

Reply Reply All Forward

Fw: State Building Trades Notice

Ron Chesshire [ron@mscbctc.com]

To: Michael Houlemard; Robert Norris; Sheri Damon; FORA Board

Cc: Andy Hartmann [andy@ibew234.org]; John Papa [john.papa@dc16sj.org]; Steve MacArthur [Steve@pipetrades62.com]; Rod Smalley [rsmalley@oe3.org]; Sharon Seidenstein [sseidenstein@unioncounsel.net]; Jo lene E. Kramer [jkramer@unioncounsel.net]

Attachments: Sept. 14, 2017, Bulletin ~1.pdf (119 KB) [Open as Web Page]

Thursday, September 14, 2017 9:56 AM

Flag for follow up. Completed on Tuesday, September 26, 2017.

To help protect your privacy, some content in this message has been blocked. If you're sure this message is from a trusted sender and you want to re-enable the blocked features, [click here](#).

We certainly hope we're not jumping the gun and counting our eggs before they're hatched but, the State is finally getting serious regarding wage theft and is putting a great amount of responsibility where it lies. We look forward to the Governor signing the Bill after overwhelming votes in the Legislature. Stay tuned. Ron C.

BTW - please read the message below. We believe the CBIA's Past Immediate Chair was none other than our own Don Hofer of Shea Homes (The Dunes). <http://www.cbia.org/leadership.html>
How blessed we are to have such a notable operating in our community.

Leadership

www.cbia.org

Leadership | California Building Industry Association |
Sacramento, CA

Best Regards, Ron Chesshire M/SC BCTC

From: Andy Furillo <AFurillo@sbctc.org>
Sent: Thursday, September 14, 2017 9:21 AM
To: Andy Furillo
Subject: State Building Trades Notice

Robbie Hunter, President
State Building & Construction Trades Council of California, AFL-CIO

BUILDING TRADES BULLETIN

Sept. 14, 2017

Assembly passes AB 1701, crushes rogue contractors with massive vote to end wage theft

Organized labor scored a crushing defeat of rogue developers and contractors when the state Assembly voted by an overwhelming margin to put a stop to wage theft in the construction industry.

Wednesday's 62-15 vote in favor of Assembly Bill 1701, on the heels of last week's passage in the state Senate, sends the bill to Gov. Jerry Brown for his signature. He has until Oct. 15 to sign it.

State Building and Construction Trades Council President Robbie Hunter said:

“The importance of AB 1701 was demonstrated by the relentless campaign of lies and misinformation from the California Building Industry Association.

“Many developers and general contractors, through the CBIA, spent millions to preserve their chosen method of doing business, gaining lucrative profits by insulating themselves through a maze of subcontractors that they knew didn't pay their workers and were operating in the underground economy.

“Often, if they did pay, it was less than the minimum wage and with no overtime, no Social Security, no Medicare, no state or federal tax, no workers comp, no unemployment insurance. With this method of doing business, no reputable contractor obeying the law and paying decent wages can compete.

“With AB 1701, we have brought that system to its knees and have created an even playing field where fair contractors have the ability to win bids in the residential and commercial

construction market.

“We now look to Gov. Brown, a governor who cares about protecting working families, to boost the California economy by signing AB 1701.

“We would like to thank the coalition of labor that fought to pass this bill carried by the Carpenters with the full support of the State Building Trades.”

AB 1701 will allow the state Labor Commissioner and joint labor-management committees to bring action against general contractors if their subcontractors on a job fail to pay their workers. General contractors had been insulated from responsibility, in a system that gave rise to a multi-billion-dollar underground economy that studies showed takes advantage of tens of thousands of workers and costs the state between \$8.5 billion and \$10 billion a year in tax revenues.

#####

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Letter from Supervisor Jane Parker

Chappell, Lori A. [ChappellLA@co.monterey.ca.us]

To: [FORA Board](#)

Cc: [Dominique Jones](#); [Markey, Kristi A. x7576](#) [[MarkeyKA@co.monterey.ca.us](#)]

Attachments: [Parker Flats MRA Phase II.pdf \(128 KB\)](#) [[Open as Web Page](#)]

Monday, October 02, 2017 1:23 PM

Flag for follow up. Completed on Tuesday, October 03, 2017.

You forwarded this message on 10/2/2017 1:33 PM.

Good Afternoon,

Please see the attached letter from Supervisor Parker regarding Parker Flats MRA Phase II.

Supervisor Jane Parker
County of Monterey | Fourth District- Main Coastal Office
2616 1st Avenue, Marina CA 93933 | (831) 883-7570 phone
www.janeparker.org

MONTEREY COUNTY



THE BOARD OF SUPERVISORS

JANE PARKER, SUPERVISOR - FOURTH DISTRICT
MAILING: 2616 1ST AVENUE, MARINA, CA 93933
EMAIL: district4@co.monterey.ca.us PHONE: (831) 883-7570

October 2, 2017

Department of the Army
Fort Ord Base Realignment and Closure (BRAC) Office
ATTN: William K. Collins
BRAC Environmental Coordinator
P.O. Box 5008
Monterey, CA 93944-5008

Dear Sir/Madam,

Thank you for the opportunity to comment on the *Proposed Plan– Parker Flats MRA Phase II*. I am submitting these remarks as the Supervisor of the Fourth District, which includes nearly all of the former Fort Ord lands.

I submitted previous comment letters containing the same points below. I am resubmitting those points with further comments because the response was entirely inadequate to address the safety concerns.

Residential homes should not be constructed in the Parker Flats area. Parker Flats was heavily used for grenade, mortar and chemical warfare training, and during the clean-up process numerous “munitions and explosives of concern” (MEC), some of which were still live, were uncovered. I have repeatedly questioned whether all the munitions could have been removed, given that **the detection systems used in the clean-up process would miss a single grenade if it is buried more than a foot deep, or a trench of munitions buried more than 4 feet.**

This is the response I received:

“The potential exists that MEC may remain in the subsurface at the MRA. . . . It is expected that appropriate controls will be in place so that, should a suspect munitions item be discovered, the public will be able to recognize, retreat from, and report the suspected item.”

The “appropriate controls” described in your Proposed Plan include oversight during construction activities and “deed restrictions.”

The deed notice will (1) inform future property owners that MEC was found and removed at the reuse area; (2) inform future property owners about the selected remedy; and (3) outline appropriate procedures to be followed in the event that MEC is encountered.”

There are numerous flaws with your conclusion that these safety measures are adequate. First, no consideration is given to the fact that items underground can shift with geological movements as well as nearby construction, and such items, including a large cluster of munitions, could move closer to the surface. Second, there is an assumption that a homeowner will be required to get a permit and pay for safety oversight protocols before engaging in any construction on their property. Some construction activities don't require a permit. Installing new landscaping doesn't require a permit, but easily involves digging more than a foot down into the soil. Third, a notification to the homebuyer on a "deed notice" will be part of hundreds of pages of technicalities that occur during the process of buying a home and will be easily forgotten. There are so many warnings of hazards in the course of our lives that people have become somewhat immune to them. People expect that the government will protect them from something truly dangerous, and that a developer would not sell a home that could kill someone. Fourth, renters do not read deed restrictions, nor would children, or the family dog for that matter.

These safety protocols are entirely inadequate and I remain strongly opposed to any residential projects in the Parker Flats area. I would implore the Army and other government agencies who have been involved in this process to take these concerns more seriously.

Even though the 1996 Base Reuse Plan designates a section of Parker Flats for low density residential housing, this designation was made before any investigation regarding the history or suitability of the area for such development. Then, in 2003, the local jurisdictions and the Army agreed NOT to proceed with residential development in Parker Flats. At the time, I served on the board of the Monterey Peninsula Community College District, slated to receive a site in the Parker Flats area for law enforcement vehicle training. We were told at that time that Parker Flats was unsuitable for residential development. This site designation for MPC was part of a larger "land swap" negotiated by multiple parties, including the Army and The County of Monterey, whereby the residential homes planned for Parker Flats would be moved to the East Garrison area. This is referenced in several local government documents:

· *Assessment East Garrison-Parker Flats Land Use Modifications Fort Ord, California (2002) by Zander Associates* is the document which assessed the impacts of swapping certain land uses between the East Garrison and Parker Flats areas, often referred to as the "land swap assessment". On page 4, it states "The development of housing has been the County's primary concept for its lands at Parker Flats . . . However, for a number of reasons, including the potential danger of locating housing in former ordnance training areas, the County has recently directed its emphasis toward the provision of workforce housing at East Garrison." It further states on page 9 that the County will revise land use plans "with all housing eliminated from Parker Flats." It restates this point on page 11, that "The modifications proposed for Parker Flats would change the Base Reuse Plan designations for the area by removing the residential"

· *Fort Ord Reuse Plan Reassessment Report (2012)* summarizes the history of the change in land use in the Parker Flats Area on page 3-73: "Relocation of housing from Parker Flats to East Garrison: According to the Zander Report, the housing planned for Parker Flats was to be relocated due to munitions concerns."

· There is also mention of the land swap in the County's approval documents for the East Garrison development during the 2005 time period.

This Land Swap agreement is not being honored by the parties who signed it, including the Army.

Finally, I asked for examples of residential developments located on former munitions training areas where live ordnance and chemicals had been utilized, and your response did not provide any such examples. It appears we are a "first", but not the way in which we hope to be first.

Thank you for your consideration of these very important issues. The safety of children and their families is of paramount concern to all of us involved in the Base Reuse process.

Sincerely,



Supervisor Jane Parker
Fourth District

Cc: U.S Congressman Jimmy Panetta
California Senator Bill Monning
Monterey County Board of Supervisors
City of Seaside City Council
Fort Ord Reuse Authority Board of Directors

Reply Reply All Forward

RE: Letter from Supervisor Jane Parker

Thomas Moore [directormoore@mcwd.org]

To: Chappell, Lori A. [ChappellLA@co.monterey.ca.us]; FORA Board

Cc: Dominique Jones; Markey, Kristi A. x7576 [MarkeyKA@co.monterey.ca.us]

Monday, October 02, 2017 9:39 PM

Flag for follow up. Completed on Tuesday, October 03, 2017.

You forwarded this message on 10/3/2017 10:16 AM.

Dear Jane,

Thank you for the awesome and well-reasoned letter to the U.S. Army regarding Parker Flats.

Sincerely,
Tom Moore

From: Chappell, Lori A. [mailto:ChappellLA@co.monterey.ca.us]

Sent: Monday, October 02, 2017 1:24 PM

To: board@fora.org

Cc: Dominique Jones; Markey, Kristi A. x7576

Subject: Letter from Supervisor Jane Parker

Good Afternoon,

Please see the attached letter from Supervisor Parker regarding Parker Flats MRA Phase II.

Supervisor Jane Parker
County of Monterey | Fourth District- Main Coastal Office
2616 1st Avenue, Marina CA 93933 | (831) 883-7570 phone
www.janeparker.org

[Reply](#) [Reply All](#) [Forward](#)

Centennial Events Planned at Fort Ord

Morgan, Eric [emorgan@blm.gov]

To: [FORA Board](#)

Attachments: (2) [Download all attachments](#)

[2017 NPLW Flyer.pdf \(769 KB\) \[Open as Web Page\]](#); [Dear_Friend_Letter.pdf \(442 KB\) \[Open as Web Page\]](#)

Tuesday, October 03, 2017 8:49 AM

Flag for follow up. Completed on Tuesday, October 03, 2017.

Dear Friends:

This year marks the centennial of the Army's presence on the former Fort Ord. In 1917, the U.S. Army purchased about 15,000 acres near present day East Garrison for use as an artillery range for soldiers stationed at the Presidio of Monterey. Eventually the acquisition grew to 28,000 acres and in 1940, the Army settled on the name of "Fort Ord" for the place. Nearly 2 million soldiers passed through the gates of the former Fort Ord in the defense of our nation, and their spirit is forever alive and well on the Fort Ord National Monument and Fort Ord Dunes State Park.

We hope that you can join us in celebrating 100 years of Fort Ord during one of the centennial events we will be hosting on the former Fort Ord. The events include:

Honor Our Fallen Run: Join community supporters on [Fort Ord Dunes State Park](#) and participate in the Honor Our Fallen 5K or 10K Race/Walk as a "competitor", "volunteer" or "spectator". The Saturday, October 21st event helps support programs for Gold Star Family members. The Army's Morale, Welfare and Recreation program has organized the event, and the BLM and State Park will be staffing booths highlighting the rich history of Fort Ord. Additional information is available at www.facebook.com/honourourfallen10k.

National Public Lands Day: Join other volunteers on the [Fort Ord National Monument](#) and lend a hand in collecting native plant seed and performing other rewarding work in a beautiful setting. Volunteers to the Saturday, October 28th event will be treated to a free lunch and entertainment following the work project. Additional information is available at www.fortordfriends.org.

If you have any questions, feel free to contact the BLM at (831)582-2200 or Fort Ord Dunes State Park at (831)649-2855. We hope to see you there!

Eric A. Morgan

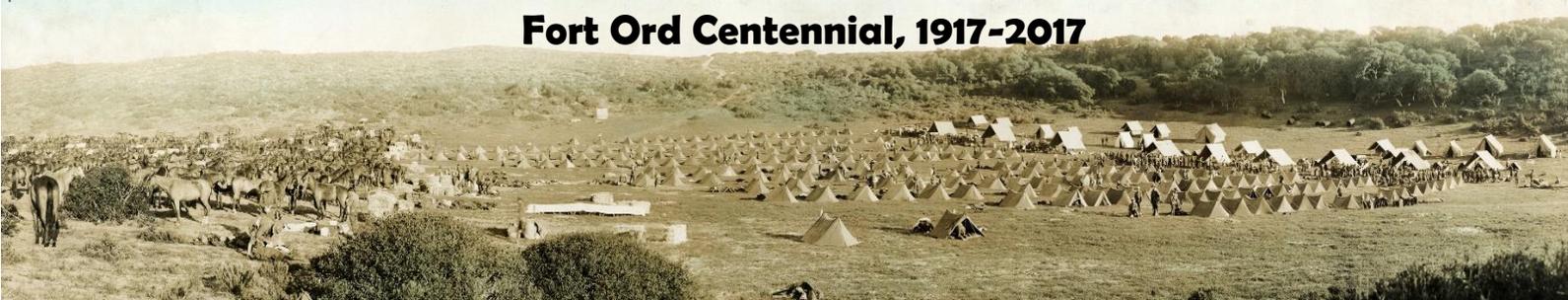
BLM's Fort Ord National Monument Manager

(831)582-2212 Office
(831)206-2505 Cellular

BLM Fort Ord National Monument
940 2nd Avenue
Marina, CA 93933

Visit Our ExtraOrdinary Webpage [here](#)

Fort Ord Centennial, 1917-2017



Dear Friends:

This year marks the centennial of the Army's presence on the former Fort Ord. In 1917, the U.S. Army purchased about 15,000 acres near present day East Garrison for use as an artillery range for soldiers stationed at the Presidio of Monterey. Eventually the acquisition grew to 28,000 acres and in 1940, the Army settled on the name of "Fort Ord" for the place. Nearly 2 million soldiers passed through the gates of the former Fort Ord in the defense of our nation, and their spirit is forever alive and well on the Fort Ord National Monument and Fort Ord Dunes State Park.

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If you have any questions, feel free to contact the BLM at (831)582-2200 or Fort Ord Dunes State Park at (831)649-2855. We hope to see you there!

Sincerely,

Eric Morgan
Monument Manager
Fort Ord National Monument

William Collins
Environmental Coordinator
Army BRAC Office

Patricia Clark-Gray
Regional Interpretive Specialist
California State Parks



National Public Lands Day - Centennial Events at Fort Ord

When

SATURDAY October 21, 2017

- > Register online in advance
- > Register before 8:30 AM

SATURDAY October 28, 2017

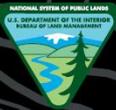
- Arrive at 9:00 AM
- Stay for lunch and recognition ceremony at 12:00 PM

What

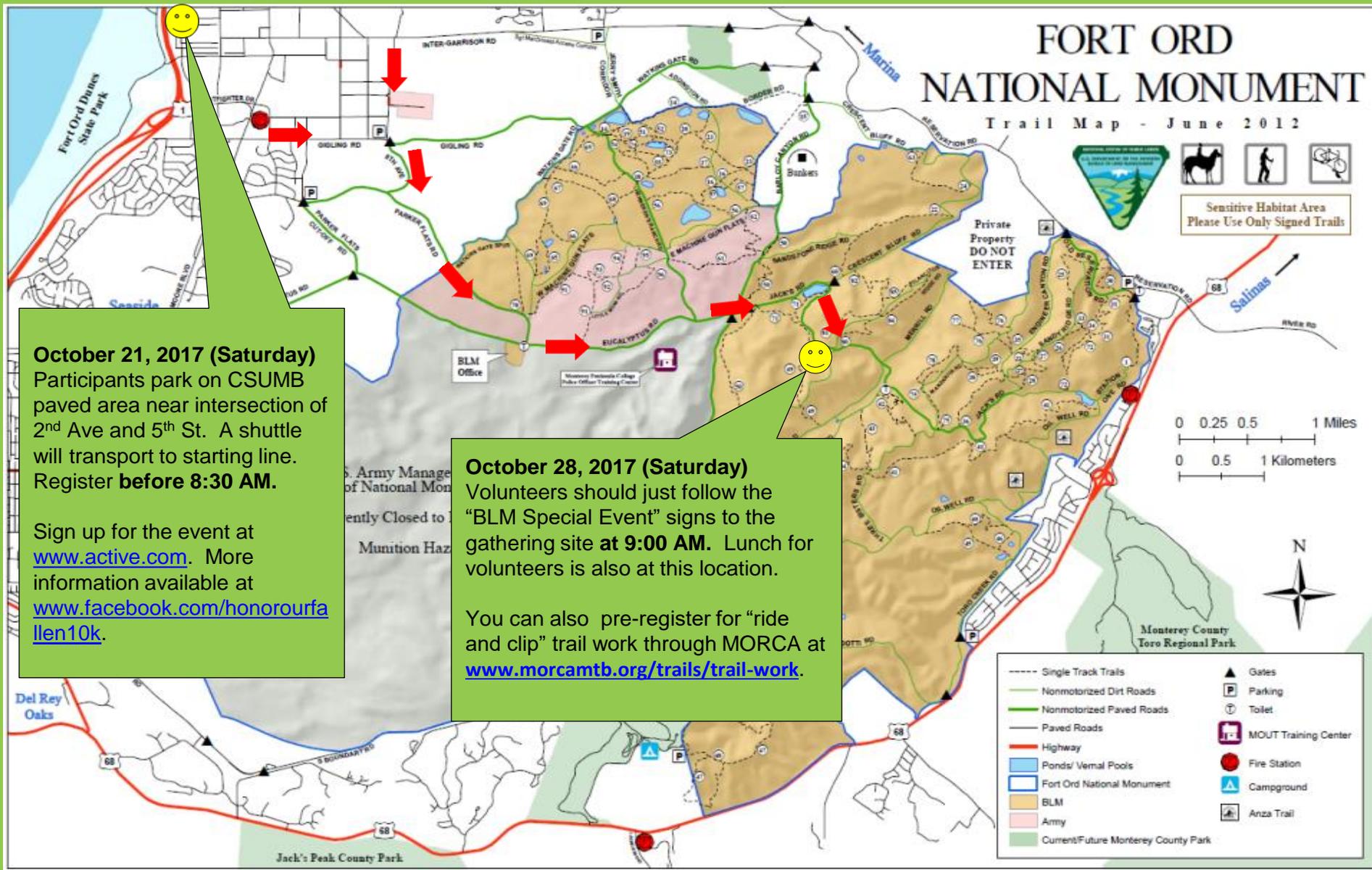
HONOR OUR FALLEN - Join community supporters on [Fort Ord Dunes State Park](#) and participate in the Honor Our Fallen 5K or 10K Race/Walk as a “competitor” or “volunteer”. The Saturday event helps support programs for Gold Star Family members and is hosted by the U.S. Army’s Morale, Welfare and Recreation (MWR) program. Please register in advance as a “volunteer” or “participant” at www.active.com. Additional information is available at www.facebook.com/honorourfallen10k.

MONUMENTAL GIVING- Join other volunteers on the [Fort Ord National Monument](#) and lend a hand in collecting native plant seed and performing other rewarding work in a beautiful setting. Volunteers to the Saturday event will be treated to a free lunch and entertainment following the work project. There are two ways to join in with the fun: 1) just show up at 9:00 AM (see map) and choose one of our volunteer projects; or 2) if you are a mountain biker, sign up for a ride and clip trail project through the Monterey Off-Road Cycling Association at www.morcmtb.org/trails/trail-work.





Fort Ord National Monument



October 21, 2017 (Saturday)
 Participants park on CSUMB paved area near intersection of 2nd Ave and 5th St. A shuttle will transport to starting line. Register **before 8:30 AM**.

Sign up for the event at www.active.com. More information available at www.facebook.com/honouroufiallen10k.

October 28, 2017 (Saturday)
 Volunteers should just follow the "BLM Special Event" signs to the gathering site **at 9:00 AM**. Lunch for volunteers is also at this location.

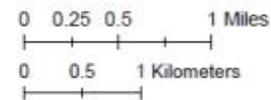
You can also pre-register for "ride and clip" trail work through MORCA at www.morcambt.org/trails/trail-work.

FORT ORD NATIONAL MONUMENT

Trail Map - June 2012



Sensitive Habitat Area
Please Use Only Signed Trails



- Single Track Trails
- Nonmotorized Dirt Roads
- Nonmotorized Paved Roads
- Paved Roads
- Highway
- Ponds/ Vernal Pools
- Fort Ord National Monument
- BLM
- Army
- Current/Future Monterey County Park
- ▲ Gates
- P Parking
- T Toilet
- MOUT Training Center
- Fire Station
- ▲ Campground
- ▲ Anza Trail



October 3, 2017

Mayor Ralph Rubio, Chair
Fort Ord Reuse Authority (FORA) Board of Directors
920 2nd Avenue, Suite A
Marina, CA 93933

Dear Chair Rubio and Board of Directors,

We understand that at its October 13, 2017 meeting FORA will consider adoption of what FORA staff is calling a "transition plan," described in the Transition Task Force Status Update memo dated September 8, 2017. A vote on this "transition plan" in October would be premature and inconsistent with state law because the memo is by no definition a transition plan. Rather, it is vague proposal to extend FORA and preserve the status quo. We urge you to direct the Transition Task Force to address legislative mandates as well as public expectations for a thoughtful and thorough examination of transition options, including FORA's sunset as the Legislature originally contemplated.

Assembly Bill No. 1614, Chapter 743, signed into law in 2012, requires FORA to "approve and submit a transition plan" that "shall assign assets and liabilities, designate responsible successor agencies, and provide a schedule of remaining obligations." To date, no such plan has been provided to public review. Ignoring AB 1614, FORA has proposed a single entity successor, joint powers authority (JPA). A JPA is an extension of FORA, not a transition that distributes FORA's responsibilities to other entities. While FORA may choose to seek an extension, it is still mandated to produce a detailed transition plan in the event the Legislature does not extend FORA.

Furthermore, before deciding to seek an extension, good governance mandates that FORA examine its original mission, weigh its accomplishments over the past 23 years, and determine, in consultation with local governments and Monterey County residents, whether it continues to serve the public good. The following issues remain of serious public concern and must be addressed prior to contemplating any sort of extension:

1. Blight Removal

Blight removal at Fort Ord was a principal reason for FORA's establishment. Yet after 20 years, Fort Ord still has significant blight that is expected to cost at least \$54 million to remove. How will the extension of FORA speed removal of this blight when FORA has no blight removal funding mechanism, beyond its remaining limited obligation of the Marina Stockade and some buildings in Seaside's Surplus II area?

2. Groundwater Overdraft and Water Limitations

In 1946 the California Department of Water Resources identified saltwater intrusion in the Salinas River Basin, and for the past 70 years the problem has only worsened. Experts agree that the 6,600 AFY of groundwater that the Army ostensibly transferred in 1993 for development does not represent a safe yield for Fort Ord pumping. The 2016 State of the Salinas Valley Groundwater Basin report commissioned by the County explains that the existing level of groundwater pumping is well beyond the basin's safe yield. The California Department of Water Resources confirms this by identifying the Salinas Basin as critically overdrafted. Moreover, the 1997 Program Environmental Impact Report (EIR) for the Base Reuse Plan makes it clear that the FORA did not necessarily expect that 6,600 AFY could be pumped from beneath Fort Ord without causing further seawater intrusion. The mitigation described in the Program EIR does not permit the agencies to delay a solution if saltwater intrusion persists. Nonetheless, saltwater intrusion persists, 20 years and counting. Without addressing this fundamental problem, how will the Base Plan achieve its ambitious economic goals? How would FORA's extension address this problem?

3. Water Management

Given that Marina Coast Water District (MCWD) owns the infrastructure, serves as the legal water supplier for the Fort Ord area, and is responsible for any future water augmentation project, why can't the responsibility for remaining water obligations be assumed by MCWD?

4. Environmental Services Cooperative Agreement (ESCA)

Given that ESCA cleanup will be completed by 2020, what remains for FORA to do that the County of Monterey or a limited JPA couldn't do?

5. Transportation

Why is FORA needed to complete road projects when the Transportation Agency of Monterey County can complete regional road projects, and local jurisdictions can complete local road projects, using the additional money they will receive when FORA expires (additional money being 50% of land sales that now goes to FORA, property taxes, and agency dues)? Development fees collected over multiple decades will fund CEQA-required transportation mitigations. Wouldn't an ongoing community facilities district (CFD) be a less costly alternative to FORA?

6. Habitat Conservation Plan (HCP)

The HCP is scheduled for completion within the next year and long-term stewardship is to occur through the establishment of an endowment. With regard to the HCP, what role would FORA serve beyond 2020?

7. Public Trust

FORA recently lost the lawsuit related to the unpopular Eastside Parkway, having violated CEQA. In her conclusion, Judge Lydia Villareal wrote "When an agency has not only expressed its inclination to favor a project, but has increased the political stakes by publicly defending it over objections, putting its official weight behind it, devoting substantial public resources to it, and announcing a detailed agreement to go forward with the project, the agency will not be easily deterred from taking whatever steps remain toward the project's final approval." Also, several years ago, FORA lost another lawsuit related to its failure to produce public documents in violation of the Public Records Act. These lawsuits resulted in payment of large amounts of public tax dollars for attorneys' fees. FORA was also discovered to have modified its rules and regulations in violation of the Sierra Club settlement agreement by changing "shall" to "may" on a series of critical rules. FORA made the correction only after being confronted by citizen

watchdogs and the Sierra Club. There is a public perception that FORA is not operating as openly, transparently, or honestly as a public agency should. If FORA were to continue, what leadership and other organizational changes would it undertake to regain public trust?

8. Legislative Mandate Completed

The California Legislature established FORA in order to create a long-term regional development plan and a fair and equitable funding structure for capital improvements, both of which have been accomplished. By 2020 FORA will have completed the Base Reuse Plan, a habitat mitigation plan, Capital Improvements plan, ordinance cleanup, and transfer of lands to jurisdictions. Enacting legislation contemplated that FORA would sunset before development was completed on the Base and local jurisdictions assumed responsibilities. The 6-year extension granted by the Legislature in 2013 provided FORA a reasonable period of time ensure that these programs were positioned to survive beyond FORA. How can one justify the continuation of FORA when it has accomplished its legislative mandates? Won't continuation of FORA simply delay the development and implementation of a transition plan to local jurisdictions?

9. Lack of Legislative Support

In 2013 when FORA first requested a 10-year extension and pointed to the economic slowdown as justification for more time, the Legislature only granted a six-year extension with the message "no more extensions, take care of business in the next six years." The economy is doing well, with a lot of projects moving forward in Fort Ord. How does FORA justify more time?

10. Justification for Continued Tax Increment

Unlike redevelopment agencies that were abolished by the State of California in 2012, FORA continues to collect tax increment revenue that comes from local property taxes. These property taxes would otherwise flow to the County, local cities, and K-14 education. In fiscal year 2015-16 FORA collected \$1.6 million in property taxes. In fiscal year 2016-17 FORA projects it will receive \$2.3 million. Property tax revenues are growing significantly as development is rapidly occurring on Fort Ord. How much will revenues be in five or ten years? Is it equitable to divert millions of dollars from the K-14 system to FORA, the functional equipment of a redevelopment agency? Why should FORA's legacy power to collect and spend tax increment revenue be extended when it has been eliminated across the rest of the State?

11. Accountability

Even though 20 years have passed since the FORA Board adopted the Base Reuse, 21% of the policies and programs that were supposed to form a foundation for and guide development on the former Fort Ord were incomplete at the time of Scoping Report. This is simply unacceptable. Why should the public expect better accountability in the future?

In sum, is FORA serving the public good? The public won't know until these very difficult questions are answered.

Regards,



Michael D. DeLapa
Executive Director

From: [Mark Anicetti](#)
To: [FORA Board](#)
Subject: FORA plans
Date: Monday, October 09, 2017 11:13:31 AM

Staff,

The following link shows how important wildlands in Fort Ord are to migratory animals, birds, and insects.

If you zoom in on the west coast you'll see both the coastal zone and the Sierras are the main routes used.

You must conserve more of Parker Flats and the western parts of Fort Ord not only to conserve water, and continue ecotourism in Seaside but to give struggling birds, insects and animals a place to rest and feed as they migrate.

<https://www.wired.com/2016/08/heres-species-will-flee-global-warming/>

--

Mark Anicetti LUTCF
mark@anicetti.com
831-521-1637
Lic 0C81295

From: [Jacqueline Fobes](#)
To: [FORA Board](#)
Subject: Transition plan
Date: Tuesday, October 10, 2017 9:32:09 AM

Dear Sir or Ms:

Would you please keep me informed about the transition plan for FORA?
Thank you.

Jacqueline Fobes, Ph.D.

Sent from my iPad

From: dawnalva@comcast.net
To: [FORA Board](#)
Cc: [Me](#)
Subject: FORA Transition Plan - Friday's Vote
Date: Tuesday, October 10, 2017 3:57:29 PM

Dear FORA Board,

I urge the FORA Board to address legislation mandates as well as public expectations for a thoughtful and thorough examination of transition options, including FORA's sunset on June 20, 2020.

Assembly Bill No. 1614, Chapter 743 signed into law in 2012, required FORA to approve and submit a transition plan that:

1. Shall assign assets and liabilities,
2. Designate responsible successor agencies, and
3. Provide a schedule of remaining obligations

No such plan has been created for the public to review. Instead, FORA has SELECTED to ignore AB 1614, and SEEK an extension of FORA either as it currently exists, or in a modified form as a single entity successor, joint powers authority. A new joint powers authority is an extension of FORA, not a transition that distributes FORA's responsibilities to other entities.

While FORA may seek an extension, it is still mandated to produce a detailed transition plan in the event the Legislature does not extend FORA.

I as a resident and business owner of Marina California, I wish to have FORA sunset/dissolve and would like to see a transition plan to make this happen.

Sincerely,

Dawn Alva
Marina Resident
Marina Business Owner, Rumina
650-740-0717
dawnalva@comcast.net

From: [Michael DeLapa](#)
To: [FORA Board](#)
Cc: [Nicole Charles](#); assemblymember.stone@assembly.ca.gov; senator.cannella@senate.ca.gov; assemblymember.caballero@assembly.ca.gov
Subject: Eastside Parkway & Agenda Item 8.a. On-Call Engineering and Design Services at Oct. 13 FORA Agenda
Date: Wednesday, October 11, 2017 7:59:47 PM
Attachments: [Eastside Parkway FINAL.pdf](#)
[ATT00001.htm](#)
[eastside_parkway_comment_letter_2.pdf](#)
[ATT00002.htm](#)
[keith_higgins_resume_-_monterey_county.pdf](#)
[ATT00003.htm](#)

LandWatch letter regarding Agenda Item 8.a. On-Call Engineering and Design Services on the Oct. 13 FORA Agenda in the context of Eastside Parkway, below and attached, along with letter from Keith Higgins, Traffic Engineer

October 10, 2017

Mayor Ralph Rubio, Chair
Fort Ord Reuse Authority (FORA) Board of Directors
920 2nd Avenue, Suite A
Marina, CA 93933

Dear Chair Rubio and Board of Directors,

FORA recently lost a lawsuit related to the unpopular Eastside Parkway. To our knowledge, FORA has not released an exact accounting of public costs associated with this lawsuit, but it would not be surprising if such costs exceeded \$1 million in attorneys' and consultants' fees.

In the interest of preventing further unnecessary loss of public funds and trust, LandWatch Monterey County has a strong interest in Agenda Item 8.a. On-Call Engineering and Design Services. FORA staff is recommending that the FORA Board approve a Master Services contract for roadway design and construction management for South Boundary Road, Gigling Road and *other on-call services not to exceed \$1.5 million* [emphasis added].

Prior to action on this item, please clarify the following:

- What other "on-call" services are contemplated? Will such funds include any work (engineering, CEQA or other) related to the Eastside Parkway? If so, what?
- The Gigling Road project is defined as from General Jim Moore to 7th; not 8th Street. How does this connect up to the north side of CSUMB?
- We understand that FORA intends to initiate a CEQA study for the Eastside Parkway. What, specifically, are FORA's plans in this regard?
- Will improvements to Gigling Road be part of an alternative to be identified and considered in an EIR for the project identified as Eastside Parkway?

To assist in its review of the FORA-related transportation issues, LandWatch has retained Keith Higgins, a traffic engineer with extensive experience in Monterey County. Keith has identified issues that FORA should address in the planning of an Eastside Parkway, first and

foremost what traffic problems is the parkway expected to solve (see attached)?

Thank you for addressing LandWatch's concerns prior to taking action on Agenda Item 8.a.

Regards

Michael D. DeLapa
Executive Director



October 10, 2017

Mayor Ralph Rubio, Chair
Fort Ord Reuse Authority (FORA) Board of Directors
920 2nd Avenue, Suite A
Marina, CA 93933

Dear Chair Rubio and Board of Directors,

FORA recently lost a lawsuit related to the unpopular Eastside Parkway. To our knowledge, FORA has not released an exact accounting of public costs associated with this lawsuit, but it would not be surprising if such costs exceeded \$1 million in attorneys' and consultants' fees.

In the interest of preventing further unnecessary loss of public funds and trust, LandWatch Monterey County has a strong interest in Agenda Item 8.a. On-Call Engineering and Design Services. FORA staff is recommending that the FORA Board approve a Master Services contract for roadway design and construction management for South Boundary Road, Gigling Road and *other on-call services not to exceed \$1.5 million* [emphasis added].

Prior to action on this item, please clarify the following:

1. What other "on-call" services are contemplated? Will such funds include any work (engineering, CEQA or other) related to the Eastside Parkway? If so, what?
2. The Gigling Road project is defined as from General Jim Moore to 7th; not 8th Street. How does this connect up to the north side of CSUMB?
3. We understand that FORA intends to initiate a CEQA study for the Eastside Parkway. What, specifically, are FORA's plans in this regard?
4. Will improvements to Gigling Road be part of an alternative to be identified and considered in an EIR for the project identified as Eastside Parkway?

To assist in its review of the FORA-related transportation issues, LandWatch has retained Keith Higgins, a traffic engineer with extensive experience in Monterey County. Keith has identified issues that FORA should address in the planning of an Eastside Parkway, first and foremost what traffic problems is the parkway expected to solve (see attached)?

Thank you for addressing LandWatch's concerns prior to taking action on Agenda Item 8.a.

Regards

A handwritten signature in black ink, appearing to read "Michael D. DeLapa". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "DeLapa".

Michael D. DeLapa
Executive Director

Keith Higgins

Traffic Engineer

RESUME - KEITH B. HIGGINS, PE, TE

Owner

PROFESSIONAL EXPERIENCE

Mr. Higgins has directed and performed numerous planning and design projects during his 42-year career. He also has extensive operational experience, including serving as a contract City Traffic Engineer for over 20 years. Specific experience includes traffic impact analyses, conceptual and final highway, street and subdivision design, traffic signal, signing and striping design, traffic volume and speed surveys, safety analysis, capacity analysis, circulation studies, parking studies, parking facility design, conceptual interchange design, pedestrian and bicycle studies, transportation systems management, transportation demand management, community traffic committee organization and expert witnessing in personal injury and wrongful death litigation.

PROFESSIONAL REGISTRATION

- Civil Engineer - California (No. 30489, 1979)
 - Arizona, (No. 52911, 2011)
 - Oregon, (No. 85483, 2011 – Inactive)
 - Washington, (No. 48445, 2011)
- Traffic Engineer - California (No. 1385, 1981)

EDUCATION

1975 - B.S. Transportation Engineering (Honors), Cal Poly, San Luis Obispo, CA

PROFESSIONAL AFFILIATIONS

American Council of Engineering Companies (ACEC) – Past Monterey Bay Chapter President
American Planning Association (APA)
American Public Works Association (APWA) – Past Board Member
American Society of Civil Engineers (ASCE)
Association of Environmental Planners (AEP)
California Public Parking Association (CPPA)
California Society of Professional Engineers (CSPE) – Monterey Bay Chapter President
Institute of Transportation Engineers (ITE)
International Municipal Signal Association (IMSA)
National Parking Association (NPA)
Tau Beta Pi, Engineering Honor Association
Transportation Research Board (TRB)

COMMUNITY AFFILIATIONS

Gilroy Chamber of Commerce
Gilroy Foundation – Past Board Member
Gilroy Rotary Club

EMPLOYMENT HISTORY

2017 – Present	Owner, Keith Higgins Traffic Engineer, Gilroy, CA
2008 – 2017	Vice President, Hatch Mott MacDonald/Mott MacDonald, Gilroy, CA
1982 – 2008	President, Higgins Associates, Gilroy, CA.
1980 – 1982	Associate Civil Engineer, William Dryden Consulting Engineer, Monterey, CA.
1978 – 1980	Assistant Civil Engineer, Ruth & Going, Inc., San Jose, CA.
1977 – 1978	Junior Civil Engineer, Design and Engineering Systems, Redwood City, CA.
1976 – 1977	Analyst, Processing & Distribution Engineering Consultants, Inc., San Jose, CA

TECHNICAL COMMITTEES & PUBLICATIONS

ITE Technical Committee 5B-4, "Effectiveness of Median Storage and Acceleration Lanes for Left-Turning Vehicles."

ITE Technical Committee 5B-9, "Urban Intersection Redesign Standards - Curb Ramp."

ITE Technical Committee 4A-21, "Methods of Traffic Signal Optimization."

SELECTED PROJECT EXPERIENCE IN MONTEREY COUNTY

Numerous Traffic Impact Analyses of Land Development Proposals as well as design of the traffic element of Street Improvement Projects throughout each city and the unincorporated areas of Monterey County since 1980. Notable projects include the following.

Arterial Street Planning and Design

- Project Study Report Traffic Analyses for Artichoke Avenue (Hwy 183), Hwy 68/Laureles Grade, Hwy 68/Corral de Tierra, Hwy 68/San Benancio, Hwy 156 Widening, Hwy1 - Hatton Canyon
- Highway 1/Dolan Road Feasibility Study, Moss Landing, CA
- Del Monte Avenue Widening, Monterey, CA
- Front Street (SR 146) Improvements, City of Soledad, CA
- Duke Energy Moss Landing Power Plant Traffic Planning and Design
- General Jim Moore Boulevard Planning and Design, Fort Ord, CA
- Numerous Traffic Signals and Intersection Improvements throughout Monterey County, including State Routes 1, 68, 146, 156 and 218

General Plan Circulation Elements

- General Plan Updates for Carmel, Gonzales, Greenfield, King City, Marina, Monterey, Salinas, Sand City and Seaside
- Cal State University Monterey Bay Master Plan Update
- Boronda, Carmel Valley, Castroville, Moss Landing and Pajaro Community Plans
- Monterey County 21st Century General Plan Update Transportation Study

Bicycle, Pedestrian and School Projects

- Carmel Hill and River Bike Trail
- Forest Avenue Lighted Crosswalk, Pacific Grove, CA
- Carmel Unified School District Parking Lot/School Access/Conceptual Design
- Monterey Safe Routes to Schools
- Sand City Bike Trail
- Monterey Recreational Trail

Keith Higgins

Traffic Engineer

October 9, 2017

Michael D. DeLapa
Executive Director
LandWatch Monterey County
306 Capitol Street, Suite 101
Salinas, CA 93901

Re: Eastside Parkway Review, Fort Ord, CA

Dear Michael,

This letter presents issues that should be addressed by the Fort Ord Reuse Authority, Monterey County and Cities of Marina and Seaside for the planning of Eastside Parkway in northeastern Fort Ord.

1. The need and purpose of the project must to be described in the context of the Fort Ord Reuse Plan and specific mitigations as required by CEQA. In other words:

- What traffic problems is the Eastside Parkway expected to solve? Which of these are existing and which are anticipated in the future? For anticipated future problems, when are they expected to be experienced?
- Do the development and traffic forecasts in the Fort Ord Reuse Plan justify the Eastside Parkway?
- If not, what specific projects and traffic forecasts now justify the Parkway?
- How did the Eastside Parkway rise to the top of FORA's transportation priorities?

Only after answering #1 proceed to addressing the following questions.

2. Project Alternatives, which could include various alignments or capacity improvements to existing roads.

3. Cost/benefit of each alternative, including environmental impacts as required by CEQA.

4. Secondary circulation impacts, such as added traffic through East Garrison and the neighborhoods of eastern Seaside such as Coe Avenue, San Pablo Avenue, Broadway Avenue and Hilby Avenue. Impacts to the two-lane section of General Jim Moore just north of Highway 218 should be analyzed as well.

5. Mitigation of all impacts, including capacity improvements and neighborhood traffic calming on access routes to and from Eastside Parkway.

Michael D. DeLapa
October 9, 2017

6. Opportunity costs, such as the expenditure on other circulation improvements such as the Highway 1/ Monterey Road interchange. This improvement would relieve existing congestion at the Highway 1 / Fremont Boulevard interchange.

If you have any questions regarding these issues, please do not hesitate to contact me at your convenience. Thank you for the opportunity to assist you with this project.

Respectfully submitted,

Keith Higgins

Keith B. Higgins, PE, TE

enclosures

T (408) 201-2752

keith@keithhigginste.com

From: [Ron Chesshire](#)
To: [Michael Houlemard](#); [Robert Norris](#); [Sheri Damon](#)
Cc: [FORA Board](#); [Andy Hartmann](#); [John Papa](#); [Steve MacArthur](#); [Rod Smalley](#)
Subject: Transition Task Force - Prevailing Wage Compliance Program
Date: Thursday, October 12, 2017 9:11:23 AM
Attachments: [Scan0064.pdf](#)

Please review our letter. We are prepared to work with the Task Force and FORA to provide a plan which will protect workers.

In Solidarity,

Ron Chesshire

Monterey/Santa Cruz Counties Building & Construction Trades Council

10300 Merritt Street
Castroville, CA 95012
(831) 869-3073
ron@mscbctc.com
www.MSCBCTC.com



Monterey/Santa Cruz Counties Building & Construction Trades Council

10300 Merritt Street, Castroville, CA 95012

Phone 831.869.3073

Email: Office@MSCBCTC.com

www.MSCBCTC.com

FPPC No. 850048

Andy Hartmann
President

John Papa
Vice President

Manuel Pinheiro
Treasurer

Steve MacArthur
Recording Secretary

Ron Chesshire
CEO

Boilermakers #549
Bricklayers #3
Carpenters #505
Carpenters #605
Carpet, Lin. & Soft Tile #12
Elevator Constructors #8
Glaziers #1621
IBEW #234
Insulators & Asbestos #16
Ironworkers #155
Ironworkers #377
Laborers #270
Laborers #297
Millwrights #102
OP & CMIA #300
Operating Engineers #3
Painters & Tapers #272
Plumbers & Steamfitters #62
Roofers & Waterproofers #95
Sheet Metal Workers #104
Sprinklerfitters #669
Teamsters #890

SENT VIA EMAIL

October 11, 2017

TO: Fort Ord Reuse Authority Transition Task Force c/o the Executive Officer

SUBJECT: TRANSITION/EXTENSION PLAN – INTEGRATION OF PREVAILING WAGE
COMPLIANCE PROGRAM

Members of the Transition Task Force:

I serve as CEO of the Monterey/Santa Cruz Counties Building and Construction Trades Council. On behalf of the labor unions affiliated with the Council and their membership, I am formally requesting that any Transition Plan or Extension Plan adopted by the Fort Ord Reuse Authority (FORA) include a **Prevailing Wage Compliance Program** designed to monitor and enforce strict contractor and subcontractor compliance with prevailing wage obligations.

Unfortunately, there have been far too many prevailing wage violations reported by underpaid workers or their representatives on FORA projects. In a number of cases, even when violations were reported to the offending contractor, upstream contractor, developer, member jurisdiction, and/or labor compliance professional hired by the developer or member jurisdiction, workers were not made whole. In some cases, **no action was taken whatsoever**. This is unacceptable and must be remedied as part of FORA's transition or extension.

The Prevailing Wage Compliance Program should include, at a minimum, the following:

- (1) Informing contractors of their prevailing wage obligations;
- (2) Monitoring compliance by regularly obtaining and reviewing certified payroll records, including conducting audits if violations are suspected or reported;
- (3) Corroborating information on certified payroll records by assessing reliability, comparing them against other payroll documents, conducting worker interviews, obtaining information from contractors, etc.;
- (4) Investigating complaints and suspected violations; and
- (5) Taking appropriate enforcement action when violations are found, including recordkeeping violations.

The Council would like to engage with the Task Force in developing this program. Please direct all follow-up correspondence to my attention, at the above contact information.

Sincerely,
Ron Chesshire

Cc via email Michael Houlemard
Robert Norris
Sheri Damon

From: msalerno3209@comcast.net
To: [FORA Board](#)
Cc: [Dominique Jones](#)
Subject: Agenda Items 8a and 8b, Board of Directors Meeting 10-13-17
Date: Thursday, October 12, 2017 10:26:19 AM
Attachments: [17.10.12.FORA.BOD.ltr.to.re.S.Boundary.Gigling - Rev.pdf](#)

Dear Chair Rubio and FORA Board members:

Please see attached correspondence from Keep Fort Ord Wild.

Mr. Houlemard and Ms. Jones, I ask you to please confirm receipt of this email and its attachment.

Thank you.

Michael Salerno,
Spokesman for Keep Fort Ord Wild

Michael W. Stamp
Molly Erickson

STAMP | ERICKSON
Attorneys at Law

479 Pacific Street, Suite One
Monterey, California 93940
T: (831) 373-1214
F: (831) 373-0242

October 12, 2017

Via email

Ralph Rubio, Chair
Members of the Board of Directors
Fort Ord Reuse Authority
Marina, CA

Re: Agenda items on contracts with Whitson Engineers and Harris & Associates, including South Boundary Road and Gigling Road projects

Dear Chair Rubio and FORA Directors:

My client Keep Fort Ord Wild objects to the proposed Board actions with regard to the South Boundary Road and Gigling Road projects. The Board should neither consider nor approve the items due to numerous problems, including violations of the California Open Government Act (a.k.a. the Brown Act), the California Environmental Quality Act (CEQA) and FORA requirements.

Request: KFORW urges the Board to continue the items to allow time for FORA to publicly address the issues raised in this letter and by other commenters.

The proposed Board actions would violate mandatory requirements of the Brown Act, CEQA, NEPA, and FORA. Some of the problems are discussed below.

Environmental Analyses Not Provided to the Board

The 2010 environmental documents have not been provided to the FORA Board on these items. The only current directors who were on the Board in 2010 are Rubio and Edelen, as far as we can tell. The other 11 FORA directors apparently have never been provided the environmental documents and do not know what the documents say.

Project Descriptions Are Not Finite and Stable

The proposed road projects are materially larger than the projects evaluated in the 2010 environmental assessment and initial study (EA/IS). The 2010 EA/IS project descriptions are outdated and are not consistent with more recent FORA documents.

Inconsistent descriptions of the Gigling Road project:

- The EA/IS described the Gigling project as terminating at 7th Avenue.
- In contrast, the proposed contract with Whitson is for “design and implementation of Gigling Road, an urban arterial to join at General Jim

Moore Blvd and extend to 8th Avenue.” That is a block longer than described in the EA/IS and the longer road project would have additional and more severe impacts not disclosed and mitigated in the EA/IS. The proposed contract also describes additional components of the project that were not included in the EA/IS project description and not addressed in the EA/IS investigation, disclosure, and mitigation of impacts.

- Worse, the approved FORA CIP for 2017-2018 describes the Gigling Road project as including the expanded four-lane road from General Jim Moore to 8th Avenue and also construction of a “new 4-lane arterial . . . easterly to Eastside Rd.” That even more longer and larger than the project described in the contract and the EA/IS and would have even further additional impacts not disclosed and mitigated in the EA/IS.
 - The location/alignment of Eastside Road/Eastside Parkway is not certain, so the length of the extension is unknown at this time and thus the project description is not fixed and final as required by CEQA and NEPA.
 - The alignment of a new Gigling Road past 8th Avenue also has not been discussed. The alignment would affect the impacts. The extension of Gigling past 8th would traverse land that is primarily undeveloped.

Inconsistent descriptions of the South Boundary Road project:

- The EA/IS describes the South Boundary Road project as extending to approximately 200 feet east of the Rancho Saucito intersection.
- In contrast, the proposed project before you today is much larger and longer. FORA’s 2017-2018 Capital Improvement Program (CIP) includes project FO14, the “S Boundary Road Upgrade,” which the CIP describes as “Upgrade to a 2 lane arterial, along existing alignment from General Jim Moore Blvd to York Rd.” (CIP, p. 18, Table 1A, emphasis added.) Thus, the CIP project is to expand South Boundary Road in significant ways all the way to York Road. Expansion to York Road would be approximately 1,650 feet longer than the project length estimated in the EA/IS and would mean a new added connection/intersection with York Road that would require a stoplight, as well as additional development and construction of York Road itself.
- The proposed contract with Whitson for engineering services as to the South Boundary Road project is unacceptably vague in the description of the

scope of the project to be constructed. It appears to include the expanded road extension to York Road as described in the CIP.

York Road has a stoplight-controlled intersection with nearby Highway 68. The proposed South Boundary Road project would create a new highway connection that was not in the original project description and would have additional and further impacts that were not adequately investigated, disclosed, evaluated and mitigated in the EA/IS. The EA/IS states that the extension to York Road would have additional and further impacts that were not discussed in the EA/IS. FORA must evaluate the entire roadway project, and cannot legally evaluate the project in a piecemeal fashion as FORA is proposing to do here.

The newly announced larger scope of the proposed roads means the 2010 EA/IS failed to evaluate and mitigate the full scope and impacts of the projects. The impacts and significantly worse than estimated in the EA/IS, which is inadequate.

FORA Has Not Approved the Projects.

The 2010 FORA Board actions merely certified the EA/IS. The Board did not approve the Gigling Road project or the South Boundary Road project. The proposed action would be FORA's first approvals of the project. FORA first must comply with CEQA, NEPA and FORA's requirements before approving a project.

The 2010 Environmental Documents Are Materially Inadequate.

In any event, the EA/IS for the South Boundary and Gigling road projects is inadequate in significant and material ways. The EA/IS should not be used to support any project approvals. Some of the inadequacies are listed here.

- The EA/IS proposes that other agencies, instead of FORA, be responsible for enforcing and carrying out mitigations. That is not enforceable because FORA cannot bind those other agencies.
- The South Boundary and Gigling Roads are not "obligations." Nothing in the Reuse Plan or prior Board actions require the roads be built.
- The EA/IS does not adequately investigate, evaluate, and mitigate the impacts, including the growth-inducing impacts and cumulative impacts, of the extension of utilities, the addition of new streetlights, the addition of curbs and gutters, and more. This issue is particularly pertinent because in approximately 2016 the City of Del Rey Oaks approved a large 210-unit RV park plus more than 13,500 s.f. of structures, plus a pool and spa on a 54-acre parcel on Fort Ord located off South Boundary Road. That project requires water and other utilities that do not currently exist at the site or on

the road. The RV park project public documents show that the RV project relied on the future expansion of South Boundary Road as access the RV park project needs. No CEQA environmental documentation was adopted for the RV park project, and FORA did not adequately enforce and apply its Reuse Plan policies to the RV park or to Del Rey Oaks. Instead, Del Rey Oaks approved the large RV park project based on an initiative signed by fewer than 180 voters. Only an estimated 110 voter signatures are required in Del Rey Oaks to avoid CEQA – even for large projects in Fort Ord.

- Del Rey Oaks relied on the expanded South Boundary Road project to provide access for the new RV park. Del Rey Oaks in its project approvals did not apply conditions or mitigations to the RV Park initiative document, according to the City Council report and minutes. In its project approvals Del Rey Oaks made inadequately supported assumptions about the project's traffic and about South Boundary Road. For example, Del Rey Oaks assumed that RV park "Traffic concerns will be mitigated by improvements on South Boundary Road" to be performed by FORA "as part of FORA Capital Improvement Plan and Base Mitigation Requirements." As another example, Del Rey Oaks assumed that once parked, the RV occupants would be "shuttled" to and from the RV park and not use their individual vehicles.
- The proposed contract assumes that the road projects "shall include planning for water and other utilities and may include planning for sewer, and recreation trail crossings." However, those project features and impacts were not adequately considered, disclosed, and mitigated in the EA/IS.
- The proposed contract proposes "Planning for future recycle water transmission and distribution pipelines by others with details by MCWD and MRWPCA Pure Water Monterey (pipeline sizing and layout, materials and fittings by MCWD and MRWPCA). Pipeline position related to roadway improvements shall consider a future installation." The concept of construction and development of potable recycled water presents construction impacts and potential growth-inducing impacts that were not adequately presented or mitigated in the IS/MND.
- The EA/IS project description did not include new intersections along the South Boundary road, other than at General Jim Moore Boulevard. (See, e.g., EA/IS, Fig. 2-3.) However, the proposed contract includes "Improvements of Intersections, to the point of connection at Rancho Saucito Rd, and at four (4) potential development areas as identified by the City of Del Rey Oaks, and City of Monterey." Intersections require a much larger construction and development footprint than a simple road widening. Roundabouts would require an even larger footprint. Those

intersections/roundabouts have not been disclosed in a project description in an environmental document, and the impacts thereof have not been adequately evaluated and mitigated.

- The absence of information in the EA/IS about intersections raises the obvious question as the basis for the estimated cost of the South Boundary Road project. Did the estimated cost include the five proposed new intersections/roundabouts?
- The contract proposes roundabouts at General Jim Moore for Gigling and South Boundary Roads, but the EA/IS did not evaluate the potential impacts of roundabouts, which require a larger footprint.

The FORA website provides a list of future Fort Ord projects that includes the following projects:

- | | |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Del Rey Oaks: | 340 +/- acre mixed use project planned east of Gen. Jim Moore Blvd. along South Boundary Rd., on 340 acres (proponent: Del Rey Oaks) |
| City of Monterey: | Business Park project planned on approximately 100 acres north and south of South Boundary Rd., on 100 acres (proponent: City of Monterey) |
| City of Seaside: | Seaside University Center (also known as Surplus II) mixed use area, on 78 acres (proponents: Seaside/KB Bakewell) |
| City of Seaside: | Seaside East, approximately 580 acres of land East of General Jim Moore Blvd., zoned for residential, commercial, and recreational uses, on 580 acres (proponent: Seaside) |
| City of Seaside: | 22-acre mixed use area south of Lightfighter Drive (Proponents: Seaside/KB Bakewell) |

(Source: <http://www.fora.org/Projects.html#twenty-six>.)

The projects listed above are shown by FORA as being in the “planning process” as of now. (See <http://www.fora.org/Projects.html#twenty-six>.) They do not have CEQA documents and have not commenced the CEQA review process. Given the success of Del Rey Oaks in avoiding CEQA review by following the initiative process for the RV Park, it is foreseeable that Del Rey Oaks, Seaside and Monterey or other project proponents

also would use the initiative process for other Fort Ord projects, including the large projects shown above.

- According to the EA/IS, the South Boundary Road improvements would include installation of medians, left turn channelization, shoulders/bike lanes, curbs, gutters, and sidewalks on both sides of the street. The EA/IS concludes without analysis that the drainage off the south side of South Boundary Road would be unchanged. The conclusion is not consistent with curbs and gutters. This is important because the drainage off the south side of County Boundary Road is a critical water supply for the Frog Pond, a protected nature area. The curbs and gutters would not supply the Frog Pond and thus the Frog Pond would be deprived of its primary water supply, which would lead to no frogs and no pond.
- The EA/IS fails to adequately address invasive species at the site and the likely impacts that construction would spread the invasive species such as pampas grass. The EA/IS should include mitigations that require proper removal and disposal of all invasive species at the time of construction and ongoing, because the species tends to take root in disturbed land. There is significant pampas grass and other invasive species at the site, based on personal observation of my clients. The EA/IS is more than seven years out of date and does not adequately address the on-the-ground situation as to this and other aspects of the project and the site.
- The EA/IS discussion of environmental impacts is not adequate. For example, the discussion of lighting does not adequately mitigate the foreseeable impacts of the LED street lighting and does not provide adequate performance standards. “Minimize” is not an enforceable term and is not an adequate performance standard. The mitigation phrase “acceptable non-intrusive levels” is not adequately defined and does not establish an objective performance standard. Lighting, especially the new LED streetlights, can cause impacts to people, wildlife, health and safety and more. The new streetlights likely will be LED which are extremely visible from a distance. The mitigation should ensure shielding and other measures that prohibit the viewing of the LEDs from anywhere off the road, including the City of Monterey property, the BLM property, the FONM and the Del Rey Oaks property. The mitigation also should ensure that no light trespasses onto adjacent property, including private property and including the rare plant preserve.

The project should not be approved because the jurisdictions have failed to comply with required material Reuse Plan mitigations and FORA has failed to enforce the mitigations and follow through on FORA’s CEQA obligations. The jurisdictions – Seaside, Del Rey Oaks, Monterey – have failed to adopt the required Reuse Plan policies. The

EA/IS fails to ensure that the project would comply with the Reuse Plan policies. Instead, the EA/IS improperly defers to the jurisdictions then-existing policies and programs. Compliance with the jurisdictions' existing policies is not adequate and not sufficient to comply with the Reuse Plan requirements. The failures cut across many different areas of impacts and mitigations, including oak tree protections. The IS/MND failed to investigate and address these issues and disclose the lack of the road projects' consistency with the Reuse Plan Policies and programs and FORA's failure to enforce the mitigations, which is part of an ongoing pattern and practice by FORA.

There is inadequate evidence that Del Rey Oaks, Seaside and Monterey have complied with the Reuse Plan mitigations applicable to the sites, including those described above, and those identified in KFOW's past letters to FORA. We urge you to review those letters. These policies and programs are intended as CEQA mitigations for the FORA Reuse Plan. FORA's failure to enforce the mitigations means that the EA/IS has underestimated the adverse harm of the road projects, the RV project and other projects. These harms foreseeably will continue as the cities and County approve other projects approved in Fort Ord. The problems include the failures by Del Rey Oaks, Seaside, and Monterey to adopt the following required Fort Ord Reuse Plan mitigations:

- Program B-1.2: "Each jurisdiction shall identify and coordinate with FORA to designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of former Fort Ord."
- Program A-1.1: "Each land use jurisdiction shall prepare a Pedestrian System Plan that includes the construction of sidewalks along both sides of urban roadways, sidewalks and pedestrian walkways in all new developments and public facilities, crosswalks at all signalized intersections and other major intersections, where warranted, and school safety features. This plan shall be coordinated with adjacent land use jurisdictions, FORA, and appropriate school entities."
- Policy C-1: The [jurisdiction] shall establish an oak tree protection program to ensure conservation of existing coastal live oak woodlands in large corridors within a comprehensive open space system.
- Program F-2.1: The [jurisdiction] shall adopt a Comprehensive Trails Plan, and incorporate it into its General Plan. This Trail Plan will identify desired hiker/biker and equestrian trails within the portion of the former Fort Ord within [jurisdiction's] jurisdiction, create a trail hierarchy, and coordinate trail planning with other jurisdictions within Fort Ord boundaries in order to improve access to parks, recreational facilities and other open space.

- Recreation Policy G-1: The [jurisdiction] shall use incentives to promote the development of an integrated, attractive park and open space system during the development of individual districts and neighborhood's [sic] within the former Fort Ord (to encourage recreation and the conservation of natural resources).
- Recreation Policy G-2: The [jurisdiction] shall encourage the creation of private parks and open space as a component of private development within the former Fort Ord.
- Recreation Policy G-4: The [jurisdiction] shall coordinate the development of park and recreation facilities with neighboring jurisdictions including the City of Marina, City of Seaside, Monterey County, CSUMB, California State Parks, Monterey Peninsula Regional Parks District, and the Bureau of Land Management.
- Program B-1.5: The [jurisdiction] shall promote the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.
- Program A-2.1: The City shall require preparation of erosion control plans for proposed developments in vicinity of the ephemeral drainage that specifically address measures for protecting the drainage.
- Program A-4.1: The [jurisdiction] shall require project applicants who propose development in undeveloped natural lands to conduct reconnaissance-level surveys to verify the general description of resources for the parcel provided in the biological resource documents prepared for the U.S. Army Corps of Engineers. The information gathered through these reconnaissance-level surveys shall be submitted as a component of the project application package.
- Program B-1.1: Where the City has reason to suspect that they may occur on a proposed development site, the [jurisdiction] shall require directed, seasonally-timed surveys for sensitive species listed in Table 4.4-2 as an early component of site-specific development planning.
- Program B-1.2: If any sensitive species listed in Table 4.4-2 are found in areas proposed for development, all reasonable efforts should be made to avoid habitat occupied by these species while still meeting project goals and objectives. If permanent avoidance is infeasible, a seasonal avoidance and/or salvage/relocation program shall be prepared. The seasonal

avoidance and/or salvage/relocation program for these species should be coordinated through the CRMP.

- There are oak trees at the South Boundary project site, but Del Rey Oaks has not complied with any of the oak tree mitigations in the Reuse Plan.
- The EA/IS fails to specify a construction staging location. The large construction vehicles, trailers, and other typical and custom construction facilities and tools will have to be placed somewhere. It is foreseeable that the staging would take place adjacent to or on the rare plant reserve, which is not designated for adequate protection, or on the part of the site on which rare and endangered species have been found but not protected as part of the project, such as, for example, adjacent to the South Boundary Road project. Thus, it is foreseeable that the project would have impacts that were neither disclosed nor mitigated in the EA/IS.
- The EA/IS admits that it did not conduct a rare plant survey for the project during the blooming period for at least two listed species: Hickman's onion and Santa Cruz microseris, therefore, their presence or absence could not be confirmed and has not been since 2010.
- The rare plant reserve was not surveyed, and the impacts of the project on that reserve, and the impacts of moving or relocating the reserve with regard to the purposes of the reserve were not adequately disclosed and or mitigated in the EA.
- The EA/IS admits that "An arborist survey has not been performed within the project area" and there was no "exact count of trees impacted by the proposed action/project is not possible at this time." And that ". . . the South Boundary Road improvement area contains a large number of coast live oak trees within the coastal oak woodland and maritime chaparral communities ..." There is no reasonable excuse for not quantifying the trees to be impacted, so the impacts can be mitigated.
- The impacts of the project on oak trees has not been adequately investigated, quantified and mitigated. An agency must clearly identify what constitutes a significant impact. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 653-658.) In *Lotus*, the agency erred because the EIR did not "include any information that enables the reader to evaluate the significance of these impacts." (*Id.* at p. 654.) An environmental document must clearly explain what constitutes a significant impact, and then, separately, explain what mitigation measures might be applied and how much those measures would reduce the impact to render it less than significant. (*Id.* at p. 656.) The EA/IS proposes weak mitigations, such as

ministerial permits for tree removals. The Reuse Plan requires much more stringent mitigations, and the Reuse Plan was not followed.

- The EA/IS claims to defer to the jurisdictions' oak protection policies, instead of reciting and applying the Reuse Plan oak protection policies which are Reuse Plan mitigations that FORA has not adequately implemented and enforced. The FORA policies have higher standards. KFOR has already brought to your attention the many problems with FORA's failures to enforce many of the mitigations of the Reuse Plan.
- The EA/IS relies on the General Plans, ordinances, and other zoning policies of the cities but state law appears to exempt FORA's road projects from approval of those jurisdictions, so the cities' policies appear to be useless and ineffective with regard to the two road projects. The EA/IS's claims that the projects are consistent with land use policies because the projects will comply with the respective city policies is misleading.
- The EA/IS fails to analyze the projects' lack of consistency with the Reuse Plan goals, policies and programs.
- The EA/IS states in part as to biological impacts, "There are three mitigation strategies available to FORA at the given time: 1) Delay construction until the HCP is adopted; 2) Phase construction to avoid the take of species until the HCP is adopted; or 3) obtain a 2081 permit for the take of species." FORA should not take action until the mitigation choice has been made in a public forum and the environmental documentation is fully and adequately updated.
- The extension of the South Boundary Road project to York Road would have additional significant adverse impacts on the protected biological species that the EA/IS identifies as heavily distributed on the south side of South Boundary Road to the east of Rancho Saucito. (E.g., Fig. 4-4d.) Those impacts have not been adequately disclosed and mitigated.
- There is no evidence that FORA has met with the California Native Plant Society (CNPS) to resolve the issues around the rare plant preserve, and the impacts of the alternatives with regard to that preserve have not been adequately investigated, quantified or mitigated. The coordination with the California Native Plant Society has not taken place, as required in the EA/IS. The proposed contract's Task 2: includes "Coordinate Basis of Design concepts" with various entities, including the Sports Car Racing Association of the Monterey Peninsula (SCRAMP). The CNPS is not on the list.

This list is just the beginning of the issues, problems and concerns that should be addressed, documented, resolved, and shared with the interested public before you act to approve the projects. KFOR refers you to the FORA checklist for Reuse Plan policies and programs, which is a place for FORA to start to evaluate the Gigling and South Boundary Road projects. The "BRP Policy & Program Checklist" is available on FORA's website at <http://www.fora.org/JurisdictionalSupport.html>. There is no dispute that these Reuse Plan policies and programs must be satisfied as to the two road projects. If FORA disagrees with that statement, please advise me promptly.

Further Inadequate Project Descriptions and CEQA Analysis

The contracts propose hundreds of thousands of dollars for drainage projects at Eucalyptus and General Jim Moore. There is no statement of the location of the projects and no description of the projects. Is the remedial drainage project proposed for the new Eucalyptus Road that has never been used? FORA should disclose the purpose and need for the remediation, including whether there was a failure, an engineering error, or other issues that the projects are intended to address. FORA also has failed to provide an environmental analysis or determination for each of the projects listed in the contracts.

Failure to Notice Items as Public Hearings

FORA has not provided adequate and legal notice of the proposed project approvals for the projects. Even if FORA claims that the 2010 actions were project approvals, which they were not, the current proposed actions significantly and materially exceed the scope of the approvals in 2010.

Eastside Parkway

Nothing in the Board materials provides assurance that work will not be performed on the Eastside Parkway project pursuant to the contracts. The contract should specify that no work will be performed on the Eastside Parkway unless and until the Board authorizes it in an adequately noticed public hearing.

Offer to Meet

KFOR offers to meet with you to discuss these concerns in the hope of resolving them. KFOR urges FORA not to act on this item or any item regarding South Boundary Road and Gigling Road until FORA has understood and resolved the issues raised in this letter, FORA has provided the written responses to KFOR and all interested persons, FORA has met with KFOR, and FORA has held a properly noticed public meeting to consider the action FORA is contemplating. FORA controls the schedule with regard to its actions. KFOR does not control the schedule.

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Request

KFOW urges the Board to continue the items to allow time for FORA to publicly address and respond to the issues raised in this letter and by other commenters. KFOW urges the Board to continue the items to ensure proper environmental review of the road projects to comply with the requirements of CEQA, NEPA and FORA. The Board should not approve the projects based on the environmental documentation (EA/IS) purportedly certified in 2010. The projects need an environmental impact report due to the issues identified above and issues that would no doubt be disclosed when the projects are more accurately described to the public.

Reiterated request for notice

KFOW again requests at least ten days' advance notice of any action by FORA as to the Gigling and South Boundary Road projects. KFOW wants to participate in future hearings on these and all other FORA road projects.

This letter was drafted in September for the Board's September meeting but the items were continued. Thank you.

Very truly yours,

STAMP | ERICKSON

/s/ Molly Erickson

Molly Erickson