2	18	\$ 1,938	1	8		9	\$ 1,740		
11	Land Use/Planning		10	6		8	14		2	2	42	\$ 4,802				0	\$ -		
12	Noise		6	1		2	6		2		17	\$ 1,953				0	\$ -		
13	Public Services		4	2			4		2		12	\$ 1,398				0	\$ -		
14	Recreation		10	8		2	10		4	4	38	\$ 4,376		8		8	\$ 1,520		
15	Traffic & Circulation		14	6		20	24		4	8	76	\$ 8,148	2	8		10	\$ 1,960		
16	Utilities & Service Systems		4	1			6		2		13	\$ 1,437	2	8	4	14	\$ 2,520		
17	Other Statutory Sections		2	4		2	8		4		20	\$ 2,072				0	\$ -		
18	Indirect Impacts of Growth/Growth Inducement		6	8		4	8		2		28	\$ 3,358				0	\$ -		
19	Cumulative Impacts		18	18	10	12	18		2	6	84	\$ 10,312				0	\$ -		
20	Unavoidable Significant Adverse Impacts		2						4		6	\$ 550				0	\$ -		
21	Alternatives Analysis	10	12	22	24	18	30		4	8	128	\$ 16,134	8	40	40	88	\$ 14,960		
22	Permitting, Consultation, & Coordination Section		2	2		2	4		2		12	\$ 1,294				0	\$ -		
5	Prepare Screen Check Draft and Public Review Draft EIR	2	24	32	20	44	50		20	18	210	\$ 23,372	2	8		10	\$ 1,960	\$ 25,332	
6	Prepare 1st Admin Draft Final EIR	2	40	80	40	60	48		16	12	298	\$ 36,486	2	16		18	\$ 3,480	\$ 39,966	
7	Prepare Screencheck Draft Final EIR and Final EIR	2	60	50	40	52	60		30	18	312	\$ 36,806	4	20		24	\$ 4,680	\$ 41,486	
8	Meetings	6	80		40		12		30		168	\$ 22,394	8	80		88	\$ 16,960	\$ 39,354	
Total Hours		27	376	302	208	358	516	8	171	138	2104		47	248	104	399			
Hourly Rate		\$ 215	\$ 155	\$ 145	\$ 145	\$ 103	\$ 92	\$ 98	\$ 60	\$ 75			\$ 220	\$ 190	\$ 140				
Total Labor Budget		\$ 5,805	\$ 58,280	\$ 43,790	\$ 30,160	\$ 36,874	\$ 47,472	\$ 784	\$ 10,260	\$ 10,350		\$ 243,775	\$ 10,340	\$ 47,120	\$ 14,560	\$ 72,020	\$ 315,795		
Subconsultants:																			
Air Quality/Greenhouse Gas Emissions												\$ 15,153							
Updated Forestry Report (including detailed Alternative Alignment Analysis)												\$ 11,550							
Update Cultural Resources Report												\$ 12,513							
Noise												\$ 9,570							
Traffic: Updated Modeling (Base + 3 Alternatives)															\$ 46,200				
Traffic: Evaluation of Roadway Alternatives															\$ 27,300				
Traffic: Alternative Analysis Report															\$ 10,500				
Traffic: Response to Comments (Allowance)															\$ 15,750				
Geotechnical: Peer Review and Comment Response															\$ 3,600				
Attorney: Review Existing Materials															\$ 9,000				
Attorney: Legal Research and Memos															\$ 3,600				
Attorney: Administrative Draft EIR Review and Discussion															\$ 25,200				
Attorney: Review and Revise Public Notices															\$ 1,800				
Attorney: Draft EIR Review and Discussion															\$ 3,600				
Attorney: Final EIR Review and Discussion of Draft Responses															\$ 10,800				
TOTAL SUBCONSULTANTS												\$ 48,785			\$ 157,350	\$ 206,135			
Expenses:																			
Printing/Copying												\$ 1,500			\$ 250				
Mileage/Communication												\$ 300			\$ 200				
Miscellaneous												\$ 225			\$ 500				
CDFW CEQA Filing Fee												\$ 3,110							
TOTAL EXPENSES												\$ 5,135			\$ 950	\$ 6,085			
Administration/Project Management															\$ 40,113	\$ 40,113			
TOTAL BUDGET															\$ 40,113	\$ 568,128			

HOURLY RATE SCHEDULE

<u>Category</u>	<u>Hourly Rate</u>
Principal Engineer	\$ 220.00
Director of Civil Engineering	\$ 190.00
Senior Civil Engineer	\$ 180.00
Senior Land Surveyor	\$ 180.00
Civil Engineer	\$ 160.00
Land Surveyor	\$ 160.00
Senior Associate Engineer / Surveyor	\$ 150.00
Associate Engineer / Surveyor	\$ 140.00
Assistant Engineer / Surveyor	\$ 120.00
Senior Engineering / Survey Technician	\$ 115.00
Engineering / Survey Technician	\$ 110.00
Administrative Support	\$ 70.00
Engineering Aide	\$ 65.00
Expert Witness / Court Hearing	\$ 300.00
Field Surveying*	
One Person Survey Crew (Prevailing Wage)	\$ 175.00
Two Person Survey Crew (Prevailing Wage)	\$ 270.00
Three Person Survey Crew (Prevailing Wage)	\$ 380.00
Field SWPPP Monitoring	
SWPPP Inspector	\$ 105.00
Reimbursables	
Professional Services By Others	Cost Plus 15%
In-House Large Format Plotting / Copies (Black & White)	\$0.50 / S.F.
In-House Plots, Prints, Copies (Color/Special Media)	Rates vary, available upon request
In-House Prints / Copies (Black & White)	\$0.10/sheet for 8.5x11, \$0.50/sheet for 11x17
Materials, Postage, Reproduction, Telephone	Cost Plus 10%
Mileage	Per Current Federal Rate

*Survey Crew rates are Prevailing Wage
Rates effective January 1, 2016

#37



Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

2016 SCHEDULE OF RATES

HOURLY PERSONNEL RATES

Principal	\$215.00
Senior Project Manager/Engineering Specialist	\$180.00
Senior Project Manager	\$155.00
Senior Botanist	\$145.00
Senior Planner/Scientist II	\$145.00
Project Manager	\$135.00
Senior Planner/Scientist	\$125.00
Assistant Project Manager	\$113.00
Environmental Biologist	\$108.00
Associate Planner/Scientist	\$103.00
Assistant Planner/Scientist	\$ 92.00
GIS/Computer Specialist	\$ 98.00
Administrative Manager	\$ 81.00
Database/Designer/Graphics	\$ 75.00
Field Technician	\$ 65.00
Administrative Assistant	\$ 60.00

Direct reimbursable expenses are charged at DD&A cost, plus 15%.
These expenses may include, but are not limited to: subconsultants, reproduction,
courier, postage, long-distance phone, fax and cellular, mileage and field supplies.

Mileage will be charged at the current IRS mileage rate.

Above rates are effective through 12/31/16 and may be adjusted thereafter.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Monterey Base Realignment and Closure Symposium Report	
Meeting Date:	September 9, 2016	INFORMATION
Agenda Number:	7c	

RECOMMENDATION(S):

Receive a report on the Base Realignment and Closure (BRAC) conference/activity hosted by the City of Monterey from the Executive Officer.

BACKGROUND/DISCUSSION:

Base Realignment and Closure (BRAC) is the congressionally authorized Department of Defense process used to reorganize base structure to more efficiently and effectively support our armed forces, increase operational readiness and facilitate new ways of doing business.

The City of Monterey invited local community leaders to participate in a BRAC symposium which met on Tuesday, August 16, 2016 to discuss the importance of military community partnerships for the City and County of Monterey. The symposium panel included: Congressman Sam Farr; Michael McCarthy, Monterey City Manager; Danial Pick, Monterey Deputy City Manager; John C. Murphy, Public Private Solutions Group; and Mike Cooper, President of the Association of Defense Communities. The presentation consisted of a brief discussion about the region's relationship with the military, an update about partnerships, and a preview of a future strategy to preserve local military assets. Several FORA Board members attended.

Local organization to address potential future BRAC rounds was initiated as a result of the closure of Fort Ord in the early 1990's. Experience with the Fort Ord closure and lessons from other closures around the country has shown that proactive community with local military missions is the best defense against future BRAC rounds. Military expenditures in Monterey County account for over \$1 billion annually, making them critical to regional economic vitality. The City of Monterey has led the nation in developing a model for local military mission support known widely as the "Monterey Model". In an effort to further strengthen local competitiveness against future BRAC closures, Monterey City Council commissioned and received a Strengths, Weaknesses, Opportunities, and Threats "SWOT" analysis.

The symposium panelist provided valuable insight from their individual and collective efforts, and encouraged attendees to continue working to educate community members and leaders about the importance of supporting efficient military missions operations. It was also noted that the Monterey Regional Defense Alliance, a public-private partnership of elected officials and community leaders who aim to work together to advocate for the region's military mission, was created to ensure the region was in the best position to remain competitive in the face of potential future BRAC rounds.

FISCAL IMPACT:

Reviewed by FORA Controller 
Staff time for this item is included in the approved annual budget.

COORDINATION:

City of Monterey, County of Monterey, Monterey County Business Council

Prepared by 
Dominique L. Jones

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Habitat Conservation Plan Update	
Meeting Date: September 9, 2016 Agenda Number: 7d	INFORMATION/ACTION

RECOMMENDATION(S):

- i. Receive a Habitat Conservation Plan (HCP) and State of California 2081 Incidental Take Permit status report.
- ii. Authorize the Executive Officer to execute ICF contract amendment #9 to address U.S. Fish and Wildlife Service (USFWS) comments in the Public Review Draft HCP (**Attachment A**), not to exceed \$74,975.
- iii. Authorize the Executive Officer to execute Denise Duffy and Associates (DD&A) contract amendment #11 to address USFWS comments in the Draft HCP EIS/EIR (**Attachment B**), not to exceed \$55,912 in additional funding.

BACKGROUND/DISCUSSION:

Item 5g from the July 8, 2016 Board meeting included additional background and is available at: <http://www.fora.org/Board/2016/Package/070816BrdPacket.pdf>

On July 29, 2016, FORA received a comment letter from USFWS Ventura Office Field Supervisor Stephen P. Henry outlining nine general recommendations for changes to the Fort Ord HCP (**Attachment C**). USFWS representatives recognize the 20-year history of FORA working toward a basewide HCP and have affirmed their continued support and dialogue as FORA's Public Review Draft HCP schedule. To address the nine general recommendations, FORA will need additional consultant support from ICF and DD&A as well as cooperation from BLM, USFWS, and CDFW.

In speaking with USFWS representatives, both Congressman Sam Farr and Executive Officer Michael A. Houlemard, Jr. expressed dismay at USFWS's comment that FORA exclude the Fort Ord National Monument from the HCP take assessment analysis. Mr. Houlemard set an expectation that FORA, working with USFWS and CDFW, must complete a Public Review Draft HCP within the next four months. If this effort is not successful, Mr. Houlemard will recommend FORA Board move away from a basewide HCP for State and Federal incidental take permits in favor of FORA using its funding to assist a project by project approach.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time is included in the FY 2016 - 2017 budget. Funding for ICF contract amendment #9, not exceed \$74,975, and DD&A contract amendment #11, not to exceed \$55,912, is included in the approved annual budget.

COORDINATION:

Authority Counsel, Administrative Committee, Permittees, ICF, DD&A, and wildlife agencies.

Prepared by 
Jonathan Brinkmann

Approved by 
Michael A. Houlemard, Jr.

Agreement for Professional Services – Amendment #9

This is Amendment #9 to Agreement No. FC-052107 (“AGREEMENT”) between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter “FORA”) and ICF Jones & Stokes, Inc. (hereinafter “CONSULTANT”).

Except for the following amendments, all terms and conditions in the AGREEMENT remain the same:

1. SERVICES. Subject to the terms and conditions set forth in this Amendment and activities described in **Exhibit A** (attached), CONSULTANT shall provide to FORA additional services.
2. TERM. The term of the AGREEMENT is extended until June 30, 2017 or until the maximum amount of authorized compensation is reached.
3. COMPENSATION AND OUT OF POCKET EXPENSES. The AGREEMENT is increased by \$74,975 to compensate CONSULTANT for all of the additional services described in “SERVICES” section above and Exhibit A (attached). The overall maximum amount of FORA’s liability over the full term of the AGREEMENT is not to exceed \$811,257, including out of pocket expenses.

IN WITNESS WHEREOF, AUTHORITY and CONSULTANT execute this Amendment as follows:

AUTHORITY

CONSULTANT

By _____
Michael A. Houlemard, Jr. Date
Executive Officer

By _____
Trina L. Prince Date
Contracts Administrator

Approved as to form:

By _____
Jon Giffen, Authority Counsel Date



August 29, 2016

Mr. Michael Houlemard, Jr.
Executive Officer
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

SUBJECT: Addendum #9 Request for Funding to Complete the Public Draft Habitat
Conservation Plan

Dear Mr. Houlemard:

ICF Jones & Stokes, Inc. (an ICF International company hereafter "ICF") would like to thank you for the opportunity to continue our work on the Fort Ord Multi-Species Habitat Conservation Plan (Plan). Over the past nine months, we have made significant progress revising the draft Plan in response to extensive comments from the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and Permittees. Close coordination with the Fort Ord Reuse Authority (FORA) and Denise Duffy and Associates (DD&A) was required to resolve many key issues. ICF followed an aggressive schedule to discuss and resolve the key issues with FORA and DD&A, and make subsequent revisions to the draft HCP.

This July, FORA received additional, significant comments on the draft Plan from the USFWS Solicitor, including a request to provide additional mitigation for certain species proposed for coverage. Because of the substantial nature of the new USFWS comments, and previous comments from the Wildlife Agencies and the Permittees, the subsequent draft will need to be reviewed by the Permittees and Wildlife Agencies (USFWS and CDFW). We refer to this subsequent draft as the 2nd Screen-check Draft HCP. Continued close coordination with FORA, DD&A, the Bureau of Land Management (BLM), and the Wildlife Agencies will be required to resolve issues related to USFWS' new comments and finalize the 2nd Screen-check Draft HCP.

As a result of this intensive work responding to comments from the Wildlife Agencies and Permittees, and receiving new comments from USFWS, we are requesting additional funds to complete the 2nd Screen-check Draft HCP by the end of 2016. If USFWS accepts the revisions, then we expect the Public Draft HCP to be published no later than June 2017.

This addendum revises tasks from the original ICF contract (May 30, 2007), and subsequent addendums. The proposed schedule and our cost estimate to complete these tasks are provided at the end of this amendment (Tables 1 and 2). This scope and budget includes tasks through the

Public Draft HCP, assumed to be published in early June, 2017. This schedule will allow the federal permit to be issued in 2017. This contract addendum would fund ICF's work on the HCP from September 15, 2016 through June 30, 2017.

Task 5 Strategic Advice, Project Management, and Meetings (Amended)

Continued coordination and engagement with FORA, DD&A, Permittees, BLM, and the Wildlife Agencies is integral to maintaining the project schedule and ensuring Plan completion. As such, regular meetings, close coordination with FORA, and project management are required. Meetings with the Wildlife Agencies will be used to address USFWS' new comments and to resolve key issues identified before the Public Draft HCP. Conference calls will be held to ensure collaborative issue resolution. Additional funding is required to complete the following tasks, which are identified under three new subtasks.

Subtask 5.1. Strategic Advice and Project Management

This subtask will involve project management and the development of strategic advice to FORA. Project management and strategic advice will include coordination with the ICF team, FORA, and DD&A via phone and email on tasks, schedule, and budget, and developing resolutions for issues related to the Plan.

Subtask 5.2. Internal Team Meetings and Coordination

ICF will lead bi-weekly, 1-hour conference calls with FORA and DD&A to ensure close coordination and timely resolution of key issues. ICF will coordinate closely with DD&A regarding EIR/EIS document preparation, impact analysis revisions, and other elements that DD&A is responsible for preparing for the Plan. We assume a total of 24 conference calls will be needed, including 20 bi-weekly calls through January 2017, and an additional 4 as-needed calls to resolve key issues.

Subtask 5.3. Coordination Meetings with the Wildlife Agencies

ICF, FORA, DD&A, BLM and the Wildlife Agencies will need to meet to resolve key issues related to USFWS' new comments. We anticipate two, three-hour meetings will be necessary, plus additional time needed to prepare and debrief from each meeting. ICF will attend meetings by conference call.

ICF will also work with FORA, DD&A, USFWS, and CDFW to coordinate the public review period start date and process. Up to 2, 1-hour meetings by conference call may be held with FORA, USFWS, and CDFW, as-needed, and if authorized by FORA. These two meetings may be needed to resolve any last-minute issues before approval of the Public Draft HCP.

For all meetings, meeting materials, agendas, and revised materials (as-needed) will be drafted and circulated to all meeting attendees. FORA staff will be responsible for meeting notes, agendas, and action item log. ICF may support FORA with meeting coordination, review of meeting minutes, action items, and action logs. FORA will also will be responsible for meeting packet distribution for identified FORA-led meetings.

Deliverables: Meeting hand-outs, review meeting notes and action items, and monthly budget summaries.

Task 11 Prepare Public Draft HCP (Amended)

This task was previously funded in Addendum #4. All funds from this task were then transferred to Task 10, Prepare Screen Check Public Draft HCP, to fund key issue resolution as indicated in Addendum #6, Table 3. This task was also previously funded with Addendum #7 and Addendum #8. Addendum #8 transferred funds from Task 13 to Task 11.

Additional funding is required to complete the following tasks, which are identified under three new subtasks.

Subtask 11.1. Develop Approach to USFWS' New Comments (July 29, 2016)

This subtask involves the development of strategies and corresponding revisions to the 2nd Screen-check Draft to address USFWS' new comments submitted on July 29, 2016. In particular, this task will focus on the request to provide additional mitigation for some species, the request to consider dropping several covered species, and to revise Chapter 10, Alternatives. Close coordination with FORA, BLM, the Wildlife Agencies, and DD&A will be necessary to develop suitable revisions to the Plan in response to USFWS' new comments. Because the Plan's chapters have many inter-related components, revisions to a section in one chapter often requires revisions to other sections and chapters. Such revisions are included in this subtask.

This subtask does not include written responses to comments to the July 29 letter from USFWS. Instead, the 2nd Screen-check Draft will respond to their comments with Plan revisions.

Subtask 11.2. Prepare 2nd Screen-check Draft

This subtask involves finalizing the 2nd Screen-check Draft for review by the Permittees and Wildlife Agencies. In addition to revising the Plan in response to USFWS' new comments (Subtask 11.1), tasks include the following:

- Finalize revisions in response to previous comments to the 1st Screen-check Draft from the Wildlife Agencies and Permittees;

- Review FORA's revisions to Chapter 7, Implementation and Chapter 9, Funding, for consistency with the Plan; and,
- Finalize figures and tables and creating a comment-response tracker for each chapter.

Subtask 11.3. Prepare Public Draft

This subtask includes the following:

- Revise the 2nd Screen-check Draft in response to comments from the Wildlife Agencies and the Permittees to prepare the Final Screen-check Public Draft;
- Final, minor revisions to the Final Screen-check Public Draft HCP after the Wildlife Agencies' review to produce the Public Draft HCP;

The timing and extent of work needed to prepare the Public Draft depends on the extent and nature of comments from the Wildlife Agencies and Permittees on the 2nd Screen-check Draft. Preparing the 2nd Screen-check Draft in close coordination with the Wildlife Agencies and Permittees will help to minimize the revisions necessary to prepare the Final Screen-check Public Draft for review by the Wildlife Agencies, and the subsequent Public Draft.

It is important to note that preparation of the Public Draft will depend on the timing and results of the CEQA/NEPA process. The Wildlife Agencies will not begin formal processing of an HCP until a complete application is submitted. The application package includes the HCP, Implementing Agreement, and EIR/EIS.

We assume that FORA will prepare the federal ESA Section 10(a)(1)(B) permit application and the transmittal letter to CDFW for the 2081(b) permit application. We also assume that the HCP can be transmitted to CDFW as is and will not require reformatting to fit the specific format and organization of a typical 2081(b) permit application.

Deliverables: 2nd Screen-check Draft HCP; Final Screen-check Public Draft HCP, and Public Draft HCP. A digital copy of the Public Draft HCP will be transferred to FORA through an FTP site. ICF will also provide 75 CDs to FORA with the Public Draft HCP. We assume that FORA will distribute the CDs to the Permittees, Wildlife Agencies, and other relevant parties.

Task 13 Community Engagement

In previous contract amendments, ICF received funds to support the Community Engagement process. Those funds were subsequently shifted to tasks to work on drafts of the Plan. Most recently, funds from Task 13 were moved to fund Task 11 in Addendum #8. Consequently, there is no remaining budget for this task. We anticipate requesting additional funds in a subsequent

addendum to support the Community Engagement process during the mandatory public review period.

Cost Estimate

We estimate that these tasks will require a budget augment of \$74,975 (Table 2). This budget augment is in addition to what remains from budget addendum #8. This cost estimate is based on ICF's 2015 labor rates. Previous amendments were based on older rates dating back to 2007. This cost estimate is valid for thirty (30) days from the date of this proposal. ICF proposes to invoice costs monthly, on a time and materials basis.

ICF shall provide services, as outlined above, under the terms and conditions of its existing contract number FC-052107 with Fort Ord Reuse Authority dated May 21, 2007. Thank you again for the opportunity to work on this important project. If you have any questions about this proposal, please call David Zippin at (415) 677-7179 or Aaron Gabbe at (408) 216-2810.

Sincerely,



David Zippin, Ph.D.
Vice President and Project Director



Trina L. Prince
Contracts Administrator

	Status	2016												2017												2018											
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
EIR/EIS																																					
1 Prepare 1st Admin Draft EIS/EIR	Done																																				
2 Review Period	Done																																				
3 Prepare 2nd Admin Draft EIS/EIR	Done																																				
4 Solicitor review (3 weeks)	Done																																				
5 Prepare Public Review EIS/EIR																																					
6 Prepare and publish Notice of Availability in Federal Register (see HCP-7 above)																																					
7 Prepare and publish CEQA Notice of Availability (1 - 2 months)																																					
8 Public/Agencies Review Period (60 days)																																					
9 Respond to public comments/Prepare 1st Admin Draft Final EIS/EIR																																					
10 Review Period																																					
11 Prepare Final Public Draft EIS/EIR - clear for publication																																					
12 Publish Notice of Final EIS, HCP and IA Availability in Federal Register - 30 day comment period																																					
13 Publish CEQA Notice of Determination - Permit Applicants - 30 day challenge period																																					
14 CEQA Notice of Determination--CDFG - 30 day challenge period																																					
15 See Approval Process steps																																					
16 Federal Prep and Pub of <i>Record of Decision (ROD)</i> - 30 day wait period																																					

Status	2016												2017												2018											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
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Table 2. Cost Estimate for Addendum #9, Former Fort Ord Habitat Conservation Plan

Task	Labor Classification	Consulting Staff					Subtotal	Production Staff			Subtotal	Labor Total	Direct Expenses	Total Price	
		Employee Name	Zippin D	Gabbe A	Berkovitz S	Edell T		Barnard A	Irvin E	Mountain-Castro J					Doss J
		Project Role	Proj Dir	Proj Man	Cons Planner	Botanist		Graphics	Editor	Pub Spec					Invoicing
Task 5. Strategic Advice, Project Management, Meetings						\$0				\$0	\$0				
Subtask 5.1 Strategic Advice and Project Management		5	20	8		\$6,130			12	\$840	\$6,970				
Subtask 5.2. Internal Team Meetings and Coordination		4	24	14		\$7,490				\$0	\$7,490				
Subtask 5.3. Coordination Meetings with Wildlife Agencies		8	13			\$4,375				\$0	\$4,375				
Task 11. Prepare Public Draft						\$0				\$0	\$0				
Subtask 11.1. Develop Approach to USFWS' New Comments		8	54	16	26	\$19,025				\$0	\$19,025				
Subtask 11.2. Prepare 2nd Screen-check Draft		2	53	44	4	\$18,130	7	30		\$3,515	\$21,645				
Subtask 11.3. Prepare Public Draft		6	28	25	10	\$12,540	3	18		\$1,995	\$14,535				
Task 13. Community Engagement						\$0				\$0	\$0				
Total hours		33	192	107	40	13		10	48	12					
ICF E&P 2016 Billing Rates		\$230	\$195	\$135	\$155	\$155		\$95	\$95	\$70					
Subtotals		\$7,590	\$37,440	\$14,445	\$6,200	\$2,015	\$67,690	\$950	\$4,560	\$840	\$6,350	\$74,040			
Direct Expenses															
523.02 Reproductions													\$800		
523.04 Postage and Delivery													\$50		
Mark up on all non-labor costs and subcontractors: 10%													\$85		
Direct expense subtotal													\$935		
Total price													\$74,975		

DENISE DUFFY & ASSOCIATES, INC.

**SCOPE OF WORK
for the
FORT ORD HCP
ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT**

**Amendment #11
August 25, 2016**

Denise Duffy & Associates, Inc. (DD&A) is currently contracted to prepare the environmental documentation for the Fort Ord Habitat Conservation Plan (HCP) (February 1, 2005). Due to changes in the documentation approach and the HCP consultant, DD&A prepared a Scope of Work that assumed the preparation of a joint NEPA/CEQA environmental document, dated July 21, 2008 (Amendment #1 to the original contract). Since the approval of contract amendment #1, additional revisions to the scope of work and budget occurred, which were approved as Amendments #2-4. To reflect these revisions to the original contract and provide a budget to complete the environmental review process through a screencheck draft Environmental Impact Statement/Environment Impact Report (EIS/EIR) (note: screencheck draft EIS/EIR means an Administrative draft EIS/EIR document that addresses substantive issues identified in previous Administrative drafts – this is the final draft prior to the public review draft EIS/EIR), DD&A prepared a Revised Scope of Work, dated January 3, 2012, which was referred to as “Amendment #5.” Amendment #5 included: Tasks 1-7 of the Revised Scope of Work; and the tasks described in Amendment #4. The Fort Ord Reuse Authority (FORA) approved Amendment #6, which included revising the impact analysis for the California Tiger Salamander (CTS) (see Task 5, below). Due to completion of several tasks and increased technical discussions and analyses, DD&A prepared contract amendment #7, which included a revised Scope of Work and budget amendment to update the HCP impact analysis and the 2nd Administrative Draft EIS/EIR and Screencheck Draft EIS/EIR to reflect the results of the technical discussions.

Amendment #8 was prepared to complete a few outstanding covered species issues, address additional proposed covered activities not previously considered in the HCP, and prepare and distribute the Public Draft EIS/EIR. Amendment #9 was issued to reallocate the remaining budget from Task 10 2nd Administrative Draft EIS/EIR to Task 11 Public Draft EIS/EIR.

Amendment #10, included: 1) a new subtask (Task 11A) to address impact analysis comments received on the Screencheck Draft HCP and 2nd Administrative Draft EIS/EIR; 2) amending the production assumptions associated with distributing the Public Draft EIS/EIR in Task 11; 3) tasks required after the Draft EIS/EIR public review period to finalize the Draft EIS/EIR and complete the environmental review process. These tasks were not included in previous contracts.

This amendment, Amendment #11, includes: 1) additional budget to incorporate HCP revisions resulting from USFWS comments into the Public Draft EIS/EIR; 2) a new subtask (Task 11B) to revise the HCP take assessment based on USFWS comments; and 3) additional budget for agency coordination and meetings.

Please note that this contract amendment would apply remaining budget authorized in prior contract amendments (\$63,525.48) to contract Amendment #11 Tasks.

TASK 11. PREPARE PUBLIC REVIEW DRAFT EIS/EIR DOCUMENTATION

DD&A will incorporate minor comments anticipated on the 2nd Administrative Draft EIS/EIR, as well as the relevant revisions to the HCP that resulted from USFWS comments, and prepare the Draft EIS/EIR for formal public review.

DD&A will provide copies of the document on CD and in a PDF file so that it can be posted on the FORA, Service, and CDFW websites upon publication of the Federal Register notice and filing at the State Clearinghouse. DD&A will provide seventy-five (75) CDs of the Public Review Draft EIS/EIR to FORA and ten (10) CDs of the Public Review Draft EIS/EIR to the Service. DD&A will also prepare a PDF digital copy and make available through DD&A's ftp site to allow FORA and the Service to print hard copies or additional CDs of the Public Draft EIS/EIR, as needed.

This scope of work assumes that FORA and the Service will be responsible for circulating the public review draft to the approved distribution list, which will be created by DD&A during this task with internal team input, and assumes that the number of CDs identified in this scope of work is adequate for circulation. If additional CDs are requested of DD&A, authorization to amend this scope would be required.

DD&A will be responsible for the preparation of the CEQA notices (Notice of Availability and Notice of Completion), and filing and posting with the State Clearinghouse and County Clerk. This scope of work assumes producing one hundred (100) hard copies of the Notice of Availability to meet distribution and posting requirements of FORA and the State Clearinghouse. FORA will be responsible for posting the Notice of Availability in the local newspaper, the Monterey Herald.

The Public Review Draft EIS/EIR will be circulated concurrently with the Public Review Draft HCP and IA. This scope of work assumes ICF will be responsible for the production of the Public Draft HCP and IA and provide the requested number of copies to DD&A for distribution.

Responsibility: DD&A, Service, and FORA

Deliverables: Public Review Draft EIS/EIR and Noticing

SUBTASK 11A. IMPACT ANALYSIS REVISIONS

Per the comments received on the Screencheck Draft HCP and 2nd Administrative Draft EIS/EIR, some revisions to the impact analysis calculations and associated text, tables, and figures are required, including but not limited to:

- Marina Coast Water District covered activities;
- Federal lands versus non-federal lands impacts;
- FORTAG and Marina Airport Activities;
- Clarifications regarding road, trail, fuelbreak, and operation and maintenance assumptions;
- State Parks covered activities and management zones;
- Removal of restoration impacts; and
- Revisions to figures and tables, as needed.

DD&A will revise the impact analysis and finalize the associated tables, figures, and text and submit the revisions to FORA and ICF for review and comment. DD&A will incorporate any necessary revisions and submit to ICF for inclusion in the Public Draft HCP.

Responsibility: DD&A, FORA, and ICF

Deliverables: Updated Impact Analysis and Associated Text, Figures, and Tables

SUBTASK 11B. HCP TAKE ASSESSMENT REVISIONS

Per the comments received from the USFWS, revisions to the HCP take assessment will be required. DD&A will be assisting ICF and FORA to revise the take assessment tables, figures, and text for the HCP. DD&A will coordinate closely with ICF to make the necessary revisions and ensure consistency between the HCP and EIS/EIR. DD&A will submit draft revisions to ICF, FORA, wildlife agencies, and other team members, as determined appropriate, for review and comment. DD&A will finalize the tables, figures, and text and submit to ICF for inclusion in the Public Draft HCP.

Responsibility: DD&A, FORA, and ICF

Deliverables: Updated HCP Take Assessment: Text, Figures, and Tables

TASK 12. COMMUNITY ENGAGEMENT

During the public review phase, DD&A will attend up to two public meetings in the project area. The FORA, ICF, Service, and CDFW (as needed) will be responsible for facilitating the public meetings. DD&A will prepare comprehensive documentation of the public meeting(s) and the Draft EIS/EIR circulation. This will include preparation of the Record of Public Meeting (including a certified transcript of the public meeting proceedings) and a Record of Draft EIS/EIR Circulation.

During the HCP approval and EIS/EIR certification process, DD&A will attend up to three public meetings. DD&A will review draft presentations and assist with preparation of necessary materials prior to the public meetings. DD&A will address questions from FORA Board members or members of the public, as needed.

Responsibility: DD&A, FORA, and ICF

Deliverables: Record of Public Meeting, and Record of Draft EIS/EIR Circulation

TASK 13. PREPARE SCHEDULE FOR FINAL EIS/EIR

At the end of the public review period of the Draft EIS/EIR and HCP, a task is needed to check the status of the schedule and plan the execution of the Final EIS/EIR and HCP. DD&A will coordinate with ICF and the rest of the internal team to evaluate the comments, identify any remaining issues, and establish the schedule for finalization of the EIS/EIR and HCP.

Responsibility: DD&A, Service, CDFW, FORA, and ICF

Deliverable: Schedule for Final EIS/EIR and HCP

TASK 14. PREPARE ADMINISTRATIVE DRAFT FINAL EIS/EIR

After the comment period for the public draft is closed, DD&A will review the comments and begin preparation of the Final EIS/EIR, which includes responses to comments received and changes to the Draft EIS/EIR. DD&A will work with the Service, FORA, ICF, CDFW, BLM, and the other HCP Working Group participants to prepare draft initial responses on the public comments on the Public Draft EIS/EIR and HCP.

It is anticipated that some revisions to the Public Draft HCP will be required as a result of public comment. Therefore, DD&A will require the revised HCP prior to completing the 1st Administrative Draft Final EIS/EIR to ensure consistency between documents. After review of the revised HCP, DD&A will finalize and submit the Administrative Draft Final EIS/EIR electronically to the Service, CDFW, and FORA for review and comment.

Responsibility: DD&A

Deliverables: Administrative Draft Final EIS/EIR

TASK 15. AGENCY COORDINATION AND MEETINGS DURING FINAL EIS/EIR PROCESS

DD&A will continue coordinating with the HCP Working Group and working to resolve issues and concerns. DD&A will participate in the meetings that ICF identified in their meeting schedule. In addition, DD&A will coordinate closely with ICF to maintain project schedule and completion.

DD&A will attend and participate in working group meetings as necessary throughout the project either in-person or on telephone conferences, including regular communication with the Service and CDFW to address key issues and confer on environmental issues. For meetings where DD&A is the lead, we will prepare agendas with the action items, give presentations, and provide presentation materials, as needed. FORA staff will be responsible for meeting minutes that identify action items. FORA staff will maintain a log of all action items to ensure that the required actions occur. DD&A will review FORA's action item log to ensure accuracy.

In total, this scope of work assumes that DD&A will attend the following meetings associated with other tasks in this scope of work: up to eight HCP Working Group Meetings; eight

meetings with the Service, CDFW, ICF, and FORA; and twenty conference calls. Any request(s) for meeting attendance by DD&A not provided for within this scope will be billed on a time and materials basis.

Responsibility: DD&A

Deliverables: Agendas, Review of Meeting Minutes and Log of Action Items



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2008-B-0299

July 29, 2016

Michael Houlemard, Executive Officer
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

Subject: Draft Fort Ord Multi-Species Habitat Conservation Plan for Reuse of the Former Fort Ord, Monterey County, California

Dear Mr. Houlemard:

We are writing you today regarding our continuing efforts to collaborate with you in development of your Fort Ord Multi-Species Habitat Conservation Plan (HCP), which will guide conservation of wildlife and plants as part of the reuse plan for the former Fort Ord Army Base, closed in 1994. The Fort Ord Reuse Authority (FORA) is the lead applicant in preparing a draft HCP, which will support a future application for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), to address incidental take of Federally-listed wildlife species within areas of the former base that have been, or would be, transferred out of Federal ownership. As you know, recently we have made significant progress working with you to address some concerns that FWS has with aspects of the HCP. At your request, we are providing you with this letter outlining what we see as needed changes to the HCP. Although more analysis is needed to make specific changes, and more discussion, particularly with the resource agencies, including the Bureau of Land Management (BLM) and California Department of Fish and Wildlife (CDFW), we believe this letter presents, in a general way, our recommendations for completing the HCP.

The draft HCP currently proposes coverage of the following plant and animal species: the Federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), sand gilia (*Gilia tenuiflora* ssp. *arenaria*; also listed as threatened by the State of California), Contra Costa goldfields (*Lasthenia conjugens*), Yadon's piperia (*Piperia yadonii*), and robust spineflower (*Chorizanthe robusta* var. *robusta*); the Federally threatened western snowy plover (*Charadrius nivosus* spp. *nivosus*), California tiger salamander (*Ambystoma californiense*; also listed as threatened by the State of California), California red-legged frog (*Rana draytonii*), and Monterey spineflower (*Chorizanthe pungens* var. *pungens*); and the non-Federally listed Monterey ornate shrew (*Sorex ornatus salarii*), black legless lizard (*Anniella pulchra nigra*), California linderiella (*Linderiella occidentalis*), seaside bird's beak (*Cordylanthus rigidus* var. *littoralis*; listed as endangered by the State of California), coast wallflower (*Erysimum ammophilum*), Toro manzanita (*Arctostaphylos montereyensis*), sandmat manzanita (*Arctostaphylos pumila*),

Monterey ceanothus (*Ceanothus rigidus*), Eastwood's ericameria (*Ericameria fasciculata*), and Hooker's manzanita (*Arctostaphylos hookeri*) (HCP species).

The HCP provides the framework for ensuring conservation and enhancement of the HCP species and the natural communities that support them on the former Fort Ord Army Base. The re-use plan for closure of the base included distributing land to the HCP applicants¹ plus the BLM. Approximately 6,500 acres of existing habitat of the former base would be developed on non-Federal lands. Approximately 4,000 acres would be conserved by non-Federal landowners and approximately 15,000 acres would be conserved by BLM as the Fort Ord National Monument. A habitat management plan (HMP) for the former base was developed as part of our consultation with the Army on their disposal of Fort Ord lands, and was signed by the Army and U.S. Fish and Wildlife Service (Service) in 1997, which formed the basis of the HCP. The HCP has been developed to be consistent with and to help implement the approved HMP.

Our recommendations pertain to the HCP's mitigation strategy. FORA and the Service, along with the other partners in the HCP process, have developed the HCP over many years with the HMP as the initial planning document. The mitigation strategy of both the HMP and HCP is to utilize a mix of Federal and non-Federal lands to provide an overall framework of conservation for the natural communities that constitute the former base, as explained in several prior section 7 biological opinions between the Service and the Army on base closure, cleanup, and property transfer actions. However, the HCP needs to better differentiate between Federal and non-Federal actions to be consistent with the Act, Service policy for HCPs, and recent case law. The current HCP draft considers BLM's ownership and management of habitat at the Fort Ord National Monument to be part of the avoidance, minimization, and mitigation for destruction of habitat and take of Federally-listed species caused by the applicants on non-Federal lands and caused by the BLM on Federal lands. The HCP needs to clarify that mitigation implemented on Federal land for actions taking listed species on non-Federal land will be funded by the applicants and will be in addition to actions that the managing Federal agency would normally implement.

On July 25, 2016, FORA's consultant, Denise Duffy and Associates, provided a series of tables that describe the impacts to, and mitigation for, each of the HCP species in terms of the areas of habitat developed and conserved. Those tables include calculations of the amount of habitat for each species proposed to be developed and preserved, exclusive of Federal land. A species specific discussion based on those calculations is presented below, with recommendations for improving mitigation for take of species to offset habitat lost to development, where necessary.

¹ The applicants to the HCP currently include:FORA, the California Department of Parks and Recreation, the Regents of the University of California, the County of Monterey, the City of Marina, the City of Seaside, the City of Del Rey Oaks, the City of Monterey, the Board of Trustees of California State University, Monterey Peninsula College, Monterey Peninsula Regional Park District, Marina Coast Water District, and the Fort Ord Regional Habitat Cooperative (Cooperative; a group that would be formed among the applicants to implement the HCP)

Most of the habitat within the former base for the Smith's blue butterfly (94%) and western snowy plover (84%) is conserved within land managed by the California Department of Parks and Recreation. With the high proportion of habitat preserved on State land, along with the management currently included in the HCP or recommended in our discussions over the past several years, we expect that take of these species would be adequately minimized and mitigated by the HCP.

Excluding Federal land from the analyses of the HCP, more habitat for the California tiger salamander and California red-legged frog is proposed for development than for conservation. However, based on the additional spatial analyses provided by Denise Duffy and Associates on July 25, 2016, we believe impacts to these species are less severe than the analysis in the latest draft of the HCP indicates; more specifically, on average, conserved areas of upland habitat are closer to breeding habitat and therefore of more value than areas of upland habitat proposed for development. We also believe that there are opportunities for additional management actions that could benefit these species within or near the former base. These actions could be funded by the applicants, could be implemented on non-Federal or Federal BLM lands if BLM agrees, and would provide appropriate mitigation. The actions could include: improvement of existing or construction of additional breeding habitat in conserved areas, removal of invasive predatory species from breeding habitat, restoration of upland habitat in conserved areas, preservation of additional habitat not currently conserved, and management of salamanders and their habitat to limit hybridization between native California tiger salamanders and introduced salamanders. Most or all of the breeding habitat for these species at the former base is on Federal land and it will be essential to engage the BLM in discussions regarding how to provide adequate mitigation. Your consultant's efforts to refine these analyses should provide a more accurate assessment of the proposed impacts to these species, which we can use to collaboratively design an adequate mitigation program for them. Additional site-specific analysis and interagency discussion will be needed, but we believe that an appropriate mitigation strategy can be developed for these species. The California tiger salamander is also State-listed by CDFW, so their input will be essential.

The existing mitigation strategy for some Federally and non-Federally listed plant species appears to be sufficient. Robust spineflower, Contra Costa goldfields, and coast wallflower would either be minimally impacted or have much more habitat proposed for preservation than for development. Additional site-specific analysis and discussion will be needed, but we believe that appropriate mitigation strategies are being developed for these species.

The remaining species addressed in the current draft HCP have more habitat proposed for development than for conservation if Federal land is excluded from the analyses. The remaining species are plants, species not Federally listed, or both. We are interested in discussing options to provide additional mitigation for these species or clarify in the HCP how proposed mitigation would meet the Service's 10(a)(1)(B) issuance standards. The applicants could potentially fund restoration of habitat in conserved areas (which could occur on non-Federal conserved areas or on BLM land, if BLM agrees) or preservation of additional habitat not currently conserved. We recommend the same process as outlined above for the California tiger salamander and California

red-legged frog: i.e., refine analysis to see if the current estimate of impacts is accurate, and then pursue applicant-funded measures to provide mitigation to offset those impacts to the maximum extent practicable. Additional analysis and discussion among the applicants, BLM, CDFW, and the Service will be needed to pursue species-specific mitigation solutions for these species.

Coverage of plants and unlisted wildlife within an HCP is at the discretion of the applicants, and you may wish to consider removing these species if doing so would create additional resources for other covered species. We generally encourage coverage of listed plants in HCPs to assure that they are adequately protected within the plan area, and because we must find that implementation of the plan is not likely to jeopardize their continued existence in order to issue an incidental take permit, whether or not the listed plants are covered under the plan. However, in this case, because the listed plants are largely conserved on Federal land within the former base and managed in accordance with the HMP, we do not consider their coverage under the HCP to be essential to their conservation. Coverage of unlisted species promotes their conservation and allows us to provide assurances to the applicants that future listing of those species would not result in future delays or additional mitigation requirements. Such coverage also facilitates CDFW permitting of State-listed species, and synchronization of HMP and HCP management actions.

The Service recognizes the difficulty and cost of adding new mitigation. The HCP proposes an Implementation Assurances Fund to provide funding assurances that management and monitoring actions on BLM land would occur regardless of the uncertainties in the annual appropriations process to BLM. If there are actions on BLM that can be funded that are additive (that is, they are in addition to what BLM already does), then funds in the Implementation Assurances Fund could potentially be reallocated to pay for additional mitigation needed to meet the Service's permit issuance criteria, perhaps without increasing the overall cost of the HCP.

The following list summarizes additional general recommendations for changes to the draft HCP.

1. Any mitigation on BLM land must be in addition to BLM's normal activities (as discussed in more detail above).
2. Please confirm with BLM that any mitigation on their land will be durable over time. The existing National Monument and Area of Critical Environmental Concern designations are likely to help with this discussion.
3. The HCP should require Service approval of any step-down plans necessary for HCP implementation.
4. Additional detail on alternatives and why the proposed action was chosen should be added to Chapter 10.

5. In Chapter 1, it should be clarified whether non-Federal mitigation lands can be sold. If they can be sold, then it should be described how mitigation would be assured in perpetuity under new ownership.
6. The Cooperative should be formed before permit issuance to allow public comment on it during the permitting process.
7. Ordinances that will be used to implement the HCP's requirements should be enacted before permit issuance to allow public comment on them during the permitting process. If this is not feasible, then the essential required elements of the ordinances should be described in the HCP and take of listed species under the permit should be deferred until the ordinances are in place.
8. In Chapter 3, it should be clarified how mitigation lands would be preserved in perpetuity.
9. BLM's habitat restoration targets, as presented in Chapter 4, should be defined as to who would pay for them and whether they are commitments or just goals. Current language states these targets as "BLM intends" (rather than "BLM will" or "the applicants will fund BLM to") and we understand that this work is ongoing.

The Service recognizes the long-term and significant investment in the HCP on the part of FORA and its partners, and we appreciate FORA's continued efforts to work through the HCP process. We consider these changes to be necessary for the HCP to meet ITP issuance criteria under the Act, and we believe the path forward we have outlined here is feasible, although additional analyses and input from other agencies will be necessary.

We appreciate your commitment to species conservation and are committed to continuing to provide you with the technical assistance necessary to complete the HCP and permitting process. If you have any questions regarding this letter, please contact Jacob Martin of my staff at (831) 768-6953, or via electronic mail at Jacob_Martin@fws.gov.

Sincerely,



Stephen P. Henry
Field Supervisor

Michael Houlemard

6

cc:

Representative Farr's Office, attn. Rochelle Dornatt

Eric Morgan, BLM

Julie Vance, CDFW