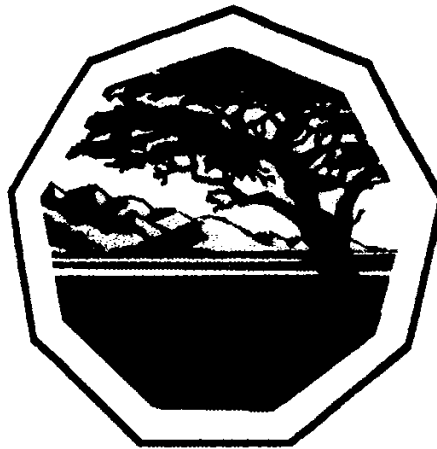


Fort Ord Reuse Authority



Board Packet
For
Board Meeting
March 13, 2009



Fort Ord Reuse Authority

100 12th Street, Building 2880, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

BOARD OF DIRECTORS MEETING

Friday, March 13, 2009, at 3:30 pm

FORA Conference Facility/Bridge Center

201 13th Street, Building 2925, Marina (on the former Fort Ord)

AGENDA

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ACKNOWLEDGEMENTS
4. PUBLIC COMMENT PERIOD: Members of the audience wishing to address the Board on matters within the jurisdiction of the Authority but not on the agenda may do so during the Public Comment Period. You may speak for a maximum of three minutes on any subject. Public comments on specific agenda items will be heard at the time the matter is being considered by the Board.
5. CONSENT AGENDA ACTION
 - a. February 9, 2009 board meeting minutes
 - b. Contract extension for Habitat Conservation Plan consultant: ICF Jones & Stokes
 - c. Use of Preston Park funds to reimburse Cypress Knolls developer and the City of Marina for California Avenue road improvement costs
6. OLD BUSINESS INFORMATION
 - a. Habitat Conservation Plan approval process
 - b. California State University, Monterey Bay 2007 Master Plan Recirculated Draft EIR: Memorandum of Understanding between CSUMB and Fort Ord Reuse Authority ACTION/ INFORMATION
7. EXECUTIVE OFFICER'S REPORT INFORMATION
 - a. Administrative Committee report
8. ANNOUNCEMENTS AND CORRESPONDENCE
9. ADJOURNMENT

(Information about items on this agenda is available at the FORA office at 100 12th Street, Building 2880, Marina, on the former Fort Ord or by calling 831-883-3672 or by accessing the FORA website at www.fora.org.)

**MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
at the**

APPROVED

**Fort Ord Reuse Authority Conference Facility/Bridge Center
March 13, 2009**

1. CALL TO ORDER AND ROLL CALL

Chair Rubio called the meeting to order at 3:36 p.m. and requested a roll call.

Voting members:

Chair/Mayor Rubio (City of Seaside)	Councilmember Selfridge (City of Monterey)
Mayor McCloud (City of Carmel)	Mayor Russell (City of Del Rey Oaks)
Councilmember Gray (City of Marina)	Councilmember Mancini (City of Seaside)
Councilmember Kampe (City of Pacific Grove)	Mayor Pendergrass (City of Sand City)

Arriving after the roll call were 1st Vice Chair/Supervisor Potter (County of Monterey), Mr. Jim Cook (alternate for Supervisor Calcagno), and Councilmember Barnes (City of Salinas). Absent were 2nd Vice Chair/Councilmember McCall (City of Marina) and Supervisor Parker (County of Monterey).

Ex-Officio members:

Graham Bice (UC MBEST)	James Main (CSUMB)
Vicki Nakamura (Monterey Peninsula College)	COL Darcy Brewer (U.S. Army)
Kenneth K. Nishi (Marina Coast Water District)	Rob Robinson (BRAC)

Arriving after the roll call was Dr. Marilyn Shepherd (Monterey Peninsula Unified School District). Mike Gallant, a Monterey-Salinas Transit staff member, and Mike Zeller, a staff member at the Transportation Agency for Monterey County, sat at the dais as observers for their agencies. Absent were representatives from the 17th Congressional District, the 15th State Senate District, and the 27th State Assembly District.

With a quorum present Chair Rubio called the meeting to order.

2. PLEDGE OF ALLEGIANCE

Chair Rubio asked Councilmember Ken Gray, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS

Chair Rubio acknowledged the presence of Mike Gallant, who was representing Monterey-Salinas Transit as an observer at the dais. Executive Officer Houlemard announced that he had been informed that the deeds transferring the almost 3,300 acres in the FOSET 5 would be delivered to FORA for signature next week.

4. PUBLIC COMMENT PERIOD

California American Water Company ("CalAm") General Manager Craig Anthony asked for the board's support in moving the recycled water project forward through former Fort Ord to the Monterey Peninsula. He said the large black pipe now stored along General Jim Moore Blvd. would be moved offsite until that roadway is constructed and the pipe can be installed. This pipe will convey recycled water to the south end of the former Fort, serving Monterey Peninsula College, Seaside, Del Rey Oaks and Monterey projects there; the pipe will connect to other conveyance pipes to provide recycled water to the Monterey Peninsula. He announced that the agreement between Marina Coast Water District ("MCWD") and CalAm to collaborate their efforts to support the regional water project would be signed next week. He urged support for the regional water project and remarked that he looks forward to working with MCWD. Bill Taylor from Shoreline Workforce Development reported that road from Imjin Parkway to the Shoreline facility had deteriorated to mud and potholes, which has hurt their business. He stated that he has had no responses to his requests that these safety hazards and detriments to Shoreline's programs be assuaged. While recognizing the impacts of the national economic downturn, he asked that a layer of rocks be spread on the road until the permanent surface can be installed. Chair Rubio thanked Mr. Anthony and said he looked forward to reaching full agreement during the current project deliberations.

5. CONSENT AGENDA

There were three items on the Consent Agenda: Item 5a (February 9, 2009 board meeting minutes), Item 5b (Contract extension for Habitat Conservation Plan consultant: ICF Jones & Stokes), and Item 5c (Use of Preston Park funds to reimburse Cypress Knolls developer and the City of Marina for California Avenue road improvement costs). Executive Officer Houlemard asked that Item 5c be pulled. **Motion to approve Items 5a and 5b was made by Supervisor Potter, seconded by Mayor McCloud, and carried.** Executive Officer Houlemard recommended that the fourth Whereas (WHEREAS, portions of the California Avenue Extension Project . . .) and # 3 of the Terms and Conditions (Subsequent Development Projects) be deleted. A clean version was available as a handout. There were no board or public comments. **Motion to approve Item 5c was made by Mayor Russell, seconded by Councilmember Mancini, and carried.**

6. OLD BUSINESS

Item 6a - Habitat Conservation Plan ("HCP") approval process: Director of Planning and Finance Steve Endsley provided an update of developments occurring since the board report was written. He said the March 11th special meeting, which focused on the three auxiliary documents, was very successful in terms of progress made. Mayor Russell asked if there were a time constraint regarding the Joint Powers Agreement, and Executive Officer Houlemard replied that this document, which will form the Fort Ord Regional Habitat Cooperative, must be approved by all parties before the HCP can be signed, now anticipated in seven or eight months. There were no other board comments or comments from the public.

Item 6b - California State University, Monterey Bay 2007 Master Plan Recirculated Draft Environmental Impact Report: Memorandum of Understanding ("MOU") between CSUMB and Fort Ord Reuse Authority: Executive Officer Houlemard remarked that the draft MOU regarding Academic Buildings and Payment of Deficit Period Costs attempts to define key understandings of how the campus and the surrounding jurisdictions will work together in the future, including items

such as campus growth and annual reporting of its impacts and how the payment of CSUMB's \$2,326,795 deficit period mitigations will be paid. Underlying the MOU was the spirit of collaboration each had emphasized. CSUMB Vice President Jim Main thanked the FORA Executive Committee for its cooperative spirit in reaching this understanding, adding that it was a step in the right direction. He stated that the university puts a high priority on replacing the deteriorating buildings on the campus with new facilities but has agreed to make concerted efforts to avoid creating traffic impacts, which would incur additional mitigations. John Fischer, a member of the public from Pacific Grove, said he assumed the proposed university housing was outside the campus area, and impact fees had already been taken care of. Bruce Delgado from Marina stated that the presence of a university in Marina is an important step for the City, and added his support to the innovative approach that had been memorialized in the MOU. Executive Officer Houlemard responded to Mr. Fischer's comments by confirming that the impact fees for the affordable university housing had been settled in a separate agreement years ago. **Motion to approve the MOU with CSUMB not to contest CSUMB's construction of new academic buildings in exchange for CSUMB's agreement to repay the \$2,326,795 deficit period debt to FORA before June 30, 2014, was made by Councilmember Mancini, seconded by Councilmember Kampe, and carried.**

7. EXECUTIVE OFFICER'S REPORT

There was one item in this report: Item 7a (Administrative Committee report). There were no board or public comments.

8. ANNOUNCEMENTS AND CORRESPONDENCE

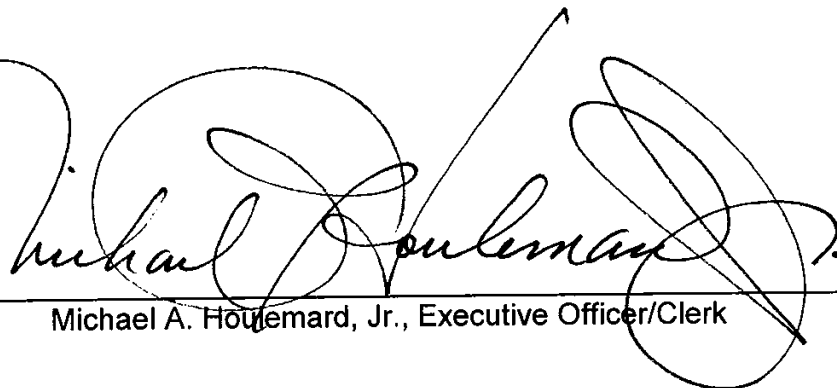
Councilmember Ken Gray announced the official opening of the Fort Ord Dunes State Park at 11:00 a.m. on April 15, 2009. He invited all to attend the event and mark their calendars now. Executive Officer Houlemard called attention to the Los Angeles Times article handout entitled "*Mountain biking on Ft. Ord Public Lands: Beware the old explosives*". He also said staff is hoping to schedule a special tour for board members of the Residential Quality Assurance (RQA) Pilot Projects in the ESCA property. The tour will begin prior to the 3:30 p.m. start of the April 3, 2009 board meeting.

9. ADJOURNMENT

Chair Rubio adjourned the meeting at 3:58 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk.

Approved by _____



Michael A. Houlemard, Jr., Executive Officer/Clerk

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Contract Extension for Habitat Conservation Plan Consultant: ICF Jones & Stokes	
Meeting Date:	March 13, 2009	ACTION
Agenda Number:	5b	

RECOMMENDATION:

Authorize Executive Officer to amend the contract with ICF Jones & Stokes to increase the available budget by \$81,023 ("**Attachment A**").

BACKGROUND/DISCUSSION:

As authorized on May 11, 2007, the Executive Officer previously entered into an agreement with Jones & Stokes in the amount of \$85,445 to prepare revisions to the draft Habitat Conservation Plan ("HCP") in response to US Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") comments. On September 14, 2007, the Board approved a contract extension to increase the scope and budget by an additional \$151,105 to combine the Federal and state HCP into one document and address comments. In February 2008, ICF International acquired Jones & Stokes and renamed the company ICF Jones & Stokes. ICF Jones & Stokes prepared a 2nd Administrative Draft HCP in September 2008. Additional USFWS and CDFG comments and coordination meetings require additional funding to complete the HCP document.

FISCAL IMPACT:

Reviewed by FORA Controller M.F. for I.B.

Funding for this extension was approved in Fiscal Year ("FY") 07-08 budget and carried over to the current FY. Increasing the ICF Jones & Stokes available budget by \$81,023 will result in a combined budget authority not to exceed \$317,573.

COORDINATION:

Administrative Committee, Executive Committee, and Authority Counsel.

Prepared by

D. Steven Endsley
D. Steven Endsley

Approved by

Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

DRAFT

Agreement No. FC-052107 - 2

ATTACHMENT A

Item 5b

FORA Board Meeting, March 13, 2009

Agreement for Professional Services – Extension #2

This is an Extension #2 to Agreement No. FC-052107 ("AGREEMENT") between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter referred to as "FORA") and Jones and Stokes, Inc. (hereinafter referred to as "CONSULTANT").

All terms and conditions in the AGREEMENT remain the same except for the following adjustments:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement and described in **Exhibit A** (attached), CONSULTANT shall provide to FORA the additional services.

2. TERM. The term of the Agreement is extended until June 30, 2009 or until the maximum amount of the compensation as noted below is reached.

3. COMPENSATION AND OUT OF POCKET EXPENSES. The AGREEMENT is increased by \$81,023 to compensate CONSULTANT for 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 \$317,573, including out of pocket expenses.

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

AUTHORITY

CONSULTANT

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

By _____
David Zippin, Ph.D Date
Principle and Conservation Biologist

Approved as to form:

Authority Counsel

Action Items/Summary of Work

HCP Section

2nd Admin Draft			
1 - Introduction	Address comments and track responses in comment matrix	\$	690.00
	Review by David (3 hours)	\$	600.00
2 - Environmental Setting	Address comments and track responses in comment matrix	\$	920.00
	Review by David (3 hours)	\$	600.00
3 - Project Description	Action Item 11: Borderlands – Modify language to reflect that JPA will be responsible party for implementation with funding covered either by endowment or individual jurisdiction as appropriate. Language also to be modified to reflect conditions comparable to other existing permits with respect to activities/development within 200 feet of HMA boundary.	\$	2,300.00
	<u>Action Item 21</u> : CIP plan will be incorporated into the Development Area Description. Incorporate relevant text.		
	<u>Action Item 22</u> : Provide rationale for Borderland inconsistencies in text (i.e., absence of Borderlands in the South and along eastern border). Edit figures 3-1 and 3-2 to ensure consistency.		
	<u>Action Item 23</u> : Chapter 3 tables will be revised per in-meeting Comments.		
	<u>Action Item 24</u> : Chapter 3 revisions based on pending CDFG comments.		
	<u>Action Item 25</u> : Additional in-text clarifications: (1) make sure that siting criteria is clear for development with restrictions within the HMA- planning surveys, pre-construction surveys, etc (Ch 3, 4, 5). (2) Use term “HMA Development with Restrictions.” (3) Access Control = Avoidance and Minimization Measure.		
	<u>Action Item 26</u> : Incorporated text for Caltrans for as non-covered activity provided by FORA.		
	<u>Action Item 28</u> : Streamline CEQA requirements. Include language for both HMAs and Development Areas. Make sure that CEQA language is referenced in Chapter 5 for development areas (Chapters 3&5).		
	Address comments and track responses in comment matrix		
	Review by David (4 hours)	\$	800.00
4 - Impact Analysis	Update impact assessment for HCP species based on analysis conducted by DD&A.	\$	4,150.00
	<u>Action Item 3</u> : Western Snowy Plover. PRBO data will be incorporated. This will include data on nest loss by source (pre and post State Park) and campground sites in other parks. Number of pairs lost will be estimated. Document population increases.		
	<u>Action Item 4</u> : USFWS Comment 14 on California legless lizard and Monterey Ornate Shrew will be address by increasing the level of detail on these species, increasing the level of detail regarding how specific actions enhance their habitat to ensure their habitat is conserved, and maintenance of borderland integrity. Sources include Final decision to delist and studies by Linda Kunz for California legless lizard. There is an expert on the shrew at Cal Academy. Put habitat in context for impacts--- they can coexist with development. Increase level of detail of the burns, schedule, etc and effects on the shrew. Short term loss and long term benefit.		

HCP Section	Action Items/Summary of Work	Estimated Fee Needed
	<u>Action Item 25</u> : Additional in-text clarifications: (1) make sure that siting criteria is clear for development with restrictions within the HMA- planning surveys, pre-construction surveys, etc (Ch 3, 4, 5). (2) Use term "HMA Development with Restrictions." (3) Access Control = Avoidance and Minimization Measure.	
	Address comments and track repsonses in comment matrix	
	Review by David (4 hours)	\$ 800.00
5 - Conservation Strategy	Action Item 1: Address USFWS comments (email dated Dec. 17, 2008) into next draft per Memo dated December 5, 2008 for comments 1-7, 15-18, 20-27. This is in progress. Still need to clarify specific actions for certain jurisdictions.	\$ 4,840.00
	<u>Action Item 3</u> : Western Snowy Plover level of detail of AMMs will be increased. Incorporate adaptive management that SP is currently using for Western Snowy Plover into adaptive management strategy.	
	<u>Action Item 4</u> : USFWS Comment 14 on California legless lizard and Monterey Ormate Shrew will be address by increasing the level of detail on these species, increasing the level of detail regarding how specific actions enhance their habitat to ensure their habitat is conserved, and maintenance of borderland integrity. The level of detail for the species beeffits will be increased in the conservation strategy, including habitat enhancement.	
	<u>Action Item 25</u> : Additional in-text clarifications: (1) make sure that siting criteria is clear for development with restrictions within the HMA- planning surveys, pre-construction surveys, etc (Ch 3, 4, 5). (2) Use term "HMA Development with Restrictions." (3) Access Control = Avoidance and Minimization Measure.	
	<u>Action Item 28</u> : Streamline CEQA requirements. Include language for both HMAs and Development Areas. Make sure that CEQA language is referenced in Chapter 5 for development areas (Chapters 3&5).	
	<u>Action Item 29</u> : Increase level of detail in introduction to Chapter 5 to provide guidance to the reader.	
	Address comments and track repsonses in comment matrix	
	Review by David (6 hours)	\$ 1,200.00
6 - Monitoring	Incorporate Chapter 5 Monitoring Actions	\$ 2,150.00
	Identify locations for traplines for Monterey ormate shrew.	
	<u>Action Item 8</u> : USFWS Comment 28 will be addressed in accordance with the memo. Monitoring protocols for black legless lizard and Monterey ormate shrew will be drafted in collaboration with the USFWS.	
	Address comments and track repsonses in comment matrix	
	Review by David (6 hours)	\$ 1,200.00
7 - Implementation	<u>Action Item 5</u> : USFWS Comment 19 will be addressed based on recommendations from Jen Lechuga to use a more prescriptive approach to the HCP. In order to clearly define USFWS involvement in implementation, a key word search will be conducted and a list of post permit decisions created. These will be reworded as appropriate to provide clarity to habitat managers (i.e., be more prescriptive in coming to solution prior to USFWS involvement). Also, assume quarterly meetings in first year of implementation and annual thereafter in association with reporting to agencies. Additional meetings will be held as needed.	\$ 2,750.00

HCP Section	Action Items/Summary of Work	Estimated Fee Needed
	<p><u>Action Item 13:</u> Stay Ahead Commitments. ICF J&S to evaluate and reframe stay ahead provisions for those species whose protection (land acquisition) may not keep pace with development. Create table with information on lands currently preserved and and those to still be transferred by species habitat. Stay ahead to be reworded to build in flexibility to consider supplemental management actions on lands under Army control prior to transfer. Army specific information on its ability to shift cleanup priorities to meet stay ahead provisions will be incorporated.</p> <p><u>Action Item 20:</u> Stay Ahead language to be emailed out for clarification. Possible in-person meeting with cities and counties to clarify stay ahead provision and other implementation actions. Terah (ICF JS) will put together language in email. Michael (FORA) will organize meeting, if necessary.</p> <p><u>New Action Item 30:</u> Borderland requirements. Codify the following items in the HCP: Put program together to inform developers of borderland requirements, including design requirements and certificate of inclusion. Define funding mechanism for borderland compliance, including financial implications for HCP. Define Enforcement of borderland requirements. Define how borderland requirements will be tracked (Annual report, JPA). Draft covenant for deed for transferred borderlands (include as appendix). Have meeting with counties, cities, working group members (if they wish to participate), to finalize these items.</p> <p>Address comments and track responses in comment matrix</p>	
8 - Assurances	<p>Review by David (3 hours)</p> <p><u>Action Item 1:</u> Address USFWS comments (email dated Dec. 17, 2008) into next draft per Memo dated December 5, 2008 for comments 1-7, 15-18, 20-27</p> <p>Address comments and track responses in comment matrix</p> <p>Review by David (2 hours)</p>	<p>\$ 600.00</p> <p>\$ 1,840.00</p>
9 - Costs and Funding	<p><u>Action Item 14:</u> Endowment Funding – ICF J&S to work with FOR A to determine scenarios of endowment funding and resulting phasing of species protection/management actions. This feeds into stay ahead as well. Revist cost model and funding assurance. Revise tables 9-2 to 9-5. Make sure to include US Army component and cash reserves.</p> <p>Address comments and track responses in comment matrix</p> <p>Review by David (4 hours)</p> <p>Redraft Alternatives Chapter</p> <p>Review by David (2 hours)</p> <p>Incorporate phasing of land transfers into cost model.</p> <p>Review and edit as requested by FORA to ensure consistency with HCP.</p>	<p>\$ 800.00</p> <p>\$ 3,710.00</p> <p>\$ 400.00</p> <p>\$ 920.00</p> <p>\$ 1,175.00</p>
10 - Alternatives		
Cost Model		
Implementation Agreement		
Strategic Advice, Project Management, Meetings	<p><u>Action Item 20:</u> Stay Ahead language to be emailed out for clarification. Possible in-person meeting with cities and counties to clarify stay ahead provision and other implementation actions. Terah (ICF JS) will put together language in email. Michael (FORA) will organize meeting, if necessary. (4 hour meeting)</p>	<p>\$ 4,852.00</p>

HCP Section

Action Items/Summary of Work

Estimated Fee
Needed

<u>Action Item 30</u> : Borderland requirements. Codify the following items in the HCP: Put program together to inform developers of borderland requirements, including design requirements and certificate of inclusion. Define funding mechanism for borderland compliance, including financial implications for HCP. Define Enforcement of borderland requirements. Define how borderland requirements will be tracked (Annual report, JPA). Draft covenant for deed for transferred borderlands (include as appendix). Have meeting with counties, cities, working group members (if they wish to participate), to finalize these items. (4 hour meeting)		\$ 4,852.00
Meeting to review comments on 2nd Administrative Draft (currently scheduled for May 7). Meeting packet will include "new" comment tracking matrix and issue summary. (6 hour meeting)		\$ 6,092.00
General Issues	Treatment of CTS in document as a candidate species	\$ 2,270.00
Deliverables	2nd Administrative Draft in ICF JS format (includes formatting of sections, figures and tables) posted to ftp site and available on CD (by request)	\$ 5,990.00
Complete comment tracking matrix (with comment responses) for 2nd Administrative draft.		
"New" comment tracking matrix and issue summary for public draft (without comment responses)		
<i>Subtotal 2nd Administrative Draft</i>		\$ 58,741.00
On-going tasks	Address comments on 2nd Administrative Draft and beginning filling in "new" comment matrix	\$ 15,760.00
	Strategic Advice via email and conference calls (coordination calls, small group work to address specific issues)	\$ 3,420.00
	Working Group June in-person meeting (4 hour meeting)	\$ 3,102.00
<i>Subtotal on-going tasks</i>		\$ 22,282.00
Total		\$ 81,023.00

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Use of Preston Park funds to reimburse Cypress Knolls developer and the City of Marina for California Avenue road improvement costs	
Meeting Date:	March 13, 2009	ACTION
Agenda Number:	5c	

RECOMMENDATION(S):

Authorize the Executive Officer to enter into an agreement with the City of Marina ("Marina") to use Preston Park funds to reimburse the Cypress Knolls developer and the City of Marina for California Avenue road improvement costs ("**Attachment A**").

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA"), Marina, and the Cypress Knolls developer entered into agreements on July 10, 1998, March 12, 1999, and March 3, 2007 regarding the development of the Cypress Knolls project in South Marina. The terms of these agreements provided for repayment of an advance payment of \$321,285.00 from the Cypress Knolls developer for California Avenue road improvement costs, if Marina and the developer did not enter agreement for development of the Cypress Knolls project. Also, these agreements included terms describing FORA reimbursement to Marina if Marina repaid the advance to Cypress Knolls. Marina will repay the developer's advance payment. Therefore, FORA and Marina negotiated an agreement describing the terms of FORA's reimbursement to Marina.

Marina and FORA have agreed that FORA's reimbursement obligation will come from resources held by Marina for the Marina-FORA jointly owned Preston Park housing complex. This reimbursement will be considered part of the developer fee obligation of the Preston Park Housing complex.

FISCAL IMPACT:

Reviewed by FORA Controller M. F. for I.B.

The use of Preston Park funds for this reimbursement is from a reserve account designed to fund capital improvement projects (and major repairs) of Preston Park only. The use of these funds for this purpose does not affect the current Preston Park fiscal year budget.

COORDINATION:

Marina, Authority Counsel, Administrative Committee, Executive Committee.

Prepared by Jonathan Garcia Reviewed by Steve Endsley
Jonathan Garcia Steve Endsley
Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

DRAFT

ATTACHMENT A
Item 5c
FORA Board Meeting, March 13, 2009

MEMORANDUM OF UNDERSTANDING ("MOU") REGARDING CYPRESS KNOLLS/CALIFORNIA AVENUE REIMBURSEMENT

This is a Memorandum of Understanding by and between City of Marina, a California Municipal Corporation (hereinafter referred to as "Marina"), and the Fort Ord Reuse Authority a California Public Corporation (hereinafter referred to as "FORA"), regarding the disposition of Marina and FORA respective obligations for the reimbursement of costs for the Cypress Knolls Development project with reference to the following recitals, terms, and conditions and limitations.

RECITALS

WHEREAS, Marina, the Cypress Knolls, a joint venture of Lifespan Communities and California Lutheran Homes (hereinafter referred to as "Developer") and FORA, entered into that certain Memorandum of Understanding Concerning Certain Terms of Agreement for Development of Patton Park Housing on July 10, 1998 ("1998 MOU"), regarding the Cypress Knolls housing development project located on the former Fort Ord in the City of Marina. The 1998 MOU provided a method of financing the construction of the extension of California Avenue from Reindollar Avenue onto the former Fort Ord to connect to 12th Street (the "California Avenue Extension Project") including an advance from the Developer in the amount of \$321,285 ("Developer Advance") for a portion of the costs for the California Avenue Extension Project; and

WHEREAS, Marina and FORA entered into that certain Payment and Reimbursement Agreement by and between the Fort Ord Reuse Authority and the City of Marina on March 12, 1999 (the "1999 Payment Agreement"), regarding payment and reimbursement of the Developer advance of funding required for Economic Development Administration "EDA" Grant No. 07-4907072.03 for the California Avenue Extension Project; and

WHEREAS, Marina, the Redevelopment Agency of the City of Marina, the Developer and FORA entered into that certain Memorandum of Understanding Concerning Certain Terms of Agreement Including Payment of FORA Developer Fees for the Cypress Knolls Development Project on March 3, 2007, (the "2007 MOU") which agreement further addressed the repayment of the Developer Advance for the California Avenue Extension Project; and

WHEREAS, portions of the California Avenue Extension Project were not part of the FORA Capital Improvement Plan, and neither party had an obligation to pay its cost; and

WHEREAS, the Cypress Knolls housing development project developer was solely responsible to pay the cost of the California Avenue Extension Project; and

WHEREAS, the above agreements set forth terms for the repayment of the Developer Advance, if Marina and Cypress Knolls did not enter into an agreement for the development of the above referenced project; and

WHEREAS, the above referenced agreements also specify terms of a FORA reimbursement to Marina if Marina repaid the Developer Advance; and

WHEREAS, Marina and the Developer have failed to execute a Disposition and Development Agreement for the development of Cypress Knolls and have terminated their Agreement to Negotiate Exclusively; and

WHEREAS, Marina and FORA desire to clarify the terms of the 1998 MOU, the 1999 Payment Agreement and the 2007 MOU and provide for the timely reimbursement by FORA of any funds advanced by the City of Marina to repay the Developer Advance by entering into this MOU.

TERMS AND CONDITIONS

In consideration of the mutual promises contained herein, FORA and MARINA agree to the following terms and conditions:

1. Reimbursement to Developer

Marina hereby acknowledges and agrees that Marina shall be responsible for repaying to the Developer the Developer Advance in accordance with the terms of the 1998 MOU and in accordance with any agreements that Marina shall have with the Developer regarding such repayment. FORA hereby agrees that FORA shall be responsible for reimbursing Marina the amount of \$321,285 representing the amount Marina advanced to FORA for the California Avenue Extension Project pursuant to the 1998 MOU and the 1999 Payment Agreement. Marina and FORA agree that such payment of FORA's reimbursement obligation will come from resources held by Marina and FORA for the Preston Park housing complex.

2. Payment Acknowledgement

FORA shall repay Marina \$321,285 for the California Avenue Extension by granting to Marina a credit for Marina's share of the FORA developer fee or tax rate for the units located at Preston Park at a rate of \$13,061 per existing residential dwelling unit which represents the Fiscal Year 2008/09 FORA Developer Fee rate for Preston Park, regardless of the time when such Preston Park Developer Fees actually become due to FORA. FORA and Marina further agree that all future payments of Preston Park Developer Fees by the City of Marina shall be set at the Fiscal Year 2008/09 Development fee rate of \$13,061 per existing residential dwelling unit without escalation.

3. Subsequent Development Projects.

For any development project on the Cypress Knolls housing development project site, or parts of the site subject to this MOU, Marina agrees to require the applicant,

as a condition of approval, to pay FORA or its successor the \$321,285 reimbursement cost specified in Section 2.

4. Effect of Agreement.

This Agreement shall be effective as of the date both parties execute the Agreement and the Development fee credit provided for pursuant to Section 2 above shall be effective immediately upon the parties executing this Agreement. This Agreement shall amend the 1998 MOU, the 1999 Payment Agreement and the 2007 MOU to the extent applicable. All provisions of the 1998 MOU, the 1999 Payment Agreement and the 2007 MOU shall remain in full force and effect except to the extent this Agreement specifically conflicts with the previous agreements.

IN WITNESS WHEREOF, Marina and FORA by their duly authorized representatives, have executed this Agreement on the date first hereinabove set forth

FORT ORD REUSE AUTHORITY

CITY OF MARINA

Michael A. Houlemard, Jr.

Anthony J. Altfeld

APPROVED AS TO FORM
Jerry Bowden, FORA Counsel

APPROVED AS TO FORM
Rob Wellington, City of Marina Counsel

c:\users\ktiede~1\appdata\local\temp\metasave\imandb_649371_1.doc

**MEMORANDUM OF UNDERSTANDING ("MOU")
REGARDING CYPRESS KNOLLS/CALIFORNIA AVENUE REIMBURSEMENT**

This is a Memorandum of Understanding by and between City of Marina, a California Municipal Corporation (hereinafter referred to as "Marina"), and the Fort Ord Reuse Authority a California Public Corporation (hereinafter referred to as "FORA"), regarding the disposition of Marina and FORA respective obligations for the reimbursement of costs for the Cypress Knolls Development project with reference to the following recitals, terms, and conditions and limitations.

RECITALS

WHEREAS, Marina, the Cypress Knolls, a joint venture of Lifespan Communities and California Lutheran Homes (hereinafter referred to as "Developer") and FORA, entered into that certain Memorandum of Understanding Concerning Certain Terms of Agreement for Development of Patton Park Housing on July 10, 1998 ("1998 MOU"), regarding the Cypress Knolls housing development project located on the former Fort Ord in the City of Marina. The 1998 MOU provided a method of financing the construction of the extension of California Avenue from Reindollar Avenue onto the former Fort Ord to connect to 12th Street (the "California Avenue Extension Project") including an advance from the Developer in the amount of \$321,285 ("Developer Advance") for a portion of the costs for the California Avenue Extension Project; and

WHEREAS, Marina and FORA entered into that certain Payment and Reimbursement Agreement by and between the Fort Ord Reuse Authority and the City of Marina on March 12, 1999 (the "1999 Payment Agreement"), regarding payment and reimbursement of the Developer advance of funding required for Economic Development Administration "EDA" Grant No. 07-4907072.03 for the California Avenue Extension Project; and

WHEREAS, Marina, the Redevelopment Agency of the City of Marina, the Developer and FORA entered into that certain Memorandum of Understanding Concerning Certain Terms of Agreement Including Payment of FORA Developer Fees for the Cypress Knolls Development Project on March 3, 2007, (the "2007 MOU") which agreement further addressed the repayment of the Developer Advance for the California Avenue Extension Project; and

WHEREAS, the Cypress Knolls housing development project developer was solely responsible to pay the cost of the California Avenue Extension Project; and

WHEREAS, the above agreements set forth terms for the repayment of the Developer Advance, if Marina and Cypress Knolls did not enter into an agreement for the development of the above referenced project; and

WHEREAS, the above referenced agreements also specify terms of a FORA reimbursement to Marina if Marina repaid the Developer Advance; and

WHEREAS, Marina and the Developer have failed to execute a Disposition and Development Agreement for the development of Cypress Knolls and have terminated their Agreement to Negotiate Exclusively; and

WHEREAS, Marina and FORA desire to clarify the terms of the 1998 MOU, the 1999 Payment Agreement and the 2007 MOU and provide for the timely reimbursement by FORA of any funds advanced by the City of Marina to repay the Developer Advance by entering into this MOU.

TERMS AND CONDITIONS

In consideration of the mutual promises contained herein, FORA and MARINA agree to the following terms and conditions:

1. Reimbursement to Developer

Marina hereby acknowledges and agrees that Marina shall be responsible for repaying to the Developer the Developer Advance in accordance with the terms of the 1998 MOU and in accordance with any agreements that Marina shall have with the Developer regarding such repayment. FORA hereby agrees that FORA shall be responsible for reimbursing Marina the amount of \$321,285 representing the amount Marina advanced to FORA for the California Avenue Extension Project pursuant to the 1998 MOU and the 1999 Payment Agreement. Marina and FORA agree that such payment of FORA's reimbursement obligation will come from resources held by Marina and FORA for the Preston Park housing complex.

2. Payment Acknowledgement

FORA shall repay Marina \$321,285 for the California Avenue Extension by granting to Marina a credit for Marina's share of the FORA developer fee or tax rate for the units located at Preston Park at a rate of \$13,061 per existing residential dwelling unit which represents the Fiscal Year 2008/09 FORA Developer Fee rate for Preston Park, regardless of the time when such Preston Park Developer Fees actually become due to FORA. FORA and Marina further agree that all future payments of Preston Park Developer Fees by the City of Marina shall be set at the Fiscal Year 2008/09 Development fee rate of \$13,061 per existing residential dwelling unit without escalation.

3. Effect of Agreement.

This Agreement shall be effective as of the date both parties execute the Agreement and the Development fee credit provided for pursuant to Section 2 above shall be effective immediately upon the parties executing this Agreement. This Agreement shall amend the 1998 MOU, the 1999 Payment Agreement and the 2007 MOU to the extent applicable. All provisions of the 1998 MOU, the 1999

Payment Agreement and the 2007 MOU shall remain in full force and effect except to the extent this Agreement specifically conflicts with the previous agreements.

IN WITNESS WHEREOF, Marina and FORA by their duly authorized representatives, have executed this Agreement on the date first hereinabove set forth

FORT ORD REUSE AUTHORITY

CITY OF MARINA

Michael A. Houlemard, Jr.

Anthony J. Altfeld

APPROVED AS TO FORM
Jerry Bowden, FORA Counsel

APPROVED AS TO FORM
Rob Wellington, City of Marina Counsel

c:\users\ktiede~1\appdata\local\temp\metasave\imandb_649371_1.doc

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: Habitat Conservation Plan approval process

Meeting Date: March 13, 2009

Agenda Number: 6a

INFORMATION

RECOMMENDATION(S):

Receive status report regarding preparation of Habitat Conservation Plan ("HCP") and State of California 2081 Incidental Take Permit ("2081 permit") process.

BACKGROUND/DISCUSSION:

Recent Developments:

1. On November 14, 2008, staff advised the Fort Ord Reuse Authority ("FORA") Board regarding comments made by U.S. Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") that caused concern that there might be further delay to the HCP process. FORA staff contacted USFWS and CDFG regional executives to address outstanding issues and secured agreement to reinvigorate the process to close on remaining issues. FORA, its HCP consultant ICF Jones & Stokes ("Jones & Stokes"), and FORA member agencies and jurisdictions held working meetings on December 3, 2008 and on December 17, 2008. The HCP working group reviewed several outstanding issues, including:
 - a) Defining the role of a future Joint Powers Authority,
 - b) Determining HCP costs and identifying an entity to hold HCP endowments,
 - c) Determining borderlands management costs and responsible parties,
 - d) Developing a framework to integrate existing 2081 permits into the basewide HCP and 2081 permit, and
 - e) Determining the HCP revisions to accommodate USFWS requirements for a "self-regulating" HCP.

A follow-up conference call was held on January 12, 2009 and an in-person meeting on February 4, 2009. Conference calls were also held with Bureau of Land Management ("BLM"), USFWS, and CDFG on January 15, 2009 and with Monterey County on January 21, 2009. Jones and Stokes indicate that there can be a "submittable" document ready to turn over to USFWS and CDFG solicitors by mid-March 2009 as the February meeting was successful and narrowed remaining issues significantly. FORA Executive Officer Michael Houlemard has facilitated the last two meetings.

In addition, FORA staff and counsel completed drafts of a Joint Powers Agreement, ("**Attachment A**") Implementing Agreement, ("**Attachment B**") and jurisdictional implementing ordinances/policies ("**Attachment C**") that would serve as the governing agreements for the overall HCP. These documents have been circulated

to all parties with numerous comments received to date that have strengthened the documents. Staff welcomes further input as these important ancillary documents are readied for review by USFWS and CDFG solicitors.

2. On September 30, 2008, a conference call including representatives from FORA, USFWS, Denise Duffy ("DD&A") [National Environmental Policy Act ("NEPA")/California Environmental Quality Act ("CEQA") consultant], BLM, and others was held and the schedule noted in #3 below was endorsed.
3. HCP working group meetings were held on September 9 and 16, 2008 to discuss the steps to complete the Public Draft HCP and schedule. At the September 9 meeting, representatives of the FORA Administrative Committee were given an opportunity to engage FORA's consultant about issues related to schedule and content. At the September 16 meeting, FORA's jurisdictions discussed the remaining chapters with USFWS and confirmed that the project schedule remains on target for release of a review draft document by January 2009.
4. On June 18, 2008, the HCP working group reviewed the revised Monitoring Chapter and provided feedback to Jones & Stokes on the Implementation and Funding Chapters.
5. On May 5, 2008, DD&A held a conference call meeting of the principals to schedule final Environmental Impact Statement ("EIS")/Environmental Impact Report ("EIR") document processing.

FISCAL IMPACT:

Reviewed by FORA Controller M.F. for I.B.

Funding for this item was included in the FY 07 and 08 budgets and was carried over to the FY 09 budget.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, Coordinated Resources Management and Planning Team, City of Marina, County of Monterey, U.S. Army, USFWS and CDFG personnel, Jones & Stokes, DD&A, UC, BLM, and various development teams.

Prepared by

Steve Endsley
Steve Endsley

Approved

Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

Note: **Attachments A, B, and C** (as noted in the text of this report) were included in the agenda item 7a Habitat Conservation Plan approval process staff report for the February 13, 2009 FORA Board of Directors meeting. To request an electronic or hard copy of **Attachments A, B, and C**, please contact Jonathan Garcia via telephone, 831-883-3672, or email, jonathan@fora.org.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	California State University, Monterey Bay 2007 Master Plan Recirculated Draft Environmental Impact Report: Memorandum of Understanding between California State University Monterey Bay and Fort Ord Reuse Authority	
Meeting Date:	March 13, 2009	ACTION/INFORMATION
Agenda Number:	6b	

RECOMMENDATION(S):

Approve Memorandum of Understanding with California State University Monterey Bay ("CSUMB") to not contest CSUMB's construction of new academic buildings in exchange for CSUMB's agreement to repay \$2,326,795 deficit period debt to FORA before June 30, 2014 ("**Attachment A**").

BACKGROUND:

Since August 2008, the Fort Ord Reuse Authority ("FORA") and its member agency representatives have held meetings with California State University ("CSU") and CSUMB representatives to discuss the CSUMB 2007 Master Plan Recirculated Draft Environmental Impact Report ("RDEIR"). FORA and its member agency representatives are attempting to develop an agreement with CSUMB that ensures CSUMB's mitigation funding obligations. CSU representatives have offered an agreement that meets a portion of its California Environmental Quality Act ("CEQA") mitigation requirements to the local communities while ensuring CSU CEQA litigation protection from local agencies. In particular, CSU proposes to pay its so-called deficit period obligation in five installments while continuing to make requests to the State Legislature for any funds necessary to mitigate future campus growth.

DISCUSSION:

FORA drafted two letters to CSU on December 31, 2008:

- 1) a letter under FORA Chair/Mayor Joe Russell's signature regarding overarching support for CSUMB's successful development of its campus (this letter is in response to Dr. Dianne Harrison's request of the FORA Executive Committee on December 3, 2008) ("**Attachment B**") and
- 2) a technical letter under FORA staff's signature regarding CEQA obligations and the draft agreement stemming from the previous December 4, 2008 meeting with CSU representatives ("**Attachment C**").

CSU postponed certification of its RDEIR to its May 2009 Board of Trustees meeting to allow additional time to complete the draft agreement regarding CSU's mitigation funding obligations. CSU also agreed to repay the \$2,326,795 debt owed to FORA for the deficit period within the next 5 years, provided FORA does not contest CSU's construction of new CSUMB academic buildings. The FORA-CSUMB memorandum of understanding outlines these agreement terms.

FISCAL IMPACT:

Reviewed by FORA Controller M. F. for I.B.

If CSU is unable to meet its CEQA mitigation funding obligations, the local communities would bear the burden of securing CSU's fair share contributions through litigation or other means. If an agreement is reached among the parties, CSU's mitigation funding obligations will be assured, which will allow the CSUMB campus to grow in step with infrastructure improvements. Approval the staff recommendation would ensure repayment of a \$2,326,795 deficit period debt by CSU to FORA within the next 5 years. However, FORA would have to agree to not contest CSU's plans to construct new CSUMB academic buildings over the next several years (with no guarantees that CSU mitigation funding obligations will be met for the environmental impacts of this new development in the near term).

COORDINATION:

CSUMB, CSU Chancellor's Office, Executive Committee, Administrative Committee, and Authority Counsel

Prepared by Jonathan Garcia Reviewed by Steve Endsley
Jonathan Garcia Steve Endsley
Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

**MEMORANDUM OF UNDERSTANDING
REGARDING ACADEMIC BUILDINGS AND
PAYMENT OF DEFICIT PERIOD COSTS**

ATTACHMENT A
Item 6b
FORA Board Meeting, March 13, 2009

This Memorandum of Understanding (MOU) is between California State University at Monterey Bay ("Campus") and the Fort Ord Reuse Authority ("FORA"). It is dated for reference on March, ____, 2009.

1. The Campus and FORA acknowledge that redevelopment of the communities on and around the former Fort Ord, the Monterey Peninsula, and the Salinas Valley benefit from the California State University, Monterey Bay.

2. FORA accepts, and the Campus agrees to pay to FORA the amount of \$2,326,795 for deficit period mitigation. The Campus will pay the \$2,326,795 in four annual installments of \$500,000, and one annual payment of \$326,795. The Campus will make the initial payment upon execution of this MOU for fiscal year 2008/09. Subsequent payments will be made in August of each fiscal year until the full amount is paid. If the Campus fails to pay the amounts as scheduled above, the Campus will pay interest on the unpaid balance of the annual payment at the rate of 1% per month, not to exceed 10% per year. Interest will be paid from the date of the default until the default is cured. These payments are not precedent, but instead are part of an amicable resolution limited to the unique circumstances surrounding the deficit period mitigation agreement.

3. The Campus agrees to develop transportation demand management ("TDM") measures to assist in reducing traffic impacts arising from the Campus Master Plan. TDM measures discourage increased traffic and single occupant vehicles, and encourage transit, walking, and bicycling.

4. In light of limited state funding being available to fund off-site mitigation, the campus agrees to prepare annual reports about average daily trips generated by the campus community. The Campus will provide FORA copies of the annual reports. Based on the trends projected from the annual report data, the campus shall report to the Board of Trustees and the FORA Board of Directors when the local traffic impact approaches the near-term threshold of 4,361 trips so that the Board of Trustees can reassess continuing the campus enrollment growth against the limited state funding for off-site mitigation.

5. The Campus intends to construct two buildings to house classrooms and faculty offices. These buildings are known as Buildings II and III. FORA agrees that the development of these buildings is compatible with the Base Reuse Plan, and that such development does not create the need for additional environmental impact mitigation obligations beyond funding the deficit period. The Campus and Board of Trustees will assess other near- and short-term developments based on the annual traffic report data. FORA agrees not to initiate or participate in a suit against the Campus or its parent institution the California State University (CSU) challenging the building projects referred to in this section. FORA also agrees not to initiate or participate in an administrative proceeding to halt or delay construction of these buildings.

6. The Campus represents and warrants that it has lawful authority to execute this MOU.

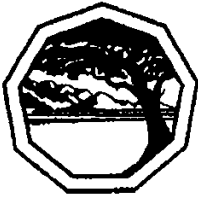
For Campus

For FORA

DRAFT

Dianne Harrison, President

Ralph Rubio, Chair of Board of Directors



FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933

PHONE: (831) 883-3672 - FAX: (831) 883-3675

WEBSITE: www.fora.org

Attachment B

To Item 6b

FORA Board Meeting, March 13, 2009

December 31, 2008

Dr. Dianne Harrison
President
California State University Monterey Bay
100 Campus Center Drive
Seaside, CA 93955-8001

Re: California State University ("CSU") Monterey Bay ("CSUMB") Master Plan and
Re-circulated Draft Environmental Impact Report ("RDEIR")

Dear Dr. Harrison:

During the December 3, 2008 Fort Ord Reuse Authority ("FORA") Executive Committee meeting you requested a letter outlining FORA's support for the CSUMB Master Plan and concerns about the accompanying RDEIR. This transmittal is in response to that request.

FORA continues to support the proposed Master Plan design and programmatic provisions that set student growth and campus development over the coming 20 years. We support your decisions to engage in the Habitat Conservation planning, water resource development and conservation methods, and infrastructure programs approved by other state, regional, and local agencies from the Monterey Bay Region. We expect that the CSUMB proposed Memorandum of Agreement (between CSU and the FORA entities) that outlines a path forward will help enhance our working relationship over the coming decades. However, we also continue to have serious concerns about how CSU will comply with the California Environmental Quality Act ("CEQA") in moving forward with its CSUMB Master Plan. That means CSUMB must; a) accurately identify the impacts caused by its Master Plan, b) initiate and continue to make impact mitigation funding requests to the California Legislature, and c) mitigate those impacts as they occur or avoid them by constraining growth until mitigation is enabled. More specifically, our concerns are as follows:

1. **Impacts.** Your Draft EIR identifies CSUMB traffic impacts to regional roads and State Highways. To fully address this issue for State Highways, we have noted that you are meeting with CALTRANS to determine how CSU will mitigate its impacts to Highway 1 intersections and other State Highway obligations. We endorse your efforts to come to closure on how the CSU share of these intersections and segments impacts will be addressed. It is

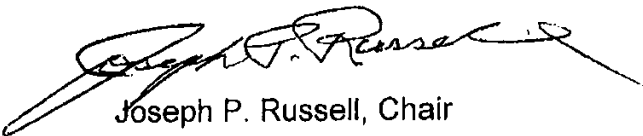
important to note that under CEQA these state facility mitigations are ultimately the responsibility of the CSU system. Under separate cover, we will forward technical comments on calculating CSUMB's fair share for certain FORA Capital Improvement Program infrastructure project mitigations.

2. **Mitigation Timing.** CEQA requires mitigation of project impacts either in advance of or concurrently with project construction. It is not appropriate for CSUMB to proceed with Master Plan projects without aligning impact mitigation for those shown in the RDEIR. FORA does not concur with CSUMB'S assertion that it may proceed with projects even if the legislature does not fund mitigation measures. It would violate CEQA if CSU proceeded with Monterey Bay campus development without concurrently mitigating its impacts. A potential solution would be to link campus growth to the provision of project mitigations.

In substance, these are FORA's primary remaining concerns about the current (Final) CSUMB RDEIR. We remain supportive of future campus development within the context of these comments and acknowledge the significant economic, educational, and cultural benefits CSUMB brings to our region. We are pleased that the legislature has chosen to fund new buildings on the campus and will support requests for both capital program enhancements at CSUMB and funding to address mitigation obligations. We will also continue to work with CSUMB leadership to finalize the aforementioned Memorandum of Agreement in the coming months.

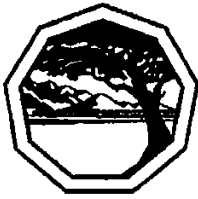
Please contact our Executive Officer Michael Houlemard or me if you have any questions in this regard.

Very truly yours,



Joseph P. Russell, Chair

C: FORA Board of Directors
Vice President James Main, CSUMB
Michael A. Houlemard, Jr., Executive Officer



FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933

PHONE: (831) 883-3672 - FAX: (831) 883-3675

WEBSITE: www.fora.org

Attachment C

To Item 6b

FORA Board Meeting, March 13, 2009

December 31, 2008

James E. Main
Vice President for Administration and Finance
California State University Monterey Bay
100 Campus Center
Seaside, CA 93955

**Re: Fort Ord Reuse Authority and member agencies' comments regarding
identification of impacts and mitigations**

Dear Mr. Main:

The purpose of this letter is to submit comments from the Fort Ord Reuse Authority ("FORA") and its member agencies regarding identification of impacts and mitigations in the 2007 California State University ("CSU") Monterey Bay ("CSUMB") Master Plan Recirculated Draft Environmental Impact Report ("RDEIR") and subsequent working group discussions.

The traffic mitigations offered in CSU's RDEIR are limited to impacts that cause existing and proposed roads to fall into a deficient Level of Service. FORA and its member agencies disagree with this methodology because it is incompatible with the Community Facilities District (Mello-Roos) statute in effect on former Fort Ord, which requires fair share contributions be made by all parties benefiting from regional infrastructure projects.

CSU is obligated to pay its fair share of traffic mitigation measures for impacts to off-campus regional and local agency roads. CSU's obligation is determined by CSU's contribution to the total additional traffic volume at a facility operating at acceptable levels or based on its contribution to total volume operating below acceptable service levels. Fair share payments must be a percentage of CSU's regional obligation. To remedy this deficiency, CSU could provide increased mitigation funding for roadways missing and roadways with under-estimated costs in CSU's traffic mitigation list, such as the Eastside Parkway (FORA Capital Improvement Program ["CIP"]), General Jim Moore Boulevard (FORA CIP), Imjin Parkway and Highway One interchange (Marina CIP), Davis Road North of Market (County CIP), and Reservation Road at Intergarrison (County CIP).

S

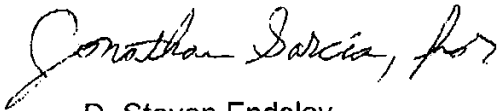
In addition to the above comments, FORA provides the following:

- FORA has identified that CSU could meet its FORA CIP obligations by providing an additional \$8,521,797 in traffic mitigations.
- CSU would need to assure contributions of at least \$733,400 to the Imjin Parkway and Highway One Interchange project since it has identified an obligation of 1.9% on this facility (which has a current cost estimation of \$38,600,000).
- CSU would need to update its fair share mitigation calculation for Davis Road North of Market and correct its under-estimation of the Reservation Road at Intergarrison Road improvement to meet its obligations to the County of Monterey, which would result in increased contribution of \$4,620,000 to the County of Monterey.

We have attached a table listing the additional traffic mitigation funding needed from CSUMB on a project by project basis based on FORA third party analysis ("**Exhibit B**"). We realize the mitigation projects may not be precisely as described in the University's Master Plan EIR. However, CSU must include these projects to mitigate its identified impacts.

Please contact Richard Simonitch, from Creegan & D'Angelo Infrastructure Engineers at 831-373-1333, or me at 831-883-3672 if you have any questions.

Sincerely,



D. Steven Endsley
Director of Planning and Finance

C: FORA Board of Directors
FORA Administrative Committee
Dr. Dianne Harrison, CSUMB President

Revised Exhibit B (Local) - CSUMB Traffic Projections and Fairshare % & Costs
(2000 & 2030 ADT Projections & Cost Estimates Obtained from 2005 Reallocation Study)

Segment (FORA CIP #)	Ex. Def.	Roadway Segments	Total Costs (I & J)	CSUMB (adjusted) %FS Contribution	FORA %FS Contribution
Intersections (I)		I/S #2, 3, 5-15, 18-19, 22-24, 27-29 & 33-34	\$43,406,204	\$2,860,034	
S 1		Imjin Pkwy, Hwy 1 - 2nd Ave.	\$0	\$0	
S 3		Imjin Pkwy, 3rd - 4th	\$1,882,426	\$55,532	
S 4		Imjin Pkwy, 4th - 5th-California	\$1,825,382	\$39,246	
S 6		Imjin Pkwy, Imjin Road - Abrams	\$7,727,232	\$316,618	
S 7		Imjin Pkwy, Abrams - Reservation	\$5,167,100	\$113,465	
S10		2nd Ave, Intergarrison - 5th	\$56,043	\$7,117	
S11		2nd Ave, 6th - 8th	\$31,524	\$2,586	
S12		2nd Ave, 8th - 10th	\$42,033	\$5,632	
16 (F05)	N	8th St. betw. GJM & 5th Ave.			
17 (F05)	N	8th St. betw. 5th Ave. & Imjin Rd.			
18 (F05)	N	8th St. betw. Imjin Rd. & Intergarrison Rd.	\$5,148,048	\$293,744	100.0% \$5,148,048
S 30		Blanco, Salinas River - Davis	\$13,018,000	\$52,072	
S 34 (1)	Y	Davis Rd. betw. Blanco Rd. & Market St.	\$3,151,000	\$224,900	19.1% \$601,347
S 35 (2B)	N	Davis Rd. betw. Reservation Rd. & Blanco Rd.	\$22,555,000	\$1,237,424	45.6% \$10,265,850
Add S 36 (F13B)	N	Eastside Road (Intergarrison-Gigling) - (g & h)			
Add S 37 (F13B)	N	Eastside Road (Gigling-Eucalyptus) - (g & h)	\$14,870,468	5.6% \$832,746	100.0% \$14,870,468
Add S 44 (F09B)	N	GJM betw. Normandy-McClure - (g & h) (m)	\$7,950,700	43.2% \$3,434,702	100.0% \$7,950,700
Add S 45 (F09B)	N	GJM betw. McClure-Coe - (g & h) (m)	\$7,950,700	31.4% \$2,496,520	100.0% \$7,950,700
S 46 (F09C)	Y	GJM betw. Coe Ave. & Broadway Ave. (n)	\$8,163,600	\$734,724	100.0% \$8,163,600
Add S 49 (F07)	N	Gigling Road (e/o GJM) - (g & h)	\$6,409,276	3.4% \$217,915	100.0% \$6,409,276
S 50		Imjin Road, 8th - Imjin Pkwy	\$2,135,000	\$423,798	
S 54		Intergarrison betw. Abrams - Eastside	\$8,852,000	\$719,375	
Add S 55 (F06)	N	Intergarrison betw. Eastside & Res (g & h)	\$5,053,153	15.1% \$763,026	100.0% \$5,053,153
S 57 (4E)	N	Reservation betw. Watkins Gate & Davis Rd.	\$5,500,000	\$330,330	47.8% \$2,628,969
Add S 58 (F012)	N	Eucalyptus Road - (g & h)	\$6,113,008	13.1% \$800,804	100.0% \$6,113,008
S 71		Reservation, Imjin - Blanco	\$5,184,000	\$129,600	
Add (8)	N	Crescent Avenue Extension	\$1,075,809	13.5% \$145,691	100.0% \$1,075,809
Add (F14)	N	S. Boundary Road (GJM to York)	\$2,542,505	1.9% \$48,308	100.0% \$2,542,505
Add (k)	(NA)	Hwy 1 / Imjin Interchange	\$38,600,000	1.9% \$733,400	\$0
N/A (F02)		Abrams	\$900,990	\$0	100.0% \$900,990
N/A (F011)		Salinas Ave (not on traffic model network)	\$3,603,961	\$0	100.0% \$3,603,961
Totals:			\$228,915,162	\$17,019,308	\$83,278,384
Total ADD (FORA + Marina):			\$90,565,619	\$9,255,197	
S33 + S 56 (4D) Add (o) Davis, north of Market + Reservation, at Intergarr. (Monterey County):				\$4,620,000	
Total ADD (FORA + Marina + Monterey County):				\$13,875,197	

Segments in ITALICS = additional contributions by CSUMB based on FORA 3rd party analysis (please contact Notes: Richard Simonitch, Creegan & D'Angelo Infrastructure Engineers, 831-373-1333 if you have any questions.)

- (b) Traffic Model Base Line assuming future improvements.
- (d) 48 PM peak hour trips x 11.0 = ADT
- (e) Based on worst case peak hour % fair-share (FS) - Published in Exhibit B - Oct. 10, 08 (hybrid approach)
- (f) Adjusted CSUMB based on total ADT x 0.6135 (13,155 / 8,070) for external trips (Table 11-1)
- (g) Segment on FORA CIP (Data not provided in RDEIR or subsequent material / calculations)
- (h) % FS determined using Trip Tables in RDEIR (ADT=PM x 11.0) AND PM dist. % Exh. A
- (i) Based on total project cost - Table 1 (page 10) FORA CIP
- (j) Costs for improvements not on FORA CIP taken from Exhibit B - Oct. 10, 08 (higher value),
Total costs also referenced from Table 1 (page 10) FORA CIP (used remaining obl. where appropriate)
- (k) TAMC fee projects list (preliminary draft 9/26/07) (project identified in City of Marina CIP)
- (l) Intersection CSUMB % FS costs taken from Exhibit B - Oct. 10, 08 (hybrid approach)
- (m) Total Cost = (\$24,065,000 - (n))/2, or the proration of FORA CIP cost less CSUMB's cost for S 46
- (n) Total Cost taken from Exhibit B - Oct. 10, 08 (hybrid approach)
- (o) Additional CSUMB contribution required for these County road segments (number provided by Monterey County)

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee report

Meeting Date: March 13, 2009

Agenda Number: 7a

INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on February 18 and March 4, 2009. The approved minutes of the former meeting and the draft minutes from the latter meeting are attached for your review.

On March 4th, the committee voted to cancel the March 18th meeting and schedule a special meeting on March 11th for the purpose of making final modifications to the three auxiliary Habitat Conservation Plan ("HCP") documents: the Joint Powers Authority Agreement, the HCP Implementing Agreement, and the sample ordinance for the jurisdictions regarding HCP implementation procedures. Staff will provide an update on these documents when Item 6a (Habitat Conservation Plan approval process) is discussed at the March 13th board meeting.

FISCAL IMPACT:

None

COORDINATION:

Administrative Committee

Prepared by

Linda L. Stiehl

Linda L. Stiehl

Approved by

Michael A. Houlemard, Jr.

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY

100 12th Street, Building 2880

Marina, CA 93933

(831) 883-3672 (TEL) • (831) 883-3675 (FAX) • www.fora.org

MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING Wednesday, February 18, 2009

APPROVED

1. Call to Order

Chair/ Executive Officer Michael Houlemard called the meeting to order at 8:17 a.m. The following representatives from the land recipient jurisdictions, representing a quorum, were present:

*Jim Cook – County of Monterey

*Dick Goblirsch - City of Del Rey Oaks

*Doug Yount – City of Marina

*Diana Ingersoll – City of Seaside

Also present, as indicated by the roll sheet signatures, were:

Jim Arnold – FORA

Bob Schaffer – Marina Community Partners

Pat Ward – Bestor Engineers

*Gail Youngblood – Army BRAC

Bob Holden – MRWPCA

Steve Endsley – FORA

Stan Cook – FORA

*Kathleen Ventimiglia – CSUMB

*Jim Heitzman – Marina Coast Water District

*Vicki Nakamura – Monterey Peninsula College

*Graham Bice – UC MBEST

Michael Houlemard - FORA

(*)Heidi Burch – City of Carmel

* indicates a committee member and (*) indicates a FORA voting member but not a land recipient jurisdiction.

Voting board member jurisdictions not represented at this meeting were Salinas, Pacific Grove, Sand City and Monterey.

2. Pledge of Allegiance

Chair Houlemard asked Gail Youngblood, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence - none

4. Public comment period - none

5. Approval of February 4, 2009 meeting minutes

Motion to approve the February 4, 2009 meeting minutes was made by Dick Goblirsch, seconded by Don Bachman, and carried.

6. Follow-up to February 13, 2009 FORA board meeting

Chair Houlemard said he would make his comments when the items came up on the Administrative Committee agenda. There were no other follow-up comments.

7. Old Business

Item 7a – Habitat Conservation Plan (HCP): (1) Status report and schedule and (2) Review drafts of Joint Powers Authority (“JPA”) agreement, Implementing Agreement (“IA”) and Ordinance regarding HCP implementation procedures: Director of Planning and Finance Steve Endsley reported there had been was little news since the board meeting last Friday. He said the February 4th meeting with the regulators had been successful and the HCP document will be in the hands of the U.S. Department of Fish & Wildlife and the CA Department of Fish & Game (“DFG”) solicitors by mid-March, which could put it out for public review sometime in May. He remarked that FORA entities still have time to submit comments, but “our work is done to date.” Jim Cook asked when the next draft of the funding chapter would be available for review, so he could give it to the county budget office for their review. Chair/Executive Officer Houlemard encouraged all to review the current drafts of the funding chapter and the Implementing Agreement now, even though all the dollar figures have not been determined. He said he would email the documents out to all. He added that all comments should be passed on to him within the next three weeks. Graham Bice asked what happens to the existing permits when the HCP is approved and who will hold the endowment, because it is not clear if DFG will accept this responsibility. Mr. Endsley replied that the permits would be dependent on DFG’s response. Chair/Executive Officer Houlemard said he might need to meet with State Resource Agency Secretary Mike Chrisman to get the existing permits folded into the HCP document. He encouraged all to review the draft documents, paying particular attention to the sections on borderlands, the financial terms and conditions, and any long-term obligation issues. He stated that the JPA agreement must be finalized by the end of 2009, and the IA must be signed when the HCP is signed, in order to obtain the permits. He reminded all that the Ordinance is a format the principals can use but any changes will require prior regulatory approval.

Mr. Endsley walked the committee through a handout reviewing the JPA agreement, which included the prospective members of the JPA board, how voting and decision-making would be handled, a statement concerning the obligations of the JPA, a list of three financial and personnel resources, and the terms and limitations. A discussion ensued about adding a weighed vote to equalize the County’s 1,400 acres of habitat obligations compared to Monterey’s four acres. Chair Houlemard said the matter of a weighted vote probably wouldn’t be a concern to the regulators, but compliance with the obligations would. Jim Cook commented that the JPA board must have authority to shut down any project out of compliance, because it could result in the regulators shutting down all projects. Mr. Endsley said that there would be impacts when FORA must drop out of the JPA when FORA sunsets in 2014, one example being that a binding agreement among the board members to commit to collecting the developer fees for habitat obligations must be in place. Dick Goblirsch asked how developer fees that have already been paid would be handled, once the DDA had been signed, and Chair Houlemard responded that the jurisdictions/agencies must assume responsibility that these fees have been paid or the regulators can stop all development. He added that if there is no development, there will be no fees to collect. He urged all to keep an eye on the Obligations. Bob Schaffer asked if significant funds could be expected from grants and awards (#2 under Resources), and Chair Houlemard replied that he was unsure in view of the current economic situation. Under the “Fort Ord

Boundary” item (#2 under Terms/Limitations) it was noted that some habitat parcels are outside the boundaries of former Fort Ord and although Fort Ord habitat lands are adjacent to these parcels, FORA has no obligations outside its boundaries. Discussion on the three draft documents will continue at the next committee meeting.

When there was no objection to hearing Item 7e at this time, Chair Houlemard asked ESCA Program Manager Stan Cook to give his update.

Item 7e – Environmental Services Cooperative Agreement – update: After distributing the draft February 10, 2009 FORA ESCA Remediation Program “Technical Progress and Summary of Public Participation” report, Mr. Cook said there would be no detailed field update today but that cleanup work is currently occurring in the Parker Flats area where future development will occur, for example, in the Monterey Horse Park parcel. Road construction improvements are also moving forward on General Jim Moore Blvd. Mr. Cook said the RQA (Residential Quality Assurance) pilot program continues to be an asset in smoothing the way to eventual residential development in formerly contaminated areas.

Item 7b – California State University (“CSU”), Monterey Bay 2007 Master Plan Recirculated Draft EIR – update: Chair/Executive Officer Houlemard remarked that the CSU Board of Trustees probably would not move forward with the Recirculated Draft EIR until May. He stated that CSU Monterey Bay officials have been meeting with the local jurisdictions and agencies, seeking support, and he called attention to the letter dated February 9th to President Harrison from FORA Chair Rubio, which was in the meeting packet.

Item 7c – American Recovery and Reinvestment Act (ARRA) – update: Chair Houlemard said it appears that Monterey County would receive funds from this federal program somewhere in the single digit millions, mostly for maintenance and operations projects. This amount is probably not enough to complete any component of the General Jim Moore Blvd. road project. He also reported that the \$300 million for cleanup funds had been removed from the bill, but there is still a possibility that this funding could be included in the Defense Authorization Act. He said these funds are much needed for the buildings left by the departing Army, many of which contain asbestos and lead-base paint. He added that the President’s budget has not been submitted yet, probably not until April, and funds for the demolition projects might be included.

Item 7d – County/Seaside/FORA Memorandum of Understanding (“MOU”) regarding Central Coast Veterans Cemetery – update: Chair/Executive Officer Houlemard stated that FORA is working with the two entities on crafting this MOU, which is not yet ready for the committee to review.

8. New Business - none

9. Adjournment

Chair Houlemard adjourned the meeting at 9:39 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

FORT ORD REUSE AUTHORITY

100 12th Street, Building 2880

Marina, CA 93933

(831) 883-3672 (TEL) • (831) 883-3675 (FAX) • www.fora.org

MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING Wednesday, March 4, 2009

Draft

1. Call to Order

Chair Doug Yount called the meeting to order at 8:17 a.m. The following represent land recipient jurisdictions, representing a quorum, were present:

Jim Cook – County of Monterey*

Dick Goblirsch - City of Del Rey Oaks

Doug Yount – City of Marina*

Diana Ingersoll – City of Seaside*

Also present, as indicated by the roll sheet signatures, were:

James Arnold – FORA

Robert Schaffer – MPC

James Feeney, FORA

Rob Robinson – Army BRAC*

Bob Holden – MRWPCA

Steve Endsley – FORA

Kathleen Ventimiglia – CSUMB*

Mike Gallant, MST

Jim Heitzman – MCWD*

Vicki Nakamura – MPC*

Graham Bice – UC MBEST *

Michael Houlemard - FORA

Rich Guillen – City of Carmel (*)

Jamie Schneider, Bestor Engineers.

Bill Reichmuth, City of Monterey

Don Bachman, TAMC

Steve Matarazzo, Sand City

Jonathan Garcia, FORA

* indicates a committee member and (*) indicates a FORA voting member but not a land recipient jurisdiction.

Voting board member jurisdictions not represented at this meeting were Salinas, Pacific Grove.

2. Pledge of Allegiance

Chair Yount asked Graham Bice, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence - none

4. Public comment period - none

5. **Approval of February 18, 2009 meeting minutes**

Motion to approve the February 18, 2009 meeting minutes was made and approved by consensus,

6. **Review Draft Board Agenda – March 13, 2009**

Executive Officer Houlemard presented the FORA Board Agenda. He reviewed all the items presented and made brief comments on the items. Mr. Houlemard noted that the Committee would discuss the HCP, and water item later on in the agenda. He noted that the board meeting may be moved or adjusted by Executive Committee later today.

7. **Old Business**

Item 7a – Habitat Conservation Plan (HCP): (1) Status report and schedule and (2) Review drafts of Joint Powers Authority (“JPA”) agreement, Implementing Agreement (“IA”) and Ordinance regarding HCP implementation procedures: Co-Chair Houlemard presented this item. He noted that FORA Counsel Jerry Bowden was available to answer any questions about the item. Mr. Houlemard noted that new document drafts were passed out for member/jurisdictions to review. To date FORA has received comments from MCWD and the Army. UCMBEST indicated they will be giving their comments today. Mr. Houlemard noted he would like all comments in by March 15th so that FORA can give them to Dept. of Fish and Game so they can start their review process. He also suggested that the Admin committee have a separate session just for the purpose of reviewing the document with counsel in order that all members become comfortable with what is sent out to the public. Jim Cook thought that was a brilliant idea. Mr. Houlemard noted that comments to be added or submitted or any questions, send to Jonathan Garcia to compile. These are very important documents. There are two things these document will do, one is govern how we spend HCP money and the other is to extend take authorizations to projects. The meeting needs to be next week.

The question was asked if the “Stay Ahead” provision would be done prior to the meeting. Steve Endsley said that they are delaying the funding chapters, 2, 3 and 7, but that the Stay Ahead analysis would be done in time. If a meeting was planned for next week the funding portion wouldn’t be done. FORA Counsel Jerry Bowden, noted that the committee needs to look at this process in two ways. They are “how to” documents. These are documents that Fish and Game and Fish and Wildlife insist that the jurisdictions execute. They have nothing to do with the HMP. These should not take a great deal of time, and are not too complicated. As far as process is concerned FORA really wants to have all the people around the table in agreement about the substance so we can go to them and be unified and say this is what we are proposing. It is imperative that we get this done and very soon in order to proceed. All jurisdictions will have to adopt the agreements. It is slightly different for the universities, as they are written for city or county. Doug Yount noted that if the ordinance is for the primary purpose of development fee which provides funding then UC isn’t going to collect those fees. Graham Bice said that the UC will be directing its developers to pay those fees. UC will either adopt a policy or will develop something that is equivalent. The meeting was set for Wednesday, March 11, 2009 in the FORA Barn at 9:00. FORA will make sure that we have all the documents ready for the meeting.

Item 7b – Memorandum of Understanding between Marina Coast Water District and Monterey Regional Water Pollution Control Agency regarding the Regional Urban Water Augmentation Project (RUWAP): Chair Doug Yount explained the current delay/problem with this item. He noted that there has been much work done in bringing this to both boards. PCA board met on the 23rd, and while the negotiations were hoping for final approval of the MOU, it didn't happen. The PCA Board did agree to go back into negotiations, for lack of a better term, with members of the MCWD board, and general managers and others.

The next step is to have some continued facilitated meetings to try to resolve final issues of the MOU. Doug Yount noted that this item was important to FORA for a lot of reasons. Augmented water is important to Fort Ord and all jurisdictions for stimulus opportunities, water project, and the Water for Monterey County project. Three options that are under review for the PUC. Mr. Yount noted it is important to have this critical agreement between the two agencies – one agency provides water and the other agency delivers it (not an easy issue). The City of Marina and MCWD if the MOU was completed would have an opportunity for stimulus funding. PCA has a new chair, Lou Calcagno, who at the end of the meeting, said he will try to move this along as quickly as possible. Mr. Yount further noted that losing an opportunity with stimulus funding would be detrimental and was concerned that if the members don't solve this issue of regional water, there will be others who will solve it for us. Jim Heitzman then noted that PCA was not responding to his inquiries and that it seemed unlikely they will sign the agreement. He also noted that Cal Am wants to take recycled water and are ready to join the effort. He further noted that there were two facilitators at the Admin table that have tried to get the MOU done. He expressed frustration about what else MCWD can do and having to pay attorneys to reviews draft over and over. He described further concerns but said maybe with new leadership and mayors, supervisor, there should be some hope. Bob Holden from MRWPCA was asked by Chair Yount if he had anything to add. He indicated that he had nothing to add. Shortly thereafter, Mr. Holden left the meeting.

Jim Cook asked what the main issue is that's holding it up. Michael Houlemard noted that MRWPCA felt that the replenishment be a part of this activity stating that the replenishment and questions about handling summer water bring in another level of complexity. Mr. Heitzman expressed concern about an agreement without an EIR that makes an agreement null and void. Doug Yount said that it was clear that after closed session there was still concern by PCA Board members. Bill Reichmuth noted that there is little excuse for the delay and asked how we are going to distribute RUWAP water. He pointed out that the pipe should go all the way to South Boundary Road, there are a lot of uses for this and it makes a lot of sense. Diana Ingersoll said that Seaside was having a study session on water, (March 19th at 5:30) which will review all projects and talk about policy, make a strong statement as to the different projects that should move forward. Seaside is ready to take recycled water and that would help regarding the water needs. Seaside is as frustrated as anyone else. Bill Reichmuth noted there is a Rob Wellington legal opinion that effects this issue and asked Michael Houlemard if he could ask authority counsel to review. Jim Feeney noted that 750,000, has already been spent. He said that he has been through 4 general managers, and the message has been the same. We ought to re-examine what CFD requires MCWD to do, what it has been doing and been doing a good job.

Michael Houlemard noted that all should remember that MCRWRA has a role. He said this has come to the board; we are prepared to give to the board and give them an update. This conversation has to be made with the policy makers and urged all to brief policy makers. We all need to understand/translate money has been spent on this program, and there is not a rate payer to repay the money that has been spent. This puts PCA in a difficult situation if replenishment is not included and it puts policy makers in a difficult situation.

8. New Business

Item 8a – March 18, 2009 Meeting Date : Jim Heitzman asked if he could make this motion to cancel the March 18th meeting, the motion was seconded and approved by consensus.

9. Adjournment

Co-Chair Houlemard adjourned the meeting at 9:18 a.m.

Minutes prepared by Sharon Strickland.

Los Angeles Times

<http://travel.latimes.com/articles/la-tr-biking15-2009mar15>
From the Los Angeles Times

NORTHERN CALIFORNIA

Mountain biking on Ft. Ord Public Lands: Beware the old explosives

There are grenades in those hills. And mines and mortars. Word to the wise: Stay on the marked trails.

By Hugo Martín
Reporting from Monterey, Calif.
March 11, 2009

As a relatively new convert to mountain biking, I'm already familiar with the hazards of this pastime.

In my short two or three years as an enthusiast, I've been a victim of protruding roots, tire-swallowing sand pits, teeth-jarring washboard trails and slick, half-buried rocks that have sabotaged my good times like rain on a picnic.

But I never thought I would have to worry about Claymore mines, hand grenades, 3-inch antitank rifle grenades and 81-millimeter mortars.

These and other military explosives are potential -- although rare -- hazards on the hiking and biking trails of the Ft. Ord Public Lands, a 7,200-acre recreational area about 10 miles east of Monterey.

The best way to Ft. Ord

Directions: From California Highway 1 in Monterey, take California 68 north for about 13 miles, then turn left on Reservation Road and follow the signs to the Ft. Ord Public Lands to the Creekside Trailhead.

Admission: Free

Hours: 7 a.m. to 7 p.m.

Before it closed in 1994, Ft. Ord was one of the nation's largest military training facilities, preparing soldiers for the two world wars, as well as Korea and Vietnam. The Bureau of Land Management took over more than 7,200 acres of the old military base in 1996 and threw open the gates to more than 80 miles of hiking and mountain-biking trails.

But there was one hitch: The Army had yet to find and remove every last ordnance from the scenic, oak-studded rolling hills. We are talking about rockets, mortars, mines, grenades and other weapons of demolition.

Fast forward to me, in early February, mounting a hardtail bike (no rear suspension) at a trail head on the western borders of the old military base. As I prepared for a day of riding, I pulled a safety warning pamphlet out of a box marked "trail maps" and scanned the photos of World War II- and Vietnam-era weapons.

"If you find an object that resembles those shown in the photograph -- don't touch it," the pamphlet said.

No kidding.

And I used to worry about running into protruding boulders, ocotillo plants and rabid pit bulls.

But after two days of riding at Ft. Ord, I encountered no antipersonnel weapons. I rode like a madman over the emerald hills, etched in a spider-web network of single-track trails, fire roads and paved streets. And, yes, I had a real blast. (Cue the rimshot.)

It's no wonder that the Ft. Ord Public Lands hosts the annual Sea Otter Classic (this year, April 16 to 19), a biking competition and festival that draws more than 50,000 athletes and fans from around the world.

On both days of my visit, I started with a muscle-burning grind up steep hills, blanketed in green grass, chaparral and brush oak. Once at the summit, I had to stop to admire the gorgeous views of gently rolling hills stretching to the sea to the west and dropping toward the fertile fields of the Salinas Valley to the east. Moss hung on the craggy oak trees like tinsel on a Christmas tree. Overhead, turkey vultures and red-tailed hawks cut figure eights in the partly cloudy sky.

The real fun began at the top. I swooped down the smooth, hard-packed dirt trails, over whoop-de-dos that lifted me off the bike pedals, then dropped me hard on my seat. The trails curved left and right like a slithering snake, around oak trees and shrubs. Blind curves were as common as chaparral. I flirted with disaster but escaped riding headlong into another biker or hiker. Because the park has more than 80 miles of roads and trails, the chances of colliding with another guest are relatively low.

I was having so much fun I didn't think twice about the potential for leftover military hardware.

A few days later, I spoke to Eric Morgan, the Ft. Ord manager for BLM, who said park staff occasionally found old bombs, mines and other Army surplus. But, so far, no one had been hurt, he said, and the Army continues to clear out left-behind ordnance. But he said bikers and hikers should have nothing to worry about as long as they stay away from the adjacent former range area encircled by barbed and concertina wire. That land -- about 7,500 acres -- will be turned over to the BLM once the Army removes all the hidden munitions, a process that could take up to 10 years.

Just stay on the marked trails and you should be fine, Morgan said.

Good advice, but while racing around the Ft. Ord land I was constantly having to stop and check my map to keep from getting lost. The single-track trails crisscross the hills like a maze. Several times I found I had detoured off my planned route and had to double back to get on track.

At the Creekside Trailhead, near the intersection of California Highway 68 and Reservation Road, I met a local cyclist who suggested a 5-mile route that started at the northeast end of the park, climbed about 500 feet, then circled back along a long downhill stretch.

"On that last stretch you can really bomb down the hill," he said.

Speaking of bombs, I asked, have you ever come across any old ordnance?

Not yet, he said.

I strapped on my helmet and began to follow his suggested route but discovered that the trail, dubbed by locals the Hobo Trail, sandy and hard to climb at the start.

Farther into the park, however, I plummeted down the fast, narrow Goat Trail and came close to flying off my bike at several spots.

I reached the trail head out of breath and sweating, but grinning like the Cheshire Cat.

I left hoping this was the start of a new American trend: Shuttered military bases are converted to hiking and mountain biking playgrounds.

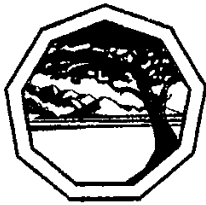
Make fun, not war.

hugo.martin@latimes.com

If you want other stories on this topic, search the Archives at latimes.com/archives.

TMSReprints

Article licensing and reprint options



FORT ORD REUSE AUTHORITY

100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933

PHONE: (831) 883-3672 - FAX: (831) 883-3675

WEBSITE: www.fora.org

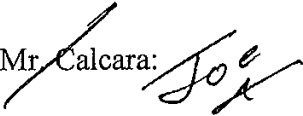
March 13, 2009

 **COPY**

Joseph F. Calcara
Deputy Assistant Secretary of the Army, (Installations and Housing)
110 Army Pentagon, Room 3E475
Washington, D.C. 20310-0110

Re: Executed Deeds for Fort Ord FOSET 5 Property

Dear Mr. Calcara:


Please find enclosed nine deeds ("Deeds"), signed by the Fort Ord Reuse Authority ("FORA"), conveying property from the Army to FORA. The property under the Deeds is being conveyed pursuant to Finding of Suitability for Early Transfer ("FOSET") 5 and that certain Memorandum of Agreement ("MOA") Between the United States of America, Acting By and Through the Secretary of the Army, and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord Located in Monterey County, California, date June 2000, as amended ("MOA").

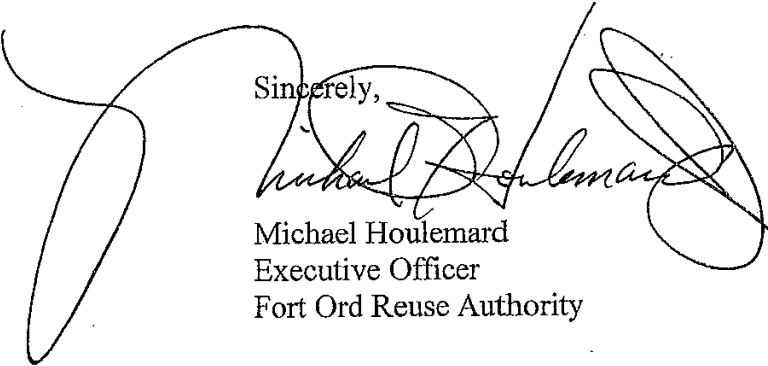
Also enclosed is Amendment No. 4 ("Amendment No. 4") to the MOA, signed by FORA, which amends the MOA to bring several of the parcels being transferred under the coverage of the MOA. The parcels subject to Amendment No. 4 were originally intended to be transferred to other entities pursuant to public benefit conveyances or other agreements between the Army and such entities. Amendment No. 4 provides the authority to allow the parcels to be transferred from the Army directly to FORA and subsequently to the PBC recipients.

In addition to the Deeds and Amendment No. 4, the Army and the California State University, Monterey Bay ("CSUMB") have agreed to amend the MOA between the Army and CSUMB, dated August 17, 1994 ("CSUMB Agreement"), to remove a parcel from the coverage of the CSUMB Agreement so that it can be included under the coverage of the MOA, transferred directly to FORA under Deed No. DACA05-9-07-507, which is included as one of the Deeds, and then subsequently from FORA to CSUMB. It is our understanding that CSUMB has executed an amendment for this purpose ("Amendment No. 1 to the CSUMB Agreement") but that the Army has not yet signed Amendment No. 1 to the CSUMB Agreement.

At the Army's request, we have executed the Deeds and Amendment No. 4 prior to the Army's execution of these documents and Amendment No. 1 to CSUMB Agreement. Therefore, the Deeds transferring parcels subject to Amendment No. 4 will not be effective until the Army executes Amendment No. 4. Further, Deed No. DACA-9-07-507 will not be effective until the Army executes Amendment No. 1 to the CSUMB Agreement.

If you have any questions or wish to discuss this matter, please feel free to contact me at 831-883-3672.

Sincerely,



Michael Houlemard
Executive Officer
Fort Ord Reuse Authority

Enclosures: as stated