FORA
Fort Ord Reuse Authority

Habitat Conservation Plan (HCP) Update

September 24, 2018

Michael A. Houlemard
Executive Officer &

Jonathan Brinkmann
Principal Planner

Overview

- HCP Update
- HCP/HMP Summary
- HCP in the Transition Plan
- JPA Formation
- Recommendations

Photograph by Cara Wilson, courtesy of Sierra Club

HCP Update - Background

Fort Ord Reuse Authority

- 1997 Habitat Management Plan (HMP)
  - Agreement between Army & USFWS to allow transfer Fort Ord property
  - Established Fort Ord Habitat Reserve System
  - Authorized “Take” of special status species for cleanup, specifically
  - Signatories agreed to fulfill habitat mgmt of reserves, Borderlands

- 2019 Habitat Conservation Plan (HCP)
  - Funding to manage habitat reserve system, meeting jurisdictions’ HMP responsibilities
  - Federal and State Take Permits
  - New Joint Powers Authority (JPA) to manage annual expenditures and ensure HCP compliance

HCP Update - Participants

- 1997 Habitat Management Plan (HMP)
  - Fort Ord Reuse Authority (FORA)
  - County of Monterey (County)
  - City of Marina
  - California Department of Parks and Recreation
  - The Regents of the University of California (UC)
  - Monterey Peninsula Regional Parks District (MPRPD)
  - Monterey Peninsula Community College District (MPC), with FORA to manage their HMA
  - *York School*
  - Bureau of Land Management (BLM)
  - Marina Coast Water District
  - *CA Department of Transportation, District Division 5*

- 2019 Habitat Conservation Plan (HCP)
  - Fort Ord Reuse Authority (FORA)
  - County of Monterey (County)
  - City of Marina
  - **City of Seaside**
  - **City of Del Rey Oaks (DRO)**
  - **City of Monterey**
  - California Department of Parks and Recreation
  - The Regents of the University of California (UC)
  - **The Board of Trustees of the California State University (on behalf of CSU Monterey Bay) (CSUMB)**
  - Monterey Peninsula Community College District (MPC)
  - Monterey Peninsula Regional Parks District (MPRPD)
  - Bureau of Land Management (BLM) (Cooperating Entity)
  - Marina Coast Water District

2016-2017 Events

- US Fish and Wildlife Service (USFWS) July 29, 2016 letter
  - USFWS provided nine general recommendations for HCP changes
  - 2017 Screencheck Draft HCP addressed these concerns
    - Updated take analysis for Federal Permit
    - Limited species to currently Threatened or Endangered status
    - Added mitigation measures to implement on Fort Ord National Monument (FONM) and adaptive measures for several species

- Timeline
  - ***Requested*** Permittee and Wildlife Agencies' feedback on 2nd Screencheck Draft HCP by July 2017
  - Permittees and Wildlife Agencies ***agreed*** to review Draft HCP by September 30, 2017
  - Permittees and Wildlife Agencies also reviewed Draft HCP EIS/EIR by January 12, 2018

2017 Screencheck Draft

- All HCP comments in on time except CDFW, who took 11 months
- Few comments received on EIS/EIR, none from CDFW
- CDFW comments were unexpected (for Screencheck review) and have required extensive discussion and edits
  - BLM assurances
  - USFWS/CDFW approach on California Tiger Salamander mgmt.
  - ITP for Sand Gilia
- Delayed Schedule – new schedule is attached to Board Report

Dol Sec. Order on NEPA

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- Department of Interior April 27th Memorandum
  - Imposes Environmental Impact Statement (EIS) completion limit to one year (April 2019)
  - Requires reduction in EIS document size (300 pages)
- Good news for meeting tight timeline for HCP completion

Current HCP Timeline

Now	▶ Final Screencheck Review (by USFWS Solicitor)
Nov-Dec-Jan	▶ Public Draft Review
March-April '19	▶ HCP JPA formation, ROD, *both must precede:*
May '19	▶ State and Federal Permits for Take

HMP/HCP Summary

Fort Ord Reuse Authority

- Obligations

HMP	HCP
Prepare Resource Management Plans for Habitat Reserves	Prepare Resource Management Plans for Habitat Reserves
Deed restricted habitat reserves to preserve and protect species	Deed restrictions and conservation easements to preserve, protect, and mitigate impacts to species
Monitoring required, few specifications for restoration targets	Species-specific monitoring and habitat restoration targets required
Borderland requirements along Fort Ord National Monument (FONM)	Borderland requirements along all habitat reserves (aka HMAs)
Many habitat reserve owners do not have identified funding sources	Habitat reserve owners have identified funding sources (i.e., CFD)

HMP/HCP Summary

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- Benefits

HMP	HCP
Habitat reserves have deed restrictions allowing Army to transfer Fort Ord lands from Federal to local ownership	Habitat reserves have conservation easements allowing species mitigations for covered activities in reserves and development lands
Few specifications for habitat management	Habitat and species-specific monitoring is required and reported regularly to improve management
Habitat management funding is subject to land owners budget priorities	Habitat management funding is strategically collected through the FORA CFD or its replacement
Designated Development lands have no HMP requirements, except HMP Borderlands (which may require ITPs)	Designated development lands are allowed ITPs for development and HCP Borderland activities

Development per JD

Jurisdiction/Agency (JD)	Development Acres	Available HMA Acres
Monterey	110	0
Del Rey Oaks	344	18*
Seaside	1,811	17*
Marina	994**	154
County of Monterey	1,595	1,507
UC	479	598
CSUMB	532†	0
MPC	296	206
State Parks	145	834
TOTAL	6,306	3,334

**Monterey Peninsula Regional Park District owned in DRO, MPC owned in Seaside.*

***Rough estimate of remaining Fort Ord development lands.*

† *CSUMB development area is estimated because the EIR is not final on their Master Plan.*

Monterey HMP/HCP

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- Potential Outcomes

HMP	HCP
Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak.	Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak.
To develop 110 acres of development, take permits would be required. Mitigation lands for permitting would need to be identified.	Development of 110 acres is included as an HCP covered activity and permitted.
Monterey only has Borderland requirements. No habitat reserves.	Monterey Borderland requirements met by HCP. No habitat reserves.
No funding requirements for the HMP, except Borderland costs.	Development pays CFD or replacement funding mechanism.

DRO HMP/HCP

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- Potential Outcomes

HMP	HCP
Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.	Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.
To develop 344 acres of development, take permits would be required. Mitigation lands for permitting would need to be identified.	Development of 344 acres is included as an HCP covered activity and permitted.
DRO only has Borderland requirements. MPRPD has 18-acre habitat reserve.	DRO Borderland requirements met by HCP. MPRPD has 18-acre habitat reserve.
No funding requirements for the HMP, except Borderlands costs.	Development pays CFD or replacement funding mechanism.

Seaside HMP/HCP

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- Potential Outcomes

HMP	HCP
Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia, Smith's blue butterfly.	Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia, Smith's blue butterfly.
To develop 1,811 acres of development, take permits would be required. Mitigation lands for permitting would need to be identified.	Development of 1,811 acres is included as an HCP covered activity and permitted.
Seaside has Borderland requirements. MPC has 17 acres of habitat reserves.	Seaside Borderland requirements met by HCP. MPC has 17 acres habitat reserves.
No funding requirements for the HMP, except Borderlands costs.	Development pays CFD or replacement funding mechanism.

Marina HMP/HCP

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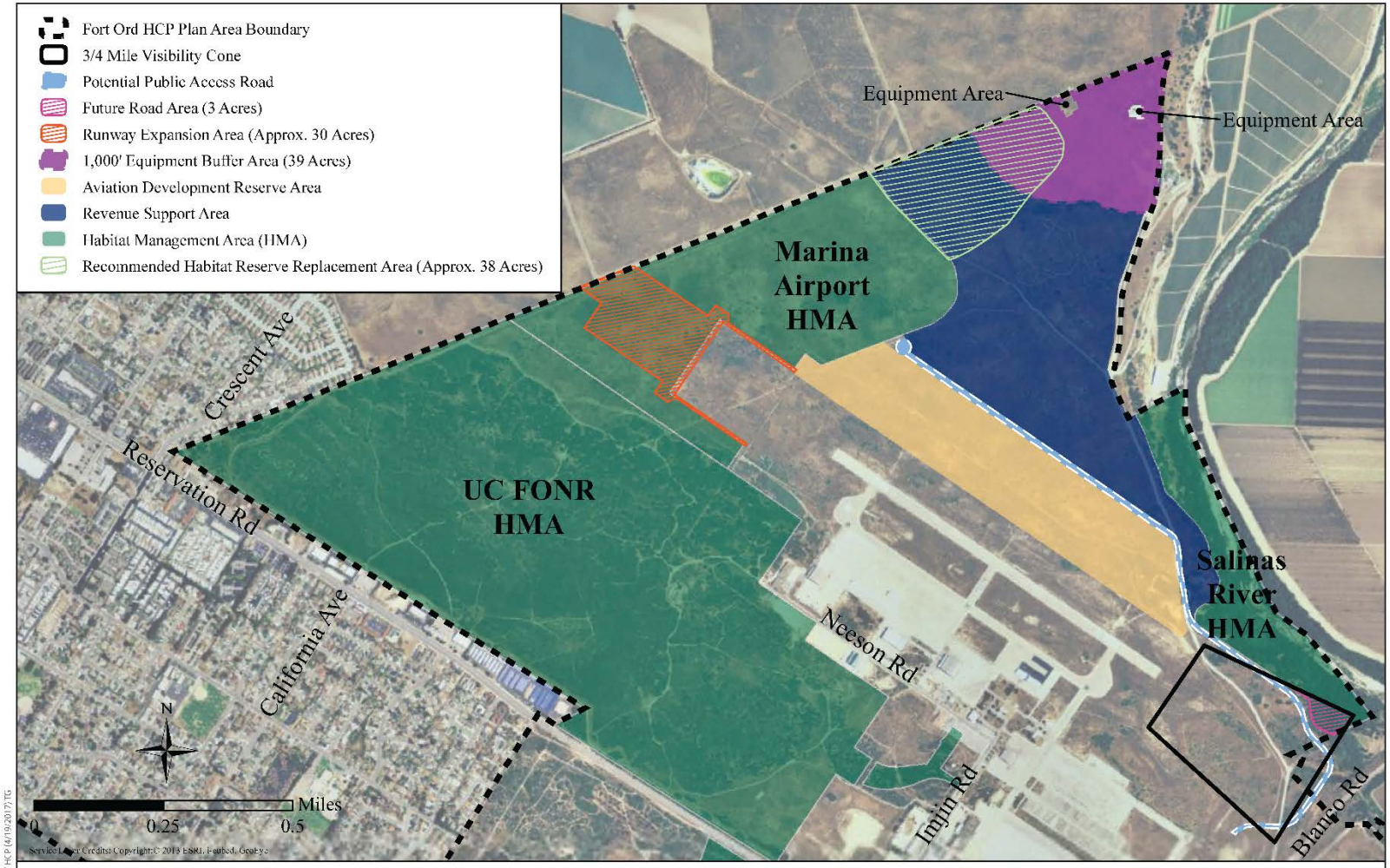
- Potential Outcomes

HMP	HCP
Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia, Smith's blue butterfly.	Listed species potentially present: Yadon's piperia, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia, Smith's blue butterfly.
To develop 994 acres of development, take permits would be required. Mitigation lands for permitting may be partly satisfied with current reserves, additional may need to be identified.	Development of 994 acres is included as an HCP covered activity and permitted.
Marina has no Borderland requirements. Habitat reserves total 154 acres.	Marina Borderland requirements met by HCP. Habitat reserves total 154 acres.
HMP funding requirements for management on 154 acres includes Resource Management Plan development and habitat management activities.	Development pays CFD or replacement funding mechanism.

Marina HMP/HCP – Detail

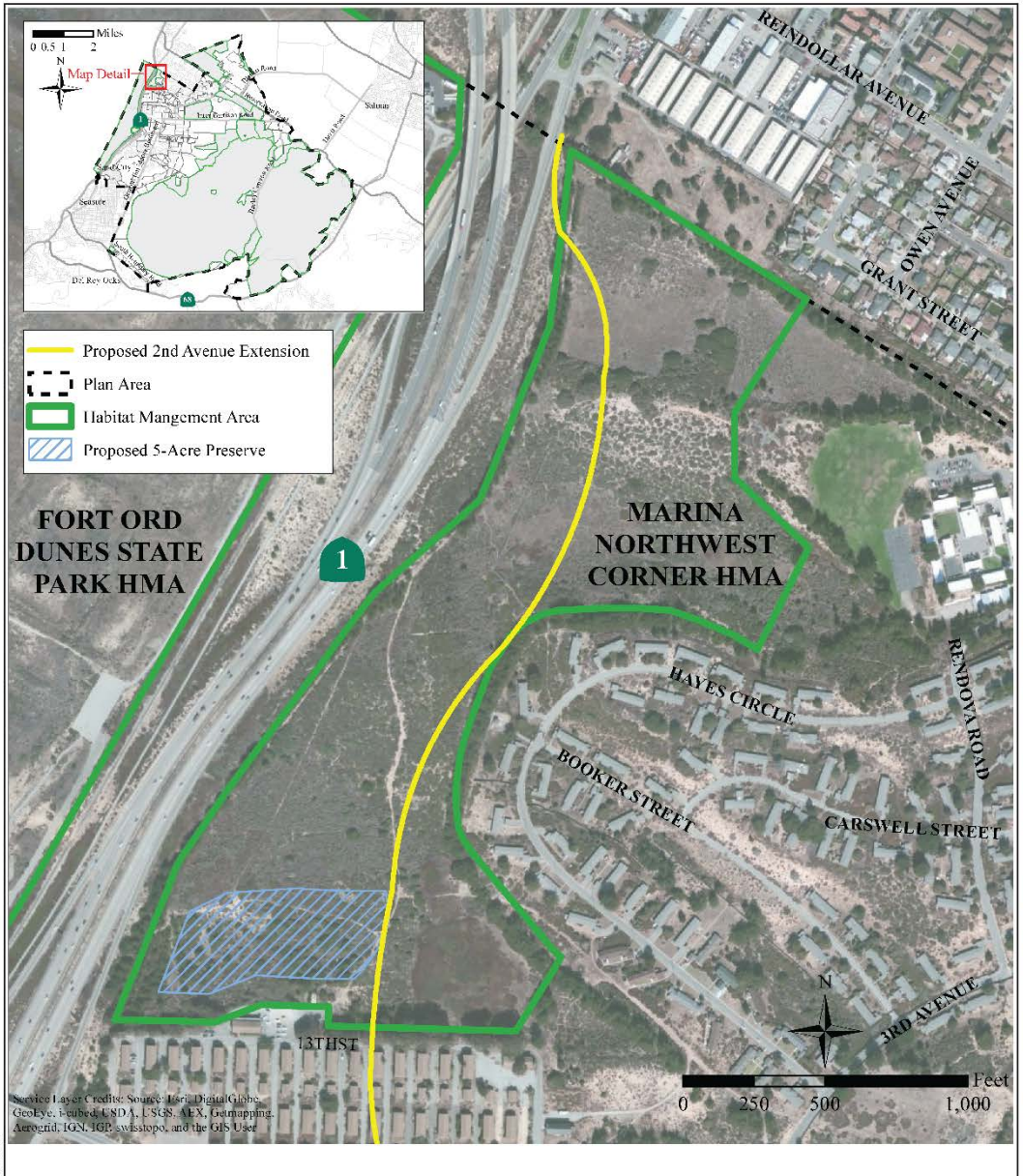
Projects	Permitting
Dunes on Monterey Bay (entitled)	With HCP, permitted Take. Without, must coordinate with Wildlife Agencies for all impacts.
Cypress Knolls (entitled)	With HCP, permitted Take. Without, must coordinate with Wildlife Agencies for all impacts.
Seahaven (entitled)	With or without HCP, permits issued and impacts to be independently mitigated.
Airport Master Plan projects (infrastructure)	With HCP, permitted Take. Without, must coordinate with Wildlife Agencies for all impacts. The expansion was added to the HCP by amendment as a regional project. With or without HCP, requires an HMP modification.
Marina NW Corner HMA – 2nd Avenue Extension (infrastructure)	With HCP, permitted Take. Without, must coordinate with Wildlife Agencies for all impacts. With or without HCP, requires an HMP modification.

Marina Airport



Source: City of Marina, August 27, 2018

Marina NW Corner HMA



County HMP/HCP

- Potential Outcomes

HMP	HCP
Listed species potentially present: CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia, Smith's blue butterfly.	Listed species potentially present: CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia, Smith's blue butterfly.
To develop 1,595 acres of development, take permits would be required. Mitigation lands for permitting may be partly satisfied with current reserves, more may need to be identified.	Development of 1,595 acres is included as an HCP covered activity and permitted.
County has Borderland requirements. Habitat reserves total 1,507 acres.	County Borderland requirements met by HCP. Habitat reserves total 1,507 acres.
HMP funding for requirements management on 1,507 acres includes Resource Management Plan development and habitat management activities.	Development pays CFD or replacement funding mechanism.

UC HMP/HCP

Fort Ord Reuse Authority

- Potential Outcomes

HMP	HCP
Listed species potentially present: CTS, CRLF, Monterey Spineflower, Seaside's birds beak, Sand gilia, Smith's blue butterfly.	Listed species potentially present: CTS,CRLF, Monterey Spineflower, Seaside's birds beak, Sand gilia, Smith's blue butterfly.
To develop 479 acres of development, take permits would be required. Mitigation lands for permitting may be partly satisfied with current reserves, more may need to be identified.	Development of 479 acres is included as an HCP covered activity and permitted.
UC has no Borderland requirements. Habitat reserves total 598 acres.	UC Borderland requirements met by HCP. Habitat reserves total 598 acres.
HMP funding for requirements management on 598 acres includes Resource Management Plan development and habitat management activities.	Development pays CFD or replacement funding mechanism.

CSUMB HMP/HCP

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- Potential Outcomes

HMP	HCP
Listed species potentially present: CTS, CRLF, Monterey Spineflower, Sand gilia, Smith's blue butterfly.	Listed species potentially present: CTS, CRLF, Monterey Spineflower, Sand gilia, Smith's blue butterfly.
To develop 532 acres of development, take permits would be required. Mitigation lands for permitting would need to be identified.	Development of 532 acres is included as an HCP covered activity and permitted.
CSUMB only has Borderland requirements. No habitat reserves.	CSUMB Borderland requirements met by HCP.
No funding requirements for the HMP, except for borderland.	CSUMB pays into the HCP by funding share of preparation cost and Borderlands management costs.

MPC HMP/HCP

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- Potential Outcomes

HMP	HCP
Listed species potentially present: CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.	Listed species potentially present: CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.
To develop 296 acres of development, take permits would be required. Mitigation lands for permitting may be partly satisfied with current reserves, more may need to be identified.	Development of 296 acres is included as an HCP covered activity and permitted.
MPC has Borderland requirements. Habitat reserves total 206 acres.	MPC Borderland requirements met by HCP. Habitat reserves total 206 acres.
HMP funding requirements for management on 206 acres includes Resource Management Plan development and habitat management activities.	MPC pays into the HCP by paying a negotiated in-lieu fee.

State Parks HMP/HCP

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- Potential Outcomes

HMP	HCP
Listed species potentially present: Western Snowy Plover, Smith's Blue Butterfly, Monterey Spineflower, seaside bird's beak, Sand gilia.	Listed species potentially present: Western Snowy Plover, Smith's Blue Butterfly, Monterey Spineflower, seaside bird's beak, Sand gilia.
To develop 145 acres of development, take permits would be required. Mitigation lands for permitting may be partly satisfied with current reserves, more may need to be identified.	Development of 145 acres is included as an HCP covered activity and permitted.
State Parks has no Borderland requirements. Habitat reserves total 834 acres.	State Parks has Borderlands requirements. Habitat reserves total 834 acres.
HMP funding requirements for management on 834 acres includes Resource Management Planning and habitat management activities.	State Parks contributes directly through managing their habitat reserve in compliance with HCP.

FORTAG

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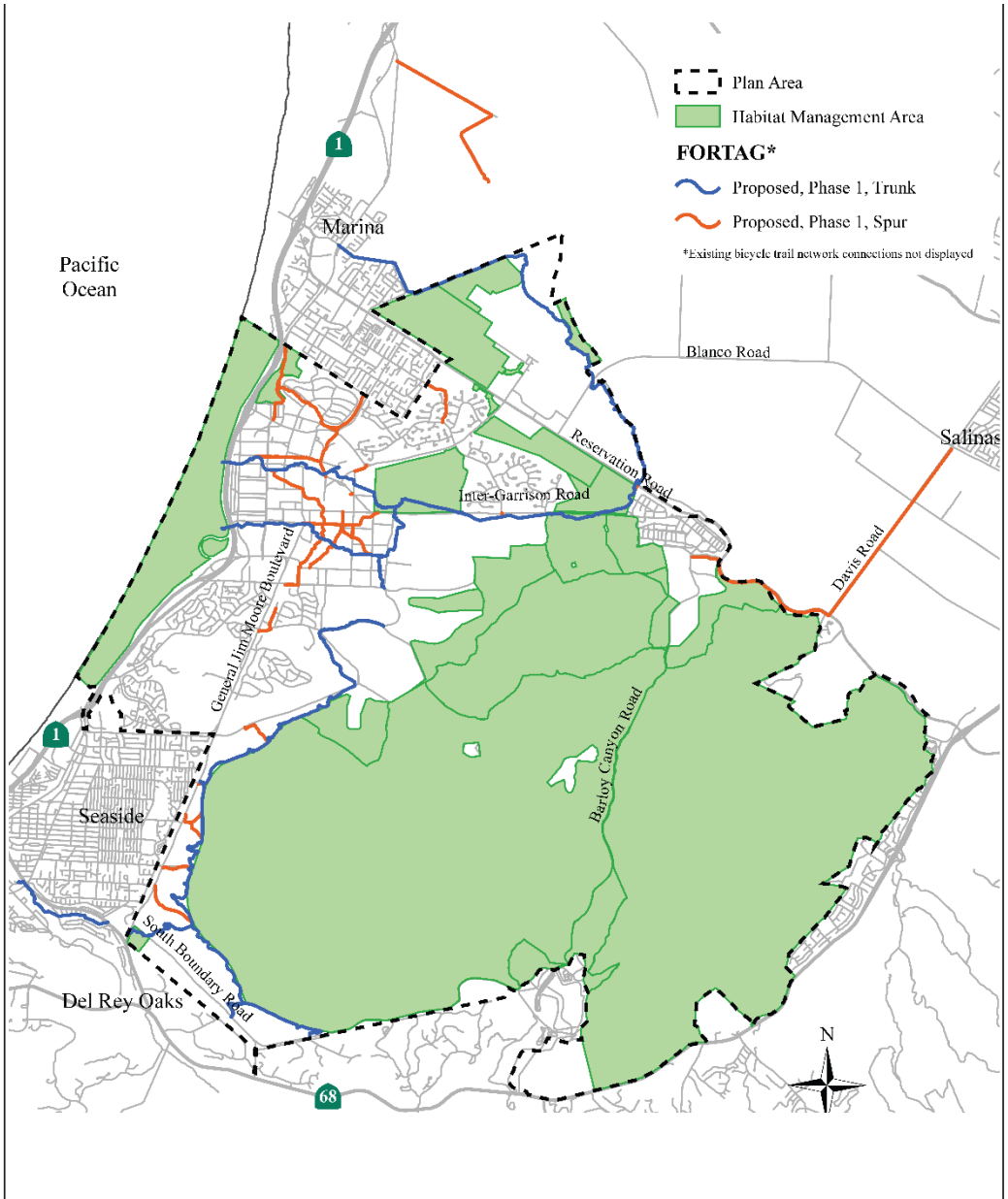
Potential Outcomes

HMP	HCP
Listed species potentially present: Smith's Blue Butterfly, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.	Listed species potentially present: Smith's Blue Butterfly, CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.
A post-transfer modification to the HMP would be required. To develop 19 acres in HMAs and 140 acres in development areas, take permits would be required. Mitigation lands for permitting may be partly satisfied with reserves, requires inter-jurisdictional coordination.	A post-transfer modification to the HMP would be required to develop in HMAs. 19 acres in HMAs and 140 acres in development areas is included as an HCP covered activity and permitted with some additional mitigations.
HMP does not include this development in HMAs. A multijurisdictional approach to obtain ITPs would be necessary to allow take of listed species.	FORTAG is included as a covered activity in the HCP, as a regional project.

FORTAG Regional Impacts

Fort Ord Reuse Authority



MCWD

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Potential Outcomes

HMP	HCP
Listed species potentially present: CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.	Listed species potentially present: CTS, CRLF, Monterey Spineflower, seaside bird's beak, Sand gilia.
A post-transfer modification to the HMP would be required. To develop 36 acres in HMAs and likely more acres in development areas, take permits may be required. Mitigation lands for permitting may be partly satisfied with reserves, requires inter-jurisdictional coordination.	A post-transfer modification to the HMP would be required to develop in HMAs. 36 acres in several non-federal and FONM HMAs and additional acres in development areas are included as an HCP covered activity and permitted.
A multijurisdictional approach to obtain ITPs would be necessary to allow take of listed species. MCWD would fund.	MCWD facilities are included as a covered activity in the HCP, as a regional project. MCWD pays CFD to participate.

MCWD – HMA Impacts

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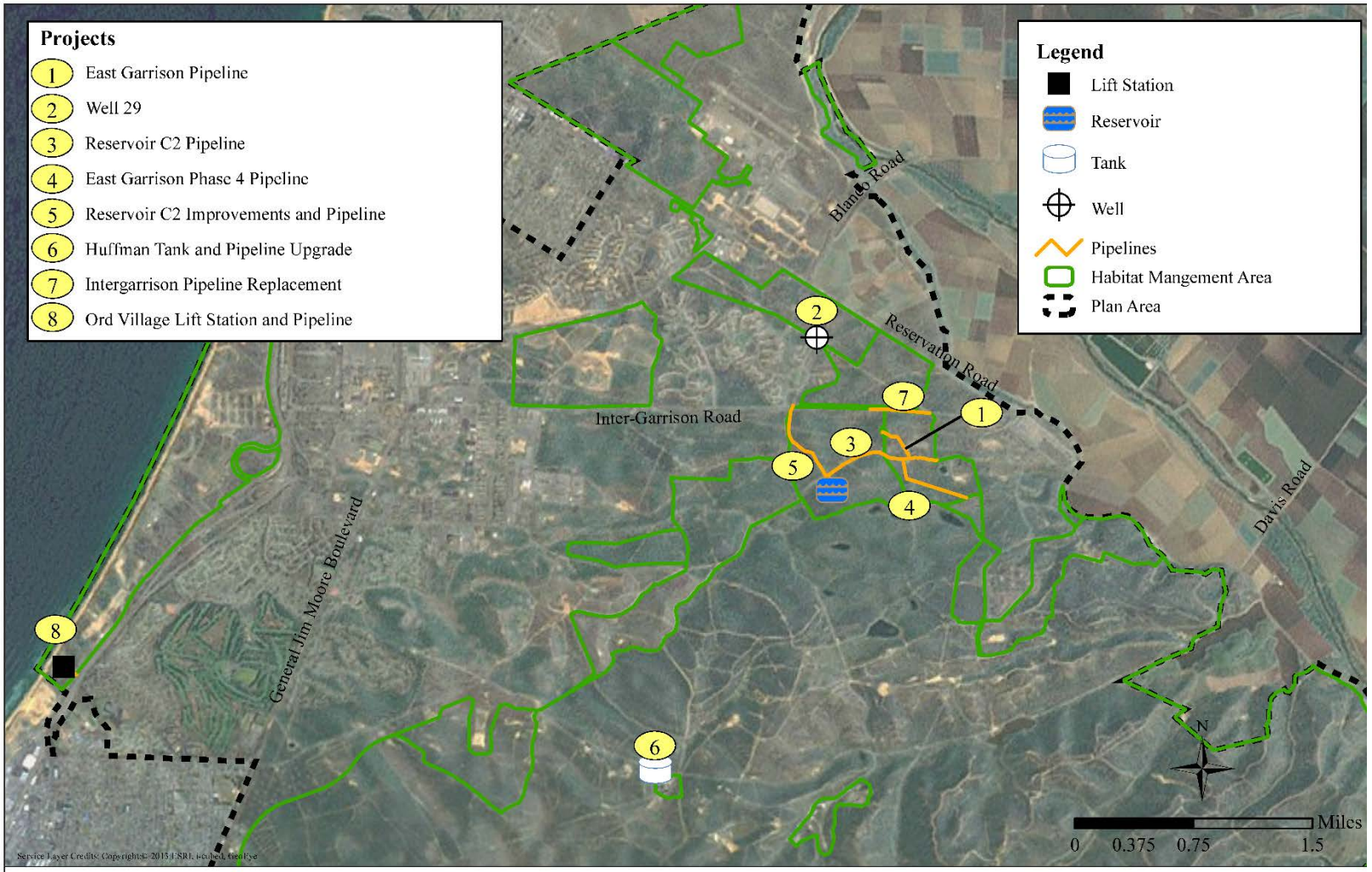

Source: Denise Duffy and Associates

HMA locations

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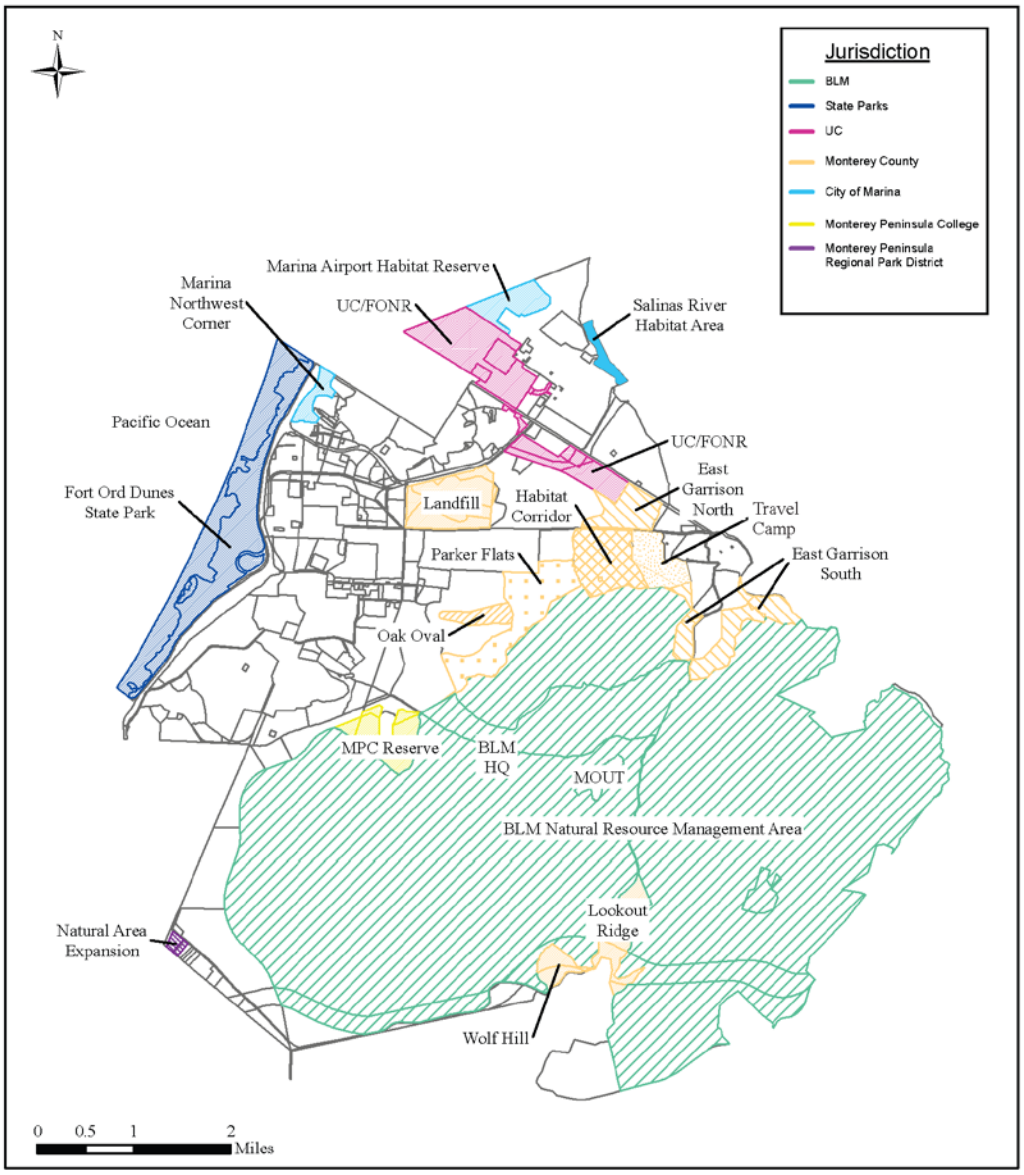

Occurrence Maps

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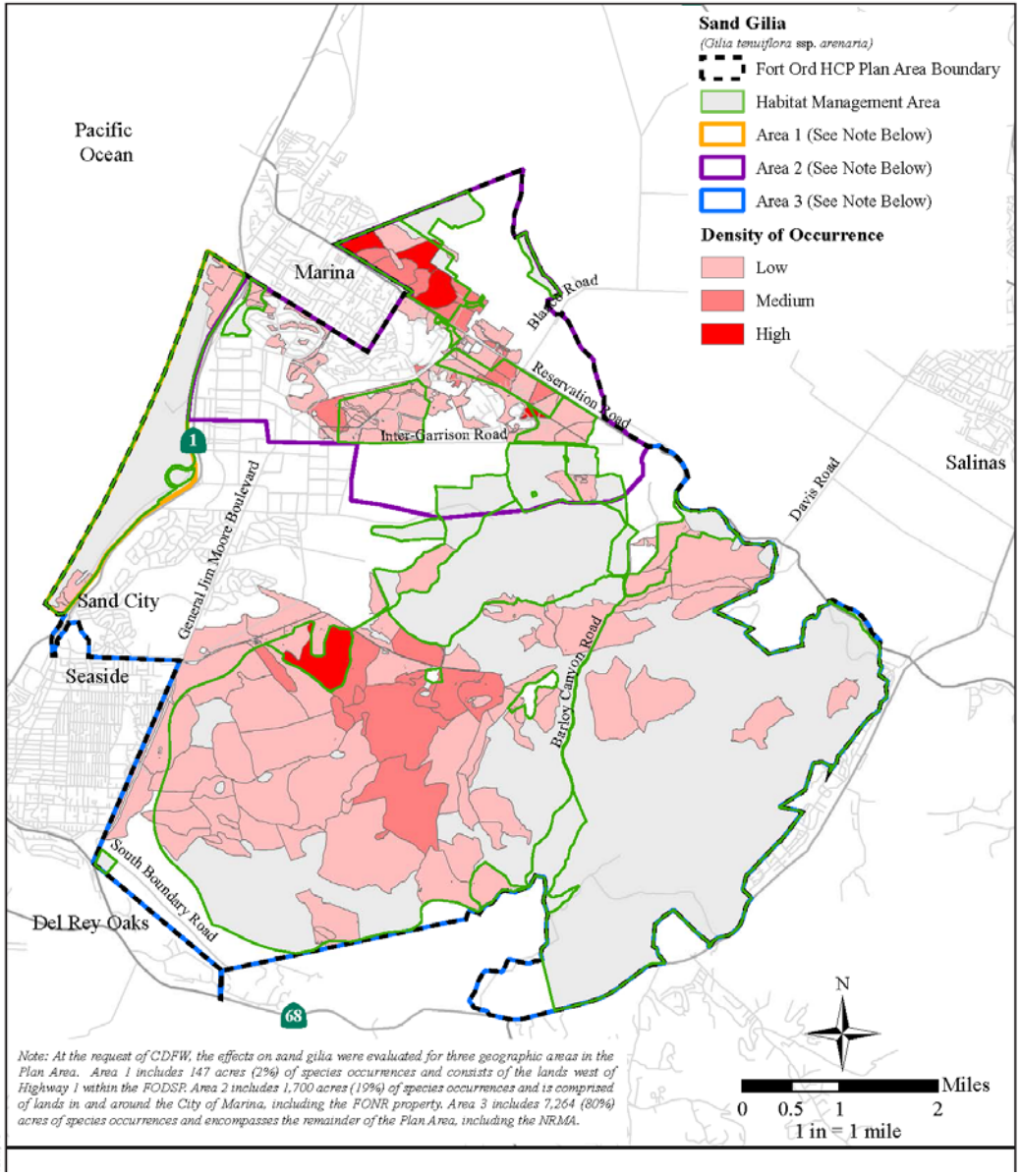

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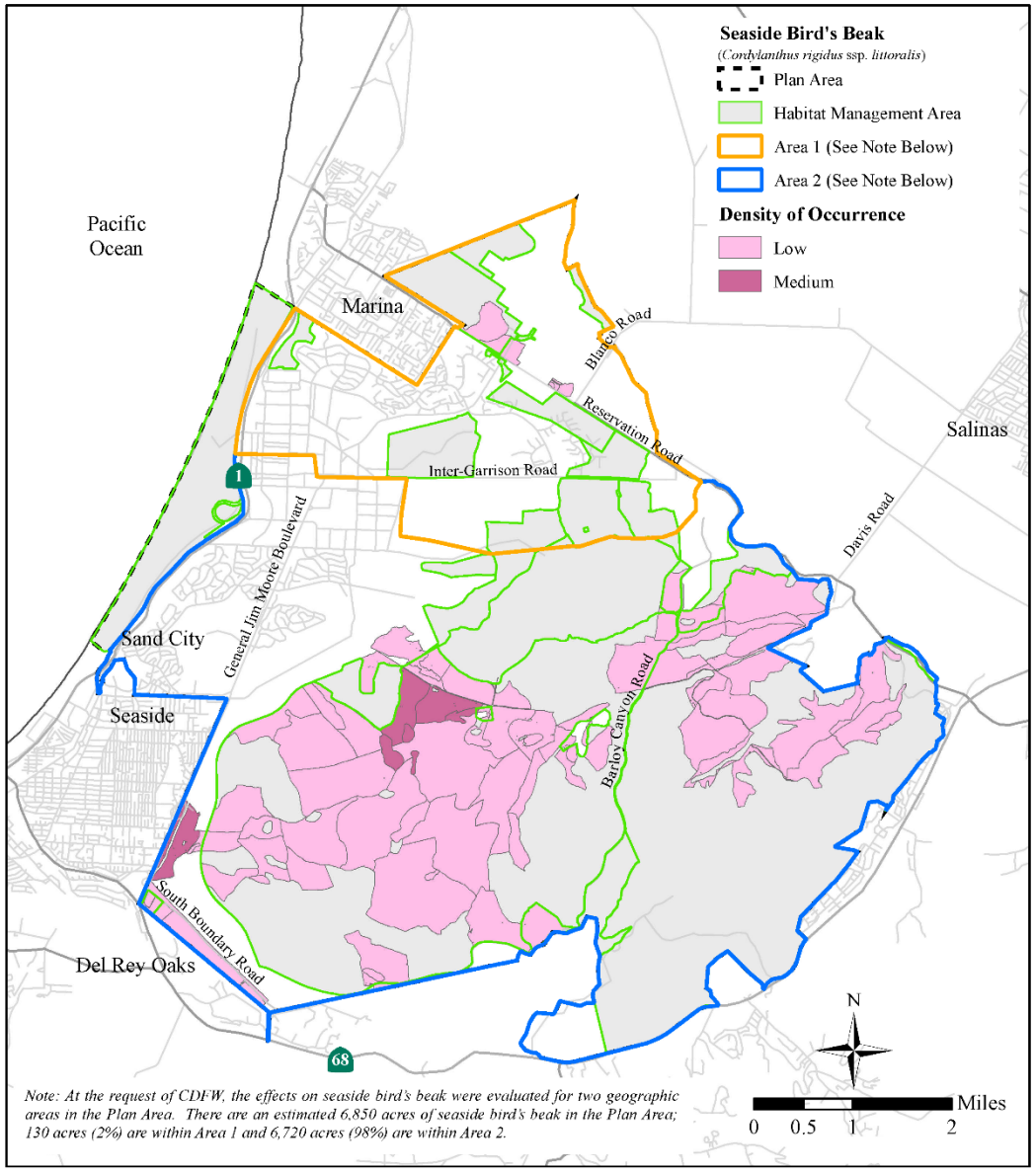

Occurrence Maps

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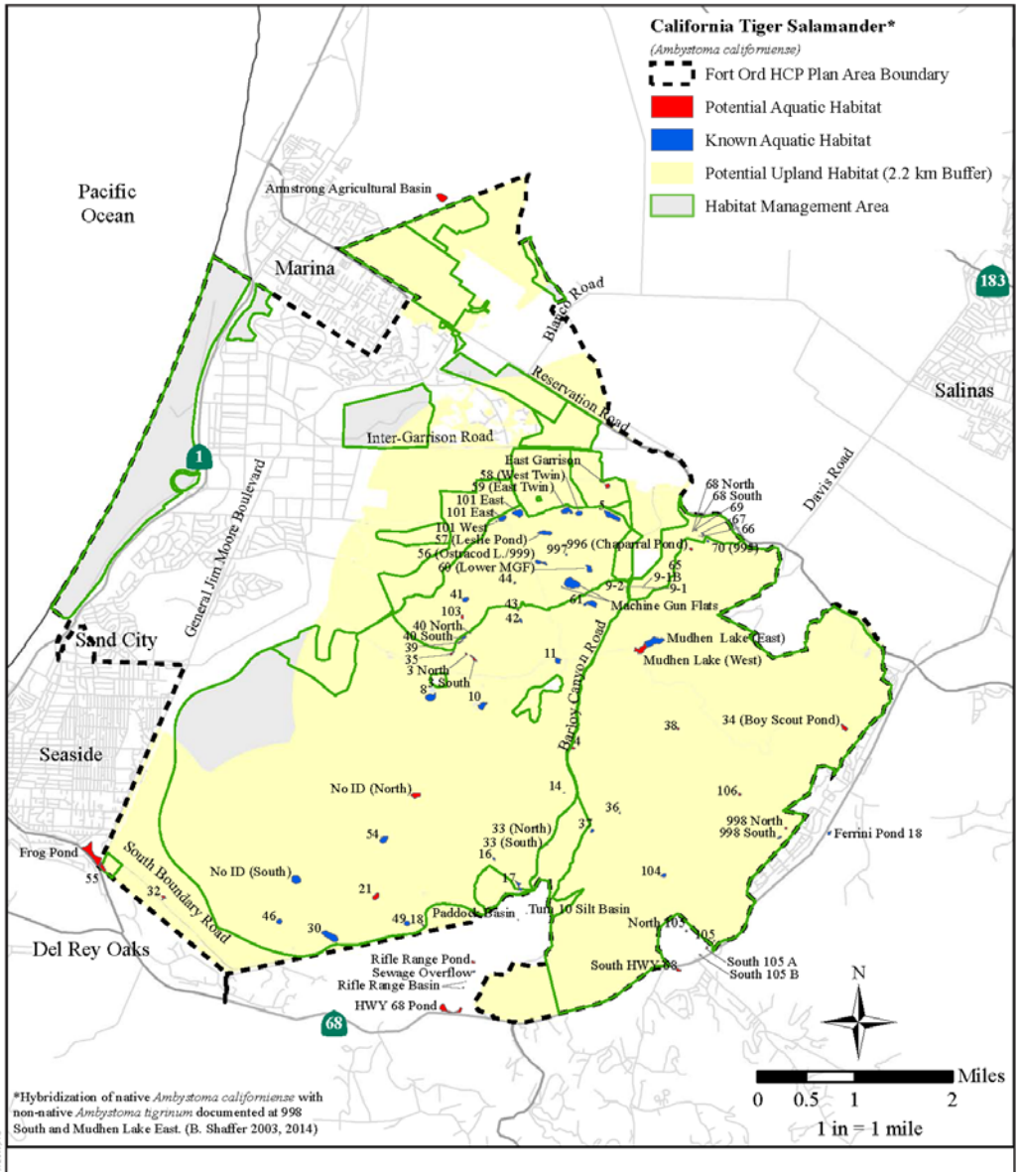

HCP in Transition Plan

- Transition Taskforce (TTF) members expressed desire to "tie up loose ends"
  - Transition Plan should have a recipient organization for HCP responsibilities in place
  - One preference for a JPA set up in next few months, in case the 2019 HCP JPA is not in place by June 2020
  - Another preference is to have a trigger date by which, if no HCP JPA is established, landholders agree to begin forming the HMP JPA

JPA Formation

- TTF suggested option to form a JPA now, as an entity to implement the HMP and receive FORA CFD habitat management funding
  - JPA could amend its purpose in the future to implement the HCP, if that effort is successful
- If HCP is approved, early formation of JPA would not be necessary
  - Streamlined Federal EIS process moves permit issuance to May 2019
  - Forming a JPA and then amending that JPAs purpose creates an extra step for multiple public agencies

Board Recommendations

- Receive this HCP status report
- Consider directing staff to work with jurisdictions on feasibility of forming of a JPA to implement base-wide habitat management activities required by the 1997 HMP

Questions?

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