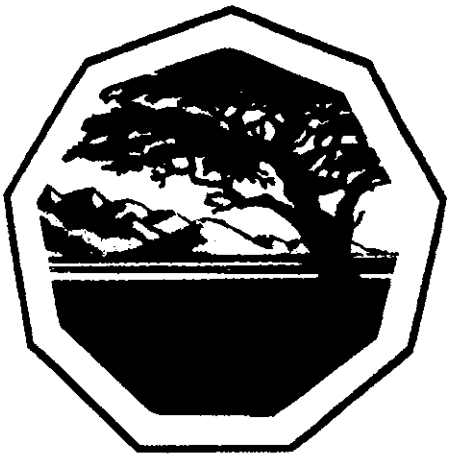
Fort Ord
Reuse Authority



Board Packet

For

September 12, 2008

Board Meeting

Fort Ord Reuse Authority
100 12th Street, Building 2880, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

BOARD OF DIRECTORS MEETING

Friday, September 12, 2008, at 3:30 pm
FORA Conference Facility/Bridge Center
201 13th Street, Building 2925, Marina (on the former Fort Ord)

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ACKNOWLEDGEMENTS

4. PUBLIC COMMENT PERIOD: Members of the audience wishing to address the Board on matters within the jurisdiction of the Authority but not on the agenda may do so during the Public Comment Period. You may speak for a maximum of three minutes on any subject. Public comments on specific agenda items will be heard at the time the matter is being considered by the Board.

5. CONSENT AGENDA — ACTION
   a. August 8, 2008 board meeting minutes
   b. Contract for legal services: Lombardo & Gilles, LLP
   c. Selection of Fort Ord Reuse Authority auditor

6. OLD BUSINESS
   a. Habitat Conservation Plan approval process — INFORMATION

7. NEW BUSINESS
   a. Marina Coast Water District capacity charges - update — INFORMATION
   b. Multi-Modal Transit Corridor realignment Memorandum of Agreement
      (1) Receive an update — INFORMATION
      (2) Provide direction to staff — ACTION
   c. Regional Plenary Oversight Group: Water for Monterey County project – status report — INFORMATION
   d. California State University Monterey Bay 2007 Master Plan: Recirculated Draft Environmental Impact Report (RDEIR) dated July 2008 — INFORMATION

8. EXECUTIVE OFFICER'S REPORT
   a. Administrative Committee report — INFORMATION
   b. Executive Officer's travel report — INFORMATION
   c. Association of Defense Communities (ADC) Annual Conference report — INFORMATION

9. ANNOUNCEMENTS AND CORRESPONDENCE
   a. Media coverage report for FORA's August 12, 2008 signing ceremony
   b. California Local Governments "Green Purchasing" seminar

10. ADJOURNMENT

ACTION MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
September 12, 2008

APPROVED

1. CALL TO ORDER

Chair/ Mayor Joe Russell called the meeting to order at 3:30 p.m. and requested a roll call:

Voting members:

Chair/Mayor Russell (City of Del Rey Oaks)	1st Vice Chair/Mayor Rubio (City of Seaside)
Mayor McCloud (City of Carmel-by-the-Sea)	Mayor Wilmot (City of Marina)
Councilmember Mancini (City of Seaside)	Jim Cook (County of Monterey)
Supervisor Calcagno (County of Monterey)	Supervisor Mettee-McCutchon (County of Monterey)
Councilmember Davis (City of Pacific Grove)	Mayor Pendergrass (City of Sand City)

Arriving after the roll call was Mayor Della Sala (City of Monterey). Alternate Jim Cook was substituting for Supervisor Potter. Councilmember Barnes (City of Salinas) and Councilmember McCall were absent.

Ex-officio members:

Dr. Bruce Margon (UC Santa Cruz)	James Main (CSUMB)
COL Pamela Martis (U.S. Army)	Vicki Nakamura (Monterey Peninsula College)
Gail Youngblood (BRAC)	

Arriving after the roll call were Alec Arago (17th Congressional District), Dr. Marilyn Shepherd (Monterey Peninsula Unified School District), Hunter Harvath (Monterey-Salinas Transit), Debbie Hale (Transportation Agency for Monterey County) and Kenneth K. Nishi (Marina Coast Water District). There were no representatives from the 15th State Senate District and the 27th State Assembly District.

With a quorum present, Chair Russell opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Russell asked COL Martis, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS

Chair Russell recognized COL Martis, who was attending her last FORA Board meeting. She had distributed Commanders' Certificates of Excellence and the June 2nd Army commemoration token to each of the FORA cities prior to the meeting. She expressed her gratitude for the support and hard work the FORA board members had given her during her tour of duty here. Mayor Rubio complimented her for her willingness to engage the communities, adding that she had "raised the bar for subsequent commanders". He joined others wishing her well in her new assignment in Afghanistan.

4. PUBLIC COMMENT PERIOD - none

5. CONSENT AGENDA

There were three items on the Consent Agenda: Item 5a (August 8, 2008 FORA board meeting minutes), Item 5b (Contract for legal services: Lombardo & Gilles, LLP), and Item 5c (Selection of Fort Ord Reuse Authority auditor). Assistant Executive Officer Jim Feeney, representing Executive Officer Michael Houlemard in the latter's absence, reported that the Finance Committee had met at 3:15 and recommended pulling Item 5c for a brief update. There were no public comments. **Motion to approve Items 5a and 5b on the Consent Agenda was made by Mayor Rubio, seconded by Councilmember Mancini, and carried.** FORA Controller Ivana Bednarik reported that the Finance Committee had voted to support the staff recommendation to select Marcello & Company to conduct the FY 2007-08 FORA audit. There were no public comments. **Motion to authorize the Executive Officer to execute a professional services contract with Marcello & Company for a period of up to five years (a three-year contract with two one-year renewal options) was made by Supervisor Mettee-McCutchon, seconded by Mayor Rubio, and carried.**

6. OLD BUSINESS

Item 6a - Habitat Conservation Plan ("HCP") approval process: Director of Planning and Finance Steve Endsley reported that the September 9th meeting with Jones and Stokes, FORA's environmental consultant, had resulted in answers to a number of questions. The next conference call with the regulators, scheduled for September 16th, will include another review of the draft document. He said all major chapters are essentially completed now and only a few remaining budget issues need to be resolved. He said the draft HCP document and the environmental document are on target for release by the end of 2008. There were two clarifying questions from board members and no public comments.

7. NEW BUSINESS

Item 7a – Marina Coast Water District capacity charges – update: Assistant Executive Officer Jim Feeney reported that several meetings had been held and the capacity charges item is on target for a recommendation by the Administrative Committee in time for the October board meeting. He said that the developers have shown particular interest in these charges. Comparisons between the Marina Coast Water District's ("MCWD"s) 2005-06 Capital Improvement Program ("CIP") figures and those in the currently proposed CIP will be discussed at the September 17th and October 1st Administrative Committee meetings. Several board members requested copies of FORA's corrected resolution regarding the approval of the Ord Community budgets and rates that were approved at the August board meeting. Following board discussion, including several questions about the possibility of deferring projects in the MCWD CIP, Mr. Feeney remarked that careful pre-planning would be necessary if projects were deferred to lower costs but he added that it was essential for the infrastructure to be in place before the first phase of MCWD's projects were begun. He added that this is the "type of detail we need to get our arms around." Councilmember Davis asked if the capacity charges could come down over time and Mr. Feeney responded that the charges might level off over time. Chair Russell opened the discussion to the public, and Thom Gamble, representing Marina Community Partners and several other FORA builders, remarked that there were no development fees in 2003 and in 2005, "the system was in trouble." He asked that the developers have time to review and analyze the fees and charges before they are approved and requested meeting with Mr. Feeney and others on the FORA staff. He reported that a letter had been sent to the Executive Committee detailing the developers' concerns.

Item 7b – Multi-Modal Transit Corridor ("MMTC") realignment Memorandum of Agreement ("MOA"): (1) Receive an update and (2) Provide direction to staff:

Item 7b(1) – Receive an update: Assistant Executive Officer Feeney described the "old" Multi-Modal Transit Corridor, as noted in the Base Reuse Plan, and the reasons for the changes that have resulted in the realignment. Director of Planning and Finance Steve Endsley called attention to the current draft of the MOA, which the Board was seeing for the first time, and said that the Administrative Committee and the special working group have been working on resolving the remaining concerns. He reported that the MOA is close to bringing it to the Board for approval. Board comments included the following: (1) Councilmember Davis asked if all the stakeholders had been notified of the changes, and Mr. Endsley responded yes, that about 10 meetings had been held to date. (2) Graham Bice, a participant at the meetings, confirmed the detailed discussions and said UCSC has been working with the Army to bring about the transfer of the habitat easement needed for the realigned MMTC. (3) Hunter Harvath, the Monterey-Salinas Transit ("MST") representative, indicated MST's support and said the MST board would be voting on approval in October. (4) Mayor McCloud asked where the Environmental Impact Report ("EIR") to the document was, and Mr. Feeney responded that when the project is constructed, a project level document would address the environmental issues. Mayor McCloud requested that everyone impacted by the realignment be notified of the MOA in advance, including those in Marina and the residents of the condo association on Reservation Road between Blanco and Davis Roads. She also asked if there would be a way to change the realignment after FORA sunsets in 2014; Mr. Feeney replied that there might be an opportunity for others to revisit the realignment and that much would depend on who owns the real estate and the costs to purchase the "new" rights of way. There were no public comments.

Item 7b(2) - Provide direction to staff: With the exception of Mayor McCloud's recommendations, the board did not provide any additional direction to staff at this time.

Item 7c - Regional Plenary Oversight Group: Water for Monterey County project – status report: Director of Planning and Finance Steve Endsley reported that the CA Public Utilities Commission is currently evaluating this project. An environmental analysis will be the next step in the process. He added, however, that funding is on hold at this time, but that a request has been sent out to the regional water and sewer agencies. Management of the project would be the next phase, which is yet unclear. Mr. Endsley remarked that discussions of a regional project had brought many people together in the same room to discuss what might benefit everyone, especially by lowering capital costs. He said FORA staff would continue to keep the Board informed on project developments. There were no board or public comments.

Item 7d - California State University Monterey Bay 2007 Master Plan: Recirculated Draft Environmental Impact Report (RDEIR) dated July 2008: Assistant Executive Officer Jim Feeney reported that all comments to the RDEIR had been received, including FORA's, remarking that many had focused on transportation. He said the CSU Trustees are expected to act on the document in November. CSU has initiated a series of meetings with FORA and its members to work through the remaining issues. Jim Main, CSUMB's board representative, expressed appreciation to all who had been involved in the meetings and stated that good progress addressing the issues had been made. There were no additional board or any public comments.

8. EXECUTIVE OFFICER'S REPORT

There were three items in this report: Item 8a (Administrative Committee report), Item 8b (Executive Officer's travel report), and Item 8c (Association of Defense Communities (ADC) Annual Conference

report). Assistant Executive Officer Jim Feeney noted that all items were informational. There were no board or public comments.

9. ANNOUNCEMENTS AND CORRESPONDENCE

There were two items: Item 9a (Media coverage report for FORA's August 12, 2008 signing ceremony) and Item 9b (California Local Governments "Green Purchasing" seminar). No additional comments were made on these items.

Supervisor Mettee-McCutchon reported that the Fort Ord Veterans Cemetery Citizens Advisory Committee voted yesterday to continue the approval process of the final draft of the cemetery Master Plan, which will go next to the City of Seaside and then to the County Board of Supervisors in October. She said the final Master Plan pre-application would be submitted to the state by year's end. She reported that Tom Johnson, CA Secretary for Veterans' Affairs, had complimented the committee, saying that the group had done much of his department's work, which should smooth the road to final approval. Councilmember Mancini said the presentation to the City of Seaside was scheduled for next Thursday between 7:00 and 7:30 p.m. Vicki Nakamura, Monterey Peninsula College's representative, announced that the college would be celebrating the groundbreaking for the public safety officers' program classrooms on COL Durham Road in Seaside on Thursday, October 9th, with more details to follow.

10. ADJOURNMENT

There being no further business, Chair Russell adjourned the meeting at 4:10 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk.

Approved by _____
Michael A. Houlemard, Jr., Executive Officer/Clerk

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Contract for legal services: Lombardo & Gilles, LLP	
Meeting Date:	September 12, 2008	**ACTION**
Agenda Number:	5b	

RECOMMENDATION:

Authorize the Executive Officer to execute the attached contract **(Attachment 5b-1)** with Lombardo & Gilles, LLP to represent the Fort Ord Reuse Authority (FORA) in connection with existing litigation for an amount not to exceed $60,000.

BACKGROUND/DISCUSSION:

The ongoing retainer with Authority Counsel anticipates outside counsel for added legal support on selected litigation and other items. Ms. Sheri Damon (former FORA Counsel) Lombardo and Gilles, LLP was retained in FY 2008 to provide support representation in connection with certain litigation (Save Our Peninsula v. FORA). That litigation has been ongoing and has extended into this fiscal year. The attached agreement addresses fees to be paid for this litigation in the 2008-2009 fiscal year.

FISCAL IMPACT:
Reviewed by FORA Controller _____

The FY 08-09 budget includes $60,000 for existing/pending litigation.

COORDINATION:

Lombardo and Gilles

Prepared by Linda Stiehl
Gerald D. Bowden
for Gerald D. Bowden

Approved by _____
Michael A. Houlemard, Jr.

Anthony L Lombardo
Jeffery R. Gilles

Dennis C. Beougher
Patrick S.M. Casey
Sheri L. Damon
E. Soren Diaz
J. Kenneth Gorman
Karen R. McWilliams
Amy Purchase Reid
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Virginia A. Hines
Of Counsel

Lombardo & Gilles
LIMITED LIABILITY PARTNERSHIP

831-754-2444 (SALINAS)
888-757-2444 (TOLL FREE)
831-754-2011(FAX)
www.lomgil.com

225 Sixth Street
Hollister, CA 95023
831-630-9444

File No. 1169.003

August 18, 2008

Michael A. Houlemard, Jr.
Executive Director, Fort Ord Reuse Authority
100 12th Street, Building 2880
Marina CA 93933

Re: **Contract Work and Conflict of Interest Waiver**

Dear Michael:

This letter is an amendment to that certain Agreement entered into by the Fort Ord Reuse Authority and Lombardo & Gilles dated May 15, 2000, reflects adjustments to the scope of work which now will specifically include all matters as assigned and directed by the Executive Officer within the limits of his authority under the FORA procurement code and specifically the Save Our Peninsula v. Fort Ord Reuse Authority litigation, the Lombardo & Gilles fee structure and discloses additional potential conflicts of interests which FORA has previously waived.

Our legal fees are generally based upon the number of attorney hours devoted to a client's representation. We may also adjust our billing based on the factors set forth in the Rules of Professional Conduct of the State Bar of California. Those factors include the experience, ability and reputation of the attorneys working on the matter; the responsibilities involved; the time exigencies of your case; and the results achieved. The attorney handling this matter for you is Sheri L. Damon, whose hourly rate is $375.00 however, a public agency discount rate of $300 will be applied. All attorneys who work on the file will conform to the agency billing rates which are established for Sheri. Paralegal and land use specialist assistant time is billed between $75.00 and $160.00 per hour, and support staff time is billed at $35.00 per hour, again, depending on who works on your file. All hourly rates are billed in increments of one-tenth of an hour. Our hourly rates are adjusted from time to time (generally once a year) and, therefore, are subject to change during the course of our engagement. Sheri will review the time records before sending out our monthly statements.

As you are aware, Lombardo & Gilles has represented and continues to represent various development and public interests on Fort Ord, including Kaufman and Broad, Marina Community Partners, East Garrison Partners, LLC, York School and Ord Market. FORA acknowledges and waives such other representation. From time to time, we may also acquire new clients with similar development interests on Fort Ord and will advise appropriately should a conflict of interest arise. If you feel that our firm's representation of our other clients with development projects is not in the best interest of your project or a conflict of interest, we should discuss prior to the firm taking on any particular assignment for you.

5

In all other respects, the agreement entered into on May 15, 2000 will remain in full force and effect.

Sincerely,

Lombardo & Gilles, LLP

Anthony L. Lombardo

ALL:sld

Conflict of Interest

FORA, or its representative, has read the foregoing material and understands there may be potential conflicts of interest in certain types of assigns made pursuant to this contract and hereby waives such potential conflicts of interest. If, and to the extent that Lombardo & Gilles wishes FORA to seek separate counsel or desires not to be involved at all, Lombardo & Gilles shall notify FORA in writing. The person executing this letter warrants that he has the authority to execute such agreement on behalf of FORA, a public agency, and consents to having Lombardo & Gilles represent FORA in matters as assigned.

FORT ORD REUSE AUTHORITY

By_____ Dated _____

Michael A. Houlemard, Jr.
Executive Officer

FORT ORD REUSE AUTHORITY BOARD REPORT

Subject:	Selection of Fort Ord Reuse Authority auditor	
Meeting Date: **Agenda Number:**	September 12, 2008 5c	**ACTION**

RECOMMENDATION:

Consider the selection of the Fort Ord Reuse Authority (FORA) auditor and authorize the Executive Officer to execute a professional services contract with the selected firm.

BACKGROUND:

In June 2008, FORA was notified by Nicholson & Olson, LLP (FORA auditor from 2002-2007) that they will no longer be performing governmental audits. Staff assembled and forwarded a Request for Proposal to six audit firms that were either recommended by colleagues or that were performing audits for FORA member jurisdictions and agencies. FORA received proposals from:

1. Marcello & Company; and
2. Hayashi & Wayland.

The selected firm will receive a contract to perform annual auditing services for a period of up to five years (three year contract with two one-year options). The first audit will cover the fiscal year ending June 30, 2008.

DISCUSSION:

FORA staff evaluated the proposals and forwarded their recommendation together with the proposals to the Finance Committee (FC) for review. Staff has recommended the selection of Marcello & Company. The FC will meet on September 12 prior to the Board meeting to consider and act on staff's recommendation. The FC Chair and/or FORA Controller will present an oral report to the FORA Board regarding the selection of the FORA auditor.

FISCAL IMPACT:

The cost for audit services is included in the approved FY 08-09 budget.

COORDINATION:

Finance Committee, Executive Committee.

PREPARED BY Ivana Bednarik

APPROVED BY Michael Houlemard

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Habitat Conservation Plan approval process	
Meeting Date:	September 12, 2008	**INFORMATION**
Agenda Number:	6a	

RECOMMENDATION(S):

Receive a status report regarding preparation of Habitat Conservation Plan ("HCP") and State of California 2081 Incidental Take Permit ("ITP") Process.

BACKGROUND/DISCUSSION:

Recent Developments:

1. On March 28, 2008, California Resources Secretary Mike Crisman met with the Fort Ord Reuse Authority's ("FORA") legislative representatives and confirmed prior commitments to employ sufficient staff and resources within California Department of Fish and Game ("CDFG") to meet review schedules and resolve outstanding HCP issues.
2. On April 21, 2008, U.S. Fish and Wildlife Service ("USFWS") Assistant Director Brian Arroyo gave assurances that he would apply his resources to resolve funding issues between USFWS and the Bureau of Land Management ("BLM") and to meet HCP review schedules for the HCP and HCP National Environmental Policy Act ("NEPA") documents.
3. On May 5, 2008, Denise Duffy & Associates ("DD&A"), NEPA/California Environmental Quality Act ("CEQA") consultant, held a conference call meeting of the principals to schedule final Environmental Impact Statement ("EIS")/Environmental Impact Report ("EIR") document processing.
4. On June 18, 2008, the HCP working group reviewed the revised Monitoring Chapter and provided feedback to Jones & Stokes on the Implementation and Funding Chapters.
5. HCP working group meetings are scheduled for September 9 and 16, 2008.

Past Actions:

FORA completed a Draft HCP on January 23, 2007 covering topics necessary to submit the HCP to CDFG and an application for a basewide State 2081 ITP. The Draft HCP was circulated to USFWS, CDFG, FORA's land use jurisdictions, and other prospective habitat managers participating in the program. USFWS provided written comments on the Draft HCP in March 2007, July 2007, and February 2008. CDFG provided written comments in April 2007.

To define necessary steps to obtain CDFG approval of a basewide State 2081 Permit, FORA's legislative representatives met with key stakeholders in CDFG, California Department of Parks and Recreation ("State Parks"), and the Governor's Office on April 30, 2007. Subsequent meetings were held with Mike Crisman, State of California Resources Secretary, and John McCamman, CDFG Chief Deputy Director (at the time). These discussions identified several steps for FORA and CDFG to take to secure a

successful 2081 permit. The representatives and stakeholders identified a need for a larger scope for the HCP consultant work, requiring FORA to redistribute a Request for Qualifications ("RFQ") containing a larger budget than previously included in the March 2007 RFQ. In return, key stakeholders in Sacramento gave assurances they would perform required work on their end and support a "final" process. In response to the need for an expanded scope of work, at its May 11, 2007 meeting, the FORA Board directed staff to redesignate unused HCP funds in Fiscal Year ("FY") 06-07 for HCP consultant work and directed staff to enter into a contract, not to exceed $150,000, with an HCP consultant to conduct the increased scope of work.

FORA staff received several responses to its RFQ and selected Jones & Stokes, Inc. ("Jones & Stokes") for the contract, which gives FORA the expertise to respond to USFWS and CDFG comments on the draft HCP. Jones & Stokes successfully completed comparable HCP's in Northern California and is the author of the 1997 Fort Ord Habitat Management Plan. The initial contract was for $85,445 and covers revisions to Draft HCP chapters, resulting from agency comments and FORA staff concurrence. An amendment to this contract for additional tasks and budget to recombine State and Federal HCP's was approved on September 14, 2007. The approved FY 06-07 and FY 07-08 budgets included additional funding for this purpose.

Jones & Stokes have identified a window of opportunity to expedite permit issuance. As noted, Jones & Stokes have proposed recombining the truncated State and Federal HCP processes into one HCP document and one combined public review period, which would result in a shorter timeframe for Federal and State permit issuance and a stronger HCP document. Significant progress on the State HCP made in the last year should allow Jones & Stokes to complete the necessary Federal HCP chapters on an expedited basis. This allows FORA to use the HCP document for both Federal NEPA and State CEQA permit applications.

On May 23, 2007, FORA hosted an HCP working group meeting among Jones & Stokes, FORA, CDFG, USFWS, University of California ("UC"), BLM, and State Parks to discuss agency comments on the Draft HCP Funding Chapter. The HCP working group identified issues and discussed probable solutions to improve the Draft HCP funding section. A follow-up conference call occurred on May 31, 2007. To expedite agency review of the Draft HCP, Jones & Stokes suggested that USFWS and CDFG prepare comment letters on Draft HCP chapters reviewed to date and that the agencies offer oral comments on the remaining chapters. This approach was well received and was discussed in further detail during a strategy session among FORA, USFWS, and CDFG held in early June. On July 12, 2007, the HCP working group met, reviewed past comments received from USFWS and CDFG, reviewed Jones & Stokes' technical memo proposing revisions to the draft HCP, and reviewed Jones & Stokes' draft costing model. On August 29, 2007, the HCP working group held another meeting, in which the group: provided additional feedback on the draft costing model, requested feedback from working group members on Draft HCP sections, addressed questions on the Early Transfer/Environmental Services Cooperative Agreement ("ET/ESCA"), and asked for feedback from USFWS and CDFG on inclusion of the proposed alignment of the Multi-Modal Corridor along Intergarrison Road in lieu of a previous alignment bisecting the UC Fort Ord Natural Reserve. On November 15, 2007, the working group reviewed a draft HCP Implementing Agreement, a required HCP document.

On October 1, 2007, Mayor Joe Russell, then Marina Mayor Ila Mettee-McCutchon, and Mayor Ralph Rubio met with State of California Resources Secretary Crisman and CDFG Interim Director McCamman and, as a consequence, a letter was drafted demonstrating CDFG support for FORA's ET/ESCA activities. In December 2007, Jones & Stokes personnel met with USFWS in Ventura regarding staff transition and other issues. Jones & Stokes presented the revised draft HCP Funding Chapter, costing model assumptions/inputs, and HCP development schedule to the HCP working group on April 10, 2008 to generate feedback from working group members.

FISCAL IMPACT:
Reviewed by FORA Controller

Funding for this item was included in the FY 07 and 08 budgets and was carried over to the FY 09 budget.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, Coordinated Resources Management and Planning Team, City of Marina, County of Monterey, U.S. Army, USFWS and CDFG personnel, Jones & Stokes, DD&A, UC, BLM, and various development teams.

Prepared by D. Steven Endsley
Steve Endsley

Approved by
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Marina Coast Water District capacity charges - update	
Meeting Date:	September 12, 2008	**INFORMATION**
Agenda Number:	7a	

RECOMMENDATION(S):

Receive an update on proposed increases to Marina Coast Water District ("MCWD") capacity charges.

BACKGROUND:

From April 30, 2008 to July 16, 2008, the Fort Ord Reuse Authority ("FORA") Administrative and Water/Wastewater Oversight Committees held joint meetings to discuss MCWD water and wastewater systems rates, fees and charges for fiscal year 2008-2009. In addition, since Fall 2007, MCWD has conducted individual meetings with jurisdiction and developers concerning Fort Ord Service Area capacity issues. Among the discussion items, MCWD has proposed increases to the water and sewer capacity charges from the current combined amount of $3,800 per Equivalent Dwelling Unit ("EDU") to the combined amount of $17,660.00 per EDU. The FORA Board approved Resolution No. 08-06 adopting a compensation plan and setting rates, fees and charges for base-wide water, recycled water and sewer services on the former Fort Ord. However, the Board approved resolution excluded Fort Ord increases in capacity charges proposed by MCWD. The FORA Administrative Committee withheld a recommendation on the proposed increases to the capacity charges to review the factors supporting the increase and research possible alternatives. The FORA and MCWD Boards, at their joint meeting in July, deferred capacity charge action and directed staff to further assess the proposed increase and report back by the October meeting.

At the July 30, 2008 FORA Administrative Committee meeting, committee members suggested that MCWD schedule a workshop on August 14 with Bartle Wells Associates, MCWD's financial consultant, to explain how the proposed capacity charges were determined and answer questions.

DISCUSSION:

During the August 14, 2008 workshop, MCWD and their consultants made an extensive presentation regarding their fee structure and Capital Improvement Program ("CIP"). After discussion, MCWD was asked to provide two pieces of additional information: 1) a comparison of their 2005-2006 Capital Improvement Program, used to derive the previous capacity charges, with the current 2008-2009 CIP, used to derive the proposed capacity charges, and 2) a document modeling the effect that a water and sewer surcharge would have on the proposed capacity charges. This additional information will be presented to the FORA Administrative Committee on September 17, 2008. Staff anticipate a recommendation on the capacity charges issue from the FORA

Administrative Committee prior to the October 10, 2008 FORA Board meeting, to meet Board direction from the July meeting.

Section 7.2.1 of the FORA/MCWD Agreement and Ordinance requires FORA to respond to MCWD within three months after receiving a proposed budget or a written request or a referral for further response. At its July 11, 2008 Board meeting, FORA's response to MCWD's proposed budget was to resolve the capacity charges issue by its October 10, 2008 Board meeting.

FISCAL IMPACT:
Reviewed by FORA Controller

The proposed increase to MCWD's water and sewer capacity charges for the former Fort Ord could impact the cost and phasing of certain Former Fort Ord developments. Since several developments are stalled due to the current economic conditions, an increase in the capacity change could further defer development.

COORDINATION:

MCWD, Executive Committee, and Administrative Committee

Prepared by Jonathan Garcia
Jonathan Garcia

Reviewed by D. Steven Endsley
Steve Endsley

Approved by
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Multi-Modal Transit Corridor realignment Memorandum of Agreement	
Meeting Date:	September 12, 2008	**ACTION / INFORMATION**
Agenda Number:	7b	

RECOMMENDATION(S):

1. Receive an update from staff regarding the Multi-Modal Transit Corridor ("Transit Corridor") realignment Memorandum of Agreement ("MOA") ("**Attachment A**").

2. Provide direction to staff regarding any necessary changes to the MOA or policy implications of the proposed MOA.

BACKGROUND:

The Multi-Modal Transit Corridor, originally shown on the Fort Ord Reuse Authority ("FORA") Base Reuse Plan ("BRP"), attached as **Exhibit 1** to the MOA, was intended to provide a route extending from Highway 1 east through the former Fort Ord to Salinas. The need for this corridor has evolved, since BRP adoption, as feedback from US Fish and Wildlife Service and Department of Fish and Game, approval of the Dunes on Monterey Bay and East Garrison development projects, plans for the California State University Monterey Bay ("CSUMB") campus, and planned site improvements by various other stakeholders along the route have all suggested a re-routing. On April 30, 2008, the FORA Administrative Committee received a report from City of Marina staff summarizing the process toward re-designation of the Multi-Modal Transit Corridor within the former Fort Ord ("**Attachment B**").

DISCUSSION:

The County of Monterey drafted the enclosed MOA, which outlines the steps that must occur before the FORA Board would consider re-designation of the Multi-Modal Transit Corridor. Each of the signatory parties have reviewed this document and provided feedback and suggested changes. The draft has been revised to reflect this input. One critical step is that the parties agree to grant right of way reservations/easements for the New Transit Corridor Alignment described in property legal descriptions. The Transportation Agency for Monterey County ("TAMC") and Monterey-Salinas Transit ("MST") will be the responsible entities to implement the Multi-Modal Transit Corridor. The parties' granting of rights of way/easements for the corridor via property legal descriptions will ensure that the necessary property will be available in the future when funding is obtained to build the Multi-Modal Transit Corridor. The MOA is designed to be a statement of intent by all of the parties to adjust the proposed corridor. The item will be brought back to the FORA Board for approval after more of the participating agencies have had a chance to take the item to their respective Boards and Councils.

FISCAL IMPACT:
Reviewed by FORA Controller

None.

COORDINATION:

CSUMB, County of Monterey, City of Marina, Golden Gate University, University of California Monterey Bay Education, Science, and Technology Center, TAMC, MST, Authority Counsel, Executive Committee, and Administrative Committee

Prepared by
Jonathan Garcia

Reviewed by
Steve Endsley

Approved by
Michael A. Houlemard, Jr.

ATTACHMENT A
Item 7b
FORA Board Meeting
September 12, 2008

MEMORANDUM OF AGREEMENT AMONG AND BETWEEN THE FORT ORD REUSE AUTHORITY, CITY OF MARINA, CALIFORNIA STATE UNIVERSITY MONTEREY BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ, GOLDEN GATE UNIVERSITY, MONTEREY SALINAS TRANSIT, TRANSPORTATION AGENCY FOR MONTEREY COUNTY, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY AND THE COUNTY OF MONTEREY CONCERNING THE REALIGNMENT OF THE MULTI-MODAL CORRIDOR TRANSIT ON THE FORMER FORT ORD

THIS AGREEMENT is made and signed on this ____ day of _____, 2008, by and among the FORT ORD REUSE AUTHORITY (hereinafter referred to as "FORA"), the CITY OF MARINA (hereinafter referred to as "CITY"), CALIFORNIA STATE UNIVERSITY MONTEREY BAY (hereinafter referred to as "CSUMB"), UNIVERSITY OF CALIFORNIA SANTA CRUZ ("UCSC"), GOLDEN GATE UNIVERSITY (hereinafter referred to as "GGU"), MONTEREY SALINAS TRANSIT (hereinafter referred to as "MST"), the TRANSPORTATION AGENCY FOR MONTEREY COUNTY ("hereinafter referred to as TAMC"), THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY (hereinafter referred to as "AGENCY") and the COUNTY OF MONTEREY (hereinafter referred to as "COUNTY") (with FORA, City, CSUMB, UCSC, GGU, MST, TAMC, Agency and County each being from time to time hereinafter referred to as "Party", and together being from time to time collectively hereinafter referred to as "Parties").

RECITALS

A. In June 1997, the FORA Board of Directors adopted a Final Environmental Impact Report (hereinafter referred to as "FEIR") and a Fort Ord Base Reuse Plan (hereinafter referred to as "BRP"). The BRP included the designation of a multi-modal transit corridor along the "Imjin Parkway/Blanco Road" corridor, as shown on Figures 4.2-2, 4.2-3 and 4.2-5 of the BRP Reuse Plan Element (hereinafter referred to as "Transit Corridor"). The Transit Corridor is intended to serve as a major transportation route from Highway 1 to Salinas, through former Fort Ord lands.

B. The original alignment (hereinafter referred to as "Original Alignment") of the Transit Corridor extended from Highway 1 along 12th Street and Imjin Road to Reservation Road, and then along Blanco Road to Salinas, as shown generally in Exhibit 1.

C. Problems have arisen with the implementation of the Original Alignment, including potential impacts to wildlife habitat lands, and impacts to agricultural operations.

D. The Parties have identified and reviewed a proposed new alignment ("New Alignment") to the Transit Corridor, as shown in Exhibits 2a and 2b, and it appears that the New Alignment provides the same benefit to the regional transportation network as the Original Alignment and avoids potential impacts to habitat-related lands and to agricultural operations.

E. Property has been conveyed by FORA to various jurisdictions with right of way reservations based upon the Original Alignment. A list of the parcels conveyed with such reservations is attached as Exhibit 3.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. FORA Board Consider Re-Designation of Transit Corridor

The Parties, excepting FORA, hereby agree to recommend rescission of the Original Transit Corridor Alignment and designation of the New Transit Corridor Alignment. It is acknowledged that this re-designation will require at least the following steps:

1.1 Agreement to Cooperate. The jurisdictions agree to cooperate with each other to process the proposed re-designation of the Transit Corridor from the Original Alignment to the New Alignment on the following conditions: (i) the New Alignment will require certain improvements to be performed on the southerly side of 3rd Street, which would only impact Property owned by CSUMB and will not encroach on GGU property; (ii) the New Alignment will require the widening of 8th Street on its north-easterly side, which would only impact Property owned by UCSC to the extent already indicated by the 1997 Fort Ord Reuse Plan and will not encroach on GGU property; and (iii) the Parties shall not be required to incur any costs or expenses in so cooperating with each other.

1.2 Engineering and Design. The COUNTY and CITY, at their respective costs, have prepared preliminary designs for that portion of the New Alignment that will extend through their respective boundaries, for the New Alignment to be approved.

1.3 Agreement to Grant Right of Way Reservations/Easements. Those Parties who will receive or have received land over which the New Alignment will extend agree to permit the imposition of necessary easements and/or reservation of rights in property over the New Alignment and agree to obtain and submit to FORA property legal descriptions defining the New Alignment property, whether such property has been conveyed to the Party, or will be conveyed in the future. The Parties agree to grant right of way reservations/easements for the New Transit Corridor Alignment described in property legal descriptions, either through execution of this agreement (provided an Exhibit 4 containing property legal descriptions is attached) or through a separate action of the Parties. CSUMB will grant any necessary right of way easements through a separate action using its own form. The Parties agree that none of GGU's property (i.e., parcel APN 031-101.019) will be taken in connection with the proposed New Alignment, and therefore no easements or right of way reservations will be requested of, nor imposed upon, GGU.

1.4 Consideration. In consideration for the agreement to grant right of way reservations/-easements involving ~~public~~CSUMB land, FORA agrees to allot appropriate mitigation credit to CSUMB, based on fair market value of the property granted in the easement.~~,~~

1.5 Agreement to Release Right of Way Reservations/Easements. FORA agrees, upon adoption of the re-designation of the alignment of the Transit Corridor, to release any right of way reservations or easements with respect to the Original Alignment of the Transportation Corridor, as such Original Alignment is modified by the New Alignment.

1.6~~5~~ Agreement to consider designation of the New Transit Corridor Alignment. Upon formal agreement by the Parties to grant right of way reservations/easements for the New Transit Corridor Alignment described in property legal descriptions, either through execution of this agreement or through a separate action of the Parties, FORA agrees to consider the recommended designation of the New Transit Corridor Alignment and rescission of the Original Transit Corridor Alignment at its next scheduled Board of Directors meeting. If the recommended designation of the New Transit Corridor Alignment is approved, FORA shall include the New Transit Corridor Alignment in any revision to the Base Reuse Plan.

2. Costs. If any Party elects to incur costs or expenses with respect to the subject matter of this Agreement, then such Party shall be solely responsible for paying for those costs or expenses.[cr1]

3. Amendment by Written Recorded Instrument. This Agreement may be amended or modified in whole or in part, only by a written and recorded instrument executed by the parties.

4. Indemnity and Hold Harmless. Each Party hereto agrees to indemnify, defend and hold each other Party harmless from and against any loss, cost claim or damage directly related to such Party's actions or inactions under this Agreement.

5. Governing Law. This Agreement shall be governed by and interpreted by and in accordance with the laws of the State of California.

6. Entire Agreement. This Agreement along with any exhibits and attachments hereto, constitutes the entire agreement between the parties hereto concerning the subject matter hereof.

7. Interpretation. It is agreed and understood by the parties hereto that this Agreement has been arrived at through negotiation and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set out opposite their respective signatures.

FORT ORD REUSE AUTHORITY

Date: _____ By: _____
Executive Officer
Michael A. Houlemard, Jr.

By: _____
Gerald D. Bowden, Esq.
FORA Counsel

CITY OF MARINA

Date: _____ By: _____

APPROVED AS TO FORM:

By: _____

CALIFORNIA STATE UNIVERSITY MONTEREY BAY

Date: _____ By: _____

APPROVED AS TO FORM:

By: _____

UNIVERSITY OF CALIFORNIA SANTA CRUZ

Date: _____ By: _____

APPROVED AS TO FORM:

By: _____

GOLDEN GATE UNIVERSITY
a California nonprofit public benefit corporation

Date: _____ By: _____

Its: _____

APPROVED AS TO FORM:

By: _____

MONTEREY SALINAS TRANSIT

Date: _____ By: _____

APPROVED AS TO FORM:

By: _____

TRANSPORATION AGENCY FOR MONTEREY COUNTY

Date: _____ By: _____

APPROVED AS TO FORM:

By: _____

APPROVED AS TO FORM:

By: _____

REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY

Date: _____ By: _____

APPROVED AS TO FORM:

By: _____

COUNTY OF MONTEREY

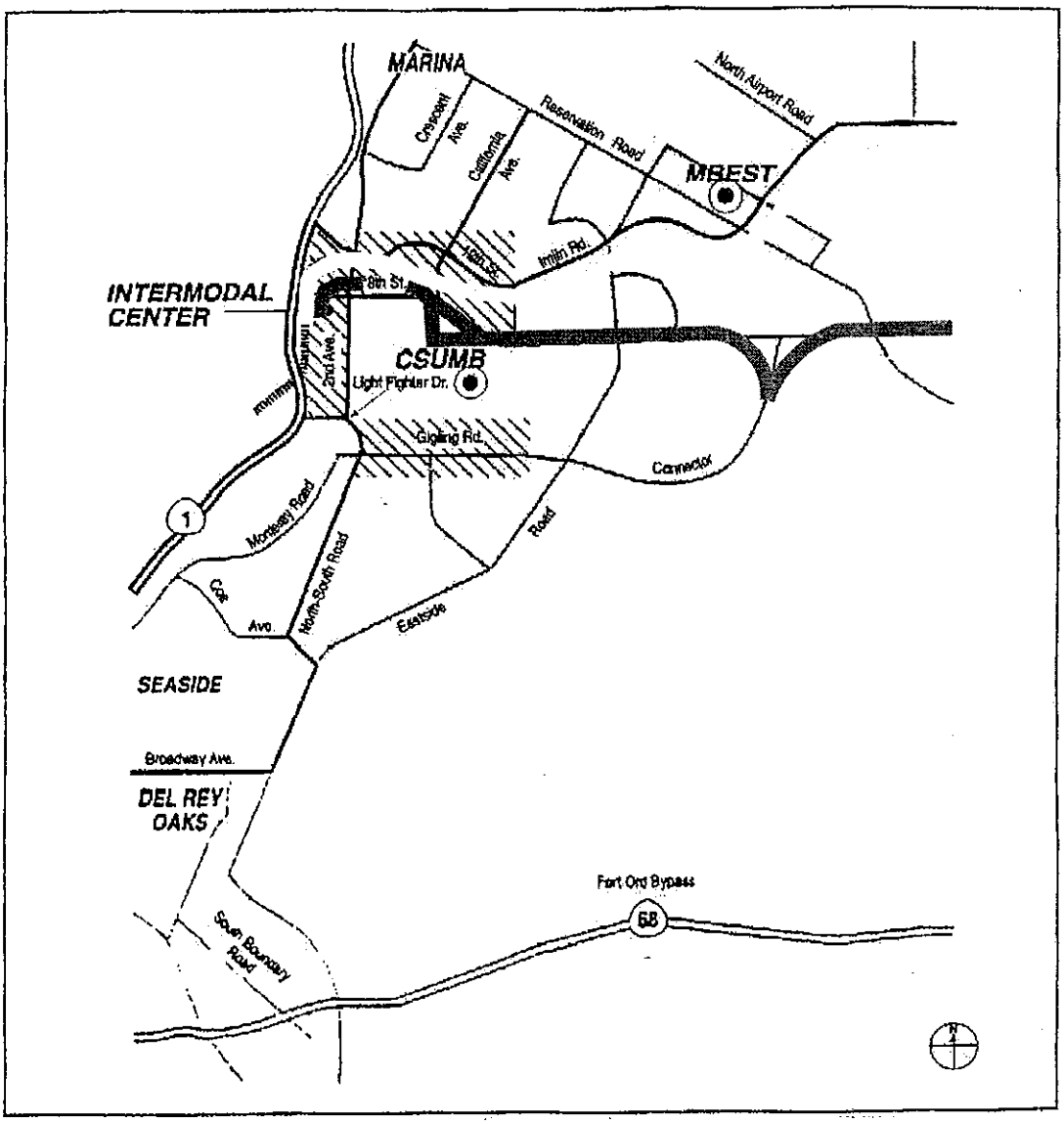
Date: _____ By: _____

APPROVED AS TO FORM:

By: _____

[cr1]Is this consistent with Section 1.1? Section 1.1 says that we won't have to pay to process the proposed re-designation of the Transit Corridor. Does this include all improvements? I'm confused here and I think we need to clarify this.

EXHIBIT 1



LEGEND

- Freeway
- Key Transit Corridor
- Multimodal Corridor Right-of-Way
- Activity Center
- High Density / Mixed-Use Areas

– ADOPTED BY BASE RE–USE PLAN

– STAKEHOLDER PROPOSAL

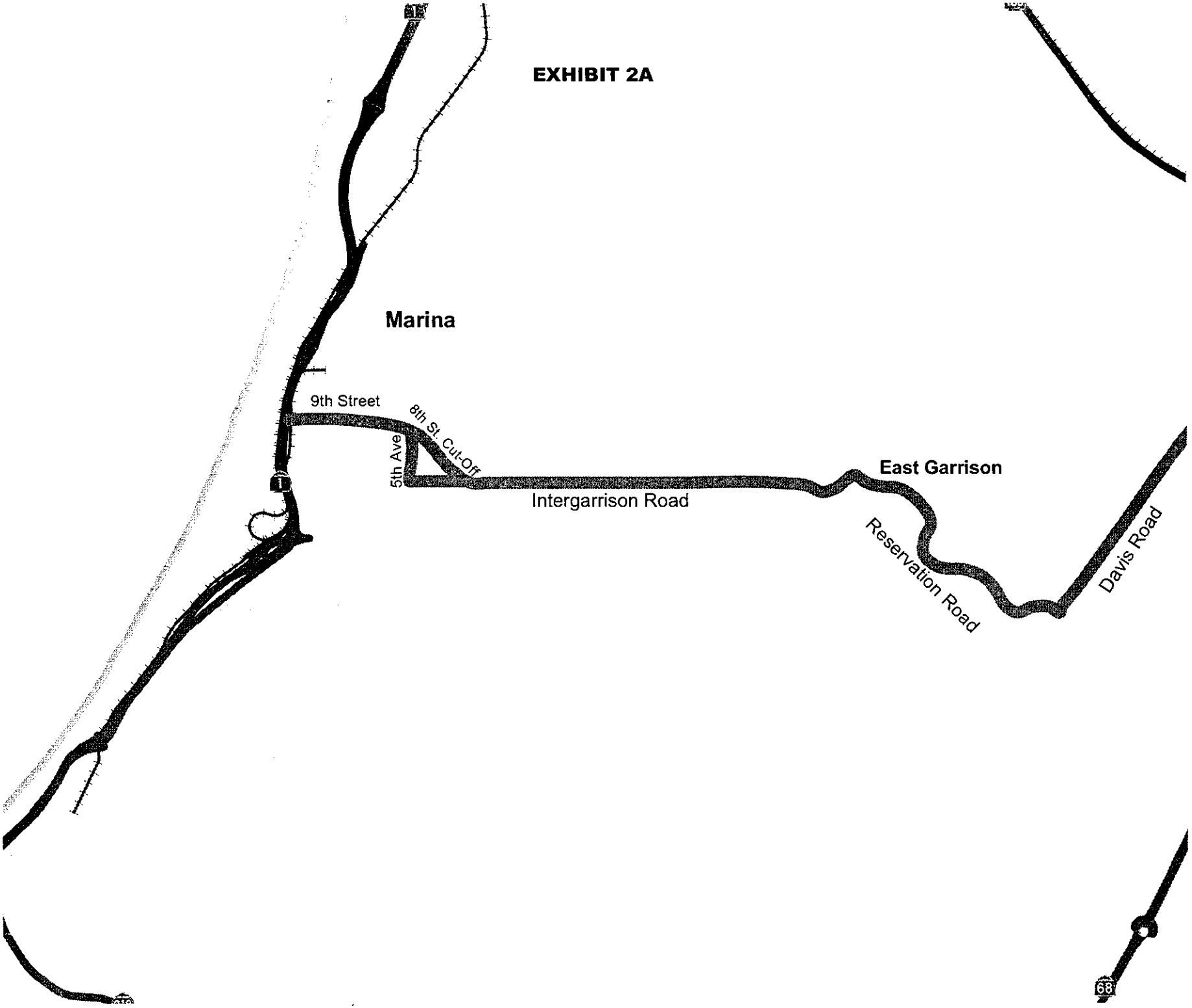
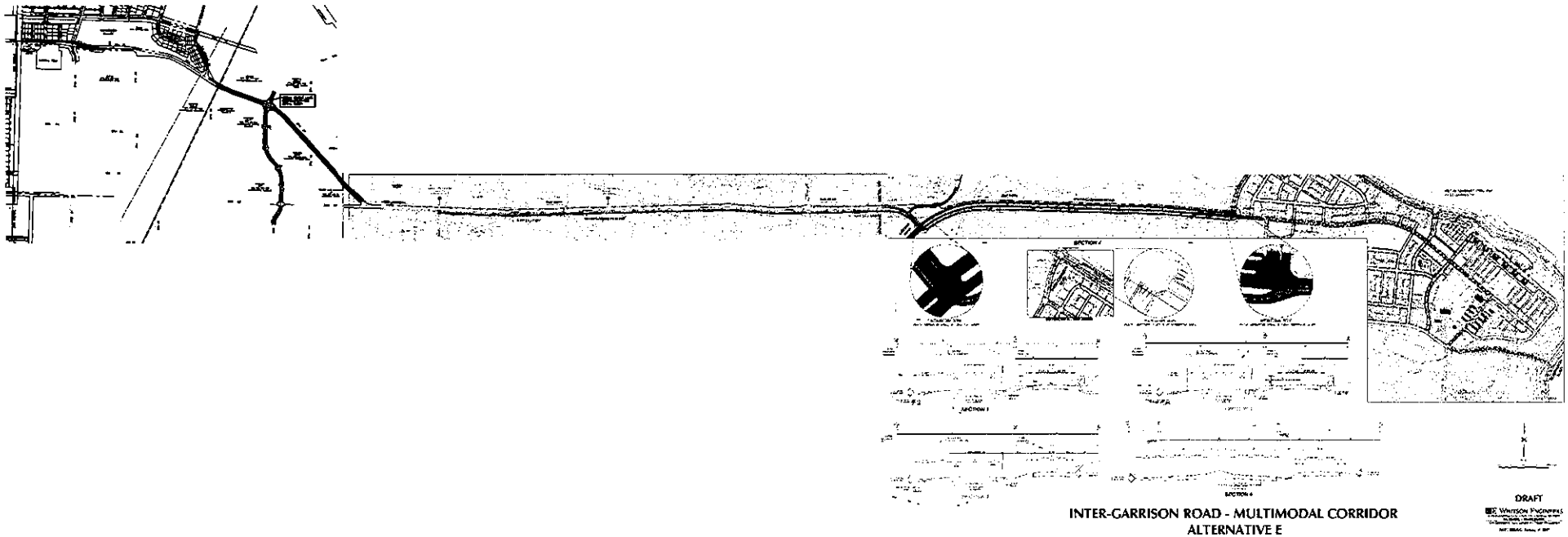


EXHIBIT 2A
Marina
9th Street
8th St. Cut-Off
5th Ave
1
East Garrison
Intergarrison Road
Reservation Road
Davis Road
68

EXHIBIT 2B



INTER-GARRISON ROAD - MULTIMODAL CORRIDOR
ALTERNATIVE E

Exhibit 3	
Army Corps of Engineers Parcel	**Jurisdiction**
L2.1	City of Marina
L20.16.1	City of Marina
L20.16.2	City of Marina
L20.16.3	City of Marina
E2b.3.2	City of Marina
E2b.2.3	City of Marina
E2b.1.4	City of Marina
E2d.2	City of Marina
L5.9.1.2	City of Marina
L5.9.2	City of Marina
E2c.4.4	City of Marina
E2c.4.3	City of Marina
S2.5.1.1	City of Marina
S2.5.1.2	Monterey County
E4.6.1	City of Marina
E4.6.2	Monterey County
E4.7.1	City of Marina
E4.7.2	Monterey County
S2.3.2.2	Monterey County
S2.3.1.2	Monterey County
S2.3.2.3	Monterey County
L20.10.1.1	Monterey County
L20.11.1	Monterey County
L20.11.2	City of Marina

ATTACHMENT B
Item 7b
FORA Board Meeting
September 12, 2008

April 10, 2008

Report to FORA
Redesignation of the Multi-Modal Transit Corridor within the Former Fort Ord

1. Introduction

a. **Reason for the need to redesignate the transit corridor** – The Transit Corridor needs to be redesignated to be consistent with the planned site improvements of the various stakeholders that have evolved since the Base Reuse Plan was implemented, as well as route through the most intensive developments to increase ridership. For example, it made sense to relocate the multi-modal corridor to go through the center of the CSUMB campus so that students could have better access, and also route through the East Garrison development. Also, both the North/South transit corridor and an East/West transit corridor are planned to connect at a transit center located on TAMC property on First Avenue and 9th Street in The Dunes (formerly University Village) development project. Finally, the redesignated Transit Corridor reduces habitat impacts by replacing the former transit corridor (Blanco Road Extension) right of way, which would have bisected the University of California Fort Ord Natural Reserve, with a new alignment along Intergarrison Road, which has a smaller impact on habitat.

b. **Purpose of this report** – This report is to serve as a basis for FORA to redesignate the Multi-modal Transit Corridor within the limits of the Former Fort Ord as shown on the approved Base Reuse Plan. The Stakeholders group, consisting of FORA, the City of Marina, Monterey County, CSUMB, Golden Gate University, UC MBEST, UCSC, MPC, TAMC, MST and MCP request that the Transit Corridor be revised as shown on the attached Exhibit 1. The proposed alignment extends from the future Transit Center within the TAMC property at First Avenue in the Dunes development project in Marina, east along 9th Street, southeast along California Avenue, south along Fifth Avenue, east along Intergarrison Road to the East Garrison project, then on to Salinas.

2. Background

a. The Transit Corridor, originally shown on the FORA Base Reuse Plan, attached as Exhibit 1 was intended to provide a route extending from Highway 1 east through the Former Fort Ord to Salinas. The need for this corridor has evolved since the adoption of the Base Reuse Plan with the approval of the The Dunes and East Garrison development projects, plans

for the CSUMB campus, and with the planned site improvements by various other stakeholders along the route.

b. FORA has stated that the process for redesignation of the corridor would be as follows:

- Stakeholders meet to agree upon a plan line
- City of Marina and County of Monterey prepare engineered plans for their jurisdictions (Attached as Exhibit 4)
- MST, as the primary user of the corridor, must support the plan
- Stakeholders agree to giving easements and/or trading land where appropriate
- FORA Staff to work with the Coordinated Resource Management group (CRMP) as well as Fish & Wildlife to also gain agreement on the new alignment and land exchanges
- FORA Staff presents to FORA committees and board for approval to change the Base Reuse Plan

This document reports on the first three steps in the process.

3. Process

a. A series of meetings have been held beginning in 2006 with the stakeholders impacted by the proposed relocation of the Transit Corridor. The City of Marina and Monterey County volunteered to pay for some of the preliminary engineering and for attendence of specialists in BRT and roundabouts at the meetings required to explore alternatives and reach consensus. The meetings were held on the following dates with the noted attendees:

February 24, 2006 – City of Marina, CSUMB, FORA, MCP, Monterey County

April 14, 2006 – City of Marina, FORA, MCP, CSUMB, Monterey County

September 13, 2006 – City of Marina, Monterey County, CSUMB, FORA, MST,TAMC, MPC, Golden Gate, UCSC, MCP

October 27, 2006 – City of Marina, Monterey County, CSUMB, FORA, MST, TAMC, MPC, Golden Gate, UCSC, MCP

December 6, 2006 – City of Marina, FORA, Monterey County, CSUMB, MST, TAMC, MPC, Golden Gate, UCSC, MCP

January 8, 2007 – MST, CSUMB, FORA, Monterey County, City of Marina, Golden Gate University, UC MBEST, MPC, TAMC, MCP,

Graham Carey, BRT Specialist, Eugene, Oregon, Harris & Associates

March 7, 2007 – MST, FORA, TAMC, CSUMB, UCMBEST, Golden Gate, UCSC, MPC, MCP, Monterey County, City of Marina, Harris & Associates

April 3, 2007 – City of Marina, CSUMB, Harris & Associates

April 10, 2007 – MST, CSUMB, City of Marina, Harris & Associates

May 17, 2007- MST, CSUMB, FORA, TAMC, UCMBEST, City of Marina, Monterey County, MPC, MCP, Scott Ritchie, Roundabout Specialist, from Harris & Associates, and Ron Marquez, traffic specialist.

b. **Concerns of stakeholders** discussed at the meetings included:

- Potential new location of multi-modal corridor - All stakeholders agreed upon a plan line
- Refinement of Eastside Road, Schoonover, and Intergarrison alignments - The County, CSUMB and FORA met separately and agreed on alignments.
- Plan Line location through East Garrison - The County met with MST to agree on best locations
- Road Widths and geometrics in order to best accommodate the BRT line
- Interface of intersections, and interface with potential projects.
- Bus Rapid Transit (BRT) more likely than Light Rail in the beginning. Corridor should be designed to meet both needs for the future.
- BRT and its operation, requirements, characteristics, and interface with and service to potential projects and CSUMB. Location of BRT lane whether in the regular traffic or separate lanes. If separate lanes, then location on one side of street, both sides or in the middle. Also station locations were discussed and locations agreed upon.
- Location and need for roundabouts. Interface with potential projects. Impact of roundabout on new proposed entry characteristics for CSUMB.

- Circulation of pedestrians, bikes and transit vehicles through the roundabouts. All stakeholders agreed that safety of pedestrians and cyclists was top priority in roundabout design.

- Interface of Bus Rapid Transit (BRT) lanes with 8th Street/California Avenue intersection and traffic signal. Per MST, BRT is the likely user of the Transit Corridor.

- BRT circulation through UV (The Dunes) and CSUMB. CSUMB prefers that BRT run south along Fifth Avenue from 8th Street into CSUMB, then east along Intergarrison. Fifth Avenue within CSUMB will be restricted to local vehicles only and BRT.

- Impact of roundabouts on BRT effectiveness. MST had concerns for potential delays to BRT while passing through roundabouts, thereby reducing the effectiveness and popularity of BRT, but agreed that the roundabout could be effective.

- BRT and residential side street interface within The Dunes. MCP (Marina Community Partners), the developer of The Dunes noted that they are prepared for the impact of BRT on side street access should the final alignment within California Avenue be along the west side of the street.

c. A number of alternatives were reviewed with the Stakeholders. In particular, alternatives for roundabout locations and BRT lanes were evaluated. Potential roundabout locations were reviewed at the following intersections:
   - 9th Street and California Avenue
   - 8th Street and California Avenue
   - 8th Street and Intergarrison
   - 8th Street and Imjin Road

d. The stakeholders received input from two specialists, Graham Carey from Lane Transit District in Eugene, Oregon, BRT specialist, and Scott Ritchie of Roundabouts and Traffic Engineering, roundabout specialist. While both specialists disagreed slightly on the effectiveness of running BRT through a roundabout, they both agreed that examples exist of running rail transit thru roundabouts in the US and that, while not preferred, BRT could safely interface with roundabout traffic if required. Slight delays in BRT would be expected, but not significantly enough to jeopardize the effectiveness of the roundabout in maintaining acceptable LOS amongst motor vehicle traffic.

e. One of the points of significant discussion with the stakeholders was the need for roundabouts along the Transit Corridor. The UV Specific Plan

shows a roundabout on 9th Street between First and Second Avenues attached as Exhibit 3. Additionally, a roundabout is specified as a Mitigation Measure in the Final EIR for UV at 8th Street and Imjin Road. Finally, the CEQA settlement agreement for litigation between opponents of the UV project and the City of Marina specifies that at least 2 roundabouts must be constructed on the multi-modal corridor.

f. **Conclusions of the stakeholders** - Based on the requirements described above and the many alternatives reviewed, the conclusion of the stakeholders was to support the location for a roundabout at 8th Street and Imjin Road, which avoids interface between the Transit Corridor and the roundabout. The western roundabout on 9th Street between First and Second Avenues will remain as shown on the UV Specific Plan.

4. **Conclusion**
Based on the many meetings and discussions, the stakeholders request that the Multi Modal Transit Corridor within the former Fort Ord be redesignated as shown on the attached Exhibit 2.

5. **Exhibits**

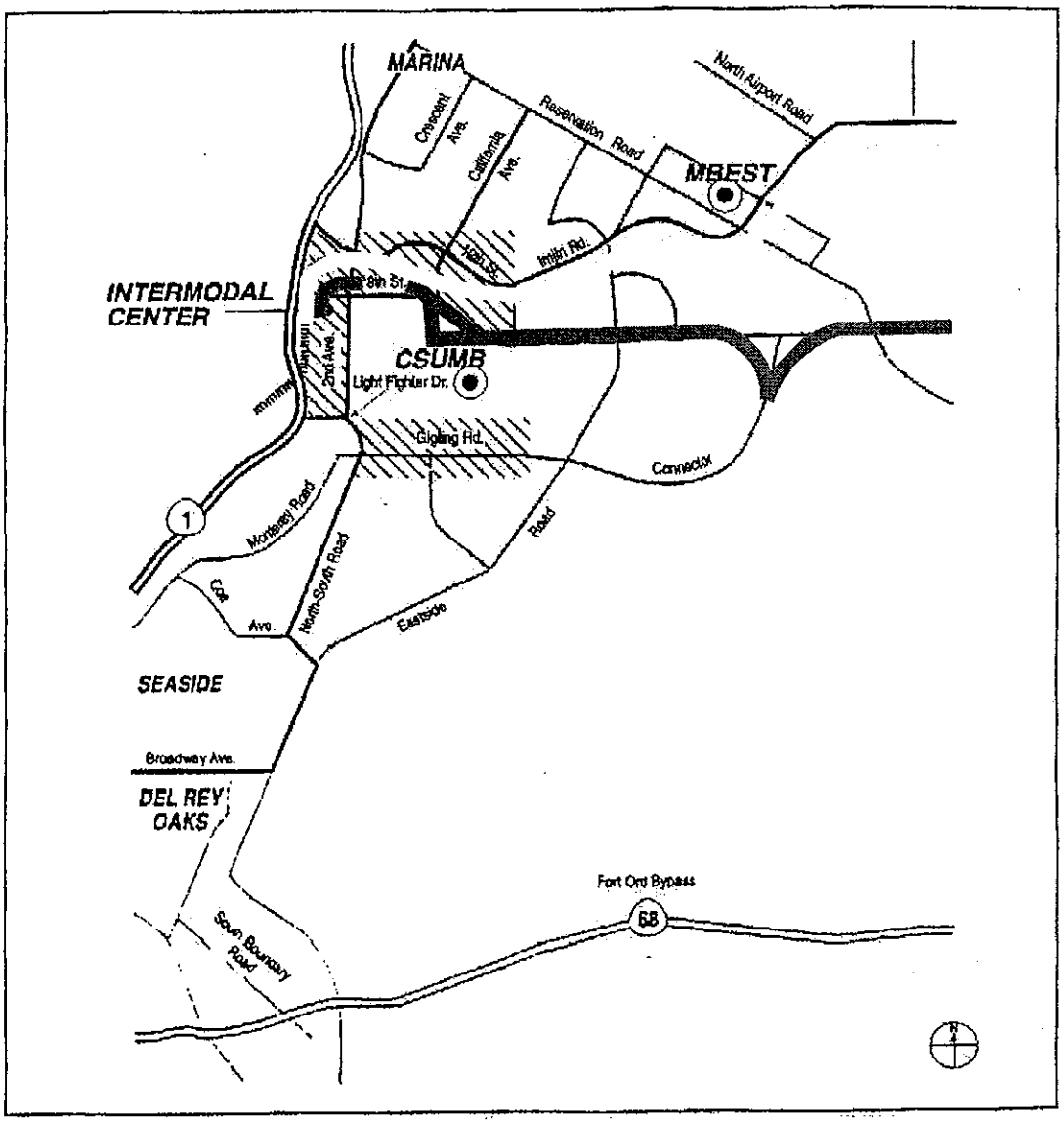
a. Exhibit 1 - FORA Base Reuse Exhibit showing Transit Corridors both as previously adopted and as proposed.

b. Exhibit 2 – Stakeholders' proposed new Multi Modal Transit Corridor

c. Exhibit 3 - University Village Specific Plan Figure 2-2 Land Use Designations

d. Exhibit 4 - Preliminary 8th Street Alignment Study prepared by the City of Marina within Marina City Limits and the Intergarrison Alignment Study prepared by the County for area within the County's jurisdiction.

EXHIBIT 1



LEGEND

- Freeway
- Key Transit Corridor
- Multimodal Corridor Right-of-Way
- Activity Center
- High Density / Mixed-Use Areas

– ADOPTED BY BASE RE-USE PLAN

– STAKEHOLDER PROPOSAL

EXHIBIT 2A

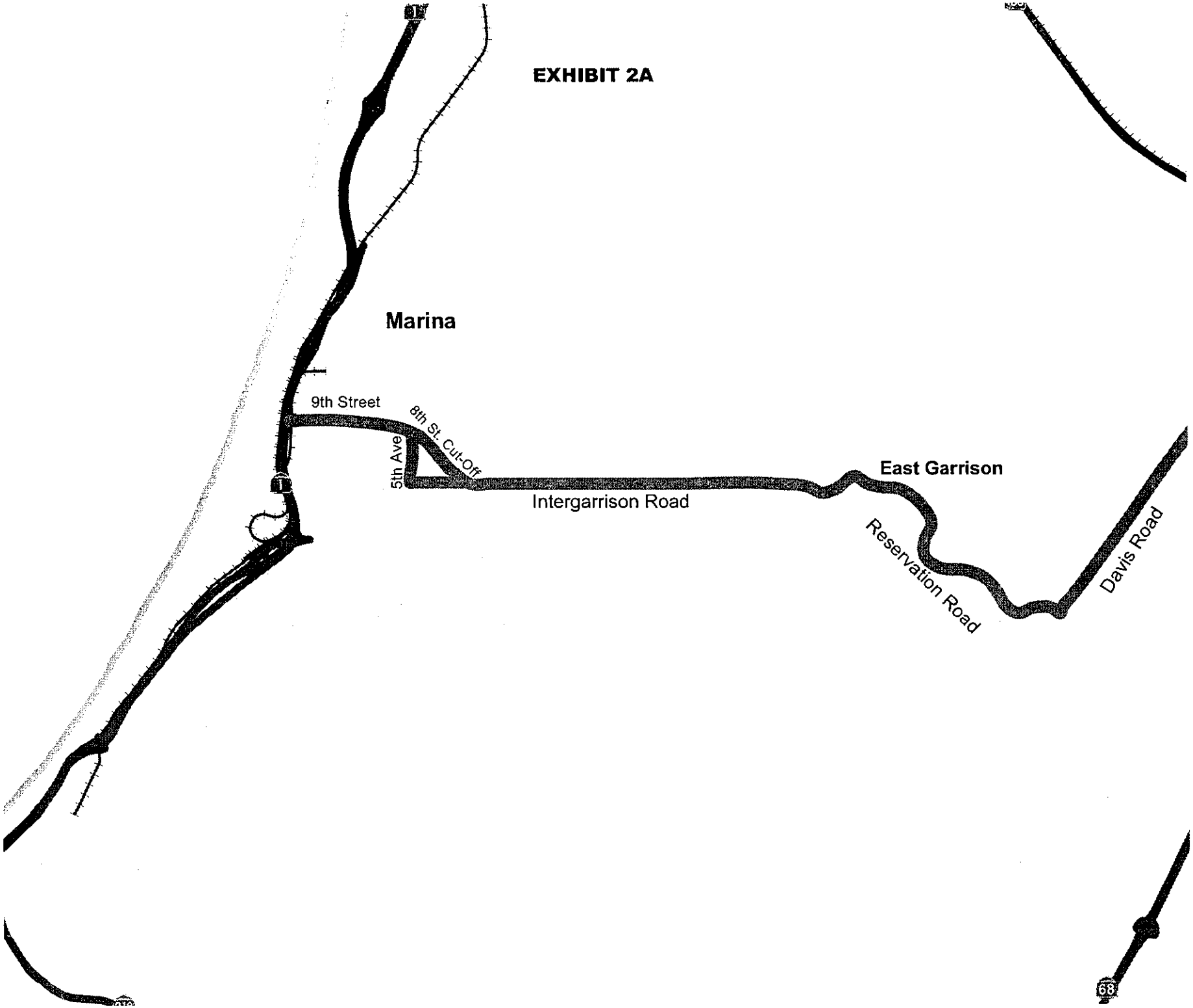
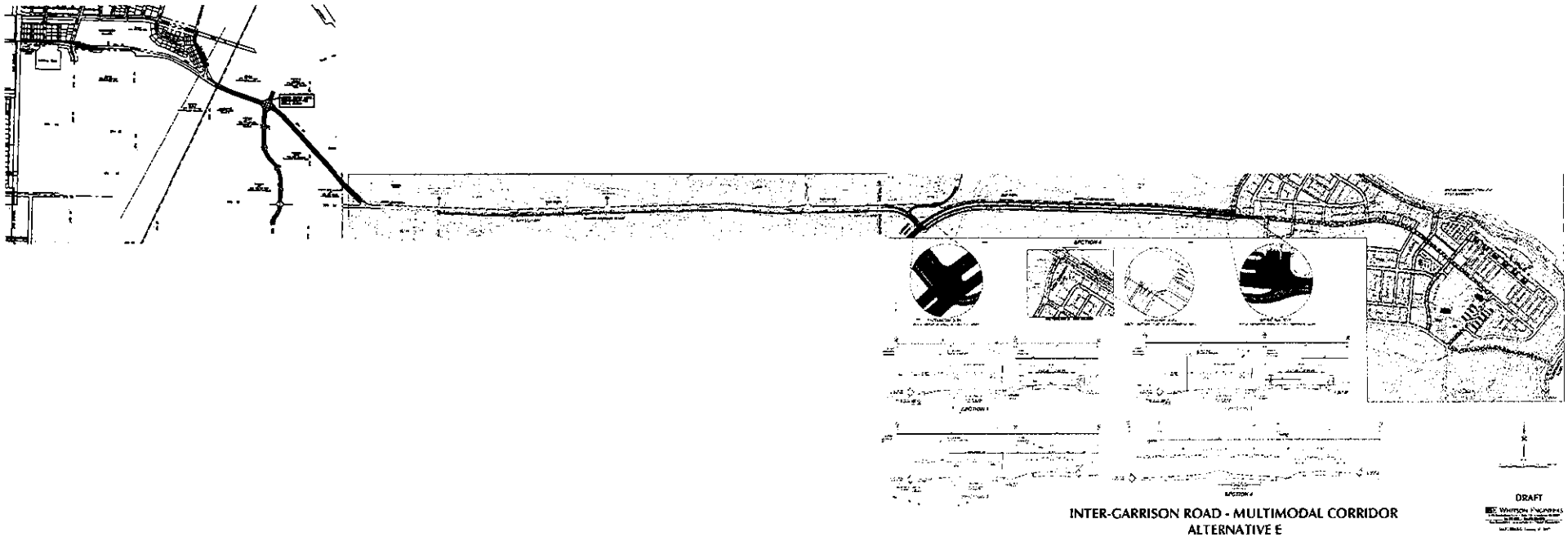

Marina
9th Street
8th St. Cut-Off
5th Ave
East Garrison
Intergarrison Road
Reservation Road
Davis Road
1
68

EXHIBIT 2B



INTER-GARRISON ROAD - MULTIMODAL CORRIDOR
ALTERNATIVE E

DRAFT

EXHIBIT 3

LAND USE PLAN

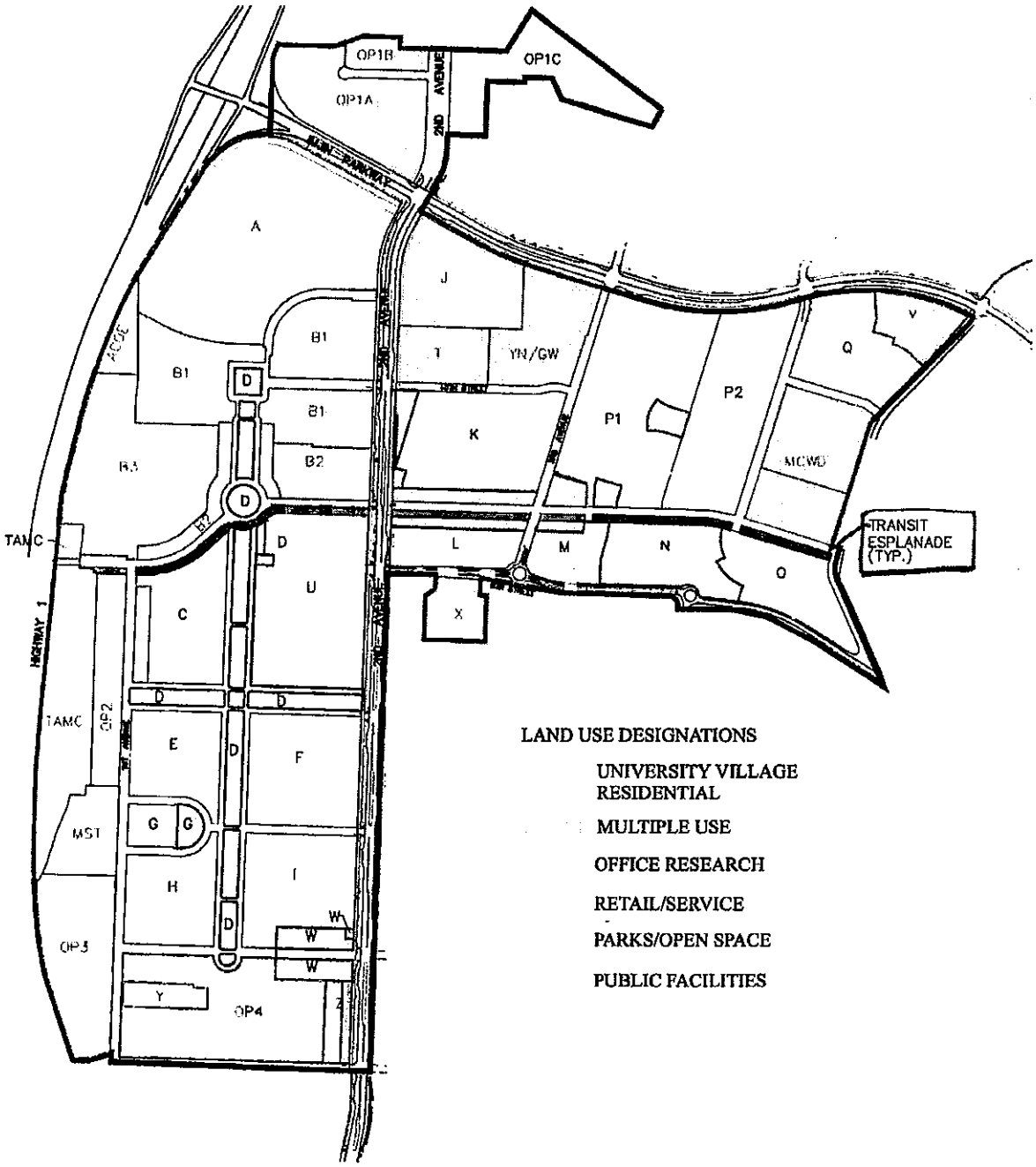
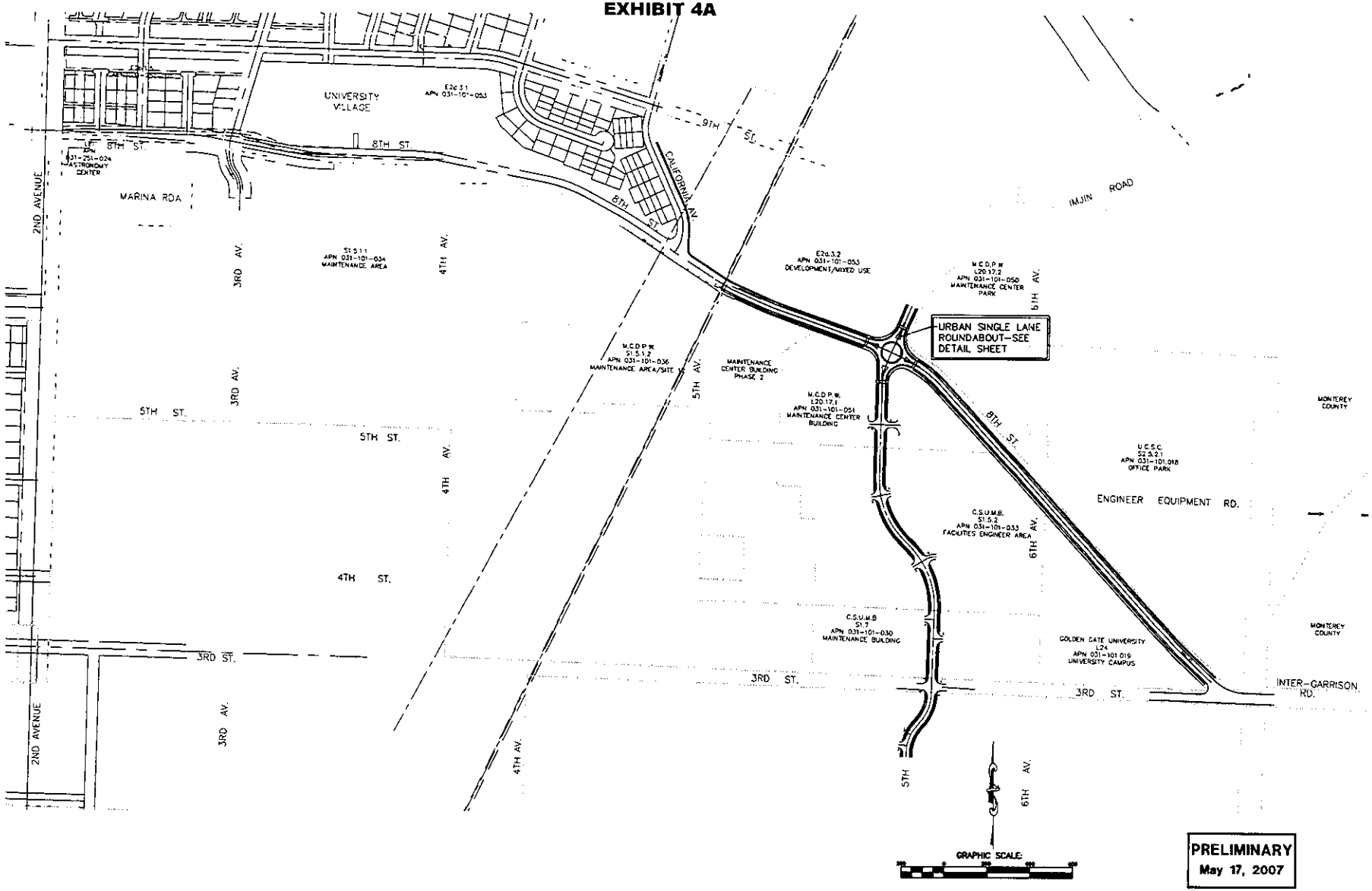


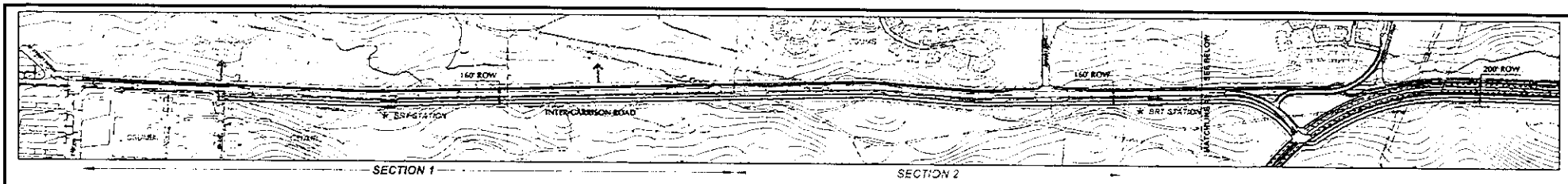
EXHIBIT 4A

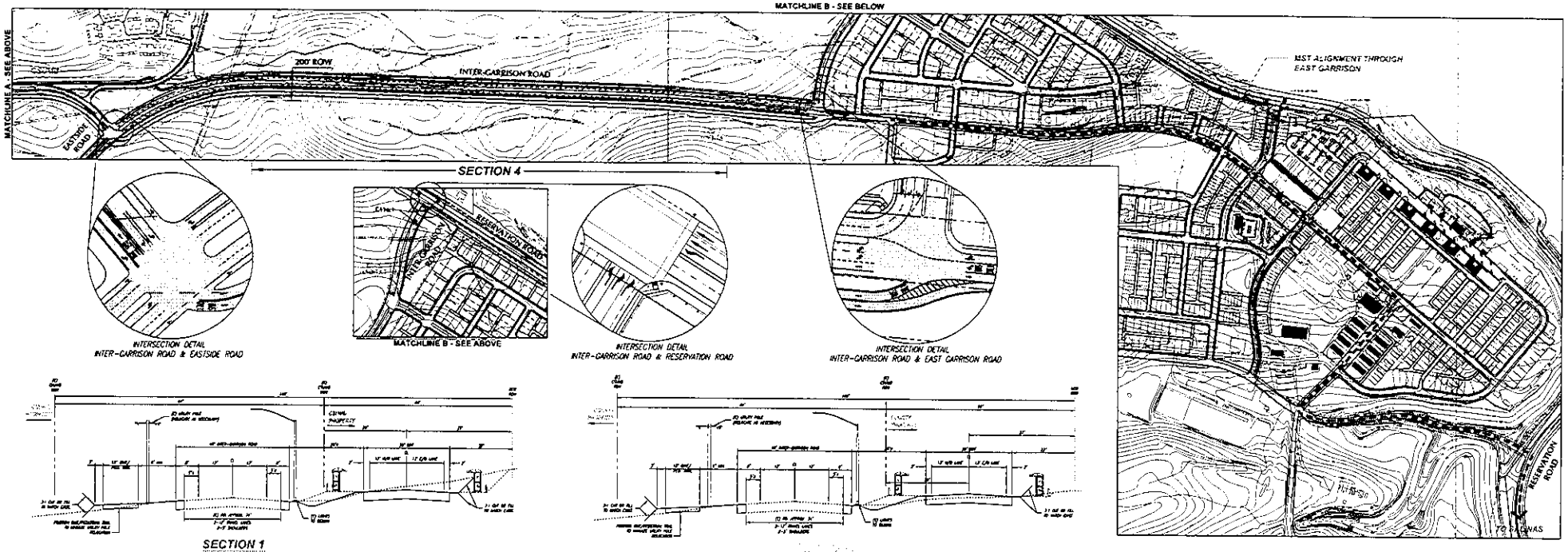


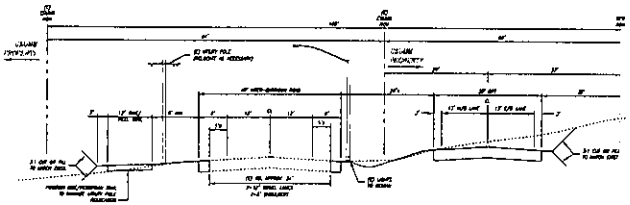
PRELIMINARY
May 17, 2007

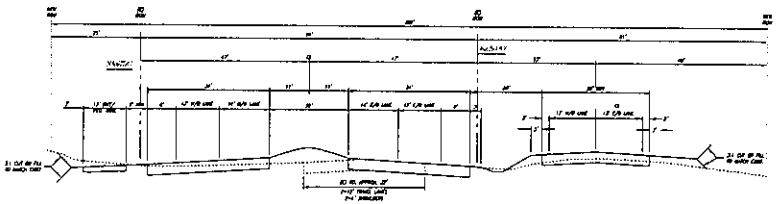
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED ON ANY WORK OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED WITHOUT THE WRITTEN AGREEMENT OF THE CONSULTANTS. VISUAL CONTACT WITH THESE DRAWINGS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.	NO.	DATE	BY	REVISION		DRAWN BY: HP, EA SCANNED BY: MC CHECKED BY:	DATE ISSUED: 03/22/07 JOB NO. 061-0548.01	Harris & Associates 178 Second Street, Gilroy CA. 95020 harris-assoc.com (408) 842-5777	CITY OF MARINA 8TH STREET ALIGNMENT STUDY 2ND AVENUE TO INTERGARRISON ROAD	8TH STREET PRELIMINARY ALIGNMENT STUDY	SHEET OF X

H:\Marina\8th Street Alignment\Exhibits\Exhibit-Rev 05/17/07 10:36 Edgar& XREFS: 3871gPH1, 4387-STPHIC-3SL, X-RBF, X-24x36 Border, FORA Parcels, P-LAY_PROPOAD, Roundabout_04-30-07, X-ALIGNMENT









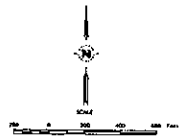


EXHIBIT 4B

INTER-GARRISON ROAD - MULTIMODAL CORRIDOR
ALTERNATIVE E

DRAFT

WE WHITSON ENGINEERS

DATE ISSUED: January 16, 2007

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Regional Plenary Oversight Group: Water for Monterey County project – status report	
Meeting Date:	September 12, 2008	**INFORMATION**
Agenda Number:	7c	

RECOMMENDATION(S):

Receive an update from staff regarding the Regional Plenary Oversight Group ("REPOG"): Water for Monterey County project.

BACKGROUND:

The REPOG, formerly referred to as the Monterey Regional Water Supply Reliability Collaboration, was formed during a process begun by the Division of Ratepayer Advocates ("DRA") of the California Public Utilities Commission ("CPUC"), with the assistance of the University of California Santa Cruz ("UCSC"). DRA and UCSC are engaged in developing a comprehensive water resource plan for the Monterey Region. To accomplish this goal, DRA facilitated a series of meetings, or dialogues, with all interested parties over the past year and a half. The objective of the dialogues was to achieve consensus through collaboration among the various interested parties on a solution, or perhaps several complementary solutions, to supplying the water needs of the Monterey Region in a cost-effective and sustainable way.

Lyndel Melton from RMC Water & Environment presented the REPOG proposal to the Fort Ord Reuse Authority ("FORA") Administrative Committee on January 30, 2008 and to the FORA Board on February 8, 2008. The proposal's approach depends on regional cooperation among the various water management entities and land use jurisdictions in the Monterey Region to develop a Regional Water Supply Plan that is sustainable, pragmatic, publicly and politically acceptable, and more cost effective than other alternatives.

The REPOG proposal is congruent with the Fort Ord Reuse Authority ("FORA") and Marina Coast Water District ("MCWD") Boards of Directors' "Hybrid Alternative" (June 10, 2005) to augment Fort Ord water resources, which directed their respective staff to scope this two-component project. Since that time, MCWD and FORA have proceeded with the Hybrid program, which includes both recycled water and desalinated water. MCWD has completed California Environmental Quality Act ("CEQA") documentation for this augmented water program. The REPOG proposal has the potential to offer substantial savings to FORA, MCWD, jurisdictional developers, and other users.

DISCUSSION:

The REPOG's initial planning goal was to identify a regional solution to Monterey's water supply and environmental problems that satisfied a set of planning criteria. The timeline for the identification of the regional project and its components corresponded to the California Environmental Quality Act ("CEQA") evaluation process that was

underway for the Coastal Water Project Environmental Impact Project, which had a due date for submission to the California Public Utilities Commission, Energy Division, Environmental Impact Report ("EIR") Project Manager by June 1, 2008. The EIR work on the "Water for Monterey County" project was completed and submitted on time. The funding for the work came from MCWD, California American Water, and the Monterey Regional Water Pollution Control Agency. The project that was submitted uses 100% of the region's recycled water, meets proposed State Water Resources Control Board ("SWRCB") Ocean Plan regulations, meets urban water needs, meets agricultural water needs and restores the Salinas Basin water quality, protects the National Marine Sanctuary, and provides a carbon neutral energy source.

The REPOG process is now focused on drafting a strategic implementation plan. The Strategic Implementation Plan will include a series of tasks that both describe a "fast-track" solution to the Monterey Peninsula's regulatory issues as well as the more extensive regional agricultural and north county supply components. In order for this process to continue, funding for the REPOG effort has been requested from the main local water purveyors/agencies.

FISCAL IMPACT:
Reviewed by FORA Controller

Significant savings could be realized by FORA, jurisdictional developers, and other users should the REPOG proposal ultimately be selected as the preferred alternative.

COORDINATION:

REPOG, MCWD, Executive Committee, and Administrative Committee

Prepared by Jonathan Garcia Reviewed by D. Steven Endsley
Jonathan Garcia Steve Endsley

Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	California State University Monterey Bay 2007 Master Plan: Recirculated Draft Environmental Impact Report ("RDEIR") dated July 2008	
Meeting Date:	September 12, 2008	**INFORMATION**
Agenda Number:	7d	

RECOMMENDATION(S):

Receive an update from staff regarding the California State University ("CSU") Monterey Bay ("CSUMB") 2007 Master Plan RDEIR and FORA's comment letter responding to the RDEIR ("**Attachment A**").

BACKGROUND:

CSUMB prepared a Draft Environmental Impact Report ("DEIR") for its 2007 Master Plan and circulated the DEIR for public review on December 24, 2007. FORA provided a comment letter (dated January 30, 2008) responding to the DEIR. On July 7, 2008, CSUMB provided a Notice of Availability/ Notice of Completion for its RDEIR. CSUMB issued the RDEIR because significant new information and analyses were added or portions of the DEIR were changed since the 2007 circulation.

DISCUSSION:

The public comment period for the RDEIR ended on August 21, 2008. FORA provided a comment letter (dated August 21, 2008) responding to areas of concern in the RDEIR, which included mitigation obligations, funding, transportation, drainage, water quality, fire protection, and wild-fire fighting enhancement. The FORA Administrative and Executive Committees reviewed FORA's comment letter before it was submitted to CSUMB.

FISCAL IMPACT:
Reviewed by FORA Controller _____

CSU mitigation funding for existing and future campus development impacts is essential to regional impact mitigation. The funding burden will negatively affect local communities if it is not provided by the legislature or other CSU resources.

COORDINATION:

Authority Counsel, Executive Committee, and Administrative Committee

Prepared by _____ Reviewed by _____
Jonathan Garcia Steve Endsley

Approved by _____
Michael A. Houlemard, Jr.

Attachment A
To Item 7d
FORA Board Meeting, September 12, 2008

FORT ORD
100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933
PHONE: (831) 883-3672 · FAX: (831) 883-3675
WEBSITE: www.fora.org

Delivered to:
Lynn Velcov
3:56 p.m 8-21-08

August 21, 2008

Tony Boles
Associate Vice President of Campus Development and Operations
California State University Monterey Bay
100 Campus Center, Building 84A
Seaside, CA 93955-8001

RE: Comment letter to the Notice of Completion for the Recirculated Draft Environmental Impact Report for the California State University Monterey Bay 2007 Master Plan

Dear Mr. Boles:

This letter responds to your Notice of Completion for the Recirculated Draft Environmental Impact Report ("RDEIR") for the California State University Monterey Bay ("CSUMB") 2007 Master Plan. We appreciate this opportunity to comment and to bring to your attention areas of concern.

FORA disagrees with two assertions proposed for adoption in the RDEIR. Please note below.

1. The RDEIR says California State University ("CSU") will only perform its mitigation obligations if the Legislature funds the work. While there are *dicta* supporting this contention in *Marina/FORA v. Board of Trustees* (2006) 39 C4th 341, 367, 46 CR3d 355, 375, FORA maintains that CSU may not:
   a. defer to another agency (the Legislature) responsibility to meet CSU's obligation to mitigate CSU's project impacts, especially when not all of the funds CSU receives are from the Legislature and other feasible alternatives exist. CSU must adopt all reasonably feasible alternatives.
   b. separate funding the project from funding its environmental impacts as if these two aspects of the project were two separate projects. A single request to the Legislature before the projects have been proposed is not sufficient mitigation nor does it comply with the reasonably feasible standard required by CEQA. Even if a single "up front" request has been made to the Legislature and denied, requests to the Legislature must be made in conjunction with each project on the Campus as it comes forward to allow the Legislature to consider a "pay as you go" approach to mitigate campus impacts and to consider such impacts at the most appropriate time.
2. The RDEIR says CSU will only pay its share of project impact mitigation costs if other agencies pay their share of those costs. CSU may not condition its duty to mitigate its own project impacts on the ability of other agencies to mitigate their impacts. CEQA does not permit CSU to marry its impact mitigation responsibility to a similar performance by other agencies with separate mitigation obligations for separate projects. Impacts of separate projects must be separately mitigated, even if the mitigation measure for multiple projects is the same public improvement. Failure of one agency to fund its share of the public improvement does not excuse another agency from funding its share of that same improvement.

If the assertions expressed in the RDEIR were correct, private developers and state agencies could be relieved of their CEQA responsibilities on the ground of insufficient financial resources. This is a false dichotomy. CSU has the ability to reallocate its budget from campus construction to environmental impact mitigation. If CSU cannot afford to mitigate the environmental impacts caused by its project, it cannot afford to build the project.

We also offer the following comments or references to previous comments regarding specific sections and subject matters of the RDEIR:

Fort Ord Reuse Authority ("FORA") Base Reuse Plan

Please refer to the attached January 30, 2008 comment letter for FORA's comments on this section.

Environmental Setting

Please refer to the attached January 30, 2008 comment letter for FORA's comments on this section.

Transportation

In our response to the Notice of Preparation we said:

"The EIR should include a comprehensive look at transportation and transit demand, infrastructure, and plans in the area affected by development of CSUMB. The scope of such a transportation study should be predicated upon a memorandum of assumptions among affected local and transportation agencies and fashioned to address the local, Fort Ord base-wide, regional and cumulative impacts. At a minimum, the area to be evaluated, including intersections, road segments and other transit/transportation infrastructure to address CSUMB impacts, should be coterminous with the breadth of the study performed for the 1998 EIR."

In the RDEIR, additional traffic impact analysis was completed. However, CSU does not provide sufficient assurances that it will provide adequate resources to mitigate its fair-share percentages of traffic and circulation impacts. The RDEIR states that the traffic and circulation impacts can be reduced to a less than significant level through implementation of project-specific implementation measures and transportation and circulation policies in the 2007 Master Plan. However, the RDEIR states that in the event that the state legislature does not provide necessary funding, the impacts would remain significant and unavoidable. Furthermore, the document describes that, even if the state legislature provides the necessary funding, CSU will pay its fair-share of off-campus impacts provided that the responsible jurisdiction's Capital Improvement Program ("CIP") includes the specific roadway improvement and the improvement is fully funded **except** for CSU's fair-share contribution payment. If these conditions were not satisfied, it would result in significant and unavoidable impacts. A mitigation measure requiring funding of off-site infrastructure improvements cannot be rejected as infeasible simply because the public agency undertaking the project has not yet obtained full funding **except** for CSU's fair-share contribution payment. Funding is central to CSU's ability to mitigate its impacts. CSU should not approve the CSUMB 2007 Master Plan if it cannot ensure adequate funding to mitigate its fair-share percentages of traffic and circulation impacts.

Pinnacle Traffic Engineering's August 21, 2008 opinion letter (attached) further elaborates on FORA's concerns about the adequacy of CSUMB's traffic impact analysis, the validity of trip generation estimates and distribution assumptions, an overview of existing and build-out

conditions, and the viability of mitigation measures and is incorporated into FORA's response by reference.

Water

Please refer to the attached January 30, 2008 comment letter for FORA's comments on this section.

Drainage and Water Quality

The RDEIR does not address past CSUMB campus stormwater runoff to off-campus systems owned and operated by others, including City of Marina, California Department of Transportation and FORA. FORA constructed retention facilities that allowed for the removal of the discharge outfalls to the Marine Sanctuary. These facilities have received the majority of stormwater runoff from CSUMB campus. Mitigation measure 6-2 calls for: "Planned Regional Improvements – The City of Marina has closed the storm drain pipe on Second Avenue and Eighth Street that drains into FORA's northernmost percolation pond west of Highway 1, and is constructing a pond on the CSUMB Campus at the intersection of Second and Eighth Street." This mitigation measure would only mitigate for future stormwater runoff originating from CSUMB campus. The RDEIR should identify past and current off-campus impacts and mitigations to the City of Marina, California Department of Transportation and FORA stormwater retention facilities and CSU's fair-share percentage.

Habitat Responsibilities

Please refer to the attached January 30, 2008 comment letter for FORA's comments on this section.

Fire Protection and Fire Fighting Enhancement

In response to development, FORA has already obligated 1.1 million dollars to enhance the fire fighting capabilities on the former Fort Ord in response to development. The RDEIR should identify regional fire protection impacts resulting from campus development and CSU's fair-share percentage.

Economic Development That Affects the Environment

Please refer to the attached January 30, 2008 comment letter for FORA's comments on this section.

Thank you for the opportunity to comment on the RDEIR. FORA anticipates many years of cooperative work in implementing base-wide obligations including CSUMB's obligations.

Sincerely,

D. Steven Endsley

D. Steven Endsley
Director of Planning and Finance

C: Gerald Bowden, Authority Counsel
Michael A. Houlemard, Jr., FORA Executive Officer
James A. Feeney, PE, FORA Assistant Executive Officer
FORA Executive Committee

Encls. (2)

FORT ORD REUSE AUTHORITY
100 12TH STREET, BUILDING 2880, MARINA, CALIFORNIA 93933
PHONE: (831) 883-3672 - FAX: (831) 883-3675
WEBSITE: www.fora.org

January 30, 2008

Tony Boles
Associate Vice President of Campus Development and Operations
100 Campus Center, Building 84A
Seaside, CA 93955-8001

RE: Notice of Completion for the Draft Environmental Impact Report ("EIR") for the California State University Monterey Bay ("CSUMB") 2007 Master Plan

Dear Mr. Boles:

This letter responds to your Notice of Completion for the Draft EIR for the CSUMB 2007 Master Plan. We appreciate the opportunity to comment and highlight areas of concern.

Fort Ord Reuse Authority ("FORA") Base Reuse Plan

Your Draft EIR includes an analysis under Impact 3-1 that the CSUMB Master Plan may conflict with relevant plans and policies, including the Fort Ord Reuse Plan. Your conclusion is that this is considered a less-than-significant impact and no mitigation is required. You also state in this section that: "The project would result in potential land use impacts associated with increased traffic, air pollution emissions, noise, and visual changes. These impacts are addressed in their respective sections of this EIR."

We suggest that you acknowledge that each of the environmental issues mentioned in this statement raises potentially significant effects on FORA's ability to carry out the Reuse Plan. FORA has a statutory mandate to carry out a plan for base reuse and the campus redevelopment will limit FORA's ability to implement that plan.

These factors should be taken into account in evaluating cumulative impacts and mitigation of campus development. The Base Reuse Plan and subsequent updates of information and data used by FORA in capital improvement planning should be consulted in evaluating the campus' part in area-wide cumulative impacts.

Environmental Setting

In FORA's comment letter on CSU's Notice of Preparation ("NOP") (03/09/07), we noted that the 1998 campus master plan EIR was adjudged inadequate by the California Supreme Court, and correction of the deficiencies can and should be accomplished through this new EIR. To date, this has not been accomplished and CSU remains out of compliance with the Supreme Court decision. It is assumed that future campus development will be at risk until compliance is achieved. To address the mitigation deficit, we suggested that the EIR should use a two-level approach:

1. For future development under the new plan, current environmental conditions should be used as the basis for analysis of impacts and appropriate mitigation, as is conventional.
2. For development under the 1998 plan, environmental conditions in 1998, as reflected in the 1998 EIR, should be used as the basis for analysis of impacts and appropriate mitigation

The Draft EIR attempts to address the mitigation deficit using the conventional methodology under suggestion #1, but analysis of the 1998 environmental conditions under suggestion #2 is not attempted, leaving the analysis incomplete. A retrospective look at campus development must take account of ways in which development and environmental effects have differed from what was anticipated in the 1998 plan. The Draft EIR should include provision for feasible mitigation of the identified impacts of development since approval of the 1998 plan and EIR, and is in part addressed by letter agreement between FORA and CSUMB for the so-called deficit period as delineated in previous correspondence.

FORA's environmental consultant, Pacific Municipal Consultants ("PMC"), has reviewed the content of the draft EIR for deficiencies and compliance with CEQA. PMC's comment letter of January 30, 2008 (copy attached) expresses and expands, at section "Project Description and Baseline," on the above comments in greater detail and is incorporated into FORA's response, by reference.

Transportation

In our response to the notice of preparation we said:

"The EIR should include a comprehensive look at transportation and transit demand, infrastructure, and plans in the area affected by development of CSUMB. The scope of such a transportation study should be predicated upon a memorandum of assumptions among affected local and transportation agencies, fashioned to address the local, Fort Ord basewide, regional and cumulative impacts. At a minimum, the area to be evaluated, including intersections, road segments and other transit/transportation infrastructure to address CSUMB impacts should be coterminous with the breadth of the study performed for the 1998 EIR."

In the draft EIR, the requested traffic impact analysis has not been completed. In the FORA letter dated December 14, 2007 our traffic consultant, Pinnacle Traffic Engineering, noted that regional and cumulative impacts of the 2007 CSUMB Master Plan could not be fully evaluated without the inclusion of specific data points, road intersections, road segments and additional information. This excluded information and data is restated in the included opinion letter of Pinnacle dated January 31, 2008 and attached hereto. Barring the inclusion of this information and data, the analysis provided does not fully evaluate nor mitigate the regional and cumulative impacts of the CSUMB 2007 Master Plan. Pinnacle's January 31, 2008 opinion letter further brings into question many of the assumptions regarding trip generation, impacts on present and future LOS and trip destinations.

Additionally, the traffic impact analyses (TIA) addresses only students residing on the CSUMB campus, expressed as a percentage of student or student equivalent enrollment.

The TIA ignores the on-campus housing units occupied by non-students, non-faculty and non-staff residents, i.e. educational partners who occupy the available housing not otherwise employed in satisfaction of the educational housing needs.

It is anticipated that these housing units may shift from non-educational occupancy to educational occupancy as enrollment builds, however, all existing and proposed housing units must be accounted for throughout the TIA.

Water

Impact 7-2 states that CSUMB water demand will contribute incremental demands on existing deficient facilities and/or non-existent facilities. We agree with this impact and Additional Mitigation measure 7-2.2, which prescribes that CSUMB mitigate this impact through a negotiation with MCWD and/or FORA, since MCWD will implement a Regional Urban Water Augmentation Program in the future. The PMC comment letter of January 30, 2008, at section "Water Supply," is supplemental to and included by reference into this comment.

Drainage and Water Quality

The Draft EIR does not address current CSUMB campus stormwater runoff to off-campus systems owned and operated by others, including City of Marina, California Department of Transportation and FORA. FORA constructed retention facilities that allowed for the removal of the discharge outfalls to the Marine Sanctuary. These facilities currently receive the majority of stormwater runoff from CSUMB campus. The EIR should address these off-campus impacts. The PMC comment letter of January 30, 2008, at section "Hydrology and Water Quality," is supplemental to and included by reference into this comment.

Habitat Responsibilities

Additional Impact 8-1.1 states that CSUMB will become a signatory and participant of the Fort Ord HCP and IA when completed and receive take authorization through the issuance of basewide permits from California Department of Fish and Game and US Fish and Wildlife Service. CSUMB has not informed FORA of their intention to contribute funding to this program. Should CSUMB choose not to participate in this funding arrangement with FORA, it would be expected to separately process any state and federal permits required for any future development it contemplates, and in any event, is responsible for CEQA review of the habitat implications of its future development projects, and to fully mitigate the impacts of those projects. The PMC comment letter of January 30, 2008, at section "Biological Resources," is supplemental to and included by reference into this comment.

Fire Protection and Fire Fighting Enhancement

FORA has already obligated 1.1 million dollars to enhance the fire fighting capabilities on the former Fort Ord in response to development. The EIR should address these off-campus impacts.

Additional mitigation measures 14-2.1 and 14-2.2 state that CSUMB will coordinate with surrounding jurisdictions in development of fire master plans, CSUMB will contract with an authorized service provider for provision of adequate campus-wide fire protection services, if POMFD ceases to provide such service, and CSUMB will negotiate their fair share cost to mitigate this impact with FORA. We agree that these would be appropriate mitigation measures for increased demand for firefighting services due to campus growth. However, we suggest that CSUMB expeditiously begin to coordinate with surrounding jurisdictions for development of fire master plans and provision of fire services to the campus to insure service demands are met.

Economic Development That Affects the Environment

The EIR should discuss economic development on campus that may have physical effects in areas surrounding the campus. The discussion may be guided by the Court of Appeal's discussion in Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 CA 4th 1184, 1215-1216 concerning the relationship between development of a large shopping center and deterioration of nearby commercial areas and neighborhoods. Examples could include on-campus development of an educational partnership hotel, gymnasium facilities open to public use, entertainment venues, conference facilities, and retail establishments. The PMC comment letter of January 30, 2008, at sections "Population, Housing and Employment," "Geology and Soils," "Aesthetics," "Air Quality," Noise," and "Near Term Project Evaluation" is supplemental to and included by reference into this comment.

Thank you for the opportunity to comment on the Draft EIR.

Sincerely,

D. Steven Endsley

D. Steven Endsley
Director of Planning and Finance

C: Michael A. Houlemard, Jr., FORA Executive Officer
James A. Feeney, PE, FORA Assistant Executive Officer

Encls.

PMC®

January 30, 2008

Mr. Richard Simonitch
Creegan and D'Angelo Engineers
225 H Cannery Row
Monterey, CA 93940

Subject: CEQA Adequacy Review of CSU Monterey Bay Master Plan Draft EIR

Richard:

As discussed and as requested, we conducted a peer review of the CSUMB 2007 Master Plan Draft EIR with a focus on adequacy of the document per CEQA statutes and guidelines. Primary concerns with adequacy of the DEIR are focused on the environmental baseline used for the impact assessments and the use of speculation or opinion rather than data in the assessment of impacts and mitigation measures, as noted below.

Project Description and Baseline

The Project Description provides a history of planning and environmental documents for the project site and identifies the differences between the 1998 and 2007 Master Plans, but it does not address the relationship(s) of 1998 Master Plan EIR or the Fort Ord Reuse Plan EIS/EIR to this EIR. The relationship/relevance of all previously identified impacts and mitigation measures for EIRs on the project site should be explained in context, particularly as to whether they are incorporated or referenced for baseline analysis.

The project baseline should be clearly identified in the project description. The baseline is described on p. 3-13 of the Land Use Section as follows:

> *The 2007 Master Plan EIR uses data contained the Reuse Plan EIR as the baseline data to evaluate the program information contained in the 2007 Master Plan, although the 2007 Master Plan EIR analysis does not rely on this information in determining impacts of the project. Instead, project-specific information was used to analysis the 2007 Master Plan to a greater level of detail.*

The baseline discussion does not address the role of 1998 Master Plan in this EIR. Review of the complete document reveals that the baseline fluctuates from the existing condition at the time of the Notice of Preparation, the 1998 Master Plan EIR, and the Fort Ord Reuse Plan EIR depending on the topic.

The approach to the environmental impact assessment should be explained in the project description as it is non-traditional in that it relies on multiple documents to achieve mitigation depending on the impact. Each impact discussion includes a review of regulatory requirements, planned regional improvements, 1998 Master Plan Features, 2007 Master Plan Project Features and additional mitigation. Although 1998 Master Plan policies were retained in the 2007 Master Plan to mitigate impacts, the project description and baseline discussion do not address the role of 1998

Master Plan EIR mitigation measures in this EIR, particularly those that may have been connected to impacts that would remain unchanged from the 1998 to 2007 Master Plans.

Population, Housing and Employment

Baseline: The impact discussion for increased population growth compares the implementation of the 2007 Master Plan to the Fort Ord Reuse Plan. The impact discussions for housing demand, employment growth, and housing displacement compare implementation of the 2007 Master Plan to the existing condition.

Impact 4-1 Induce Substantial Growth or Concentration of Population
The impact discussion for increased population growth compares the implementation of the 2007 Master Plan to the Fort Ord Reuse Plan. If buildout is compared to the existing condition, there will be an increase in population. Although the increase in population is consistent with the Fort Ord Reuse Plan, it is a change from the existing condition and should be indicated as such.

Impact 4-2 Increased Housing Demand
The impact is worded to be a conclusion rather than identification of an impact. The impact would be that implementation of the 2007 Master Plan will result in an increased demand for housing and the conclusion of the DEIR is that the impact is not significant based on the supply of on-campus and off-campus housing. The impact discussion, however, speculates that existing and planned development will provide housing opportunities to faculty, students, and staff who do not seek on-campus housing. The analysis is not based on easily available data such as vacancy rates and existing and forecasted housing stock.

In addition, the DEIR does not address how the Master Plan will ensure that 60% of the future students live in on-campus housing when the existing student housing is used by 50% of the student population. In addition, the analysis does not address the difference in on and off-campus housing opportunities sought by faculty and staff compared to students; faculty and staff who live off-campus could be more likely to be dispersed in the region depending on income and housing costs.

Environmental Setting

Geology and Soils

Baseline: Not specifically identified. The geology, seismic conditions, and soils setting characterize the existing setting.

Supporting Documents: No technical geology or soils reports are included as appendices. The geology setting references data compiled from geotechnical borings but does not reference the date of the borings or an associated technical report. There is reference to a "review of seismic hazards" by Woodward-Clyde Consultants as part of the 2007 Master Plan which determined design parameters for retrofitting existing buildings and for constructions of new buildings. (Page 5-6)

Impacts and Mitigation Measures
Soil Erosion Impact 5-3
The impact identifies the potential for substantial soil erosion or loss of top soil as a significant impact that can be reduced to less-than-significant with mitigation. The mitigation measures section fails to acknowledge the requirements of the Clean Water Act, specifically the National Pollution Discharge Elimination System (NPDES) Phase II as a Regulatory Compliance component of the mitigation although it is in incorporated into Additional Mitigation Measure 2. The impact discussion and mitigation measures should also address the relationship between soil erosion and stormwater runoff (addressed in the following Hydrology & Water Quality section) and the role of complementary mitigation measures to address and minimize potentially significant impacts (refer to Impact6-1).

Hydrology and Water Quality

Baseline: The introduction notes that this section is based on the environmental setting section in the 1998 Master Plan EIR as updated by the Master Plan Update through the CSUMB Water Supply/Distribution, Sewer System, Hydrologic & Drainage Impact Analysis for the Master Plan Update prepared by Schaaf & Wheeler in 2004, the Stormwater Master Plan by Schaaf & Wheeler in 2006 and the Draft Stormwater Management Plan also by Schaaf & Wheeler in 2006. (The CC RWQCB has not approved the Draft Stormwater Management Plan).

Supporting Documents: The 2004 Schaaf & Wheeler Impact Assessment is included as an appendix. The Stormwater master plan by Schaaf & Wheeler in 2006 and draft stormwater management plan by Schaaf & Wheeler in 2006 are not included as appendices to the EIR. All of the documents should be incorporated by reference into the Master Plan and included as appendices to the EIR as their components and/or implementation are referenced as mitigation measures 6-1, 6-2, and 6-3.

Impacts and Mitigation Measures

The listed technical studies may include full descriptions of the surface water and groundwater hydrologic settings but those settings, most notably the groundwater setting, is not included in the environmental setting description.

Impact 6-1 Increased Runoff
This impact notes that new construction may increase impervious surfaces and runoff, resulting in localized drainage problems and/or flows exceeding stormwater system capacities IF the stormwater system infrastructure is not adequately maintained and upgraded. The impact is considered less than significant with implementation of mitigation measures. Implementation of the Stormwater Master Plan and Draft SWMP (BMPs, capital improvement projects, construction and maintenance) are key mitigation measures. The analysis and/or mitigation measures should identify the timing of stormwater infrastructure upgrades, particularly capital improvement projects that are necessary to ensure that off-site impacts to regional facilities would not occur at each phase of the Master Plan.

Impact 6-2 Water Quality Degradation
The discussion does not identify potential local and regional receiving waters and thus the water bodies at-risk of pollution from contaminated stormwater runoff. The Master Plan proposes to retain

all stormwater runoff on-site but potential surface waterbodies within or near the CSUMB campus should be identified in the text and graphically.

The impact discussion concludes with the following statements which appear out-of-context to the surface water discussion and are not connected to any previous groundwater discussion (see note about absence of groundwater setting above).

> *However, due to groundwater contamination on the former Fort Ord, CSUMB may have to request a variance on the groundwater Land Use Covenant from the Department of Toxic Substances Control before construction of any percolations ponds as increased storm water infiltration may affect the Groundwater Protection or Consultation zones.*

Water Supply

Baseline: Existing consumption (based on metered usage and estimates of consumption rates accepted by the MWCD) is compared to proposed water demand calculated by CSUMB and MCWD.

Supporting Documents: The primary technical sources are the CSUMB Water Supply/Distribution, Sewer System, Hydrologic & Drainage Impact Analysis for the Master Plan Update prepared by Schaaf & Wheeler in 2004, master planning work for the Ord Community by Marina Coast Water District and FORA. Other sources of groundwater information used for this report include: 1) the Marina Coast Water District Ground Water Status and Inventory, MCWD, March 2004; 2) the Hydrogeologic Investigation of the Salinas Valley Basin in the Vicinity of Fort Ord and Marina Salinas Valley, California April 2001 by Harding ESE prepared for the MCWRA (Fort Ord/Marina Investigation); 3) the Marina Coast Water District 2005 Urban Water Management Plan; 4) California Department of Water Resources Bulletin 52, Salinas Basin Investigation, 1946; and 5) Monterey County Water Resources Agency Salinas Valley Groundwater Basin Hydrology Conference, Hydrology and Water Supply of the Salinas Valley, June 1995.

Impacts and Mitigation Measures

Impact 7-1 Increased Consumption of Limited Water Supplies
Additional Mitigation Measure 7-1.1
This mitigation measure should be modified to require CSUMB to demonstrate that all water conservation methods have been implemented prior to requesting an additional allocation from FOR A for development in Planning Horizon III. Additionally, the mitigation measures should include installation of artificial turf in recreation areas in Planning Horizon I to begin immediate water saving rather than providing the option based on water use and demand in Horizon II or III s.

Additional Mitigation Measure 7-1.3
To ensure a comprehensive water conservation program, this mitigation measure should include the installation of add drip irrigation and rainfall shutoff devices in the irrigation system.

Contamination of Water Supplies

The analysis notes that the project will not potentially contaminate groundwater supplies by indicating that there are no septic systems in the project. Septic sewer systems are not the only potential source for groundwater contamination. The analysis should contain facts and analysis.

Biological Resources

Baseline: The analysis includes a description of the existing biotic resources, identification of the special-status botanical and wildlife species and sensitive habitats that occur or may occur, an assessment of the impacts to biological resources that may result from the implementation of the 2007 Master Plan. The impact analysis appears to compare the physical change resulting from implementation to the existing condition with discussion of the physical differences between the 1998 and 2007 Master Plan.

Supporting Documents: Biotic Resources Information is included as Appendix E. This section is based on the information provided in the 1998 Master Plan EIR and has been updated as necessary to include any changes in the legal status of plant and wildlife species and the results of recent surveys within the CSUMB campus conducted for specific projects by Denise Duffy & Associates. The primary literature and data sources reviewed in order to determine the occurrence or potential for occurrence of special-status species on campus are as follows: the *Flora and Fauna Baseline Study* (U.S. Army Corps of Engineers, 1992); current agency status information obtained from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG); the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (2007), and the CDFG Natural Diversity Data Base (CNDDB) RareFind occurrence reports (2007). The section also relies on the Fort Ord Habitat Management Plan and requirements for CSUMB and the Coordinated Resource Management Planning (CRMP) process.

Impacts and Mitigation Measures

Mitigation Measure 8-2 Effects on Sensitive Habitat Types
The summary of the 2007 Master Plan Project Features section of the Mitigation Measure section and discussion concludes with this statement:

> *These policies provide general direction for retaining open space and describing uses in open space areas but they do not establish criteria for set-aside areas nor do they address specific open space management requirements for the protection of biological resources. Therefore, as written, these policies do not adequately mitigate for loss of native vegetation and wildlife habitat.*

Additional mitigation measures are not included for this impact; thus, the impact has not been demonstrated to be reduced to a less than significant level.

Impact 8-4 Effects on Wildlife Migration/Movement Corridors
The impact discussion concludes that an increase of domestic pets from the project is not likely to be significant due to the presence of domestic pets during the Army's tenure at the site and their presence in existing housing. The analysis does not adequately address the potential impact from

the increase in domestic pets due to additional residences. Master Plan policies or additional Mitigation Measures could address domestic pet registration, domestic pet population restrictions, disposal of pet waste and public education materials. Of concern would be the potential for the transmittal of *Toxoplasma Gondii* from domestic or feral Cat feces to the marine environment and potential for impact to marine mammals.

Aesthetics

Baseline: The setting is characterized by the existing buildings on campus and views of the campus from major roadways.

Supporting Documents: None

Impacts and Mitigation Measures

Alteration of Visual Features, View Corridors, or Public Vista Points or Ridgetop Development
The Master Plan includes extensive design features that would direct height, color, massing, signage, materials and the plan designates the creation of an Architecture Advisory Board to implement the design requirements at the project level. The impact is identified as potentially significant but able to be reduced to a less-than-significant level with mitigation. The impact discussion states that implementation of the master plan will introduce an urban appearance to the viewshed, compares the future buildings to existing buildings for reference and defers to master plan policies to mitigate the potential impacts. The analysis does not include a viewshed analysis or visual simulations of future development from keypoints to demonstrate the reduction of the impact from implementation of master plan policies.

Impact 10-2 Creation of Light and Glare
The impact discussion determines that future development will not result in the introduction of significant new sources of light and glare though it notes that future campus buildout will intensify development and add street lighting. The statement is speculative and not based on data. The analysis should be expanded to include any master plan policies or design guidelines that would address location, height, shielding, and wattage of exterior lighting on buildings and in public spaces and subsequently reduce or minimize new light and glare sources. If the master plan does not include these policies or programs, additional mitigation measures should be incorporated.

Traffic and Circulation

Please see "Review of Traffic Impact Analysis" prepared by Pinnacle Traffic Engineering, January 30, 2008.

Air Quality

Baseline: Existing condition (physical, environmental, and regulatory setting)

Supporting Documents: The sources of information for this analysis include the following: 1) Monterey Bay Unified Air Pollution Control District, CEQA Air Quality Guidelines (June 16, 2004), 2) Monterey Bay Unified Air Pollution Control District, 2004 Air Quality Management Plan

(September 2004) and 3) 2007 Federal Maintenance Plan (March 2007). The air quality analysis supplemental information and calculations are provided in Appendix G.

Noise

Baseline: Existing noise sources, noise levels, and regulations (City of Marina, Monterey County, and City of Seaside) are described in the setting but the impact analysis compares implementation of the 2007 plan to the 1998 plan to draw conclusions about impacts.

Supporting Documents: Traffic analysis for the CSUMB 2007 Master Plan prepared by Higgins Associates (2007) and parking data generated by Wilbur Smith Associates and CSUMB. The traffic analysis is incorporated as an Appendix.

Impacts and Mitigation Measures
Impact 13-1 Increase in Ambient Noise Levels from Project Traffic

The DEIR concludes that the project traffic would not result in an increase in ambient noise levels on nearby roadways – a less-than-significant impact. The accompanying traffic noise discussion on pages 13-7 and 13-8 states:

> *The modeling developed for the 1998 Master Plan EIR remains relevant to the noise analysis for the 2007 Master Plan since the proposed 2007 Master Plan would result in a reduction of the total FTE enrollment projection compared to the 1998 Master Plan, from 25,000 to 12,000 FTE.*
>
> *For the modeling effort, peak-hour PM traffic volumes during the weekdays were used and noise levels at about 50 feet from the centerline of the roadway were calculated. The 1998 Master Plan EIR concluded that the addition of project-related traffic alone would not noticeably increase ambient noise levels (i.e., the project traffic alone would not increase ambient noise levels by more than 3 dBA, Leq). Because the proposed 2007 Master Plan reduces the overall campus population and, in turn, traffic impacts, the 2007 Master Plan will also not noticeably increase ambient noise levels.*

Table 13-2 provides existing and projected traffic noise levels along Second Avenue in the project area. The levels increase from the existing level 64 dBA to 65 dBA in Year 2005, 68 DBA in Year 2015, and 69 dBA in year 2015. (Note the table state "Year 2015 Without Project" instead of "Year 2015 With Project"). The projected noise levels result in an increase of more than 3 dBA by Planning Horizon II and 5 dBA in Planning Horizon III which are clearly discernible by most people (refer to DEIR p. 13-6)

In addition, the discussion recognizes that the 1998 Master Plan included Standard CF-CD-1 which established a 70-foot street setback for residential uses to buffer roadway noise and required setbacks in residential areas to ensure a 45 decibel maximum noise level and that the 2007 Master Plan does not include policies or standards to address noise levels along nearby roadways.

The analysis relies on the 1998 Master Plan for comparison noting that the 2007 reduces population and academic building space square footage thereby reducing traffic which would not noticeably increase ambient noise levels. The analysis is flawed in that it does not acknowledge the

Impact of the change to the existing condition from implementation of the project. The analysis should be updated to include existing and project ambient noise levels based on traffic studies and noise studies using existing data and the 2007 Master Plan.

Near Term Projects Evaluation

The EIR is structured to evaluate three significant, near term campus housing and academic building projects at a project-specific level of detail, compared to the program-level evaluation of the Master Plan as a whole. Any one of these three projects alone would be considered a significant development project worthy of substantial environmental review. However, these projects are treated as an "add-on" to the EIR, with the environmental evaluation continually linking back to the programmatic "Part I" of the document.

Given the adequacy issues identified for Part I, the evaluation for these near term projects in Part II would suffer from the same technical issues and inconsistencies due to the reliance on the programmatic analysis.

These comments are preliminary, pending your review. Please call if you have any questions or would like to discuss the comments further prior to the submittal deadline.

Sincerely,

PMC

Tad Stearn, Principal

Cc: Tammy Seale, Senior Planner

PINNACLE TRAFFIC ENGINEERING
930 San Benito Street
Hollister, California 95023
(831) 638-9260 / FAX (831) 638-9268
PinnacleTE.com

January 31, 2008

Richard Simonitch, PE, PLS
Creegan + D'Angelo Infrastructure Engineers
225 Cannery Row, Suite H
Monterey, CA 93940

California State University Monterey Bay (CSUMB) 2007 Master Plan; Seaside, California
Review of Traffic Impact Analysis (TIA) - Draft Report

Dear Mr. Simonitch,

Per your request, I have reviewed the TIA prepared for the CSUMB 2007 Master Plan (Draft Report-Higgins Associates, November 5, 2007). My review primarily focuses on the adequacy of the analysis scope, validity of the trip generation and distribution assumptions, and feasibility of the recommended mitigation measures. Also provided are an overview of existing and long range buildout conditions and a detailed review of the level of service (LOS) calculations. Information in the following documents was also reviewed: (1) Fort Ord Reuse Plan Final EIR, (2) Fort Ord Reuse Authority-FORA 2007 / 2008 Capital Improvement Program, (3) CSUMB Traffic Impact Study Memorandum of Assumptions and (4) CSUMB Master Plan Notice of Preparation. A summary of my review is presented along with a detailed discussion of the individual analysis components.

Summary of TIA Review

To evaluate the adequacy of the scope, criterion for various agencies was reviewed. The scoping criterion is used to identify a sphere of potential impact associated with a specific project. A list of additional intersections, and street and freeway segments were identified using conservative criteria. An evaluation of these additional facilities is warranted to fully evaluate the impacts associated with the CSUMB 2007 Master Plan. Various assumptions were used to derive the CSUMB trip generation estimates and assign trips to the local and regional street networks. The standard rates published by the Institute of Transportation Engineering (ITE) are approximately 50% higher than the trip rates used in the TIA (produced by the AMBAG traffic model). The AMBAG model is significantly under estimating the trip generation. In addition, the origin and destination (O&D) assumptions in the AMBAG model are difficult to verify. The scope used to evaluate the potential impacts associated with the CSUMB buildout is inadequate.

A review of the existing and buildout scenarios was conducted to verify current conditions and evaluate the validity of the proposed mitigation measures. New traffic count data for the TIA was only collected at 3 of the 22 study intersections. The review of existing conditions indicated that the majority of LOS calculations were consistent with standard traffic study methodologies and practices, and were reported correctly. The analysis of buildout conditions identified at least half of the study intersections and a majority of the street and freeway segments will operate within unacceptable limits (LOS E-F).

The viability of mitigation measures was evaluated. The mitigation measures for the Reservation Road / Imjin Road intersection include significant improvements. The magnitude of improvements demonstrates that other alternatives should be developed and evaluated. The mitigation measures for the Imjin Parkway / SR1 Southbound Ramps intersection include the installation of a traffic signal and restriping of the existing bridge for 2 westbound left turn lanes. This would more than likely require that the existing bridge be widened and designed to Caltrans standards. Mitigation measures also include the widening of Imjin Parkway (6 lanes), Second Avenue (4-6 lanes) and SR 1 (beyond 3 lanes in each direction). The future widening of these facilities would require a significant amount of improvements. Various mitigation measures are not feasible and are not included in the FORA or City of Marina's Capitol Improvements Program (CIP). Many of the identified improvements if not constructed in a timely manner will result in significant and unavoidable project impacts.

Adequacy of TIA Scope

The TIA scope was developed to identify the potential impacts associated with the development of the CSUMB 2007 Master Plan. The TIA includes an evaluation of 22 study intersections, Imjin Parkway, Second Avenue, Eight Street and State Route (SR) 1. The evaluation of future traffic conditions analyzed the potential impacts associated with the year 2010 (Near-Term Projects), 2014 (Planning Horizon I) and 2025 (Buildout). My review only includes an evaluation of the TIA scope used for buildout conditions (2025). Project traffic volume data illustrated on Exhibits 18A and 18B was used for the review. It should be noted that any significant changes in the project trip generation or distribution assumptions could significantly affect the analysis and proposed mitigation measures.

Various analysis scoping criteria can be used to identify a sphere of potential impact associated with a specific project. Local public agencies and Caltrans use similar criteria. The criterion defines a threshold for when a public facility (intersection, street segment, etc.) should be evaluated for potential project specific impacts. Typically, the decision to evaluate a particular facility depends on the project location and size, as well as the estimated number of project trips (trip generation and assignment assumptions). The ability of public facilities to operate within acceptable limits and the locations of existing deficiencies are also taken into consideration. Criterion from various sources was reviewed (Caltrans, Monterey County, San Benito County, City of Monterey, City of Watsonville, City of American Canyon, etc). The following is actual analysis scoping criteria used by various public agencies to identify potentially impacted facilities.

- Project increases intersection peak hour volume by 1% or more
- Project increases intersection peak hour volume by 10% on any approach
- Project adds 10 or more peak hour trips to an intersection approach lane (any 1 lane)
- Project adds 10 or more peak hour trips to an intersection
- Project adds 20 or more peak hour trips to an intersection
- Project adds 50 or more peak hour trips to an intersection
- Project adds 1-49 peak hour trips on facility operating within LOS E-F range
- Project adds 50-100 peak hour trips on facility operating within LOS D range

Daily traffic volume thresholds and facility operations (LOS) are also used to identify when a specific street or freeway segment should be considered in the evaluation of potential impacts (ie: project adds 50-100 daily trips ends). If a conservative threshold of 50 "project added" peak hour trips is used to identify potentially impacted facilities, the following facilities should be included in

the evaluation of project specific impacts. An evaluation of these facilities is required to fully evaluate the potential impacts associated with the CSUMB 2007 Master Plan. Additional facilities have also been identified based on my knowledge of current operations and network deficiencies.

Additional Intersections to be Included in TIA:

1. Inter-Garrison Road and 8th Street-7th Avenue (offset "T" intersections)
2. Inter-Garrison Road and Abrams Drive
3. Inter-Garrison Road and Eastside Road (Future)
4. Inter-Garrison Road and Reservation Road
5. Reservation Road and Davis Road
6. General Jim Moore Boulevard and Coe Avenue-Eucalyptus Road
7. General Jim Moore Boulevard and Broadway Avenue
8. General Jim Moore Boulevard and SR218
9. SR218 and SR68
10. 8th Street and 5th Avenue (California Avenue)
11. California Avenue and 3rd Avenue

Additional Street and Freeway Segments to be Included in TIA:

1. General Jim Moore – Between 8th Street and SR218
2. Inter-Garrison Road – Between 2nd Avenue and Reservation Road
3. Reservation Road – Between Imjin Parkway and Davis Road
4. Light Fighter Drive –Between SR1 and General Jim Moore Boulevard
5. Imjin Road – Between 8th Street and Imjin Parkway
6. 5th Avenue (California Avenue) – North of 8th Street
7. SR1 – Between Del Monte Boulevard (South) and SR156
8. SR1 – North of SR156 (2 lane section)
9. SR1 – South of Fremont Boulevard
10. SR156 – Between SR1 and US101 (2 lane section)
11. SR218 – Between General Jim Moore Boulevard and SR68
12. SR68 – East of SR218 (2 lane section)
13. Eastside Road – Between Gigling Road and Inter-Garrison Road (Future)

It should be noted that many of these intersections and street/freeway segments are also identified in the Memorandum of Assumptions (MOA) dated May 25, 2007. The final decision to include specific facilities should also take into consideration other factors when defining an appropriate analysis scope (ie: existing traffic volumes, peak hour operations, future planned improvements, etc). Additional information is required to identify and fully evaluate all potentially impacted locations.

Validity of Trip Generation Estimates and Distribution Assumptions

The project trip generation estimates were based on data contained in the 2004 CSUMB traffic report and ITE Trip Manual. Trips for both full time and non-traditional full time students were estimated. Non-traditional full time students are those students that do not attend classes on campus and only come to the campus to register, visit faculty advisors or the library. The project trip generation estimates and trip assignment assumptions in the TIA were reviewed (Exhibits 9, 10A, 10B and 11). The following assumptions were used to derive the trip generation estimates and assign the project trips to the local and regional street networks.

- 60% of full time students will live on campus
- 65% of faculty and staff will live on campus
- Non Traditional Students make only 5 trips to the campus per year
- Only 8% of non traditional students on campus would be campus and generate trips
- 30% internal trip reduction for pedestrian, cycling and campus transit (campus housing)
- AMBAG traffic model trip generation rate of 1.58 daily trips per student

The ITE trip generation rates used for the residential component include data for land use code #210 (Single Family Detached Units), #220 (Apartment Units) and #231 (Low Rise Residential Condominium/Townhouse Unit). However, the peak hour trip generation rates presented on Exhibit 9 are actually for ITE land use code #230 (Residential Condominium/Townhouse Unit). The average daily trip rate for code #230 is only slightly higher than that used in the analysis (5.86 daily trips per unit vs. 5.56 daily trips per unit). The residential component project trip generation estimates assumed a 30% reduction for internal trips associated with campus housing (pedestrian, cycling and campus transit). The assumption that 65% of faculty / staff will live on campus and 30% of the housing trips will be internal appears high. Additional data is needed to support the CSUMB campus model assumptions.

The trip generation estimates for the increase in students was derived using the AMBAG traffic model trip generation rate of 1.58 daily trips per student (0.14 trips per student during AM & PM peak hour periods). The standard ITE rates (code #550 - 2.38 daily trips per student and 0.21 peak hour trips per student) are approximately 50% higher than the rates used in the TIA. The TIA states that the trip rate reduction accounts for the high percentage of students that are expected to live on campus. Data on Exhibit 10B (AMBAG Model CSUMB Trip Generation) also indicates a trip reduction of about 27% for internal type trips (0.27=8,427 / 30,917). Data also published by the San Diego Association of Governments (SANDAG, Brief Guide of Vehicular Traffic Generation Rates for the San Diego Area) confirms that a 4-year University in California can generate about 2.4 weekday trips per student. However, the ITE and SANDAG material does not provide supportive data differentiating between internal and external trips which make it difficult to verify the TIA trip reduction assumptions. In addition, it is also difficult to determine how the AMBAG model adjusts for internal type trips and verify that the model is not discounting for internal trips multiple times. Therefore, the AMBAG model could be significantly under estimating the project trip generation and potential impacts associated with the buildout of the CSUMB campus.

The assignment of trips to the local and regional street networks was based on O&D assumptions presented in the TIA (Exhibit 11). The following is a summary of the O&D assumptions.

Trip Distribution Assignments - CSUMB Campus % (North Campus Housing %)

CSUMB Campus (Internal):	5% (15%)
Local (Marina-Seaside-Dunes):	47% (37%)
Northwest (SR1):	6% (6%)
Northeast (Blanco Rd.-Davis Rd.):	14% (4%)
Southwest (Monterey-SR1):	24% (35%)
Southeast (SR68-Salinas):	4% (3%)

Similar to the discussion presented for the trip generation, the O&D assumptions in the AMBAG model are difficult to verify. The 6% assignment of trips to and from the north on SR1 towards Santa Cruz and Santa Clara Counties appears low. In addition, the 18% (7%) trip assignment to and from the City of Salinas and South Monterey County also appears low (Blanco Rd., Davis Rd. and SR68). Additional data is needed to verify the AMBAG model assumptions.

Overview of Existing Conditions

The overview of existing conditions included a site visit to the various study intersections and street and freeway segments. During the site visit all study intersection and street and freeway segment geometrics and traffic control devices were observed (ie: number of lanes, stop sign control, signal control and phasing, etc). Data obtained during the site visit was used to verify existing conditions and evaluate the validity of the proposed mitigation measures. It should be noted that new peak hour traffic count data was only collected at 3 of the 22 study intersections, which seems low due to the magnitude and sensitivity of the CSUMB project. The existing LOS calculations were reviewed to verify the peak hour traffic volumes and coding of intersection, and street and freeway segment parameters (ie: number of lanes, type of traffic control, signal phasing and timing, peak hour factors, etc). A summary of my review is presented in Tables 1A and 1B.

Table 1A - Existing Study Intersection Peak Hour LOS Review Summary

I/S No.	Geometrics	Control	Existing LOS		Remarks
			AM	PM	
#1	OK	OK	B	C	
#2	OK	N-S Split Ø	Redo	Redo	Ex. N-S split signal phasing
#3	OK	OK	B	B	
#4	OK	OK	B	B	
#5	OK	OK	F	F	What is average delay AM
#6	OK	OK	A	A	
#7	EB	OK	Redo	Redo	EB should be 1 LT + 2 TH + 1 RT
#8	OK	OK	B	B	
#9	OK	OK	Redo	Redo	Add lost Time AM/PM
#10	OK	E-W LT Ø	Redo	Redo	Short cycle length (60 sec) and lost time-AM/PM NBRT, SRBT, EBRT & WBRT free flowing
#11	OK	OK	A	A	East leg under construction
#12	OK	OK	C	A	I/S under construction, north leg closed
#13	OK	OK	B	B	
#14	OK	OK	A	A	
#15	OK	OK	D	C	
#16	OK	OK	D	C	
#17	OK	OK	B	B	
#18	OK	OK	?	?	Short cycle length (60 sec) and lost time-AM/PM
#19	OK	OK	C	C	
#20	OK	OK	?	?	Short cycle length (60 sec)-AM/PM
#21	OK	OK	A	A	
#22	OK	OK	A	A	

Table 1B - Existing Study Street and Freeway Segment LOS Review Summary

Roadway	Geometrics	Existing LOS		Remarks
		AM	PM	
Imjin Pkwy.	4 Lane Expressway Sect.	A-B	B	
	2 Lane Arterial Sect.	F	F	
Second Avenue	4 Lane Arterial Sect.	A	A	
	2 Lane Arterial Sect.	A	A	
Eight Street	2 Lane Collector	A	A	
State Route 1 (n/o Imjin)	NB – 2 Lanes	B	E	Includes Aux. Lane
	SB – 3 Lanes	C	A	PM volumes appears low
State Route 1 (Imjin-Lt. Fighter)	NB – 3 Lanes	B	D	
	SB – 3 Lanes	D	A	
State Route 1 (n/o Imjin)	NB – 3 Lanes	B	D	
	SB – 3 Lanes	D	B	

The data in Tables 1A and 1B indicates that the existing geometric, traffic control parameters and LOS values for a majority of the facilities are accurate. The majority of intersection LOS values are also reported correctly as presented on Exhibit 7A. However, it should be noted that minor adjustments to the intersection geometrics and signal phasing / timing parameters are warranted at 6 study intersections (#2, #7, #9, #10, #18 and #20). Revisions to the TIA should address the comments at each study intersection.

Overview of Buildout Conditions

Similar to the review conducted for the existing conditions scenario, the long range buildout LOS values were also reviewed to verify the accuracy. The LOS calculations were reviewed to verify the peak hour traffic volumes and coding of intersection, and street and freeway segment parameters (ie: number of lanes, type of traffic control, signal phasing and timing, peak hour factors, etc). A summary of my review is presented in Tables 2A and 2B.

The data in Table 2A indicates that 11 of the 22 study intersections will operate within the LOS E-F range during one or both of the peak hour periods. As indicated under the review of existing LOS, minor adjustments to the intersection parameters are warranted at several of the study intersections (#7, #9, #10, #14, #18 and #20). Revisions to the TIA should address the comments at each study intersection. The data in Table 2B indicates that LOS values for a majority of study segments along Imjin Parkway, Second Avenue and Eight Street would degrade to the LOS E-F range during at least 1 peak hour period. LOS values for various segments of SR1 would also degrade to LOS E-F.

Table 2A - Long Range Buildout Study Intersection Peak Hour LOS Review Summary

I/S No.	Geometrics	Control	Buildout LOS		Remarks
			AM	PM	
#1	OK	OK	C	D	
#2	OK	OK	F	F	
#3	OK	OK	F	F	
#4	OK	OK	C	B	
#5	OK	OK	F	F	
#6	OK	OK	A	A	
#7	EB	OK	Redo	Redo	EB should be 1 LT + 2 TH + 1 RT
#8	OK	OK	F	F	
#9	OK	OK	Redo	Redo	Add lost Time AM/PM
#10	OK	E-W LT Ø	Redo	Redo	Short cycle length (60 sec) and lost time-AM/PM NBRT, SRBT, EBRT & WBRT free flowing
#11	OK	OK	D	F	East leg under construction
#12	OK	OK	F	C	I/S under construction, north leg closed
#13	OK	OK	F	F	
#14	Modify	OK	Redo	Redo	Only 1 NB lane, n/o I/S
#15	OK	OK	F	F	
#16	OK	OK	F	F	
#17	OK	OK	B	C	
#18	OK	OK	?	?	Short cycle length (60 sec) and lost time-AM/PM
#19	OK	OK	C	D	
#20	OK	OK	?	?	Short cycle length (60 sec)-AM/PM
#21	OK	OK	C	F	
#22	OK	OK	F	F	

Table 2B - Long Range Buildout Study Roadway LOS Review Summary

Roadway	Geometrics	Buildout LOS		Remarks
		AM	PM	
Imjin Pkwy.	4 Lane Expressway Sect.	D	E-F	
	2 Lane Arterial Sect.	F	F	
Second Avenue	4 Lane Arterial Sect.	A	A-E	
	2 Lane Arterial Sect.	A	D-F	
Eight Street	2 Lane Collector	A-F	B-F	
State Route 1 (n/o Imjin)	NB – 2 Lanes	C	F	Includes Aux. Lane
	SB – 3 Lanes	C	B	AM-D (?)
State Route 1 (Imjin-Lt. Fighter)	NB – 3 Lanes	C	F	
	SB – 3 Lanes	D	C	AM-E (?)
State Route 1 (n/o Imjin)	NB – 3 Lanes	C	F	AM-D (?)
	SB – 3 Lanes	E	D	

Viability of the Recommended Mitigation Measures

This section discusses the viability of the proposed mitigation measures required to offset the project impacts and provide acceptable levels of service. Tables 3A and 3B present a summary of the proposed mitigation measures as recommended on Exhibits 7E, 7F and 7G. To verify the viability of the mitigation measures I reviewed existing field conditions and the feasibility of the recommended improvements. Also discussed are improvements in the FORA and City of Marina Capitol Improvement Programs (CIP), and weather specific mitigation measures are consistent with already identified future improvements.

Table 3A – Long Range Buildout Study Intersection Mitigation Summary

I/S No.	Mitigation	Remarks
#1	None Recommended	
#2	Add NBLT, NBRT, EB, 2-WB, WBLT & SB	The need for 3 NBRT and 3 WBLT turns lanes demonstrates a need to develop and evaluate other improvement alternatives.
#3	Add EBLT & WB	The need for 3 EBLT lanes demonstrates a need to develop and evaluate other improvement alternatives.
#4	None Recommended	
#5	Signalize & restripe existing bridge	Would require bridge widened.
#6	Close Median	Feasible
#7	Add EB & WB	Feasible
#8	Add EB, WB, SBLT, NBLT & NBRT	Feasible
#9	Add EB & WBLT	Feasible
#10	Add 2-EB, 2-WB, WBLT, NBLT, SBLT	Feasible
#11	Signalize or Roundabout	Feasible
#12	Signalize or Roundabout	Signalization may require the intersection to be reconfigured. A roundabout may be a better solution.
#13	Signalize or Roundabout	Feasible
#14	Signalize	Feasible
#15	Signalize, add NBLT, SBLT, EBLT & WBLT	Feasible
#16	Signalize or Roundabout, add NBRT	Feasible
#17	None Recommended	
#18	Add EBLT, SB, NBLT & NB	Feasible
#19	Add SBRT & EBLT	Feasible
#20	None Recommended	
#21	Signalize or Roundabout	Feasible
#22	Signalize	Feasible

The data in Table 3A indicates that the recommended mitigation measures for the Reservation Road / Imjin Road (#2) intersection include significant improvements. In lieu of 3 northbound right turn lanes going through signal control, 2 free-flowing right turn lanes may provide a better solution. The magnitude of improvements at this intersection demonstrates that other improvement alternatives

should be developed and evaluated. The planning and construction of a multi-model facility via the Blanco Road (south of Reservation Road) or Inter-Garrison Road corridor could help reduce future peak hour traffic demands and the need to construct significant improvements at the Reservation Road / Imjin Road intersection. Future improvements at this intersection are not identified in the FORA CIP. Information in the TIA indicates that the City's CIP does include some of the identified future improvements. However, the City's CIP does not include a 2nd northbound left turn, 2nd southbound lane or a 4th eastbound lane which are required to provide acceptable levels of service for buildout conditions. In addition, the widening of Reservation Road to accommodate 4 EB lanes is also not included in the FORA CIP. The mitigation measures for the Imjin Parkway / SR1 Southbound Ramps (#5) intersection include the installation of a traffic signal and restriping the existing bridge to accommodate 2 westbound left turn lanes. Information in the TIA indicates that the City's CIP does include these improvements (2007/2008). However, more than likely these improvements will require that the existing bridge be widened and designed to current Caltrans standards. It should be noted that the City of Marina is currently preparing a Project Study Report (PSR) to evaluate the various design alternatives. The installation of a grade-separated (southbound ramps) or an urban interchange at 8th Street should be considered in the PSR. Future interchange improvements at Imjin Parkway are not identified in the FORA CIP. Many of the identified improvements if not constructed by 2010 will result in significant and unavoidable project impacts.

Table 3B – Long Range Buildout Study Roadway Mitigation Summary

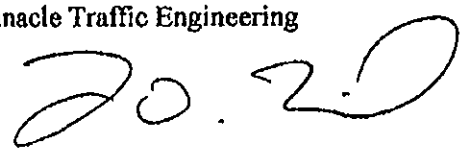
Roadway	Geometrics	Mitigation	Remarks
Imjin Pkwy.	4 Lane Exp. Sect.	Widen to 6 Lanes	The widening to 6 lanes would require major improvements and may have significant environmental impacts.
	2 Lane Arterial Sect.	Widen to 6 Lanes	The widening to 6 lanes may have significant environmental impacts.
Second Avenue	4 Lane Arterial Sect.	None Recommended	
	2 Lane Arterial Sect.	Widen to 4 Lanes (6th Ave.-8th Ave.)	The widening to 4 lanes would require major improvements.
	2 Lane Arterial Sect.	Widen to 6 Lanes (8th Ave.-Imjin Pkwy.)	The widening to 6 lanes would require major improvements.
Eight Street	2 Lane Collector	Add LT. @ I/S (Arterial Standards)	Many offset/skewed intersections.
State Route 1 (n/o Imjin)	NB – 2 Lanes	Add NB Lane	Feasible-Caltrans
	SB – 3 Lanes	None Recommended	
State Route 1 (Imjin-Lt. Fighter)	NB – 3 Lanes	Add NB Lane	Feasible-Caltrans
	SB – 3 Lanes	None Recommended	
State Route 1 (s/o Lt. Fighter)	NB – 3 Lanes	None Recommended	
	SB – 3 Lanes	Add SB Lane	Feasible-Caltrans

The data in Table 3B indicates that the recommended mitigation measures include the widening of Imjin Parkway to 6 lane expressway section. Since the construction of 4 lane improvements (curb, gutter & sidewalk) have recently been completed (SR 1 and Imjin Road), major improvements would be required to upgrade this roadway to 6 lanes. The widening of Imjin Parkway to 6 lanes between SR1 and Imjin Road is included in the City's CIP. However, there are no current plans to widen Imjin Parkway beyond 4 lanes between Imjin Road and Reservation Road. Improvements have recently been constructed on Second Avenue, and therefore, the future widening to 4 or 6 lanes would require a significant additional improvements. The TIA does not address the issue of widening Second Avenue between 8th Street and Imjin Parkway to 6 lanes. The future widening of Second Avenue (4-6 lanes) is not identified in the FORA or City's CIP. The future widening of SR1 beyond 6 lanes (3 lanes each direction) would require that a PSR be prepared to evaluate all improvement alternatives. The preparation of a PSR and future widening of SR1 (south of Imjin Parkway) are beyond the improvements identified in the FORA or City's CIP. It should be noted that since the evaluation of Reservation Road was not included in the TIA, the project will more than likely have significant and unavoidable impacts between Imjin Parkway and Blanco Road. Many of the identified improvements if not constructed in a timely manner will result in significant and unavoidable project impacts.

My review the CSUMB 2007 Master Plan TIA indicates that an evaluation of additional public facilities (intersections, and street and freeway segments) is warranted to fully evaluate the potential impacts. Additional data is required to support and verify the various assumptions used to estimate the project trip generation quantities and assign the project trips to the local and regional networks. In addition, the AMBAG model and TIA have significantly under estimated the CSUMB buildout trip generation and associated potential impacts. Under buildout conditions many of the study intersections, and street and freeway segments are projected to operate within the LOS E-F range during one or both of the peak hour periods (buildout conditions). Many of the recommended mitigation measures are not feasible to mitigate the project identified impacts and are not included in the FORA or City of Marina's CIP.

If you have any questions regarding my review or need additional information, please contact me at your earliest possible opportunity.

Pinnacle Traffic Engineering



Larry D. Hail, CE, TE, PTOE
President

ldh:msw

cc: James A. Feeney, PE - Fort Ord Reuse Authority
James Arnold - Fort Ord Reuse Authority

PINNACLE TRAFFIC ENGINEERING
330 Tres Pinos Road, Suite B2-12
Hollister, California 95023
(831) 638-9260 / FAX (831) 638-9268
PinnacleTE.com

August 21, 2008

Richard Simonitch, PE, PLS
Creegan + D'Angelo Infrastructure Engineers
225 Cannery Row, Suite H
Monterey, CA 93940

California State University Monterey Bay (CSUMB) 2007 Master Plan; Seaside, California
Recirculated Draft Environmental Impact Report - Traffic, Parking and Circulation Section

Dear Mr. Simonitch,

I have reviewed the revised Traffic, Parking, and Circulation section of the Recirculated Draft Environmental Impact Report (RDEIR). Revisions to the original Traffic Impact Analysis (TIA) prepared by Higgins Associates (November 5, 2007) were completed in response to comments received on the DEIR. Pinnacle Traffic Engineering performed a peer review of the original TIA (January 31, 2008). My review focused on the adequacy of the analysis scope, validity of the trip generation and distribution assumptions, accuracy of existing and buildout (2025) "level of service" (LOS) calculations, and feasibility of recommended mitigation measures.

Adequacy of TIA Scope - The original scope included an evaluation of 22 intersections, 3 street segments, 3 freeway segments, and freeway ramps at 2 interchanges (Light Fighter Drive and 12th Street). Adequacy of the scope was evaluated using criterion published by various public agencies. It was concluded that an evaluation of additional public facilities (intersections, street and freeway segments) was warranted to fully evaluate the potential impacts associated with the CSUMB 2007 Master Plan. The analysis scope in the RDEIR was expanded to include facilities identified by Pinnacle Traffic Engineering and other agencies. The expanded scope does identify additional significant impacts associated with the CSUMB 2007 Master Plan. However, the RDEIR expanded scope continues to ignore some facilities on the Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP), which could be impacted by CSUMB Master Plan build out. Specifically, the potential impacted facilities not included in the RDEIR are 8th Street between Sixth Avenue and Seventh Avenue-Intergarrison Road, Gigling Road between Eight Avenue and Eastside Road (future segment), and South Boundary Road east of General Jim Moore. The State Route 68 intersection with Laureles Grade Road, Corral De Tierra Road and San Benancio Road are also not included in the RDEIR (operational improvements in the FORA CIP). If CSUMB has concluded that the potential impacts on these facilities are insignificant, the data must be presented so that FORA can concur or rebuff CSUMB's opinion.

Validity of Trip Generation Estimates and Distribution Assumptions - Numerous assumptions were used in the original TIA to derive the CSUMB trip generation estimates and assign trips to the local and regional street networks. The trip generation rates produced by the AMBAG traffic model were about 50% lower than standard rates published by the Institute of Transportation Engineering. In addition, multiple trip reduction adjustments were applied to the housing and student components. Material presented in the RDEIR provides a better description and support for the justification of the trip generation rates and estimates. It should be mentioned that it is difficult to verify the validity of the AMBAG model trip generation and assignment methodologies. Therefore, the analysis in the RDEIR may still under estimate the impacts associated with the CSUMB 2007 Master Plan buildout.

Overview of Existing and Buildout Conditions - The original TIA included new peak hour traffic count data at 3 of the 22 study intersections. The expanded scope in the RDEIR included collecting new peak hour traffic count data at 8 additional intersections. Therefore, the peak hour traffic volumes used for the evaluation of existing conditions in the RDEIR are considered valid. A review of the LOS calculations in the original TIA identified several intersections that required minor adjustments to the coding of geometrics, and signal phasing or timing parameters to accurately represent field conditions. The existing LOS values in the RDEIR do not reflect any change as compared to the original TIA (contained in DEIR). The appropriate revisions to the existing and buildout LOS calculations should be completed to accurately evaluate the impacts associated with the CSUMB 2007 Master Plan buildout.

Viability of Mitigation Measures - The mitigation measures in the original TIA (DEIR) included significant improvements to existing public facilities. Many of the identified improvements are not included on FORA's or other local agency Capital Improvement Programs (CIP). Mitigation measures in the RDEIR require CSUMB to contribute fair-share costs associated with future identified improvements required to accommodate buildout. However, the RDEIR states that the CSUMB fair-share contribution for selected improvements is subject to funding by the State Legislature and that if funding is not provided many of the impacts would remain significant and unavoidable. It is also states that even if funding is provided, implementation of certain off-campus improvements cannot be assured within the timeframe of the CSUMB 2007 Master Plan buildout. CSUMB should work with FORA, Caltrans and other local agencies to ensure that recommended mitigation measures are feasible, funded and will eliminate all significant impacts.

Pinnacle Traffic Engineering

Larry D. Hail, CE, TE, PTOE
President

ldh:msw

cc: James A. Feeney, PE - Fort Ord Reuse Authority
James Arnold - Fort Ord Reuse Authority

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Administrative Committee report	
Meeting Date: **Agenda Number:**	September 12, 2008 8a	**INFORMATION**

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on July 30th, August 19th, and September 3rd. The approved minutes of the July and August meetings and the draft minutes of the September meeting are attached for your review.

FISCAL IMPACT:

None

COORDINATION:

Administrative Committee

Prepared by Linda L. Stiehl
Linda L. Stiehl

Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

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FORT ORD REUSE AUTHORITY
100 12th Street, Building 2880
Marina, CA 93933
(831) 883-3672 (TEL) · (831) 883-3675 (FAX) · www.fora.org

MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING
Wednesday, July 30, 2008

APPROVED

1. Call to Order

Co-Chair Doug Yount called the meeting to order at 8:19 a.m. The following representatives from the land recipient jurisdictions, representing a quorum, were present:

*Nick Nichols – County of Monterey
*Dick Goblirsch - City of Del Rey Oaks
*Ray Corpuz – City of Seaside
*Les Turnbeaugh – City of Monterey
*Doug Yount – City of Marina

Also present, as indicated by the roll sheet signatures, were:

*Jim Heitzman – Marina Coast Water District
Jim Arnold – FORA
Diana Ingersoll – City of Seaside
Garrett Haertel – MRWPCA
Thom Gamble – Marina Community Partners
Steve Endsley – FORA
*Kristen Hoschauer – TAMC
Scott Hilk – Marina Community Partners
(*)Heidi Burch – City of Carmel
Michael Houlemard - FORA
Jonathan Garcia – FORA
*Michael Gallant – Monterey-Salinas Transit
*Gail Youngblood – Army/BRAC
Suresh Prasad – Marina Coast Water District
Kevin Wolf – Federal Development, Inc.
Bob Schaffer – Marina Community Partners
*Mehul Mody – CSUMB
*Vicki Nakamura – Monterey Peninsula College
Bill Reichmuth – City of Monterey

* indicates a committee member and (*) indicates a FORA voting member but not a land recipient jurisdiction

Voting board member jurisdictions not represented at this meeting were Sand City, Salinas and Pacific Grove.

2. Pledge of Allegiance

Co-Chair Yount asked Gail Youngblood, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence

Executive Officer Houlemard said that plans were being made for a special media event on August 12th during the Association of Defense Communities to celebrate the Governor's signing of the Covenant Deferral Request (CDR). Mehul Mody was recognized for his participation on the Administrative Committee as CSUMB's representative during the past four years. He announced

that he had taken a position at PNC Financial Services in Pittsburgh, PA, and tomorrow would be his last day at CSUMB.

4. **Public comment period** - none

5. **Approval of July 16, 2008 minutes**

Item 5a – Administrative Committee minutes: **Motion to approve the July 16, 2008 Administrative Committee minutes was made by Les Turnbeaugh, seconded by Dick Goblirsch, and carried.**

Item 5b – Joint Administrative Committee/ Water Wastewater Oversight Committee minutes: **Motion to approve these joint meeting minutes was made by Les Turnbeaugh, seconded by Dick Goblirsch, and carried.**

6. **Review of draft August 8, 2008 FORA board meeting agenda**

Executive Officer Houlemard reviewed each item. Re Item 5c [Denise Duffy & Associates ("DDA") consulting contract amendment]: Mr. Houlemard clarified that although DDA was chosen by the U.S. Fish & Wildlife Service ("USFWS") and reports to that agency, FORA had to approve the contract and provide funding for Habitat Conservation Program (HCP) services rendered. Re Item 6c [Environmental Services Cooperative Agreement (ESCA) status report]: Mr. Houlemard said the processing of the HCP has been moving ahead quickly and announced that the General Jim Moore Blvd. improvement project is expected to start in October.

7. **Old Business**

Item 7a – Habitat Conservation Plan ("HCP"):

(1) Update: Director of Planning and Finance Steve Endsley reported that the meeting of the working group, originally scheduled in July, has been pushed out to the end of August, because environmental consultants at Jones & Stokes ("J&S") are still working on some issues. He said DDA also relies on J&S's work, but no delays in the schedule are anticipated at this time. He said the bulk of the chapters are out and being reviewed by USFWS and others.

(2) Multi-Modal Transit Corridor realignment ("MMTCR") – approve Memorandum of Agreement ("MOA"): Executive Officer Houlemard called attention to the changes submitted by TAMC in the redline draft of the MOA. He clarified that this agreement is a good faith agreement by each party, agreeing to set aside rights-of-way for the MMTCR which will be built at some future date. He added that without this agreement the HCP cannot proceed to completion. This MOA will allow FORA, or its successor, to release the existing corridor, as described in the Base Reuse Plan, which will then allow TAMC and MST to build the realigned corridor. Mr. Endsley remarked that even though the corridor will probably not be built until after FORA sunsets in 2014, this MOA must be in place to soon allow the HCP to reach completion and final approval.

Nick Nichols asked for a clean copy of the MOA to take to a meeting with County Counsel this afternoon, along with notes of where the TAMC changes were. Mr. Houlemard pointed out

changes in Section 1 and the addition of Section 1.5. He urged the parties to the MOA to prioritize a review and approval of this document by their policymakers, so it can be taken to the FORA Board for final approval. **Motion to direct the parties to work with their policymakers to obtain approval of the MOA and bring the MOA back for committee approval by the next meeting was made by Dick Goblirsch, seconded by Nick Nichols, and carried.**

Executive Officer Houlemard said he would not be available to attend the August 13th Administrative Committee meeting and suggested that it be postponed until August 20th, if it does not conflict with the REPOG meeting that morning. FORA staff will find a good date and time for the meeting.

Item 7b– Regional Plenary Oversight Group (REPOG) – update: Marina Coast Water District ("MCWD") General Manager Jim Heitzman said that the issues of securing additional funding to keep the REPOG moving forward would be addressed at the next REPOG meeting. Executive Officer Houlemard remarked that UC Santa Cruz had been asking for support for the Monterey Regional Water Supply Program, previously referred to as the REPOG and now called Water for Monterey County. Mr. Heitzman added that MCWD is offering a cost share arrangement with other agencies. Bill Reichmuth asked about the brine discharge being pumped into wells at 180 feet and the possibility of brine discharge into the beach wells, which could be a "show stopper" for the current version of the REPOG. He said he had heard that there were problems among the agricultural people regarding this proposal. Mr. Heitzman responded that the brine discharge into the beach wells would cost more. Mr. Reichmuth mentioned a letter from the Monterey County Farm Bureau, which indicated that it would not be in favor of using basin water for Monterey Peninsula usage. Mr. Heitzman said he had spoken to some growers who felt the project needs to be evaluated further before any decisions are made. He added that the Public Utilities Commission ("PUC") expects to weigh in on the REPOG in December or January, which will be a huge step in the process. Mr. Reichmuth thanked him for engaging the issues. Mr. Heitzman remarked that he was still open to meeting with anyone wanting to discuss the REPOG, because the project has experienced some changes since it was first presented. He announced that a PUC representative might be present at the next REPOG meeting and added that he believes it is important to represent the public through the REPOG. He added that all aspects of the proposed plan should be evaluated equally and that the best, most economical plan should be adopted. Executive Officer Houlemard suggested that an update on the REPOG might be timely for the September FORA board meeting.

Item 7c – Marina Coast Water District capacity charges: Executive Officer Houlemard reminded the members of the workshop/presentation/meeting (under the auspices of a Water/Wastewater Oversight Committee meeting) from 9:00 – 11:00 on August 6th in the FORA Barn. It was also noted that this meeting conflicted with the REPOG meeting, which starts at 9:30 that day. Jim Heitzman said he would check if an afternoon meeting would work on his schedule or suggest another day. He remarked that the capacity fees would be significantly impacted if the REPOG is approved. Executive Officer Houlemard said he would like to take an Administrative Committee recommendation on the capacity charges to the FORA Board in October.

8. New Business

Item 8a – California State University, Monterey Bay 2007 Master Plan: Recirculated Draft Environmental Impact Report dated July 2008: Executive Officer Houlemard recommended that the members review the document, especially the sections impacting their jurisdictions. He said the

CSUMB team has focused much attention on the comments they've received in the past. He added that his review has focused on the regional impacts to infrastructure, essentially the items in FORA's Capital Improvement Program. He said FORA's next comment letter would include comments received from the members. The deadline for comments is August 22nd. He complimented the technical work in the document and suggested that all take a close look at the comments regarding funding assurances. He reported that other state campuses are surely following this process closely, because the results will impact their mitigations with the surrounding communities. Nick Nichols asked when return responses were due and when responses from CSUMB would be published. Mehul Mody said CSUMB's responses would be contained in a letter, but he was unsure of the time frame.

9. Adjournment

Discussion about the next meeting date followed. Probable dates are Monday, August 18th or Wednesday, August 20th. Co-Chair Yount adjourned the meeting at 9:23 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

FORT ORD REUSE AUTHORITY
100 12th Street, Building 2880
Marina, CA 93933
(831) 883-3672 (TEL) · (831) 883-3675 (FAX) · www.fora.org

APPROVED

MINUTES OF THE
ADMINISTRATIVE COMMITTEE MEETING
Tuesday, August 19, 2008

1. Call to Order

Co-Chair Doug Yount called the meeting to order at 8:34 a.m. The following representatives from the land recipient jurisdictions, representing a quorum, were present:

*Nick Nichols – County of Monterey
*Doug Yount – City of Marina
*Dick Goblirsch - City of Del Rey Oaks
*Ray Corpuz – City of Seaside

Also present, as indicated by the roll sheet signatures, were:

Jonathan Garcia – FORA
*Michael Gallant – Monterey-Salinas Transit
Tom Tuttle – Army RCI
Tim O'Halloran – City of Seaside
*Brian True – Marina Coast Water District
*Anya Spear – CSUMB
Chuck Lande – Marina Heights
(*)Heidi Burch – City of Carmel
Bob Holden – MRWPCA
*Gail Youngblood – Army BRAC
Rob Robinson – BRAC
*Don Bachman – TAMC
Scott Hilk – Marina Community Partners
Steve Endsley – FORA
Thom Gamble – Marina Community Partners
*Vicki Nakamura – Monterey Peninsula College
Dan McGregor – Marina Heights

* indicates a committee member and (*) indicates a FORA voting member but not a land recipient jurisdiction

Voting board member jurisdictions not represented at this meeting were Sand City, Salinas, Monterey and Pacific Grove.

2. Pledge of Allegiance

Co-Chair Yount asked Jonathan Garcia, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence - none

4. Public comment period - none

5. Approval of July 30, 2008 Administrative Committee meeting minutes

Motion to approve the July 30, 2008 meeting minutes was made by Ray Corpuz, seconded by Nick Nichols, and carried.

6. **Follow-up to the August 8, 2008 FORA board meeting** - none

7. **Old Business**

Item 7a – Habitat Conservation Plan ("HCP"):

(1) Update: Director of Planning and Finance Steve Endsley reported that there had not been any meetings of the working group since the last one and the status of the HCP had not changed. He added that the main break-through has been the working out of a protocol for the Bureau of Land Management to guarantee payment of its habitat mitigation responsibilities. He said he had not seen the full text yet but was encouraged by the initial comments. The next big milestone will be the issuance of the EIR. He remarked that most of the chapters have been reviewed by U.S. Fish & Wildlife Service EIS and mostly the fiscal issues remain. Co-Chair Yount suggested requesting the revised schedule from Jones and Stokes, FORA's environmental consultant. Ray Corpuz asked if there were any reason at this point to land bank additional mitigation lands. The general consensus was to keep the pressure on finalizing the HCP while maintaining the land bank option. It was decided to set another meeting of the working group for early September.

(2) Multi-Modal Transit Corridor realignment – approve Memorandum of Agreement ("MOA"): Associate Planner Jonathan Garcia reported that comments had been received from UC MBEST, Monterey County and TAMC and were marked in the latest draft, which was in the meeting packet. Nick Nichols remarked that county counsel had replaced the lengthy text in Section 4 with the original indemnity language. This change needs to be reviewed by Golden Gate University ("GGU"). Graham Bice stated that the changes would have to be reviewed by the UC legal staff before approval and noted that if upfront payments were required before development had occurred (see Section 1.3 regarding rights of way reservations/easements), UC would probably not be able to fund its costs the way the text is written. Nick Nichols asked if this version of the MOA were the "final" draft, remarking that he was hesitant to take it for another legal review if other parties had additional changes. FORA staff offered to contact GGU before distributing the "final" draft to the members. **Motion to agendize the MOA for approval at the next meeting was made by Dick Goblirsch, seconded by Ray Corpuz, and carried.**

Item 7b– Regional Plenary Oversight Group (REPOG): Water for Monterey County project – update: Director of Planning and Finance Steve Endsley said FORA staff members had attended the meeting last week, which Steve Kasower, water consultant, facilitated. Mr. Endsley said funding to continue the project had not been finalized yet. Co-Chair Yount remarked that new interest by the agricultural community had been noticed, although no real issues had been brought into the discussions. He said it would be very important to bring all affected by this regional project into the continuing discussions.

Item 7c – Marina Coast Water District ("MCWD") capacity charges: Co-Chair Yount reported that he had attended the recent meeting at FORA, where MCWD consultants had given a presentation, which suggested two action points to pursue: (1) compare the previously adopted Capital Improvement Program (2005-06) with the current one, noting the differences and the factors driving the cost and (2) run a model for the water and wastewater surcharges, which is already in progress. Brian True, acting engineer at MCWD, reported that meetings with the developers had occurred and preparation of the model with the surcharges is moving forward. He said he would check with

Suresh Prasad, MCWD finance officer, for an update of the model and scheduling a presentation to the FORA Board. Co-Chair Yount reminded all that the October 10th board meeting was the target date for seeking approval of the capacity charges. There were no other member comments or comments from the public.

8. New Business

Item 8a – California State University, Monterey Bay 2007 Master Plan: Recirculated Draft Environmental Impact Report ("RDEIR") dated July 2008: Steve Endsley, Director of Planning and Finance, reported that comments on FORA's comment letter to the RDEIR had been received from several of FORA's consulting attorneys and encouraged the members to make a final review of the letter containing FORA's comments. He said the deadline for submitting all comments is this Thursday, August 21st. Anya Spear, the CSUMB representative, said they had not received any comments yet. Discussion regarding the letter followed. Mr. Endsley said FORA's letter would be hand-carried to CSUMB on Thursday to meet the deadline, if necessary.

9. Adjournment

There being no other business, Co-Chair Yount adjourned the meeting at 9:08 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

FORT ORD REUSE AUTHORITY
100 12th Street, Building 2880
Marina, CA 93933
(831) 883-3672 (TEL) · (831) 883-3675 (FAX) · www.fora.org

MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING Tuesday, September 3, 2008

DRAFT

1. Call to Order

Co-Chair Michael Houlemard called the meeting to order at 8:16 a.m. The following representatives from the land recipient jurisdictions, representing a quorum, were present:

*Jim Cook – County of Monterey
*Doug Yount – City of Marina
*Les Turnbeaugh – City of Monterey
*Dick Goblirsch - City of Del Rey Oaks
*Diana Ingersoll – City of Seaside

Also present, as indicated by the roll sheet signatures, were:

Jonathan Garcia – FORA
*Michael Gallant – Monterey-Salinas Transit
Tom Tuttle – Army RCI
*Graham Bice – UC MBEST
*Jim Heitzman – Marina Coast Water District
*Anya Spear – CSUMB
Jim Feeney - FORA
Bill Wiseman – RBF Consulting
Stan Cook – FORA
*Rob Robinson – BRAC
*Todd Muck - TAMC
Jim Arnold - FORA
Scott Hilk – Marina Community Partners
Steve Endsley – FORA
Bob Schaffer – Marina Community Partners
*Vicki Nakamura – Monterey Peninsula College
Tom Buell – MRWPCA
Michael Houlemard - FORA

* indicates a committee member and (*) indicates a FORA voting member but not a land recipient jurisdiction

Voting board member jurisdictions not represented at this meeting were Sand City, Salinas, Carmel and Pacific Grove.

2. Pledge of Allegiance

Co-Chair Houlemard asked Rob Robinson, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, announcements and correspondence

FORA Executive Assistant Linda Stiehl provided details about the CA State Association of Counties' "Green Purchasing" seminar being held on September 26th at CSUMB. Co-Chair Houlemard reported on FORA's recent signing ceremony celebrating the early transfer of about 3,300 acres, the last parcels scheduled for redevelopment on former Fort Ord. He mentioned the widespread media coverage that focused on the event and the follow-up, noting particularly the CA Department of Toxic Substances Control's interest in coordinating media efforts with the

local jurisdictions. Assistant Executive Officer Jim Feeney remarked that the bid for Phase I of the General Jim Moore/ Eucalyptus road improvement project had been put out for bid, with pre-bids next week. The September 30th deadline for bids will allow construction to begin in October.

4. **Public comment period** - none

5. **Approval of August 19, 2008 Administrative Committee minutes**

Motion to accept the August 19, 2008 meeting minutes was made by Les Turnbeaugh, seconded by Graham Bice, and carried. There were no objections.

6. **Review draft September 12, 2008 FORA board meeting agenda**

Co-Chair Houlemard focused on the action items, but added that the more numerous information items contained important information needed to keep them moving forward.

7. **Old Business**

Item 7a – Habitat Conservation Plan ("HCP"):

(1) Status report: Director of Planning and Finance Steve Endsley reported that the last meeting resulted in setting a face-to-face meeting on September 9th with FORA's environmental consultant. He also reported that a break-through involving the Bureau of Land Management's funding issues with U.S. Fish & Wildlife Service ("FWS") and said an updated schedule would be prepared in the near future. He remarked that a conference call with the HCP working group and the regulators (FWS and CA Department of Fish & Game) has been scheduled on September 16th, when a chapter-by-chapter review of the remaining issues will be the focus. Doug Yount asked when the documents to be discussed at the September 9th meeting would be sent to the committee members, and Mr. Endsley replied that the schedule and outline of the chapters, along with an agenda, would be distributed shortly. Mr. Yount remarked that a list of the remaining issues be drafted prior to the September 16th conference call, with working group members contributing to the items. Graham Bice recommended bringing the creation of a joint powers agency back into focus, since that issue must be addressed in the HCP before it is approved. Co-Chair Houlemard pointed out the minimum requirements for addressing this issue and how it was handled in other documents. General discussion followed.

(2) Multi-Modal Transit Corridor realignment – approve Memorandum of Agreement ("MOA"): Executive Officer Houlemard said there were still some issues to be settled, namely the following: (1) Who's really a party to the MOA? An example is Monterey County **and/or** Monterey County Redevelopment Agency; and (2) Does the MOA affect any properties that have already been transferred? Examples are the East Garrison and the Dunes projects. He also called attention to two changes in the MOA that were submitted by CSUMB. The one in Section 1.3 has text stating that FORA will obtain all legal descriptions defining the new alignment property. CSUMB representative Anya Spears remarked that the CSUMB property included unencumbered parcels not intended for development but parcels, which nevertheless had value, which should be compensated. She said CSU counsel had also suggested that FORA pay for the legal descriptions. Assistant Executive Officer Jim Feeney remarked that the added property value language serves no purpose, because it would likely

be a wash, and also that there are benefits for the jurisdictions/ CSU to obtain their own legals. Both he and Mr. Endsley offered to discuss further these issues with CSUMB. Jim Cook remarked that all parties should be treated equally. Discussion on these issues followed. Co-Chair Houlemard reminded all that TAMC and MST have defined the realigned corridor and are the lead agencies to implement this project, not FORA. Mr. Yount recommended that the previous language in Section 1.3 be used, wherein all jurisdictions are responsible for their own legals. He commented that the important goal is doing whatever needs to be done to secure HCP approval.

Re Section 1.4 (allotting appropriate mitigation credit to CSUMB for agreeing to grant the easements involving public land): Co-Chair Houlemard stated that if CSU's property has been designated as habitat, then it has no value, and if it has value, it is minimal because the mitigation credit is balanced by the corridor's running through the campus, so there is no issue. Co-Chair Houlemard suggested waiting until the Board can weigh in on these issues. There was general agreement to use the "previous" language in Section 1.3 and leave the current language in Section 1.4.

Item 7b - Regional Plenary Oversight Group: Water for Monterey County project – update: Marina Coast Water District General Manager Jim Heitzman, who had just left the meeting to attend the Monterey County Regional Water Agency ("MCRWA") meeting, had asked Co-Chair Houlemard to report that MCRWA would be discussing this item this morning, with particular emphasis on the funding issue. There was nothing else to report.

Item 7c – Marina Coast Water District ("MCWD") capacity charges – update: Co-Chair Houlemard said that Mr. Heitzman had asked him to relay a message saying that additional meetings had been scheduled regarding this item and he is still willing to meet with anyone at any time to discuss any remaining issues. Doug Yount noted that Attachment A referred to in the draft board report was missing. Staff reported that it had not been received from MCWD and there were no MCWD representatives present at this time to ascertain the document's status. Mr. Yount said this attachment was a key document and the draft board report would need to be modified to reflect the fact that the Administrative Committee had not received, reviewed or discussed it. He recommended that Section 7.2.1 be reviewed by FORA counsel, along with getting counsel's advice regarding any text modifications.

Item 7d – California State University, Monterey Bay 2007 Master Plan: Recirculated Draft Environmental Impact Report (RDEIR) dated July 2008: CSUMB representative Anya Spear reported that nine comment letters had been received (a copy of FORA's letter was in the meeting packet). Co-Chair Houlemard said that funding issues still remain and will be discussed at a meeting in his office following the Administrative Committee meeting. Ms. Spear stated that the final RDEIR would be available in October, and CSUMB planned to submit the document to the CSU Trustees for adoption at their November meeting.

Item 7e – Environmental Services Cooperative Agreement (ESCA) – project update: ESCA Program Manager Stan Cook distributed the July report and called attention to the seven technical discussions and 15 outreach events that month. The August report included the following: (1) the Governor's signing the FOSET 5; (2) the deeds currently receiving a final review by attorneys; (3) property transfers to begin in late September; and (4) signage to be installed after the transfers noting with access restrictions, if necessary. He said Parker Flats would be the next area to be cleaned; the work plan is out for public comment now and fieldwork is scheduled to start later this year [This area has the Monterey Horse Park, Emergency Vehicle

Operator's Course (EVOC), and veterans cemetery parcels.]. Mr. Cook said that public outreach will be ramped up in preparation for the Parker Flats cleanup, with the first meeting to be scheduled in late September/early October. He also reported that the Record of Decision (ROD) has been signed and it was received yesterday, which, he said, is good news for the veterans supporting the cemetery. A question from Ms. Spear about reviewing the deeds elicited a response from Co-Chair Houlemard, who recommended looking closely at both the deed transferring property from the Army to FORA and also the deed transferring property from FORA to CSUMB, noting changes such as added or deleted covenants. Jim Cook commented that the cemetery Master Plan needs to be finalized as soon as possible. Co-Chair Houlemard remarked that a conference call would occur later this week to tie down the cemetery transfer, and Stan Cook reminded all that another meeting would be held next week.

8. **New Business** - none

9. **Adjournment**

A motion to adjourn the meeting was made by Dick Goblirsch, seconded by Graham Bice, and carried. Co-Chair Houlemard adjourned the meeting at 9:32 a.m.

Minutes prepared by Linda Stiehl, Executive Assistant

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Executive Officer's travel report	
Meeting Date: **Agenda Number:**	September 12, 2008 8b	**INFORMATION**

RECOMMENDATION:

Receive a report from the Executive Officer concerning Fort Ord Reuse Authority ("FORA") business travel by staff and board members.

BACKGROUND/DISCUSSION:

Association of Defense Communities ("ADC") Special Retreat (October 14, 2008): Executive Officer Houlemard is the current ADC President and will be attending a special ADC retreat to discuss the ADC presidential transition paper, the Department of Defense Authorization Act and FY '09 funding issues. The retreat has been scheduled in a hotel near Dulles Airport in Washington, DC. ADC will reimburse Mr. Houlemard's hotel and air travel expenses and FORA will reimburse all other expenses according to the FORA travel policy.

U.S. Environmental Protection Agency Cleanup of Federal Facilities Working Group meeting (October 2-3, 2008): This working group serves as a subcommittee of the National Governor's Association ("NGA") Center for Best Practices. Executive Officer Houlemard was appointed to the working group last year as the representative from California. He will be attending the quarterly meeting on October 2-3 in Orlando, Florida. NGA will reimburse his expenses according to federal policy. All other expenses will be reimbursed by FORA according to FORA's travel policy.

FISCAL IMPACT: Reviewed by FORA Controller

Costs described above, and not covered by outside agency reimbursements, are covered in FORA's approved budget.

COORDINATION:

Executive Committee and organizations mentioned in this report

Prepared by Linda L. Stiehl
Linda L. Stiehl

Approved by
Michael A. Houlemard, Jr.

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FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Association of Defense Communities (ADC) Annual Conference report	
Meeting Date:	September 12, 2008	**INFORMATION**
Agenda Number:	8c	

RECOMMENDATION:

Receive a report from the Fort Ord Reuse Authority board members who attended the Association of Defense Communities Annual Conference in Monterey (August 10-13, 2008).

BACKGROUND/DISCUSSION:

The annual conference of the Association of Defense Communities ("ADC") was held again in Monterey, California, and attracted 705 registered attendees this year – a record. ADC members, base reuse contractors and consultants, representatives from the military, state and federal regulators and others with connections to closed and redeveloping military bases came together to network and participate in number of events. This year the conference featured four tracks of educational programs: Base Redevelopment & Environmental Management; Mission Growth; Managing Defense Real Estate; and Community-Military Partnering. The usual boot camp, mobile workshops (this year featuring former Fort Ord), focused sessions with the military, and other special events provided a very busy agenda for the attendees.

As ADC President, Executive Officer Houlemard was involved early on with the planning of the conference and worked closely with local ADC board member Kristie Reimer, the LFR, Inc., program manager for the FORA ESCA Remediation Program and conference chair. Scheduled to coincide with the ADC conference was a celebratory signing of the Environmental Services Cooperative Agreement (ESCA) Covenant Deferral Request (CDR). Serving as the Master of Ceremonies, Mr. Houlemard introduced Congressman Sam Farr, who had spearheaded the funding efforts for the ESCA, and representatives from U.S. EPA (Wayne Nastri), the U.S. Army (Joseph Calcara), FORA (Joe Russell, Ralph Rubio, and Ila Mettee-McCutchon) and Governor Schwarzenegger's office (Maureen Gorsen). This event received significant media attention (see attached).

Members of the FORA Board of Directors who attended the conference will share their experiences to the full board at the September 12th board meeting.

FISCAL IMPACT: Reviewed by FORA Controller

Registration fees, parking, mileage and meal expenses for Executive Officer Michael Houlemard, Director of Planning and Finance Steve Endsley, and three Executive Committee members (Chair/Mayor Joe Russell, Mayor Ralph Rubio and Supervisor Ila Mettee-McCutchon), who all attended the conference, were paid by FORA.

COORDINATION:

Executive Committee and organizations mentioned in this report

Prepared by Linda L. Stiehl
Linda L. Stiehl

Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

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MEDIA COVERAGE REPORT ON FORA'S AUGUST 12, 2008 SIGNING CEREMONY/CELEBRATION

~~EXCERPT from August 13th email from Mary Simms, EPA Press Officer, regarding media coverage of FORA's signing ceremony on August 12, 2008 at the Marriott Hotel:

"This is what we received from Mary Simms this morning, which lists all the media stories." Candy Ingram

"Very exciting was SF Chronicle's placement of the Fort Ord story front and center, above the fold! Thanks for everyone's collaborate efforts in pursuing an aggressive media strategy – it's been a pleasure working with you all ... kudos to FORA for a very successful event." Mary

~~**KTVU Fox 2 TV Coverage (Greater Bay Area)** – Aired a version of the story in all of their evening newscasts. Longest package version of story (2:38) is included as video link below. Kathleen Johnson is featured. Reporter wrapped package with a live shot from Fort Ord.

http://www.ktvu.com/video/17174582/index.html (Package Version)

~~**KION CBS 46** (Salinas, Monterey, Santa Cruz) – Aired TV coverage – not available on-line.

~~**NPR's (KQED) California Report** – Aired story on the radio, not yet posted online.

~~**KGO Radio Newstalk 810** – Aired radio coverage – not currently available on-line.

~~**KCBS Radio Newstalk 740** -- Fort Ord Cleanup Ahead of Schedule (Audio clip available online at link provided) http://www.kcbs.com/Fort-Ord-Cleanup-Ahead-of-Schedule/2773670

San Francisco (KCBS) -- A closed army base on the central California coast is on its way to being reincarnated. The military is providing up to $100 million to clean up thousands of unexploded bombs, grenades, rockets and other ordinance at Fort Ord as part of its plan to provide 3,300 acres for civilian use. Maureen Gorsen, Director of the State Department of Toxic Substances, said the project is eight years ahead of schedule. Fort Ord, which was established in 1917 and closed in 1994, will be used for housing and schools

~~**KCBA FOX 35 | First at Ten(Monterey)**
http://www.kcba.com/news/local/story.aspx?content_id=39e4ab88-8bfd-4e94-bcfe-ef1ddb558686

MARINA, Calif.- Today the former Fort Ord military base took a giant step to ensure the future of its redevelopment.

The U.S. EPA hosted a media conference in San Francisco today, and tonight those from the EPA and other governmental agencies will be in Monterey to recognize the former military base's plan to transform into a civilian development.

For years, the Fort Ord Reuse Authority has been working to get rid of live munitions and explosives on the base, making it a model for the rest of the state and country.

With Governor Schwarzenegger's help on the transfer package, tonight's ceremony will mark the transfer of the last 3,000 acres to the community, for a grand total of 28,000 acre installation.

~~**San Francisco Chronicle** -- Front page top of fold, center placement

Army hands locals 3,300 acres at Fort Ord

Kelly Zito, Chronicle Staff Writer

Wednesday, August 13, 2008

(08-12) 20:22 PDT -- One of the last large sections of Fort Ord - a former infantry training base in Monterey that dates back to 1917 - will sprout homes, businesses and parks decades sooner than originally planned. Under a landmark, $100 million agreement, local authorities are taking over the cleanup and conversion of one of the biggest, most complex and contaminated military sites in the country.

On Tuesday, federal and state officials celebrated the official transfer of 3,300 acres from the U.S. Army to the Fort Ord Reuse Authority, a group of local city and county leaders who are overseeing the redevelopment of the 28,000-acre base just north of the town of Seaside on Monterey Bay. The base, which trained soldiers for World War I, World War II, the Korean War and the Vietnam War, was closed in the mid-1990s as part of the large-scale downsizing of the U.S. military.

Typically, bases are transferred to local authorities only after the military rids the site of toxic chemicals and old munitions. In this case, political, economic and community interest in the prime coastal real estate drove the reuse authority to lobby for the early transfer. Under the agreement, approved late last month by Gov. Arnold Schwarzenegger, the Army will supply the reuse authority with $100 million for the cleanup - which includes the continuing, arduous task of locating and disposing of bombs, bullets and artillery shells.

Reuse authority officials estimate the cleanup - to be performed by outside contractors - could be complete in five to seven years, compared with 15 to 25 years under the Army's efforts, which depend heavily on annual payouts from Congress.

"Privatization is an innovative process where we fuse the redevelopment and the cleanup together, and by doing that we get efficiencies," said Kathleen Johnson, public affairs director with the U.S. Environmental Protection Agency, which will supervise the site's restoration along with the state Department of Toxic Substances Control.

Development plans

Plans for the base include 12,000 housing units, both rehabbed and new, for about 35,000 residents and 12,000 research and development, commercial and retail jobs. About 200 acres will be set aside for a veterans' cemetery.

Other parts of Ford Ord have been developed already after long-term cleanup efforts by the Army: the new 4,000-student campus of California State University Monterey Bay; several hundred homes; and a retail corridor that includes Target, Best Buy and REI stores. The Army also transferred nearly 900 acres of beachfront property to the California State Parks system.

"Being able to complete this critical transfer decision will allow the city of Seaside to move forward with the planned development, new jobs and opportunities envisioned for our community," said Ralph Rubio, Seaside mayor and board member of the reuse authority.

Schwarzenegger also praised the transfer, pointing out that the redevelopment could help resuscitate a community that lost tens of thousands of jobs when the base was shuttered.

However, not all community members are happy with the direction of the redevelopment and the cleanup efforts to date. LaVonne Stone is founder of the Ford Ord Environmental Justice Network, a group that questions the reuse authority's ability to clean up the site and provide well-paying jobs for local residents.

"I'm not opposed to having it redeveloped," Stone said in a phone interview from Sacramento, where she was speaking to legislators about the future of Fort Ord. "But it's supposed to correct an economic situation affected by the jobs leaving the community - and we get Target, Burger King and Jack in the Box. Even at that, we don't want it to be at the expense of our health. We want those things addressed."

Even before Fort Ord was closed, it was considered a highly contaminated area that was put on the federal list of Superfundsites. Part of the reason for that designation arose from several plumes of toxic chemicals that had infected underground water supplies. In addition, there were untold numbers of unexploded ordnance to contend with - the product of a 6,500-acre rifle and artillery range in use for generations.

Since the military vacated Fort Ord, the Army has destroyed any drinking-water wells that showed evidence of contamination. Engineers also installed several groundwater treatment plants to filter the toxic chemicals out of the underground water - which does not feed into local supplies.

The Army also has recovered about 800 grenades, mines, rockets and other explosive devices and has dug nearly 13 million investigative holes. Technicians usually detonate the items in place; they are transported to another site for detonation if they are large.

Army's job

Under the agreement, the Army will continue to restore and monitor a leaking landfill and the groundwater supply across the former base and will also be in charge of munitions disposal within the remaining 18,000 acres of open space that eventually will transfer to the federal Bureau of Land Management.

Officials with the reuse authority are confident they can clean up the site effectively and on a faster timetable than the military - an important distinction given the site's dangerous debris. Despite the military's efforts to remove explosives and seal off especially risky sections, Candy Ingram, a spokeswoman for the reuse authority, said a young student picked up a live mortar shell from the base and took it to school several years ago.

"From a public safety standpoint, it's important to move forward and expedite this cleanup," Ingram said.

The unique agreement that is helping Fort Ord move out from underneath the umbrella of the military and into the private realm could provide a useful model for future transfers. The Bay Area, in particular, is home to several large U.S. Navy sites on valuable land, including Hunters Point and the Alameda Naval Air Station.

"It works beautifully if the stars are lined up," said Gail Youngblood, Base Realignment and Closure environmental coordinator for Fort Ord. "It depends on if you have the funding, the cleanup, the expertise, on the type of development and a reuse authority with the knowledge and willingness to take this on. And finally - you need the support of the local community."

Recent history of Fort Ord

In 1917 the Army created Fort Ord, taking over nearly 28,000 acres along the Pacific coast near Monterey. During most of its existence, it was used primarily as an infantry training center. Here are key dates in the redevelopment of the land:

1990 - Placed on the Superfund list.

1991 - Slated for closure.

1994 - Base closes, and land is transferred to create Cal State Monterey Bay.

1996 - Army transfers 7,199 acres to the Bureau of Land Management.

2003 - Army transfers 7,200 acres to the Bureau of Land Management.yes there are two transfers to BLM.

2005 - CSU Monterey Bay is accredited and has enrollment of 4,000 students.

2008 - Fort Ord Dunes State Park is created, and the final 3,300 acres of land controlled by the Army is turned over to the Fort Ord Reuse Authority.

E-mail Kelly Zito at kzito@sfchronicle.com.

This article appeared on page A - 1 of the San Francisco Chronicle

~~Last Swath of Fort Ord is Turned Over to Local Group for a $100M Privatized Cleanup

http://greenerbuildings.com/news/2008/08/13/last-swath-fort-ord-turned-over-local-group-a-100m-privatized-toxic-cleanup

OAKLAND, Calif. -- A 3,300-acre Superfund site at the once vast Fort Ord in Monterey County has moved from federal hands to a group of local authorities that will oversee a $100 million environmental cleanup funded by the U.S. Army and will set the stage for redevelopment.

The site, which was riddled with bullets, bombs, artillery shells and other potentially explosive devices, comprises the final swath of the former 28,000-acre Army training base that was designated for transfer to Monterey Bay communities.

Federal, state and local officials yesterday marked the handover as the end of the federal era for the former Army base that was established in 1917 and became a military training and staging powerhouse for soldiers in three wars. Fort Ord was also an economic engine and a prime job source for the region's civilians. Its closure in 1994, during a decade of base shutdowns around the country, brought hard times to the area.

In announcing the land transfer, officials also hailed the arrangement as a move that would further recovery of the region. They said privatization of the cleanup will knock years off that project, expedite other preparations for land reuse, and hasten the ultimate handover of the property to the communities that will redevelop the acreage. Plans for the land include commercial and retail development, affordable housing, education facilities and a new veterans' cemetery. Almost 75 percent of the land is to remain open space for habitat conservation, trails and recreation.

"I've always said that economic development and environmental protection can go hand in hand and this project is a perfect example." Governor Arnold Schwarzenegger said in a statement. "The transfer of this land to the Monterey Bay community is yet another victory in our efforts to preserve and protect the environment, and advance economic recovery."

"This is central to our efforts to building a balanced, sustainable program at Fort Ord," said Michael Houlemard Jr., the executive officer for the Fort Ord Reuse Authority (FORA). The group is overseeing the environmental cleanup and restoration by a team of independent contractors – LFR Inc., Weston Solutions Inc. and Westcliffe Engineers Inc. – and is laying the groundwork for redevelopment. FORA's governing board is made up of elected officials from local communities and other jurisdictions.

The arrangement with the Army that enabled the handover is significant on many fronts, said Houlemard and representatives for U.S. Environmental Protection Agency (EPA) and the state's Department of Toxic Substances Control (DTSC), which will regulate the cleanup process.

The exchange is only the second to involve a privatization project on a former military base property; the first was a 62-acre section of the former McClellan Air Force Base in Sacramento. The Fort Ord transfer is the largest of its kind. The privatization of its cleanup was made possible by the Army's commitment of $100 million in upfront money, provided in July, to fund the project. And in terms of magnitude, even among federal Superfund sites — a designation reserved for the most contaminated properties in the country — the 3,300 acres at Ford Ord present a highly complex challenge.

Unexploded ordinance, discarded munitions and groundwater and soil contamination make for a "huge, huge cleanup" on what would otherwise be "some of the finest real estate in California," said DTSC Director Maureen Gorsen.

Her department credits the Army with taking on a "vital role" in the conversion of Fort Ord and already spending more than $350 million to remediate the former base.

According to Gorsen, preliminary investigation and cleanup have led to the exploration of 12.9 million, mostly hand-dug holes to look for munitions, discovery and detonation of 7,900 pieces of ordinance, the drilling of 400 groundwater wells, installation of four groundwater treatment systems, and soil cleanup at 43 sites, including removal of 63,000 truckloads of contaminated dirt and 400 truckloads of fractured bullets and slugs, which were recycled for lead.

The remaining aspects of cleanup and restoration are expected to take five to seven years to complete — an improvement over an estimated timeline of a dozen years or more had the project not been privatized, said Gorsen and Kathleen Johnson of the EPA.

Johnson, the EPA media affairs director for the region, said making FORA responsible for project oversight speeds the process because it enables a single agency to focus on a single project. The transition to reuse also is expedited because FORA can manage the remediation schedule among areas so that work aligns with redevelopment priorities.

Such privatization and the partnerships it facilitates among government agencies, communities and business are expected to serve as a model. "We do think that this is a paradigm and at bases where redevelopment is so strongly needed and desired, privatization could be repeated," Johnson said.

The transaction, considered an "early transfer" because property changed hands with cleanup work still to be done, was lauded by representatives of communities around the country that border former and active military installations, Houlemard said last night.

He announced the transfer at the annual conference of the Association of Defense Communities, which was being held in Monterey. Some 700 people attended the conference where much of the dialogue focused on issues of environmental, economic and community sustainability, particularly in areas near closed bases, said Houlemard, who is the association's board president.

Previously transferred Fort Ord land has become the home for California State University at Monterey Bay, the Dunes on Monterey Bay Shopping Center, which includes an REI, Target, Kohl's and Best Buy stores, and 7,200 acres of open space with 83 miles of public recreational trails and roads under the supervision of the Bureau of Land Management. The enterprises have brought 4,000 jobs to the area, with total anticipated job growth projected at 18,000 by 2015, according to the DTSC.

LeVonne Stone, the executive director of a citizens' group called the Fort Ord Environmental Justice Network, said she wants to see greater consideration paid to residents' needs for jobs and affordable housing. She contends most of the recently created jobs don't match the skills of those who were put out of work after the base closed.

"We would like to see the whole community really be counted and included," said Stone, who added her sentiments also apply to the planning process for Ford Ord redevelopment. "Many people feel intimidated by the entire process and don't feel they're at the table. Taking care of the enviroment is about taking care of the people."

~~Last Ord parcel is a civilian

By DAWN WITHERS • The Salinas Californian • August 13, 2008

MONTEREY - More than a decade after its closing, the last remaining land on the former Fort Ord under military control is now in civilian hands.

The final 3,337 acres were transferred Tuesday during a ceremony in Monterey recognizing a landmark cleanup and early transfer agreement between the U.S. Army, the Fort Ord Reuse

Authority and a litany of other state and federal environmental agencies.

The agreement will allow FORA to remove munitions and unexploded ordnance faster and with less cost than the Army, and represents one of the largest cleanups of munitions and unexploded ordnance in the country.

"I'm very proud of what Fort Ord has become," said U.S. Rep. Sam Farr, D-Carmel, during the ceremony.

It is the largest cleanup effort of its kind at $100 million, Farr said, and largest land transfer by the Army this fiscal year.

The agencies involved heralded the agreement, signed just two weeks ago, as a model for protecting the public interest by ensuring former military installations are decontaminated properly before returning to residential and commercial use.

"We really do have a momentous event in Fort Ord history," said Wayne Nastri, regional administrator for the Environmental Protection Agency's pacific southwest operations.

FORA's work, along with the work of its contractors, will be supervised by both the state and federal governments, including California Department of Toxic Substances Control and the federal EPA.

"The transfer of this land to the Monterey Bay community is yet another victory in our efforts to preserve and protect the environment, and advance economic recovery," said Gov. Arnold Schwarzenegger, in a statement, who did not attend the event but was a signatory of the agreement.

The EPA also approved the early transfer and considers it a "pioneering cleanup approach."

The agreement ensures cleanup will happen in about seven years, compared to 15 years for the Army, and prepares portions of the acreage for residential and commercial use. The Army will retain some land for housing.

The acreage is in the unincorporated county, Seaside, Del Rey Oaks, Monterey and Marina, and once cleaned will be transferred to each of the cities and county for commercial and residential development.

"It's a magnificent thing that has occurred here," said Joseph Russell, Del Rey Oaks mayor and FORA board director.

Work has already started on parcels designated to go to Seaside. Uses for the entire cleanup area will include an equestrian center, a veterans cemetery, housing, industrial complexes and other commercial uses.

The Army has been cleaning up portions of Fort Ord's 28,000 acres since the base closed in 1994. Fort Ord was formally established in 1917 and used as an infantry training center for soldiers heading overseas during both World Wars.

About 75 percent of the area's total acreage is dedicated to open space with about 5,700 acres dedicated for residential and commercial uses, including the campus of California State University, Monterey Bay.

After areas of Seaside are cleaned, areas near CSUMB will be next, followed by areas near Del Rey Oaks, Monterey, Marina, Laguna Seca and portions of the unincorporated county.

The Army will continue munitions cleanup on about 18,000 acres dedicated for open space owned by the U.S. Bureau of Land Management that will have public recreational trails.

Alternative routes away from munitions removal will be established during cleanup to allow access to recreational areas.

Other former military installations that have entered into similar agreements include Fort

McClelland in Alabama, and Mare Island Naval Shipyard and McClellan Air Force Base in California.

http://thecalifornian.com/apps/pbcs.dll/article?AID=/20080813/NEWS01/808130302/1002

~~FORA gets land early, money

Army makes last transfer of Ord acreage

By LARRY PARSONS
Herald Staff Writer

About 120 people — including local, state and federal officials who have been deeply involved in the process of transforming the former Army base into what Rep. Sam Farr, D-Carmel, called "a new city on the coast" — gathered in Monterey to mark the transfer by the Army of the final 3,400 acres on the old military base slated for economic development.
With the property, the Fort Ord Reuse Agency will get responsibility for completing environmental cleanup of the acreage — a task that officials say will be done sooner under the local agency. A big part of the cleanup is clearing unexploded ordnance and other leftovers from military days.
"This is a monumental event in the history of Fort Ord and the community around it," said Wayne Nastri, regional administrator for the U.S. Environmental Protection Agency.

Michael Houlemard, executive director of FORA, said agreements for the land transfers have been executed and the property should belong to FORA within six to eight weeks.
"Then it will be in local hands and, like I've always said, you don't control your destiny if you don't control your lands," Houlemard said.
The deal for the early land transfer and concurrent shift of cleanup responsibilities to FORA was announced in early 2007 after three years of negotiation.
But the process actually began in 2000, Houlemard said.

"We are celebrating the culmination of many years of work," he said.
Before Tuesday, about 2,000 acres slated for economic development had been turned over to local jurisdictions, Houlemard said.
The reuse agency will oversee the cleanup, which will still be monitored by state and federal environmental regulators.
Maureen Gorsen, director of the state Department of Toxic Substance Control, said the program won't compromise public safety, but will eliminate a lot of bureaucratic delay.
"We have a plan. We have the funding. We have the transfer. And now we can accelerate (the cleanup)," she said.
Officials say the program will trim the time for completing the cleanup from 15 to seven years. The reuse agency will receive about $100 million to complete the task.
Houlemard said that sounds like a lot, but it will be far cheaper than the estimated $300 million it would take for the Army to finish the job.
Officials say the arrangement — the Environmental Services Cooperative Agreement — should accelerate the cleanup, make it safer, improve environmental programs and increase community involvement.
The same kind of process is being used to redevelop Mare Island Naval Shipyard and McClellan Air Force Base, former military installations in the state, officials said.
The base reuse agency hired the firm LFR Inc. in September 2007 to do the cleanup and remediation work. LFR, in turn, hired Weston Solutions and Westcliffe Engineers.
Land to be cleaned under the program includes property east of Gen. Jim Moore Boulevard in Seaside, the proposed site of a veterans cemetery near Parker Flats, the proposed Monterey Horse Park, area intended for expanded parking at Mazda Raceway Laguna Seca, and the site of a proposed police training academy by Monterey Peninsula College.
Work has been done on hundreds of acres parallel to Gen. Jim Moore Boulevard, which will open up reuse property for Seaside development and provide room for water lines to a residential-golf course project in Del Rey Oaks.
The Army closed Fort Ord in 1994, but the base had already been declared a Superfund cleanup site in 1990. The Superfund law was passed by Congress in 1980 to provide cleanup of abandoned toxic waste sites. The massive cleanup job at Fort Ord included decontaminating polluted groundwater, and clearing munitions and unexploded ordnance from about 8,000 acres of old firing ranges.
Houlemard said it is likely the veterans cemetery site will be the first land the reuse agency turns over for development after it is cleaned, probably in 2011.
Larry Parsons can be reached at lparsons@montereyherald.com or 646-4379.

What the transfer means ·Officials say the locally driven program to complete the environmental cleanup of about 3,400 acres of Army land at Fort Ord will enable a quicker cleanup — within seven years, instead of 15 — of the land destined for development, open space and other uses. ·Among the parcels to be cleaned are sites for residential and commercial projects, a veterans cemetery, a horse park and more parking for the Mazda Raceway Laguna Seca.

http://www.montereyherald.com/local/ci_10186186

~~Fort Ord land transfer boosts communities

Modified: Wednesday, Aug 13th, 2008

BY: REGISTER-PAJARONIAN STAFF

A work crew uses metal detectors to clear land at the Ford Ord properties in Seaside Tuesday to make way for the final transfer of the property to the Fort Ord Reuse Authority.

SEASIDE — Federal, state and local officials finalized the $100 million transfer of Fort Ord properties to the Fort Ord Reuse Authority during a special ceremony Tuesday. The event highlighted the early transfer of 3,337 acres of the former Fort Ord army base scheduled for economic reuse by communities in the Monterey Bay region, according to Maia Carroll, communications coordinator for Monterey County.

Gov. Schwarzenegger applauded the transfer of Fort Ord to the reuse authority.

"I've always said that economic development and environmental protection can go hand in hand, and this project is a perfect example," Schwarzenegger said in a press release. "The transfer of this land to the Monterey Bay community is yet another victory in our efforts to preserve and protect the environment and advance economic recovery.

"Not only will this cleanup be completed ahead of schedule and save millions of dollars, but when completed it will create new jobs and affordable housing," Schwarzenegger said. "We're helping reinvigorate this community and providing thousands of residents a safe, clean and affordable environment — something all Californians should enjoy."

The Fort Ord Reuse Authority has been working with local and state officials to expedite cleanup and minimize the negative impacts of closing this military installation, according to Carroll. The partnership has transferred 3,400 acres of land to the FORA for cleanup and redevelopment, which will include affordable housing, natural-habitat preservation, a veterans' cemetery, educational opportunities and infrastructure improvements.

Fort Ord was established in 1917 by the U.S. Army and was used as a training center for soldiers heading overseas during both World Wars. It had been included on the Department of Defense's Base Realignment and Closure list in 1991 and was ultimately closed in 1994. Because of Ford Ord's use as a training ground, the site had significant amounts of unexploded munitions and explosives of concern on its grounds. The California Department of Toxic Substances Control became a recognized national expert in exploring and cleaning up unexploded munitions — making California a forerunner in this field, according to Carroll. With the early transfer, California will be the first state to clean up parcels with unexploded munitions to the highest possible level of safety, allowing for land use and development of individual homes.

http://www.register-pajaronian.com/V2_news_articles.php?heading=0&page=72&story_id=5312

~~Fort Ord Land Transfer to Monterey Bay Communities Applauded

Written by Imperial Valley News

Tuesday, 12 August 2008

Sacramento, California - Governor Arnold Schwarzenegger today issued the following statement on the early transfer of 3,400 acres of former Fort Ord to the communities in the Monterey Bay region:

"I've always said that economic development and environmental protection can go hand-in-hand and this project is a perfect example. The transfer of this land to the Monterey Bay community is yet another victory in our efforts to preserve and protect the environment, and advance economic recovery," said Governor Schwarzenegger. "Not only will this clean-up be completed ahead of

schedule and save millions of dollars, but when completed it will create new jobs and affordable housing. We're helping reinvigorate this community and providing thousands of residents a safe, clean and affordable environment - something all Californians should enjoy. I commend the work of our federal, state and local officials who came together to make this possible."

Fort Ord Reuse Authority (FORA) has been working with local and state officials to expedite clean up and minimizing the negative impacts of closing this military installation. The partnership transfers 3,400 acres of land to the FORA for clean-up and redevelopment which will include affordable housing, natural habitat preservation, a Veteran's cemetery, enhanced educational opportunities and infrastructure improvements.

Fort Ord was formally established in 1917 by the United States Army and used as an infantry-training center for soldiers heading overseas during both World Wars. It was included on the Department of Defense's Base Reuse and Closure (BRAC) list in 1991 and ultimately closed in 1994. Because of Ford Ord's use as a training ground, the site had significant amounts of unexploded munitions (UXO) and explosives of concern (MEC). The California Department of Toxic Substances Control became recognized national experts in exploring and cleaning up UXO - making California a forerunner in this field. With this early transfer, California will be the first state to clean up parcels with UXO to the highest possible level of safety that allows for land use development of individual homes.

http://www.imperialvalleynews.com/index.php?option=com_content&task=view&id=2348&Itemid=2

Thank you,
Mary Simms
Press Officer
U.S. Environmental Protection Agency, Region 9
415-947-4270 Desk
415-760-5419 Mobile
Simms.mary@epa.gov

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~~Seaside Post Article

COMMUNITY INVOLVEMENT AND AWARENESS A CRITICAL PART OF THE MUNITIONS REMOVAL PROGRAM ON FORMER FORT ORD PROPERTY

Motorists, walkers and bicyclists traveling along General Jim Moore Boulevard will notice the significant earthwork being done just a few feet from the roadway. Brush has been cleared, asphalt removed and land has been graded. Further from immediate view, piles of debris have been stored and are now being processed. The Fort Ord Reuse Authority ("FORA") is completing this work as the first stage in removal of old munitions that may remain from past Army training activities.

In March of 2007, FORA and the United States Army ("Army") entered into an Environmental Services Cooperative Agreement ("ESCA") that provided for the Army to grant FORA approximately $100 million dollars for the cleanup of remnant military munitions. This agreement also allowed for transfer approximately 3,340 acres of land ("ESCA Parcels") to FORA under the Covenant Deferral Request ("CDR") process – also known as an "early transfer." The Army, Environmental Protection Agency (EPA) and the State of California have
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all agreed to and signed the early transfer which was announced at a ceremony in Monterey on August 12.

Public health and safety is the number one priority in doing the cleanup work. The early transfer now allows this important cleanup to be completed sooner, at less cost, utilizes safe and effective cleanup methods, speeds up economic recovery in the region, and it guarantees that funding to complete the work is provided.

The ESCA Parcels, the majority of which lie within the City of Seaside and the County of Monterey, have always been slated for transfer from the Army to FORA and are included in the June 2000 Economic Development Conveyance ("EDC") agreement between FORA and the Army. The CDR process provides for the early property transfer.

Under the terms of the ESCA, FORA is responsible for the munitions and explosives of concern cleanup on the ESCA Parcels. This work is expected to take about 7 years to complete. FORA's cleanup work is subject to review and approval by the EPA and the California Department of Toxic and Substances Control (DTSC). **The Army remains responsible for the cleanup of the remainder of Fort Ord, including munitions on other parcels, as well as groundwater and soil remediation basewide.**

The FORA ESCA Remediation Program emphasizes community involvement, public safety and effective and efficient reuse of the property. Through the early transfer, FORA can coordinate with local jurisdictions to access the property for important reuse programs and sustainable redevelopment of the former Fort Ord. Planned reuse of the ESCA parcels include the Veteran's Cemetery, habitat restoration, recreation, light industry, Monterey Horse Park, housing, and retail and commercial projects.

In addition to the local jobs that will be created through reuse, FORA and its contractors are committed to hiring locally when possible during the remediation process. Much of the cleanup work on munitions sites is technical and requires specific training. However, the need also exists for local workers with experience in heavy equipment operations and other outdoor construction activities. People interested in these opportunities are encouraged to check job listings in the local paper, with the builders exchanges, or to contact FORA directly.

It is very important to stay away from and out of areas where cleanup is occurring and to respect the "do not trespass" signs posted in a number of areas at the former Fort Ord. Munitions can harm or maim immediately on contact. If you or someone you know <u>ever</u> finds some type of munitions, DO NOT pick them up or touch them, but DO immediately contact police and report what you have found.

FORA is taking active steps to involve the local community in the cleanup process on the ESCA parcels. FORA has regularly scheduled information meetings for the community, publishes a newsletter each quarter, provides regular reports at FORA Board meetings, and participates in a number of community events (such as the County Fair, Army Bus Tours of the cleanup sites, and at meetings of local organizations).

Information and newsletters about the cleanup and meeting schedules are posted on the FORA website at www.fora.org. Information is also available by calling the FORA ESCA program at (831) 883-3506, or by sending an email to esca@fora.org.

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Landmark Accord Ensures Strict EPA Cleanup Standards At Key Army Site

California Gov. Arnold Schwarzenegger (R) has signed off on a unique early transfer of contaminated Army property where the $100 million privatized cleanup of the munitions-contaminated former Fort Ord will clearly be bound by all EPA Superfund enforcement authorities.

EPA Region IX also says the privatized cleanup framework developed at Fort Ord will be used as a model for other military base cleanups across the country. The landmark deal heightens regulators' oversight of the cleanup compared to what it would have been under an Army-led remediation effort, a source close to the cleanup says.

Regulators and sources who work for the reuse authority assuming cleanup responsibilities at the site say public participation opportunities are being enhanced under the transfer. Regulators and others say concerns raised by dozens of citizen groups over the potential the plan had for weakening public participation policy should be allayed under the final plan. But an environmental justice activist at the site continues to argue for more public inclusion in the process, particularly in decisions made for the cleanup site.

Schwarzenegger earlier this month signed off on the final documents for the so-called early, dirty transfer of 3,300 acres of property at Fort Ord, an Army base that was closed in 1994, to a local redevelopment authority that will conduct the cleanup. Privatizing the cleanup could shave as much as eight years off the remediation schedule, state and federal regulators say.

"By addressing cleanup and redevelopment in tandem, properties can more quickly and more efficiently be returned to public use," Wayne Nastri, EPA Region IX administrator, said in a statement. "This cleanup is a great example for revitalization projects at closing bases across the country."

The privatization deal is only the second in the nation involving a federal facility site on Superfund's national priorities list (NPL) -- the list of the country's most contaminated sites -- and it is the first one involving munitions-contaminated property, according to the Fort Ord Reuse Authority (FORA), the local redevelopment authority assuming the property. The other privatized cleanup agreement at an NPL federal facility was at McClellan Air Force Base, also in California, and involved a much smaller parcel of property.

The agreement is also unique in that unlike other munitions-contaminated sites, the former Fort Ord's privatized cleanup will clearly come under all the authorities of Superfund law, including enforcement actions, according to a contractor source who works for FORA. The reason is two-fold: the site is the only munitions site on the NPL, which means all of Superfund's authorities apply; and a major portion of its cleanup will now fall to a non-federal entity, FORA, eliminating issues over EPA versus DOD authorities should EPA have to enforce the cleanup requirements, according to the source.

The administrative order on consent (AOC) governing the property puts in place EPA Superfund enforcement authorities at the site, the source says.

While federal facility agreements (FFAs), normally set up between EPA and the military at NPL military bases, may contain similar enforcement requirements as an AOC, the difficulty comes when EPA tries to enforce the requirements of FFAs because ultimately the Justice Department may have to decide matters on behalf of both parties. But in this privatized cleanup, FORA would be treated as any other private party subject to EPA's enforcement authorities.

Further, the fact that Fort Ord is an NPL site means it cannot merely follow a Superfund-like process for the cleanup -- which is the case for most munitions site cleanups, the source says. Because EPA and DOD have never settled differences over classifying unexploded ordnance as a hazardous waste, other munitions sites may follow a Superfund-like process, but there is "nothing enforcing that process," the source says. But in the case of Fort Ord, this site must follow the Superfund process, the source says.

Under the deal, the Army has committed to setting aside $100 million to go to the cleanup of the property. Regulators believe cleanup and in turn property turnover for reuse will occur faster under privatization for a few reasons. One EPA Region IX official says, for instance, that while the Army has bases throughout the country for which it has to manage cleanups, FORA can set its own schedule, and has significant incentive to focus on the Fort Ord cleanup. In addition, cleanup projects, such as excavating contaminated soil on a property, can have a double purpose, for instance for a reuse project that requires excavation to site a building, according to the source.

"Fusing the redevelopment needs of closed military installations with environmental cleanup efforts allows for the best possible reuse projects in the most efficient time frame possible," EPA says in a fact sheet.

The privatization plan includes a so-called Environmental Services Cooperative Agreement (ESCA) -- an accord between the Army and FORA that funnels funds from the Army to FORA to expedite munitions cleanup of much of the parcel of land being transferred.

Also included as part of the package is environmental insurance that will provide additional cleanup assurances and liability reductions, FORA says in an Aug. 12 press release. Under the plan, the cleanup of the ESCA properties "will meet, and in some cases exceed, federal and state regulatory requirements, and all parties will be able to take advantage of efficiencies arising from up-front funding instead of being subject to the unpredictability of the federal budget process," FORA says in the release.

Once the properties are cleaned up, and certified as such by EPA and the California Department of Toxic Substances Control, they will be transferred for economic reuse and development for a variety of uses, including commercial, residential and educational.

Dozens of groups had signed onto a letter in early 2007 expressing concerns that the privatized cleanup at the site would fail to comply with EPA's environmental justice mandates and lacked assurances it would uphold public participation policies. The proposal drew concerns from groups outside the northern California area as well, for fear it would set a national precedent on this matter.

But the EPA Region IX source says those concerns have been addressed and, along with a second FORA source, says public participation opportunities under the plan go beyond what is typically required under Superfund.

The second FORA source cites a variety of opportunities for public participation under the privatized plan, including an advisory panel of recreationists and others who use the former base that provides input on plans related to the property, for instance signage used to deter people from entering potentially dangerous properties. The advisory panel is open to anyone, the source says. In addition, there is an email network, public presentations to groups, regular media updates, and quarterly ESCA newsletters on the plan, the source says. The source says there have been more than 270 public outreach activities in the past year.

Fort Ord was created in 1917 as an infantry training center for soldiers heading to World Wars I and II and the Korean War. Its accumulation of unexploded ordnance, used among its munitions training ranges and maneuver areas, has presented environmental cleanup challenges, according to the state.

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~~This same article appeared in additional publications:

LANDMARK ACCORD HEIGHTENS OVERSIGHT OVER MUNITIONS CLEANUP

Defense Environment Alert (from National Governors Association Center for Best Practices)

August 19, 2008

Defense Communities 360 - August 29, 2008

Download it at: www.defensecommunities.org/DC360_082908.pdf

Base Redevelopment News
-- Ceremony Marks Transfer of Last Major Parcel at Fort Ord

Private Partnership to Clean up, Redevelop Shuttered Army Post

Tim Kauffman

Federal Times

(August 25): 16.

Short on cash, agencies increasingly have turned to the private sector to help redevelop properties they no longer need. For the more than 260 contaminated properties on the government's Superfund list, however, that hasn't been an option.

Until now.

Under an innovative partnership that could be replicated elsewhere, the Army this month transferred more than 3,300 acres of contaminated property on a now-closed base in central California to a private corporation, which will clean up and redevelop the land.

The Aug. 12 transfer at Fort Ord, a 28,000-acre Army post that was closed in 1994, marks the first time a federal agency has transferred munitions-contaminated property to the private sector before cleanup is complete.

Traditionally, agencies must clean up contaminated sites before they sell them to developers or dispose of them. But Congress amended the Superfund law in 1996 to allow for contaminated federal properties to be transferred to nonfederal entities before cleanup is complete.

The purpose of the law was to encourage more involvement from developers in converting Superfund sites. Developers are traditionally reluctant to work on projects still owned by the government, said John Chesnutt, who's been managing the Fort Ord cleanup for the Environmental Protection Agency, which regulates the cleanup of hazardous waste sites.

Nowadays, the law is more attractive to federal agencies that have contaminated properties to clean up and get rid of. Many contaminated bases are being shuttered through the base realignment and closure (BRAC) process, and there is less money to spend on base cleanup because of the resource demands of the operations in Iraq and Afghanistan. As a result, reaching out to the private sector makes sense, said Chesnutt, Superfund federal facility cleanup manager for the Pacific Southwest region.

Cleanup at Fort Ord should take roughly six years, compared with the 15 years it would have taken the Army.

"It's a boost to the vitality of the community and the psyche of the community and a boost to the economy to have this blighted area fixed up much earlier," Chesnutt said.

Chesnutt said he's been in discussions with the Navy about striking similar deals to clean up and redevelop Hunters Point Naval Shipyard in San Francisco and the Naval Air Station in nearby Alameda.

"It's going to serve as a model, hopefully, for some of the other redevelopment communities at BRAC bases nationwide," he said.

EPA tested the waters last year at McClellan Air Force Base in Sacramento, Calif., which closed in 2001. About 62 acres at the former base, which is contaminated primarily with solvents used for aircraft maintenance, were transferred to a private developer called McClellan Business Park for cleanup and redevelopment.

At both McClellan and Fort Ord, the private entities doing the cleanup are subject to the same level of regulatory oversight by the EPA and the State of California that applies to federal cleanup efforts.

The Fort Ord project dwarfs McClellan in size, scope and complexity. The Army is paying nearly $100 million to the Fort Ord Reuse Authority, a private corporation representing the 20 city, county, state and federal entities involved in redeveloping the base. The Army also is paying for an insurance policy with AIG, which will kick in another $28 million toward cleanup costs if the Army's funding falls short.

AIG also has provided the Army and the authority with insurance protecting them from liabilities in any future lawsuits or regulatory battles related to the cleanup.

The authority has hired two companies experienced in environmental remediation – LFR Inc. of San Francisco and Weston Solutions of West Chester, Pa. – to clean up the site. The authority then will oversee developing the property. As parts of the property are cleaned up, development will begin, even as cleanup continues on other parts, said Michael Houlemard Jr., executive officer of the authority.

The property is being eyed for a variety of uses, including homes, businesses, a veterans' cemetery, educational facilities for California State University at Monterey Bay, a conference facility and a world-class equestrian center. Nearly three-quarters of the land will remain open space for habitat conservation, trails and recreation.

One of the key advantages of transferring Superfund sites to the private sector for redevelopment is ensuring the cleanup is done in sync with private-sector redevelopment opportunities, Houlemard said.

"In the past, there's been a disconnect in how to make that work. We're now in a different ballgame. If it works I guess it will be replicated. So I guess a lot of eyes will be on us," he said.

Chesnutt said the key to making similar deals work at other Superfund sites is finding communities that are willing to step up and assume responsibility.

"You've got to have a party that's willing to come in and actually manage this," he said. "It's a very complex deal, and not every community is going to have the wherewithal or interest in taking something on like this."

~~Additional Information

Claudia Otero, assignment editor from KION (CBS affiliate), had on-site reporting and interviewing, and has said the station wants to do additional coverage of reuse on a more regular basis, particularly as related to what lies ahead and changes that will occur with cleanup and transfer.

Maziar Movassaghi, Deputy Director of DTSC, plans to conduct interviews to be used in training videos for that agency.

Announcements and Correspondence
To Item 9b
FORA Board Meeting, September 12, 2008

Going Green Program

CALIFORNIA LOCAL GOVERNMENTS PURCHASING GREEN COOPERATIVELY

California Counties, Cities and Special Districts have taken on the green initiative challenge and are leading the charge when it comes to environmentally responsible purchasing.

We invite you to participate in our regional seminar where you will gain knowledge from local and national experts about green purchasing best practices, tools necessary to successfully implement and achieve your green purchasing goals.

This seminar is free and does include a boxed lunch. We encourage you to sign-up soon, space is limited.

Date and location for the upcoming seminar:

September 26, 2008
Location: California State University Monterey Bay
University Center (Building 29)
100 Campus Center, Seaside, CA 93955

Parking Recommendations: Bring $2.00 in quarters for all day parking

Time: 9:00 am – 3:00pm

For more information or to register please contact Laura Li at lli@counties.org or (916) 327-7500 ext. 560.

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CALIFORNIA STATE ASSOCIATION OF COUNTIES
FINANCE CORPORATION

AGENDA

Sept. 26, 2008

Monterey County
California State University Monterey Bay
University Center (Building 29)
100 Campus Center
Seaside, CA 93955
9:00 a.m. – 3:00 p.m.

"Every single purchase has human health and environmental impact because of the way products are manufactured, used and ultimately recycled or discarded."
---Scot Case (April 2006)

9:00 a.m. — **Welcome & Overview**
Tom Sweet, CSAC Finance Corporation
- Course Overview
- Introductions Sponsors, Speakers & Participants

9:15 a.m. — **Environmental Context**
***Scot Case**, TerraChoice*
- This segment focuses on the overall human impact on the environment, as well as the limitations on global resources in meeting the demand for products

9:35 a.m. — **Defining Responsible Purchasing**
- An overview of the various governmental levels interpretations regarding responsible purchasing from the Federal Government down to local agencies will be presented.
- Distinctions between Responsible Purchasing and Green Purchasing will also be discussed.

10:10 a.m. — **Break**

10:25 a.m. — **Case Study**
***Karl Bruskotter,** City of Santa Monica*

11:10 a.m. — **Creating a Responsible Purchasing Policy**
- This session will address the importance of establishing a responsible purchasing policy. Ranging from governmental standards to specific priorities and measurable goals we will assist in identifying attributes and specifications for the creation of a policy.
- You will learn about strategies to involve suppliers, introduce incentives and what standards other agencies are using.

12:00 p.m. — **Break – Boxed Lunch will be provided**

1:00 p.m. — **Avoiding Greenwashing**
- Learn to identify potentially misleading statements from suppliers, including the Six Sins of Greenwashing.
- Review the value of environmental labeling/certification programs.

1: 45 p.m. — **U.S. Communities**
***Connie Kuranko**, U.S. Communities*

2:00 p.m.	**BREAK**
2: 15 p.m.	**Q & A**
3:00 P.M.	**Adjourn**

SPEAKERS CONTACT INFORMATION

Tom Sweet -	*CSAC Finance Corporation, tsweet@counties.org*
Laura Li-	*CSAC Finance Corporation, lli@counties.org*
Scot Case -	*TerraChoice, Environmental Marketing, Inc., scase@terrachoice.com*
Karl Bruskotter -	*City of Santa Monica, karl.Bruskotter@smgov.net*
Connie Kuranko -	*U.S. Communities, ckuranko@cacommunities.org*

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GREEN PURCHASING SEMINAR
September 26, 2008
CA State University Monterey Bay (CSUMB)
Seaside, CA

REGISTRATION FORM

Name: _____

Job Title: _____

City, County or Other Affiliation:_____

Phone: _____E-Mail: _____

Number of Attendees:_____

Areas of Interest:

_____
_____
_____
_____
_____

Please fax or e-mail this form to Laura Li at (916) 321-5075 or lli@counties.org.