



# FORT ORD REUSE AUTHORITY

**REGULAR MEETING  
FORT ORD REUSE AUTHORITY (FORA) HABITAT WORKING GROUP  
and  
SPECIAL MEETING  
FORT ORD REUSE AUTHORITY (FORA) ADMINISTRATIVE COMMITTEE  
Friday, January 17, 2020 at 10:00 a.m.  
910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Hall)  
AGENDA**

## 1. CALL TO ORDER

## 2. PUBLIC COMMENT PERIOD

*Members of the public wishing to address the Committee on matters within its jurisdiction, not on the agenda, may do so for up to 3 minutes and will not receive Committee action. Whenever possible, written correspondence should be submitted to the Committee in advance of the meeting, to provide adequate time for its consideration.*

## 3. BUSINESS ITEMS

- a. Approve meeting minutes from January 10, 2020 **ACTION**
- b. Today's Meeting Objective **INFORMATION**
- c. Review of Environmental Compliance Requirements and Address Questions **INFORMATION**
  - i. *What are the basic requirements for each agency to comply with State and Federal provisions?*
  - ii. *If we reduce the scale of the HCP - would this reduce the costs and stay ahead provision?  
Would this reduction in scope lower start-up costs for implementation?*
  - iii. *How long do we really need to plan for?*
  - iv. *Can we reopen the HCP to better reflect development assumptions?*
  - v. *If we reduce the scale of the HCP would the EIR and EIS still be valid?*
  - vi. *Does Borderland management qualify for a different type of take permit?*
  - vii. *The HCP will cover a subset of the species addressed by the HMP. The HCP will manage natural communities and covered species habitats. Will the permittees still need to implement management, monitoring, and reporting actions for HMP species not covered by the HCP?*
  - viii. *Can you confirm that HCP permittees need to apply for CDFW 2081 permits?*
  - ix. *How will regulatory agencies enforce environmental compliance?*
  - x. *Do individual agencies have the ability to mitigate onsite?*
  - xi. *Other questions?*

## 4. FUTURE AGENDA ITEMS

## DISCUSSION

*Receive communication from Committee members as it pertains to future agenda items.*

## 5. ADJOURNMENT

**NEXT MEETING: January 24, 2020**

Persons seeking disability related accommodations should contact the Deputy Clerk at (831) 883-3672 48 hours prior to the meeting. Agenda materials are available on the FORA website at [www.fora.org](http://www.fora.org).



## REGULAR MEETING

### FORT ORD REUSE AUTHORITY (FORA) HABITAT WORKING GROUP

10:00 a.m. Friday, January 10, 2020 | FORA Board Room  
920<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

#### 1. CALL TO ORDER

Co-Chair Jane Parker called the meeting to order at 10:00 a.m.

The following FORA Board and Administration Committee members were present:

Supervisor Jane Parker (Monterey County)  
Mayor Pro Tem Gayle Morton (City of Marina)  
Councilmember John Gaglioti (City of Del Rey Oaks)  
Councilmember Alan Haffa (City of Monterey)  
Councilmember Ian Oglesby (City of Seaside)  
Layne Long (City of Marina)  
Hans Uslar (City of Monterey)  
Craig Malin (City of Seaside)  
Patrick Breen (MCWD)

Members of the Consultant Team included:

Kendall Flint (RGS)  
Tom Graves (RGS)  
Aaron Gabbe (ICF)  
Erin Harwayne (DDA)  
Ellen Martin (EPS)

#### 2. PUBLIC COMMENT PERIOD

No public comments were received.

#### 3. BUSINESS ITEMS

##### a. Discussion of Meeting Objectives

The group held a brief discussion outlining the purpose of the Habitat Working Group: to identify possible options for agencies to address environmental compliance with state and federal requirements for habitat management and/or mitigation on the former Fort Ord. This would include discussions regarding the viability of implementation via a Habitat Management Plan, a Habitat Conservation Plan and/or a hybrid approach if possible.

**b. Committee Structure**

Co-Chair Parker described the proposed structure of the committee with herself and Executive Officer Josh Metz serving as Co-Chairs. No objections were made.

Meetings will be jointly noticed to allow members of the FORA Board and Administrative Committee to attend and share information freely. Public comment will be allowed following each business item discussed.

Any public agency with property in the former Fort Ord that may require habitat management may participate in the Working Group. It is anticipated that participation would include a Board member representing the agency, an Administrative Committee member representing the agency and/or staff members including but not limited to legal counsel. The group determined that there was no set number of participants per agency as the objective was to achieve consensus as opposed to voting on specific items. Co-Chair Parker said the Working Group would be informing the FORA Board what it has come up with. If actions are taken, they would be shared with the Board as recommendations.

**c. Group Exercise: Define Key Topic Areas for Future Meetings**

The Working Group held a breakout session by Agency to identify key areas of concerns, questions for the Group and its consultant team to address at future meetings, and challenges to the environmental compliance process including fiscal impacts and potential liabilities to each agency. A list of questions already identified by agencies were provided to all participants for review. Each group reported back its concerns with the goal of identifying common concerns for future meeting discussions.

Monterey County**Habitat**

*If we reduce the scale of the HCP, would this reduce the costs and stay ahead provision? Would this reduction in scope lower start-up costs for implementation?*

**Finance**

*What is the mechanism for collection of fees for future development to replace the existing CFD? Who will defend and pay for litigation over HCP/EIR approval? Would this fall to the JPA or to agencies?*

**Take Permits**

*Should we reduce the permit for realistic near-term development over the next 25 years?*

**Other**

*Who would manage the proposed JPA if one is established by July 1, 2020? What can we feasibly accomplish by June 30, 2020? If the EIR is approved but no project (the HCP) has been selected?*

City of Monterey

**Habitat**

*Prefers the JPA concept for governance as it allows for joint management of the habitat at a reduced cost, facilitates access to take permits, offers legal protection and shared risks. The City also noted that the EIR/EIS is almost complete*

*How long (planning horizon) do we really need to plan for?*

City of Marina and City of Del Rey Oaks

**Habitat**

*If we reduce the scale of the HCP would the EIR and EIS still be valid? Can we reopen the HCP to better reflect development assumptions?*

**Finance**

*Marina has already established and set a fee for development yielding a set amount. How will other agencies collect set and collect fees and will they be enough to cover the cost of establishing a proposed endowment to fund the HCP?*

City of Seaside

**Habitat**

*What species does each agency have, where are they located and how many acres must be maintained/restored?*

*What protections do agencies have if others are non-compliant?*

*How can we best optimize mitigation areas within habitat management areas?*

Non-Land Use Agencies

*What liability/responsibilities would these agencies incur if a JPA is formed?*

**d. Approve Draft Schedule**

Co-Chair Metz then focused on upcoming meeting topics and agendas. A series of eight additional meetings are planned. Topics for future meetings will be discussed each week. The group agreed on the next two subject areas for upcoming meetings:

- January 17<sup>th</sup> will focus on compliance requirements with representative from United States Fish & Wildlife Service and California Fish and Game.
- January 24<sup>th</sup> will focus on legal and financial issues related to establishing a “cooperative” and/or other mechanism(s) to address environmental compliance and review options related to reducing the size of the proposed mitigation and management areas.

**4. ITEMS FROM MEMBERS**

None.

**5. ADJOURNMENT 12:00 p.m.**

Co-Chair Parker adjourned the meeting at noon.

DRAFT