

**From:** [Project Management Academy](#)  
**To:** [FORA Board](#)  
**Subject:** Project Management Master Certification (January 17-20, 2017: University of Southern California)  
**Date:** Thursday, November 17, 2016 2:32:40 PM

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The **Project Management Master Certification** course will be offered January 17-20, 2017 at the University of Southern California in Los Angeles, California. Project management professionals, business and technology professionals, students, and educators are invited to register at the Project Management Academy USA [website](#).

**January 17-20, 2017**  
**University of Southern California**  
**8:00am - 5:00pm**

The **Project Management Master Certification** course is designed for those seeking professional project management certification. It serves as a thorough introduction to the fundamentals of project management. Those seeking additional credentials such as the PMP®/PgMP®, PMI-SP®, and PMI-RMP® will benefit from this dynamic and interactive work session, while those currently holding credentials will find the certification to be an enhancement as well as the most up to date advanced professional development.

**Project Management Master Certification** course provides 36 hours of project management education hours for both PMI's Certified Associate in Project Management (CAPM) ® and Project Management Professional (PMP) certifications. Additionally, the Master Certification provides 36 Professional Development Units (PDUs) for current holders of PMP®/PgMP®, PMI-SP®, and PMI-RMP® credentials. Additionally, the program awards 3.6 Continuing Education Units (CEUs) upon request.

### **Program Description**

Our certificate program teaches technical and business professionals how to master the critical skills of project management techniques as part of their technical career development.

The skills developed in the **Project Management Master Certification** course apply to large and small projects, product design and development efforts, construction projects, IT projects, software development, and any project with critical performance, time, and budget targets.

Our approach to project management education offers proven, results-focused learning.

Courses are developed and facilitated by professional subject experts with extensive industrial experience. Course emphasis is on providing practical skills and tools supported by relevant case examples.

### **Tuition**

Tuition for the four-day Project Management Master Certification course is \$995.00

### **Program Schedule and Content**

1. Project Initiation, Costing, and Selection, Day 1
2. Project Organization and Leadership, Day 1
3. Detailed Project Planning, Day 2
4. Project Monitoring and Control, Day 3
5. Project Risk and Stakeholder Management, Day 4

### **Benefits**

- A Project Management Academy Certificate of Completion is awarded upon completion of the four day program.
- Our instructors have extensive industrial experience. They focus on providing you with practical skills and tools using relevant case examples.
- Each class is highly focused and promotes maximum interaction.
- You can network with other project management professionals from a variety of industries.
- Earn Professional Development Units (PDUs) for maintenance of certification under the PMI Continuing Certification Requirements Program.
- Applicants for PMI's Certified Associate in Project Management (CAPM) ® and Project Management Professional (PMP) certifications will receive 36 project management education hours towards the requirements for eligibility.

### **Registration**

Participants may reserve a seat online at the [Project Management Academy USA website](#), by calling the Program Office toll-free at (800) 325-1354, or by sending their name and contact information via email to the [Program Registrar](#).

Upon receiving your registration, a confirmation email is sent to registrants that include session site information, travel information, program description, and details on how to confirm attendance and make payment arrangements.

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**From:** [Rachael McFarren](#)  
**To:** [FORA Board](#)  
**Cc:** [Molly Erickson](#); [Jon Giffen](#); [Michael Houlemard](#); [Dominique Jones](#)  
**Subject:** November 4, 2016 Board meeting – Item 8a: “Eastside Parkway Environmental Review Contract 2d Vote”  
**Date:** Thursday, November 03, 2016 5:32:48 PM  
**Attachments:** [16.11.03.KFOW.ltr.to.FORA.BOD.pdf](#)

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Dear Chair O’Connell and Members of the Fort Ord Reuse Authority Board of Directors:

Attached please find correspondence on behalf of Keep Fort Ord Wild for tomorrow's Board meeting.

Thank you.

Rachael McFarren  
Paralegal  
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November 4, 2016

Chair Frank O'Connell  
and Members of the Fort Ord Reuse Authority Board of Directors  
Fort Ord Reuse Authority  
910 2nd Avenue  
Marina, CA 939933

Re: November 4, 2016 Board meeting – Item 8c: “Consistency Determination:  
Del Rey Oaks Monument RV Resort.”

Dear Chair O'Connell and Members of the Fort Ord Reuse Authority Board of Directors:

We represent Keep Fort Ord Wild (KFOW), which objects to the approval of item 8c. FORA has not complied with its responsibilities as a responsible agency under CEQA with regard to this project. FORA Master Resolution section 8.01.070 states:

**FORA AS RESPONSIBLE AGENCY UNDER CEQA.**

In taking action on all legislative land decisions and for review of all development entitlements, the Authority Board shall act as a responsible agency under CEQA.

Public Resources Code section 21069 defines “Responsible Agency” as follows:

“Responsible agency” means a public agency, other than the lead agency which has responsibility for carrying out of approving a project.

The CEQA Guidelines section 15381 define responsible agency as follows:

“Responsible Agency” means a public agency which proposes to carry out or approve a project, for which lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which has discretionary approval power over the project.

CEQA Guidelines section 15096 describes the “Process for a Responsible Agency.” The process is as follows:

(a) General. A responsible agency (a) complies with CEQA by considering the EIR or negative declaration prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project involved. This section

identifies the special duties a public agency will have when acting as a responsible agency.

(b) Response to Consultation. A responsible agency shall respond to consultation by the lead agency in order to assist the lead agency in preparing adequate environmental documents for the project. By this means, the responsible agency will ensure that the documents it will use will comply with CEQA.

(1) In response to consultation, a responsible agency shall explain its reasons for recommending whether the lead agency should prepare an EIR or negative declaration for a project. Where the responsible agency disagrees with the lead agency's proposal to prepare a negative declaration for a project, the responsible agency should identify the significant environmental effects which it believes could result from the project and recommend either that an EIR be prepared or that the project be modified to eliminate the significant effects.

(2) As soon as possible, but not longer than 30 days after receiving a notice of preparation from the lead agency, the responsible agency shall send a written reply by certified mail or any other method which provides the agency with a record showing that the notice was received. The reply shall specify the scope and content of the environmental information which would be germane to the responsible agency's statutory responsibilities in connection with the proposed project. The lead agency shall include this information in the EIR.

(c) Meetings. The responsible agency shall designate employees or representatives to attend meetings requested by the lead agency to discuss the scope and content of the EIR.

(d) Comments on Draft EIRs and Negative Declarations. A responsible agency should review and comment on draft EIRs and negative declarations for projects which the responsible agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a negative declaration, or on

additional alternatives or mitigation measures which the EIR should include. The comments shall be limited to those project activities which are within the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency. Comments shall be as specific as possible and supported by either oral or written documentation.

(e) Decision on Adequacy of EIR or Negative Declaration. If a responsible agency believes that the final EIR or negative declaration prepared by the lead agency is not adequate for use by the responsible agency, the responsible agency must either:

(1) Take the issue to court within 30 days after the lead agency files a notice of determination;

(2) Be deemed to have waived any objection to the adequacy of the EIR or negative declaration;

(3) Prepare a subsequent EIR if permissible under Section 15162; or

(4) Assume the lead agency role as provided in Section 15052(a)(3).

(f) Consider the EIR or Negative Declaration. Prior to reaching a decision on the project, the responsible agency must consider the environmental effects of the project as shown in the EIR or negative declaration. A subsequent or supplemental EIR can be prepared only as provided in Sections 15162 or 15163.

(g) Adoption of Alternatives or Mitigation Measures.

(1) When considering alternatives and mitigation measures, a responsible agency is more limited than a lead agency. A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.

(2) When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the responsible agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

(h) Findings. The responsible agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.

(i) Notice of Determination. The responsible agency should file a notice of determination in the same manner as a lead agency under Section 15075 or 15094 except that the responsible agency does not need to state that the EIR or negative declaration complies with CEQA. The responsible agency should state that it considered the EIR or negative declaration as prepared by a lead agency.

I attach our June 28, 2016 letter to Del Rey Oaks, which raised concerns about the RV project. In that letter, we pointed out specific concerns including the failure by Del Rey Oaks to adopt Reuse Plan policies that are applicable to the Fort Ord property on which the RV project is proposed. We reiterate those concerns to you. We also raised the concerns in June 10, 2016 letter to you (see p. 5 of that letter).

KFOW also objects to the FORA's so called "public hearing notice" for this item. FORA's notice was not noticeable in any way. There are no headlines or bold text stating that it is a notice of a public hearing or any defining features. FORA's notice is very different from public hearing notices published by other agencies. This item should be continued to a later date with proper notice so that members of the public can make meaningful public comments. Thank you.

Very truly yours,

STAMP | ERICKSON

*/s/ Molly Erickson*

Molly Erickson

Michael W. Stamp  
Molly Erickson

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Attorneys at Law

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June 28, 2016

Via E-mail

Jerry Edelen, Mayor  
City Council  
City of Del Rey Oaks  
Del Rey Oaks, CA

Re: Objection to RV Park ordinance and related actions

Dear Mayor Edelen and members of the Del Rey Oaks City Council:

This Office represents Keep Fort Ord Wild (KFOW). KFOW objects in writing to the Del Rey Oaks City Council taking any actions to approve any part of the Monument RV Resort and any ordinance to implement the Monument RV Resort approvals, including ordinance 284 regarding the Monument RV Resort Initiative Measure. KFOW objects on the basis of lack of compliance with applicable Fort Ord Reuse Plan policies.

The applicable Fort Ord Reuse Plan policies include those policies that were originally assigned to Monterey County in relation to the County's expected control over specific land. KFOW's position is that those policies became applicable to Del Rey Oaks when Del Rey Oaks took over the land instead of Monterey County. That was the stated intent of the Reuse Plan and its EIR – that the policies and programs applied to the land that would be assigned to each jurisdiction. When Del Rey Oaks took the land, it took the benefits and the burdens that came with the land, including complying with the Fort Ord Reuse Plan and its policies. Del Rey Oaks cannot take the benefits of acquiring the former Fort Ord land (development, taxes, etc.) without also fulfilling the responsibilities that come with the land.

In light of these problems, a finding of consistency with the Fort Ord Reuse Plan should not be made.

KFOW is informing you of these issues before you decide to proceed. You control your schedule. We urge you to delay your proposed action until after you have looked into this matter, shared the results of your investigation with KFOW and the public, and met with us. We offer to meet with you prior to your proposed action.

Very truly yours,

STAMP | ERICKSON

  
Molly Erickson



**From:** [Rachael McFarren](#)  
**To:** [FORA Board](#)  
**Cc:** [Molly Erickson](#); [Jon Giffen](#); [Michael Houlemard](#); [Dominique Jones](#)  
**Subject:** November 4, 2016 Board meeting – Item 8a: “Eastside Parkway Environmental Review Contract 2d Vote”  
**Date:** Thursday, November 03, 2016 5:32:48 PM  
**Attachments:** [16.11.03.KFOW.Itr.to.FORA.BOD.pdf](#)

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Dear Chair O’Connell and Members of the Fort Ord Reuse Authority Board of Directors:

Attached please find correspondence on behalf of Keep Fort Ord Wild for tomorrow's Board meeting.

Thank you.

Rachael McFarren  
Paralegal  
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Monterey, CA 93940  
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November 3, 2016

Chair Frank O'Connell  
and Members of the Fort Ord Reuse Authority Board of Directors  
Fort Ord Reuse Authority  
910 2nd Avenue  
Marina, CA 939933

Re: November 4, 2016 Board meeting – Item 8a: “Eastside Parkway  
Environmental Review Contract 2d Vote”

Dear Chair O'Connell and Members of the Fort Ord Reuse Authority Board of Directors:

We represent Keep Fort Ord Wild (KFOR), which objects to the approval of the proposed Whitson EIR contract for the reasons explained below.

The current staff proposal is to do an EIR on one specific alignment, but there is no map of that alignment in the Board packet. There has been no presentation to the FORA Board showing the location of the proposed alignment. Half of the FORA Board – six of the twelve directors – are new to the FORA Board since 2011, when the Eastside Parkway was last addressed and a “preferred alignment” was prematurely approved. The staff presentation has not disclosed that the Eastside Parkway “preferred alignment” runs directly through proposed Monterey Downs project and would enable the development of Monterey Downs.

The Monterey Downs project plans – which in a week likely will be approved by the City of Seaside – rely on the “preferred alignment” for the Eastside Parkway. The approval by Seaside foreseeably will provide even further momentum for FORA to focus on the “preferred alignment” to the exclusion of other alignments that are more environmentally appropriate, and avoid oak trees.

- If Seaside approves Monterey Downs, it is not realistic that FORA would meaningfully consider alternative alignments in a different location from the “preferred alignment.”
- If FORA deems Monterey Downs consistent with the Reuse Plan, which is an action that is likely to precede the certification of the Eastside Parkway EIR, it is not realistic that FORA would seriously consider alternative alignments in a different location from the Approved Alignment.

FORA intends to improperly limit the EIR process, in ways that would violate CEQA. FORA has stated that its future Eastside Parkway EIR will limit the analysis of alternative road locations in specific ways. FORA has stated as follows:

The [EIR] Alternatives to be studied, however, would need to have some degree of feasibility with the likelihood or ability to either acquire the necessary right of way or easement. . . . So, the degree of feasibility would need to be further researched before such an Alternative would be presented.

(Response to Question 13 from Supervisor Parker's office , emphasis added.)

The FORA response is relevant because the FORA-County Alignment Agreement established rights-of-way on the alignment specified in the Agreement. Thus, FORA's "preferred alignment" is "feasible" according to FORA's view. No other rights of way exist for the new Eastside Parkway. The response to Supervisor Parker's question 13 shows the current position of FORA that FORA's future EIR on the Eastside Parkway would consider *only* alternatives to the FORA-County Approved Alignment that "have some degree of feasibility with the likelihood or ability to either acquire the necessary right of way or easement." FORA describes this "feasibility" of a "right of way or easement" as the necessary "criteria" that must be "met" for consideration of alternatives. FORA concludes that a right of way is a criteria of a "feasible" alignment, and FORA intends to reject alternatives for which no rights of way or easement exist or can be acquired in FORA's opinion. This means that FORA's "criteria" is met only by the alignment specified in the FORA-County Alignment Agreement challenged in the KFOW lawsuit because the Agreement created a right of way for that alignment. No other rights of way or easements for the road exist.

The discussion and evaluation of alignments, mitigations and alternatives should be part of what leads up to a Draft EIR. That is what CEQA requires. The full range of options and alternatives are open to FORA, to locate the proposed road in the best location that would limit and avoid harmful environmental impacts. FORA has not done that. Instead, the premature commitment by FORA to approve the Alignment Agreement has limited the effectiveness of the CEQA process of evaluating alternatives and mitigations. For example, if the EIR shows that the alignment should be moved to a different alignment a few hundred yards or a half-mile to avoid sensitive habitat containing endangered species, or to save thousands of oak trees, or to reduce grading by thousands of cubic yards, then that mitigation would be less feasible because no right of way exists for that alternative alignment.

One of the primary purposes of the EIR is "to identify alternatives to the project" (Pub. Resources Code, § 21002.1) but FORA has already taken a critical action – approving the Agreement – that has limited the alternatives to be considered by a future EIR. An EIR is required to analyze "a reasonable range of potentially feasible alternatives" to the project or the location of the project. (CEQA Guidelines, § 15126.6, subd. (a).) An EIR is not required to consider alternatives which are "infeasible." (*Ibid.*) Alternatives may be eliminated from detailed consideration if the Lead Agency finds the

alternatives infeasible (*id.* at subd. (c).) As lead agency, FORA may find an alternative to be infeasible if the project proponent (again FORA) cannot "reasonably acquire, control or otherwise have access to the alternative site" (*id.* at subd. (f)(1).) Thus, by taking its position as to what is a "feasible" alternative, FORA has stacked the deck in favor of the alignment approved in the 2011 Memorandum of Agreement.

The FORA statements on this item are evidence of the momentum in favor of the "preferred alignment" and against less environmentally harmful alternatives for which no right of way or easement yet exists, and therefore are considered by FORA as infeasible, or less feasible. The approach of FORA is inconsistent with the emphasis by the Supreme Court in *Save Tara* on

the general principle, that before conducting CEQA review, agencies must not "take any action" that significantly furthers a project "in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project." (Cal. Code Regs., tit. 14, § 15004, subd. (b)(2)(B).)

(*Save Tara*, 45 Cal.4th 116, 138.) The Supreme Court stated that in applying this principle, courts should look to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives that CEQA would otherwise require to be considered. (*Id.* at p. 139.) The FORA response to Question 13 shows that FORA is relying on the right of way created by the Alignment Agreement to create a basis on which FORA will reject alternative alignment locations, regardless of their preferred environmental profile. The reasonably foreseeable effect will be to preclude the EIR's consideration of alternatives that likely would be less environmentally harmful.

In a closed door process, FORA prematurely ruled out potentially feasible alternatives and mitigations to the alignment. That is not permissible under CEQA. *Save Tara* provides unequivocal direction to a Court addressing this issue. In *Save Tara*, the City's housing manager told the city council that city staff had already rejected alternative uses of the project site because these alternatives failed to contribute to City's affordable housing goals and, in any event, "there were no funds available for those options." (*Save Tara* at p. 125.)

Senior public officials of FORA and the County publicly told the Board of Supervisors in 2011 that staff and the "stakeholders" had already considered and rejected numerous alternative alignments including the alignment proposed in the Reuse Plan and showed a sequence of eight alternative alignments that had been rejected. A 2005 FORA study had rejected at least three other alternative alignments. The sole criteria disclosed for selecting the approved FORA-County Alignment had

nothing to do with environmental impacts. Instead, FORA determined the “preferred” alignment based on other concerns: placing the road equally on the jurisdictions’ property, the value of the land. and the preferences of the jurisdictions and Monterey Downs, all as stated behind closed doors in private meetings. Those closed negotiations do not show any consideration for avoiding environmental impacts or any working knowledge of CEQA. The closed-door process for considering and rejecting alternatives, then selecting the chosen alignment, all without public input, is in marked contrast to the process used by other agencies that have used a public iterative process to consider and evaluate alignment alternatives before preparing a draft EIR. (E.g., *Beverly Hills Unified School District v. Los Angeles County Metropolitan Transportation Authority* (2015) 241 Cal.App.4th 627, 634-639.)

It is foreseeable that a better alignment – more preferable from an environmental standpoint – would arise through the EIR process, and that alignment likely would not be equally placed on the land of all property owners.

To date, FORA has spent more than \$700,000 on the “preferred alignment” including preparing 90% plans. These 90% plans are many pages of detailed drawings that show exactly where the road will go for its four+ miles. The County has spent at least \$40,000 on the process.

<u>FORA/County financial support behind the so-called “Preferred Alignment”</u>			
<u>Date</u>	<u>Agency</u>	<u>\$ Amount</u>	<u>Whitson Engineers – scope of services</u>
Sep. 2006	County	\$24,999	Fort Ord “mapping”; design “alternative route for Eastside Road” different from Reuse Plan.
Feb. 2007	County	\$15,875	Project startup/review, meetings, road alignments, project mgmt./coordination.
Mar. 2010	FORA	\$48,050	Preliminary engineering/environmental design, design engineering, right-of-way engineering, meetings, misc.
Jul. 2010	FORA	\$9,910	Conceptual roadway centerline maps for Eastside Parkway.
Feb. 2011	FORA	\$651,000	Preliminary engineering/environmental design, design engineering, right-of-way engineering, meetings, misc.
<u>Spent to date:</u>		<u>\$749,834</u>	
Note: The total does not include the \$568,100 contract FORA proposes in the item 8a on November 4, 2016 to award for preparation of the EIR.			

Approval of an EIR contract would not moot the KFOR CEQA lawsuit and neither would preparation of an EIR moot the lawsuit.

KFOR objects to the proposed EIR contract because it proposes that the Highway 68 Bypass as an alternative to be analyzed in the EIR. That is not consistent with FORA's longstanding position that the Highway 68 Bypass is dead and not a viable future option, as shown in FORA's records including written statements by FORA Assistant Director Steve Endsley. The approval of the EIR consultant contract would indicate FORA's approval of this unreasonable option as an alternative, in violation of CEQA.

FORA's recent approach of writing meeting minutes obscures the fact that at the October 14, 2016 hearing on this item at least three persons spoke and made detailed objections to the proposed EIR consultant contract: Michael Salerno, Chris Mack, and Margaret Davis. FORA's current practice in its minutes is to say "comments were received" without any identification of the speakers or their position. FORA's approach to meeting minutes obscures the public interest in this matter, and essentially writes the public and the public comments out of what is intended to be a participatory public process. As an additional and separate issue, FORA has not responded to the concerns raised by the three speakers.

#### Conclusion

There is no question that an EIR is required for the Eastside Parkway project. The FORA process to date has been behind closed doors, and has pushed for the road to be built in a specific location. The proposed contract would perpetuate the problems and impermissibly slant the EIR process toward the alignment selected by FORA in 2011. Please do not approve the proposed EIR contract as written. Thank you.

Very truly yours,

STAMP | ERICKSON

*/s/ Molly Erickson*

Molly Erickson

**From:** [elysecoursen@aol.com](mailto:elysecoursen@aol.com)  
**To:** [FORA Board](#)  
**Cc:** [rosie@ksco.com](mailto:rosie@ksco.com)  
**Subject:** KSCO "Good Morning Monterey Bay": Veteran's Day Va- Dod Outpatient Clinic  
**Date:** Tuesday, November 01, 2016 8:26:46 AM

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Good Morning!

My name is Elyse Coursen and I am the producer of "Good Morning Monterey Bay" on KSCO 1080 AM/104.1 FM. Our host Rosemary Chalmers is interested in featuring a spokesperson from Fort Ord this Veteran's Day in order to discuss the recently built Va-Dod Outpatient Clinic. I was hoping someone might be available for an interview Friday November 11, 2016 at 8:35am.

Please let me know as soon as possible. Thank you so much for your time!

Sincerely,

Elyse Coursen