

CHAPTER 1. INTRODUCTION

1.1 OVERVIEW

A Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was prepared to analyze the effects of the Proposed Action, which is the issuance of Federal and State incidental take permits (ITPs) by the U.S. Fish and Wildlife Service (USFWS) under Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973 (ESA) and by the California Department of Fish and Wildlife (CDFW) under Section 2081 of the California Fish and Game Code (CFG Code) in compliance with the California Endangered Species Act of 1984 (CESA). The issuance of the ITPs would authorize take of the Federal and State listed species identified in the Draft Fort Ord Multi-Species Habitat Conservation Plan (Draft Fort Ord HCP or Draft HCP) during the course of redevelopment of the former Fort Ord military base. The Fort Ord Reuse Authority (FORA) and its member jurisdictions have prepared the Draft Fort Ord HCP as a required component of the application for the Federal ITP. The USFWS is acting as lead agency under the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321 *et seq.*) (NEPA), and FORA is acting as lead agency under the California Environmental Quality Act, California Public Resources Code (PRC) § 21000 *et seq.* (CEQA).

In April 1997, the revised Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord (HMP) was issued by the U.S. Army Corps of Engineers (USACE) on behalf of the U.S. Department of the Army (Army). The HMP established a comprehensive species and habitat conservation program as part of the closure, disposal, and reuse of former Fort Ord lands. While the HMP provides a framework for species and habitat conservation on former Fort Ord, it does not meet the USFWS or CDFW standards or requirements for an application soliciting the issuance of ITPs. The proposed Draft Fort Ord HCP is intended to fulfill those requirements by combining key components of the HMP with additional elements to assure compliance with the ESA (16 U.S.C. §§ 1531–1544), as amended, and the CESA (CFG Code § 2050 *et seq.*), as amended; thereby serving as a basis for issuance of base-wide ITPs by USFWS and CDFW.

The Proposed Action, or project, addressed in the Draft Fort Ord HCP is the reuse and development of the former Fort Ord military base, with an emphasis on the base-wide preservation and management of habitat. Incidental take of Federal and State listed species is anticipated to occur as the former base is redeveloped consistent with the approved Fort Ord Reuse Plan (Reuse Plan). The Reuse Plan and the HMP assume a program of development and redevelopment on former Fort Ord. Under the Draft Fort Ord HCP, base reuse would result in the rehabilitation and construction of roads, utilities, and other infrastructure to support new research/educational, residential, commercial, light industrial, recreational, and other development. As a result, approximately 4,241 acres of existing developed areas on the former base would be redeveloped and about 5,051 acres of existing vegetation and wildlife habitat would be removed for new development. Impacts to the Federal and State listed species identified in the Draft HCP (the HCP species) and natural communities resulting from base redevelopment would be minimized and mitigated through the preservation and management of habitat on approximately 67% of the former base (or approximately 18,540 acres comprised of 14,645 acres of Federal land and 3,895 acres of non-Federal land). In addition to development activities, habitat management activities such as invasive species control, restoration, and prescribed burning would also be included as proposed covered activities in the Draft Fort Ord HCP (please refer to Chapter 2, *Proposed Action and Alternatives*, of the Draft EIS/EIR for details).

Four animal species and four plant species that are listed, designated species of special concern, and/or ranked as rare by the California Native Plant Society (CNPS) are proposed as HCP species under the Draft Fort Ord HCP (**Table 1-1**). The requested permit term is 50 years.

Table 1-1. Draft Fort Ord HCP Plant and Animal Species and Incidental Take Coverage Requested

Scientific Name	Common Name	Status ^a		Incidental Take Coverage Requested	
		State/CNPS CRPR	Federal	Section 2081	Section 10(a)(1)(B)
Plants					
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	sand gilia	T/1B.2	E	✓	b
<i>Piperia yadonii</i>	Yadon's piperia	1B.1	E		b
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	1B.1	T		b
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	seaside bird's beak	E/1B.1		✓	✓
Animals					
<i>Euphilotes enoptes smithi</i>	Smith's blue butterfly		E		✓
<i>Charadrius nivosus</i> spp. <i>nivosus</i>	western snowy plover	SSC	T		✓
<i>Ambystoma californiense</i>	California tiger salamander	T	T	✓	✓
<i>Rana draytonii</i>	California red-legged frog	SSC	T		✓
^a Status: State E = State listed as endangered. T = State listed as threatened. SSC = California species of special concern. Federal E = Federally listed as endangered. T = Federally listed as threatened. CNPS California Rare Plant Rank (CRPR) 1B = Rare or endangered in California and elsewhere. 4 = Limited distribution. Threat Ranks 0.1 Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat) 0.2 Moderately threatened in California (20-80% of occurrence threatened/moderate degree and immediacy of threat) ^b Under the ESA, there is no prohibition for take of plants on non-Federal lands. Section 10 ITPs are only required for wildlife and fish species. However, the Section 7(a)(2) prohibition against jeopardy applies to plants, and issuance of a Section 10(a)(1)(B) ITP cannot result in jeopardy to a listed plant species. Some plants included as HCP species in the Draft Fort Ord HCP are covered in order to meet regulatory obligations under the ESA Section 7 and to comply with the CESA.					

1.2 PURPOSE AND REQUIREMENTS

In November 2019, the USFWS and FORA, acting as Lead Agencies under NEPA and CEQA, respectively, circulated a Draft EIS/EIR for the Draft Fort Ord HCP prepared in accordance with NEPA; NEPA regulations (40 Code of Federal Regulations [CFR] parts 1500-1508); the Council on Environmental Quality (CEQ) regulations and guidelines on implementing NEPA; the USFWS NEPA Reference Handbook; and CEQA. The Draft EIS/EIR was prepared to inform agency decision-makers of the significance of impacts that could result from implementation of the Draft HCP on the human environment, as well as a reasonable range of alternatives that meet the purpose and need for the Proposed Action; and to inform and involve the public in the decision-making process. The Draft EIS/EIR was circulated for a public review period, between November 1, 2019 and December 16, 2019.

The Final EIR has been prepared in accordance with CEQA. The Final EIR contains the comments submitted on the Draft EIS/EIR, the responses to the environmental points raised in those comments, and revisions to the Draft EIS/EIR and Draft HCP made as a result of the public review process. This document, together with the Draft EIS/EIR, constitute the Final EIR for the Draft Fort Ord HCP. The Final EIR is an

informational document, which must be considered by decision-makers before approving or denying the Proposed Action (i.e., Draft HCP).

1.3 NEPA COMPLIANCE

The Council on Environmental Quality (CEQ) NEPA regulations require the lead agency or agencies to respond to comments on the Draft EIS and prepare a Final EIS, which must include and respond to all substantive comments received on the Draft EIS (40 CFR 1502.9(b) and 1603.4(b)). As the Federal lead agency, the USFWS will respond to comments on the Draft EIS/EIR and Draft HCP and file a Final EIS/EIR with the U.S. Environmental Protection Agency (EPA). The EPA will publish a Notice of Availability (NOA) in the Federal Register announcing the availability of the Final EIS for public review. After a minimum 30-day waiting period, the USFWS will issue a Record of Decision (ROD) stating its decision. The ROD will also include a discussion of the alternatives considered, the environmentally preferable alternative, the factors considered regarding the alternatives, environmental commitments and mitigation measures to be applied to the action, and any monitoring and enforcement programs that will need to be established. The ROD will also summarize and address any significant comments on the Final EIS.

This Final EIR has been prepared in accordance with CEQA only. The USFWS did not participate in the preparation of the Final EIR. This Final EIR may be used to help satisfy NEPA requirements in the future.

1.4 CEQA COMPLIANCE

As Lead Agency under CEQA, FORA has prepared this document pursuant to CEQA Guidelines § 15132, which specifies a Final EIR consist of the following elements:

- a) The Draft EIR or a revision of the draft.
- b) Comments and recommendations received on the Draft EIR, either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) Responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

The Final EIR has been prepared in accordance with CEQA and CEQA Guidelines. The FORA Board of Directors (Board) will review and consider the Final EIR prior to approving or denying the Proposed Action. The Final EIR will be made available to public agencies which provided comments on the Draft EIS/EIR a minimum of 10 days prior to the Board's consideration of the Final EIR pursuant to PRC § 21092.5. If the Board finds that the Final EIR reflects FORA's independent judgment and has been prepared in accordance with CEQA and the CEQA Guidelines, the Board will certify the adequacy and completeness of the Final EIR. The Lead Agency must certify the Final EIR prior to approving the project for which the EIR was prepared (CEQA Guidelines § 15090). After considering the Final EIR, the Lead Agency may decide whether or how to approve or carry out a project. A decision to approve the project must be accompanied by written findings prepared in accordance with CEQA Guidelines § 15091, and if applicable, § 15093. For each significant effect identified in the Final EIR, the findings must describe whether the effect can be reduced to a less-than-significant level through feasible mitigation measures. If in approving the project FORA adopts mitigation measures to reduce significant effects, it also will adopt a Mitigation Monitoring and Reporting Program (MMRP), as required by § 15097 of the CEQA Guidelines.

1.5 PUBLIC REVIEW OF DRAFT EIS/EIR

1.5.1 Public Notice

Upon completion of the Draft EIS/EIR, the Federal and State lead agencies filed notices of availability (NOAs) in compliance with NEPA in the Federal Register (84 Federal Register [FR] 58734), and in compliance with CEQA with the State Clearinghouse, respectively (**Appendix A**). The Draft EIS/EIR and Draft HCP were distributed to interested agencies, organizations, and individuals for review and comment. The public review period was November 1, 2019 through December 16, 2019.

CEQA Guidelines § 15087(a) requires that an NOA of a Draft EIR be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing. Section 15087(a) also requires that in addition to the above notifications, at least one of the following procedures be implemented:

- Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project;
- Posting of notice by the public agency on and off the site in the area where the project is to be located; or
- Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located.

FORA filed a Notice of Completion (NOC) with the State Clearinghouse and issued an NOA consistent with CEQA Guidelines §§ 15085 and 15087. Section 15087(d) requires that the NOA be posted for at least 30 days in the office of the county clerk of each county in which the project will be located. Section 15087(f) requires that an NOA be sent to State agencies through the State Clearinghouse. Section 15087(g) states that lead agencies should place copies of the Draft EIR in public libraries. The method by which these requirements were satisfied is provided below:

- On November 1, 2019, the NOA and NOC were delivered to the State Clearinghouse/Governor's Office of Planning and Research, along with electronic copies of the Draft EIS/EIR and HCP. The NOA provided notice of the public review period, where to send comments, and the date/time of the public meeting. In addition, FORA distributed the NOA for the Draft EIS/EIR and HCP to approximately 180 Federal agencies, State agencies, and interested groups, organizations, and individuals. The distribution list included all parties that commented on the Notice of Preparation (NOP) and all parties that contacted FORA requesting to be notified about the project.
- The NOA was published in the Monterey Herald (11/8/2019), the Monterey County Weekly (11/7/2019), and the Salinas Californian (11/9/2019).
- Hard copies of the Draft EIS/EIR and HCP were made available for review during normal business hours at the FORA Office at 920 2nd Avenue, Suite A, Marina, CA 93933, and at the Seaside Branch of the Monterey County Library at 550 Harcourt Avenue, Seaside, CA 93955.
- On November 1, 2019, the NOA was posted at the FORA Office (on-site) and at the Monterey County Clerk Office.
- The Draft EIS/EIR and HCP were available online at the FORA and project websites at: www.fora.org and www.fora.org/habitat.html. Electronic copies of the Draft EIS/EIR and HCP were also available online at the CEQA database: <https://ceqanet.opr.ca.gov/2005061119/2> and USFWS Ventura Office: <https://www.fws.gov/ventura/> websites.

The NOA is included in **Appendix A**. The State Clearinghouse's letter indicating it received the document, submitted it to selected State agencies for review, and complied with CEQA is presented as Letter HH in **Chapter 4**. The State Clearinghouse letter provided the link to the CEQA database above to retrieve

comments received from State agencies. One comment letter was received from the California Department of Fish and Wildlife, which is included as Letter E in **Chapter 4**.

Under Section 309 of the Clean Water Act (CWA), the EPA is charged with reviewing all Federal agencies' EISs and commenting on the adequacy and acceptability of the environmental impacts of proposed actions in EISs. The USFWS submitted an NOA to the EPA, consistent with the CEQA Guidelines. The EPA filed a notice in the Federal Register on November 1, 2019 (**Appendix A**) and the EPA's comment letter is presented as Letter C in **Chapter 4**.

1.5.2 Public Meeting on Draft EIS/EIR and HCP

FORA held a public meeting during the Draft EIS/EIR review period to inform the public of the content of the Draft EIS/EIR and HCP and NEPA and CEQA processes and to provide an opportunity for the public to provide written comments. The meeting was held on November 20, 2019, from 6:00 p.m. to 8:00 p.m. at the Community Center at Soper Field (220 Coe Avenue, Seaside, CA 93955). Spanish translation was available, and the venue was accessible under the Americans with Disabilities (ADA). The NOA (described above) contained information about the meeting.

1.6 FORMAT AND ORGANIZATION OF THE FINAL EIR

This Final EIR is organized into the following chapters:

- **Chapter 1, Introduction**, contains this introduction to the Final EIR, including an overview of the Proposed Action, the purpose and requirements under NEPA and CEQA, a description of the Draft EIS/EIR public review process, a description of the contents of the Final EIR, and an introduction to the master response chapter.
- **Chapter 2, List of Comments**, contains a list of all written comments received on the Draft EIS/EIR.
- **Chapter 3, Master Response to Comments**, contains a master response to common topics raised by the commenters.
- **Chapter 4, Comments and Responses on the Draft EIS/EIR and HCP**, contains copies of all comment documents received on the Draft EIS/EIR and HCP, and responses to each identified comment within the comment documents.
- **Chapter 5, Reduced/Phased HCP Alternative**, contains a description of a reduced/phased version of the Proposed Action Alternative (i.e., Draft HCP) and an analysis of potential environmental effects.
- **Chapter 6, Revisions to the Draft HCP**, contains revisions to the text of the Draft HCP made in response to the public review process.
- **Chapter 7, Revisions to the Draft EIS/EIR**, contains revisions to the text of the Draft EIS/EIR made in response to the public review process.
- **Chapter 8, List of Preparers**, contains a list of agencies and consultants and their staff that assisted with preparation of this Final EIR.

Appendices, including the following:

The following new appendices have been added in this Final EIR:

Appendix A – Draft EIS/EIR Notices of Availability

Appendix B – Habitat Working Group Information

Appendix C – Fort Ord Multi-Species Habitat Conservation Plan – Financial Model Sensitivity Analysis and Cost Allocation Alternatives Memorandum (Economic & Planning Systems, Inc., November 13, 2019)

Appendix D – Habitat Management Plan Cost Estimate

Appendix E – Summary of Impacts and Mitigation Measures for the Reduced/Phased HCP Alternative

No significant conclusions in the Draft EIS/EIR are changed as a result of these revisions and none of the revisions to the Draft EIS/EIR or Draft HCP constitutes significant new information so as to require recirculation of the Draft EIS/EIR.

1.7 DOCUMENT AVAILABILITY

Hard copies of the Final EIR and its appendices are available for public review during normal business hours at the FORA Office at 920 2nd Avenue, Suite A, Marina, CA 93933, and at the Seaside Branch of the Monterey County Library at 550 Harcourt Avenue, Seaside, CA 93955. Electronic copies are available online at the FORA and project websites at: www.fora.org and www.fora.org/habitat.html and the CEQA database <https://ceqanet.opr.ca.gov/2005061119/2>.

1.8 MASTER RESPONSE TO COMMENTS

Chapter 3 of this document contains a master response that addresses some common topics raised by the commenters. The intent of a master response is to provide a comprehensive response to an issue so that multiple aspects of the issue can be addressed in a coordinated, organized manner in one location. This ensures that each topic is thoroughly addressed and reduces repetition of responses. Responses to individual comments cross-reference the appropriate master response when the comment is pertinent to the master response.