HWG 3/13/20 Meeting

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Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

MEMORANDUM

Date: March 11, 2020

To: Josh Metz, Executive Director, Fort Ord Reuse Authority **From:** Erin Harwayne, AICP, Senior Project Manager, DD&A

Subject: Habitat Working Group Meeting (March 13, 2020) – Agenda Item 4b. Reduced Take

Scenario Phasing Discussion

Denise Duffy & Associates, Inc. (DD&A) has prepared the attached Draft Reduced and Phased Take Analysis in support of the habitat planning efforts of the Habitat Working Group (HWG). This analysis has been prepared in response to concerns expressed by the California Department of Fish and Wildlife (CDFW) and potential permittees regarding the 2019 Draft Fort Ord Habitat Conservation Plan (Draft HCP)

The CDFW has expressed concern that the mitigation and preservation proposed within the Bureau of Land Management (BLM) Fort Ord National Monument lands (Federal lands) as identified in the Draft HCP are not certain and, without inclusion of the Federal lands as mitigation for take, impacts to state listed species may not be fully mitigated and the proposed take may not meet permit issuance criteria under Section 2081 of the California Endangered Species Act (CESA). In addition, the proposed permittees have expressed concern that the cost of the Draft HCP is too high and not feasible, and the proposed take under the Draft HCP may be too high based on revised development projections (i.e., should consider a more realistic development scenario for next 50 years rather than full build-out under the Fort Ord Base Reuse Plan and local planning documents).

Therefore, this exercise focused on removing Federal lands from the preservation acreage and reducing take acreage to meet a minimum 75% preservation (3:1 mitigation ratio) within the Non-Federal designated development areas and Non-Federal Habitat Management Areas (HMAs). The attached pdf of the spreadsheet identifies a take "cap" or "limit" per phase (Year 1=15 years, Year 2=25 years, and Year 3=50 years) with the total take acreage not-to-exceed 75% (3:1) of preservation acreage within Non-Federal lands. Please note that this is one potential scenario and additional scenarios can be evaluated.

The primary objective of this exercise and for discussion at the HWG meeting is to come to consensus on whether the proposed reduced take acreages and proposed mitigation ratios are acceptable to USFWS, CDFW, and potential permittees. This critical step will support future habitat planning steps to determine:

- 1. a revised mitigation strategy that would apply to reduced and/or phased take scenario(s); and
- 2. whether the revised mitigation strategy would reduce costs, and, if not, evaluate whether a phased take approach could reduce any potential financial strain over the 50-year permit term (noting a phased take approach would need to be fully evaluated).

These determinations will assist in guiding the potential permittees on what a revised HCP may look like and whether a revised HCP is feasible and/or desired.

Jurisdiction/Permittee	SAND GILIA (3,036 acres)								
			Take and Preserv	vation Acreages by Pl	nase within Non-Federa	al Designated Developr	nent Areas and HMAs		
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3 (50 years)	Phases 1 -3 (50-year permit term)	
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)
Monterey County	13.0	157.0	715.0	5.0	710.0	69.0	641.0	87.0	641.0
State Parks	0.0	2.0	144.0	0.0	144.0	0.0	144.0	0.0	144.0
Seaside	10.0	0.0	540.0	10.0	530.0	11.0	519.0	31.0	519.0
Marina	19.0	25.0	225.5	3.0	222.5	2.0	220.5	24.0	220.5
UC	2.0	23.0	700.0	5.0	695.0	5.0	690.0	12.0	690.0
MPC	16.5	7.0	276.5	5.0	271.5	0.0	271.5	21.5	271.5
CSUMB	4.0	0.0	141.0	3.0	138.0	5.0	133.0	12.0	133.0
Del Rey Oaks	1.5	0.0	13.5	0.3	13.3	0.3	13.0	2.0	13.0
Monterey Peninsula Regional Parks District	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
City of Monterey	1.0	0.0	-1.0	0.0	-1.0	0.0	-1.0	1.0	-1.0
TOTAL	67.0	214.0	2,754.5	31.3	2,723.3	92.3	2,631.0	190.5	2,631.0
Stay-Ahead	281.0	69%	91%	8%	90%	23%	87%	404.5	2,631.0
Take limit in Designated Development Areas requi	ired to meet goal of pre	serving 75% of populat	ion in Non-Federal la	nds (3:1; mitigation: t	ake)			545	87%

Jurisdiction/Permittee		SEASIDE BIRD'S-BEAK (902 acres)									
			Take and Preserv	vation Acreages by Pl	nase within Non-Federa	al Designated Develop	ment Areas and HMAs				
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3 (50 years)		Phases 1 -3 (50-year permit term)			
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)		
Monterey County	9.0	33.0	166.0	5.0	161.0	10.0	151.0	24.0	151.0		
State Parks	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Seaside	10.0	0.0	89.0	10.0	79.0	7.0	72.0	27.0	72.0		
Marina	3.0	0.0	0.5	2.0	-1.5	3.0	-4.5	8.0	-4.5		
uc	2.0	3.0	121.0	5.0	116.0	5.0	111.0	12.0	111.0		
MPC	7.5	5.0	276.5	1.0	275.5	0.0	275.5	8.5	275.5		
CSUMB	2.0	0.0	-2.0	1.5	-3.5	1.5	-5.0	5.0	-5.0		
Del Rey Oaks	3.5	0.0	85.5	1.0	84.5	1.0	83.5	5.5	83.5		
Monterey Peninsula Regional Parks District	0.0	3.0	16.0	0.0	16.0	0.0	16.0	0.0	16.0		
City of Monterey	15.5	0.0	53.5	2.0	51.5	0.5	51.0	18.0	51.0		
TOTAL	52.5	44.0	806.0	27.5	778.5	28.0	750.5	108.0	750.5		
Stay-Ahead	96.5	29%	89%	18%	86%	18%	83%	152.0	750.5		
Take limit in Designated Development Areas req	uired to meet goal of pre	serving 75% of populat	tion in Non-Federal la	nds (3:1; mitigation: 1	ake)			181	83%		

Jurisdiction/Permittee		MONTEREY SPINEFLOWER (5,712 acres)									
			Take and Preserv	vation Acreages by Pl	nase within Non-Feder	al Designated Develop	ment Areas and HMAs				
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3	50 years)	Phases 1 -3 (50-year permit term)			
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)		
Monterey County	50	146.0	1,480	0	1,480	0	1,480	50	1,480		
State Parks	0	145.0	486	0	486	0	486	0	486		
Seaside	100	0.0	581	75	506	50	456	225	456		
Marina	100	77.0	567	50	517	50	467	200	467		
UC	75	24.0	749	10	739	10	729	95	729		
MPC	100	7.0	364	50	314	50	264	200	264		
CSUMB	50	0.0	421	25	396	25	371	100	371		
Del Rey Oaks	50	0.0	52	25	27	25	2	100	2		
Monterey Peninsula Regional Parks District	0	4.0	16	0	16	0	16	0	16		
City of Monterey	10	0.0	58	10	48	10	38	30	38		
TOTAL	535	403	4,774	245	4,529	220	4,309	1,000	4,309		
Stay Ahead	938	67%	84%	17%	79%	16%	75%	1,403	4,309		
Take limit in Designated Development Areas requ	uired to meet goal of pre	serving 75% of populat	tion in Non-Federal la	nds (3:1; mitigation: 1	ake)			1,025	75%		

Jurisdiction/Permittee					YADON'S PIPERIA (209	acres)				
			Take and Preserv	ation Acreages by Pl	nase within Non-Federa	al Designated Develop	nent Areas and HMAs			
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3 (50 years)		Phases 1 -3 (50-year permit term)		
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV	
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)	
Monterey County	1	0	10	0	10	9	1	10	1	
State Parks	0	0	0	0	0	0	0	0	0	
Seaside	4	0	54	4	50	2	48	10	48	
Marina	0	5	5	0	5	0	5	0	5	
UC	0	0	0	0	0	0	0	0	0	
MPC	0	0	0	0	0	0	0	0	0	
CSUMB	0	0	0	0	0	0	0	0	0	
Del Rey Oaks	5	0	57	3	54	0	54	8	54	
Monterey Peninsula Regional Parks District	0	0	0	0	0	0	0	0	0	
City of Monterey	10	0	58	5	53	5	48	20	48	
TOTAL	20	5	184	12	172	16	156	48	156	
Stay Ahead	25	47%	88%	23%	82%	30%	75%	53	156	
Take limit in Designated Development Areas requ	ke limit in Designated Development Areas required to meet goal of preserving 75% of population in Non-Federal lands (3:1; mitigation: take)									

Jurisdiction/Permittee				CALIFOR	NIA TIGER SALAMAND	ER (5,718 acres)			
			Take and Preserv	ation Acreages by Pl	nase within Non-Federa	al Designated Developr	nent Areas and HMAs		
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3 (50 years)		Phases 1 -3 (50-year permit term)	
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)
Monterey County	50	298	2,386	5.0	2,381	100.0	2,281	155	2,281
State Parks	0	0	0	0.0	0	0.0	0	0	0
Seaside	0	0	207	0.0	207	0.0	207	0	207
Marina	0	41	540	0.0	540	0.0	540	0	540
UC	220	22	506	0.0	506	0.0	506	220	506
MPC	251	5	225	24.0	201	38.0	163	313	163
CSUMB	4	0	481	2.5	479	2.5	476	9	476
Del Rey Oaks	172	0	161	0.0	161	1.0	160	173	160
Monterey Peninsula Regional Parks District	0	3	14	0.0	14	0.0	14	0	14
City of Monterey	47	0	85	33.0	52	0.0	52	80	52
TOTAL	744	369	4,605	64.5	4,541	141.5	4,399	950	4,399
Stay Ahead	1,113	84%	81%	5%	79%	11%	77%	1,319	4,399
Take limit in Designated Development Areas requ	ired to meet goal of pre	serving 75% of populat	ion in Non-Federal la	nds (3:1; mitigation: 1	ake)			1,050	77%

Jurisdiction/Permittee				CALIFO	RNIA RED-LEGGED FRO	G (3,494 acres)			
			Take and Preserv	ation Acreages by Pl	nase within Non-Federa	al Designated Developr	nent Areas and HMAs		
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3 (50 years)		Phases 1 -3 (50-year permit term)	
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)
Monterey County	55	275	1,984	10	1,974	50	1,924	115	1,924
State Parks	0	0	0	0	0	0	0	0	0
Seaside	0	0	129	0	129	0	129	0	129
Marina	2	2	28	0	28	0	28	2	28
UC	3	1	72	0	72	0	72	3	72
MPC	7	2	178	0	178	0	178	7	178
CSUMB	1	0	272	1	271	1	270	3	270
Del Rey Oaks	30	0	303	0	303	0	303	30	303
Monterey Peninsula Regional Parks District	0	3	15	0	15	0	15	0	15
City of Monterey	10	0	122	10	112	0	112	20	112
TOTAL	108	283	3,103	21.0	3,082	51.0	3,031	180	3,031
Stay Ahead	391	84%	89%	5%	88%	11%	87%	463	3,031
Take limit in Designated Development Areas requ	ired to meet goal of pre	serving 75% of populat	ion in Non-Federal la	nds (3:1; mitigation: t	ake)			590	87%

Jurisdiction/Permittee				SMI	TH'S BLUE BUTTERFLY	(110 acres)			
			Take and Preserv	ation Acreages by Pl	nase within Non-Federa	al Designated Developr	ment Areas and HMAs		
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3 (50 years)		Phases 1 -3 (50-year permit term)	
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)
Monterey County	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.00
State Parks	0.00	6.72	103.00	0.00	103.00	0.00	103.00	0.00	103.00
Seaside	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Marina	4.00	0.01	-4.00	2.00	-6.00	2.50	-8.50	8.50	-8.50
UC	0.00	0.00	0.39	0.00	0.39	0.00	0.39	0.00	0.39
MPC	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CSUMB	0.10	0.00	-0.09	0.10	-0.19	0.05	-0.24	0.25	-0.24
Del Rey Oaks	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Monterey Peninsula Regional Parks District	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
City of Monterey	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	4.12	6.73	99.30	2.10	97.20	2.55	94.65	8.77	94.65
Stay Ahead	10.85	70%	90%	14%	88%	16%	86%	15.50	94.65
Take limit in Designated Development Areas requ	ired to meet goal of pre	serving 75% of populat	ion in Non-Federal la	nds (3:1; mitigation: 1	ake)			20	86%

Jurisdiction/Permittee				WE	STERN SNOWY PLOVER	(71 acres)			
			Take and Preserv	ation Acreages by Pl	nase within Non-Federa	al Designated Developr	nent Areas and HMAs		
		Phase 1 (15 years)		Phase 2 (25 years)		Phase 3 (50 years)		Phases 1 -3 (50-year permit term)	
			PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV		PRESERVED (DEV
	TAKE (DEV AREAS)	TAKE (HMAs)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TAKE (DEV AREAS)	AREAS and HMAs)	TOTAL TAKE (DEV AREAS)	AREAS and HMAs)
Monterey County	0	0	0	0	0	0	0	0	0
State Parks	0	11	60	0	60	0	60	0	60
Seaside	0	0	0	0	0	0	0	0	0
Marina	0	0	0	0	0	0	0	0	0
UC	0	0	0	0	0	0	0	0	0
MPC	0	0	0	0	0	0	0	0	0
CSUMB	0	0	0	0	0	0	0	0	0
Del Rey Oaks	0	0	0	0	0	0	0	0	0
Monterey Peninsula Regional Parks District	0	0	0	0	0	0	0	0	0
City of Monterey	0	0	0	0	0	0	0	0	0
TOTAL	0	11	60	0	60	0	60	0	60
Stay Ahead	11	18%	85%	1%	85%	0%	85%	7	60
Take limit in Designated Development Areas requ	ired to meet goal of pre	serving 75% of populat	ion in Non-Federal la	nds (3:1; mitigation: t	ake)			7	85%



Memorandum

Date:	March 11, 2020
То:	Fort Ord Reuse Authority Habitat Working Group
Cc:	Josh Metz
From:	Aaron Gabbe, Ph.D. Bernadette Clueit
Subject:	CFD Allocation Alternatives

This memorandum summarizes three alternative strategies for allocating Community Facility District (CFD) fees to the local jurisdictions and entities for habitat management purposes, as requested by the Fort Ord Reuse Authority (FORA) Habitat Working Group (HWG) during the HWG meeting on March 6, 2020. The CFD fees may be allocated to the local jurisdictions, as determined by the FORA Board, if one or more jurisdictions or entities decides to not work collectively with the other jurisdictions or entities to manage habitat and other natural resources on the former Fort Ord.

The three alternative strategies are provided in a Microsoft Excel file as Attachment A. Each alternative is in a separate Excel worksheet in the attached file, labeled as 1) ALT_1_Allocata. by Acre; 2) ALT_2_Allocat by Acre, all JDs; and 3) ALT_3_Allocate by Contribution.

A brief description of each alternative is provided as follows.

- 1. Alternative 1. This alternative was presented to the HWG on March 6.
 - a. The CFD funds are allocated between the County and cities based on acres within each jurisdiction. Allocation categories are divided into
 - i. Habitat Management Areas (HMA), which includes Development with Restrictions (DWR) because management of habitat in the Monterey County-owned DWR must be managed similar to an HMA until it is developed.
 - Borderland and Interim Management. Borderland parcels have two distinct types of management, so this category is subdivided to reflect the two types of management.
 - 1. Borderland. This is the 100-foot strip of land that runs along the borderland parcel and certain HMAs. Management generally includes fencing, fuelbreak creation and maintenance, and other actions.
 - Interim management. The remainder of the borderland parcel will be managed for Habitat Management Plan (HMP) species until developed.
 Management actions will be determined in consultation with the Bureau of Land Management (BLM).

- b. Multipliers. The relative proportion of the total amount of CFD funds to be allocated between HMA management and Borderland and Interim Management is identified in the "multiplier" cells in row 4. Alternative 1 assumes that because HMA management is more intensive and costly, 70% of the total CFD funds should be allocated to jurisdictions with HMA management responsibilities. The remaining 30% is divided between Borderland management (18%) and Interim Management (12%). Note that HMA and DWR management are included together and is allocated 70% of the total CFD funds in this scenario.
- c. The total amount of CFD funds to be allocated is currently estimated to be \$16,601,541. This amount was provided by FORA.
- d. The dollar and percent allocation by jurisdiction are provided in columns R and S.
- 2. Alternative 2. This worksheet includes two tables to show two variations of Alternative 2. The structure and CFD allocation categories are the same as Alternative 1, except more entities are include in each variation/scenario.
 - a. All entities. All entities are shown in the top table.
 - b. All entities except Monterey Peninsula Regional Park District and California Department of Parks and Recreation (State Parks). This is in the table below the "all entities" table.
 - c. The dollar and percent allocation by jurisdiction are provided in columns R and S.
- 3. Alternative 3. Allocation based on contribution to the CFD. In this alternative, CFD funds are allocated based on relative contribution to the CFD funds made through each jurisdiction and entity. This information is available from FORA upon request.
 - a. In total, Monterey County, the City of Seaside, and the City if Marina have contributed \$59,145,561 to date.
 - b. Approximately 30% of the contributions will be allocated to habitat management, which is currently \$16,601,541.
 - c. Total amount and percent allocated to each jurisdiction is provided in columns G and H.

The alternative allocation scenarios are provided in an Excel file so you can change the values of multipliers or other components of the allocation models to evaluate different scenarios or assumptions. The two worksheet tabs to the right of ALT_3 in the Excel file includes some background calculations that are used to inform the three alternatives. You don't need to review those two tabs to understand the CFD allocation alternatives.

Fort Ord Reuse Authority Vendor Activity From 7/1/1995 Through 6/30/2020

Check/Voucher

Vendor ID	Vendor Name	Session ID	Number	Transaction Description	Expenses
UCR	UC Regents	API-0052	1260	FONR/UCSC FY 12-13	84,000.00
	UC Regents	API-0118	2112	FONR/UCSC FY 13-14	86,184.00
	UC Regents	API-0190	4180	FONR/UCSC FY 14-15	88,769.52
	UC Regents	API-0255	4464	FONR/UCSC FY 15-16	90,811.22
	UC Regents	API-0315	4770	FONR/UCSC FY 16-17	93,263.12
	UC Regents	API-0370	5073	FONR/UCSC FY 17-18	96,527.33
	UC Regents	API-0439	5440	FONR/UCSC FY 18-19	100,291.90
	UC Regents	API-0492	005815	FONR/UCSC FY 19-20	103,501.24
	UC Regents	CD-0019	9896	FONR/UCSC 7/1/11-6/30/12	81,920.00
	UC Regents	CD-0021	9942	MBEST/Visioning to 07/11	<u>15,117.60</u>
				Transaction Total	840,385.93
Total UCR	UC Regents				<u>840,385.93</u>
Report Oper	ning/Current Balance				
Report Tran	saction Totals				<u>840,385.93</u>
David Con	ant Balance				

Potential JPA Attorneys Policy Guidance Request Summary

Last updated: 3/11/20

The Habitat Working Group coming up with a recommendation as to how the habitat funds should be allocated is one key to moving the draft JPA Agreement forward to the next stage. At the last working group meeting, Authority Counsel was asked to summarize the main areas with regard to which the potential JPA members' attorneys would appreciate receiving some policy guidance. That summary appears below.

- 1. Should we develop only the minimum provisions necessary to start up the JPA and leave additional details to future decisions by the JPA's Board or should we develop a more comprehensive and robust document from the outset?
- 2. Assuming that the working group comes up with an allocation algorithm, how should we handle allocation of habitat funds if some, but not all, potential members decide to join the JPA? If a member joins but then withdraws, should it be able to withdraw its full share of any then unexpended habitat funds? Should that change after cooperative habitat management has begun? If a member contributes additional funds before the JPA decides whether to undertake cooperative habitat management, should the JPA be able to spend those funds before reaching that decision?
- 3. Should the \$17M be preserved in its entirety for the direct costs of habitat management? Should the JPA be allowed to spend part or all of the \$17M on additional studies, negotiations with wildlife agencies, costs of administration, etc.? Should FORA provide the JPA with additional unrestricted "seed money"? If so, how should the JPA's costs be funded after the "seed money" runs out?
- 4. Should the JPA be allowed to hire employees? Should hiring be allowed if the JPA is restricted from providing employees with PERS benefits? Should the JPA pay one of its members to run things? If not, are the members willing to donate the necessary administrative services? If there should be no employees, how should staffing needs be addressed?

HWG Members - Please consider how your jurisdictions might address these questions and come prepared with some responses for discussion at the next and potentially other future meetings.