

Draft Fort Ord Habitat Conservation Plan and Draft Environmental Impact Statement/Environmental Impact Report

FREQUENTLY ASKED QUESTIONS

What is available for public review?

The U.S. Fish and Wildlife Service (USFWS) and Fort Ord Reuse Authority (FORA) are seeking input from the public on the Draft Fort Ord Multi-Species Habitat Conservation Plan (Draft HCP) and associated Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR). This joint National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) document has been prepared to analyze the effects of the Proposed Action, which is the issuance of Federal and State incidental take permits (ITPs) by the USFWS under Section 10(a)(1)(B) of the Federal Endangered Species Act (ESA), and by the California Department of Fish and Wildlife (CDFW) under Section 2081 of the California Fish and Game Code in compliance with the California Endangered Species Act (CESA).

The issuance of the ITPs would authorize take of the eight State and Federally listed species identified in the Draft HCP during the course of the redevelopment of the former Fort Ord military base. FORA and its member jurisdictions have prepared the Draft HCP as a required component of the application for the Federal ITP.

The USFWS is acting as lead agency under NEPA and FORA is acting as lead agency under CEQA.

The USFWS will accept written comments during a 45-day public comment period.

How can people submit their comments?

The 45-day comment period was initiated on November 1, 2019, and ends Monday, December 16, 2019. Interested parties can submit their comments by U.S. mail, email, or fax on or before 5 pm, Monday, December 16, 2019.

U.S. mail: Send your comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.

Facsimile: Fax your comments to 805-644-3958.

Email: fw8fortordhcp@fws.gov

What is the purpose of the Draft Fort Ord Habitat Conservation Plan?

The U.S. Army's decision to close and dispose of the Fort Ord military base was considered a major Federal action that could affect listed species under the Federal ESA. In 1993, the USFWS issued a Biological Opinion on the disposal and reuse of former Fort Ord requiring that a habitat management plan be developed and implemented to reduce the incidental take of listed species and loss of habitat that supports these species. In April 1997, the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord (HMP) was issued by the U.S. Army Corps of Engineers (USACE) on behalf of the U.S. Department of the Army (Army). The HMP established a comprehensive species and habitat conservation program as part of the closure, disposal, and reuse of former Fort Ord lands.

While the HMP provides a framework for species and habitat conservation on former Fort Ord, it serves as a Federal agreement between the Army and USFWS and only provides incidental take authorization for

Federal actions. It does not provide specific authorization for incidental take of Federal or State listed species to existing or future non-federal land recipients under the ESA or CESA for the required habitat management activities and reuse of the former Fort Ord. In addition, the HMP does not meet USFWS or CDFW standards or requirements for an application soliciting the issuance of ITPs.

Therefore, FORA has pursued completion of the Draft HCP as the best base-wide, holistic mechanism to implement the conservation elements of the Base Reuse Plan and the habitat protection requirements of the Army's HMP, as well as provide incidental take authorization for reuse activities.

The Draft HCP outlines a collaborative and comprehensive strategy that will allow the USFWS and CDFW to work with the Permittees to balance residential, commercial, and recreational development with the conservation and protection of rare wildlife, plants, and their habitats in the Plan Area. The proposed plan describes measures designed to avoid, minimize, and offset the effects of future commercial, residential, and recreational development to ensure the conservation and protection of the following species:

Wildlife

California tiger salamander (*Ambystoma californiense*) (Federally threatened and State threatened)

California red-legged frog (*Rana draytonii*) (Federally threatened)

Western snowy plover (*Charadrius nivosus nivosus*) (Federally threatened)

Smith's blue butterfly (*Euphilotes enoptes smithi*) (Federally endangered)

Plants

Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*) (Federally endangered and State threatened)

Yadon's piperia (*Piperia yadonii*) (Federally endangered)

Seaside bird's beak (*Cordylanthus rigidus* ssp. *littoralis*) (State endangered)

Monterey spineflower (*Chorizanthe pungens* var. *pungens*) (Federally threatened)

What does a Habitat Conservation Plan do?

A Habitat Conservation Plan is required as part of an application for an incidental "take" permit. "Take" is defined under the Endangered Species Act (ESA) as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." "Incidental take" is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. A Habitat Conservation Plan describes the anticipated effects of the proposed take, how those impacts will be minimized or offset, and how the Habitat Conservation Plan will be funded.

How would this Plan assist these species?

Working together with the Permittees and the local community, the Draft HCP finds a balance between economic growth through residential, commercial, and recreational development and habitat management that avoids and minimizes effects to listed species and contributes to their recovery.

Each covered activity implemented under the Draft HCP would implement measures to avoid and minimize project impacts to covered species and to natural communities that provide habitat for these species. Species and habitat impacts that cannot be avoided would be offset by the preservation and management of existing high-quality habitat and restoration of degraded habitat. These preserved and restored areas would protect habitat and species populations in perpetuity and would be managed and monitored in perpetuity to assure that biological goals and objectives of the habitat conservation plan are met.

Who are the applicants for the incidental take permit, and how much land does the Habitat Conservation Plan cover?

The Fort Ord Reuse Authority represents 13 entities that are jointly applying for an incidental take permit. They include: Fort Ord Reuse Authority, California Department of Parks and Recreation, Regents of the University of California (Santa Cruz Campus), County of Monterey, City of Marina, City of Seaside, City of Del Rey Oaks, City of Monterey, Board of Trustees of California State University (on behalf of the Monterey Bay Campus), Monterey Peninsula College, Monterey Peninsula Regional Park District, Marina Coast Water District, and Fort Ord Regional Habitat Cooperative.

The former Fort Ord Army Base encompasses approximately 28,000 acres. Permitted activities could occur on those portions of the base that have been or will be transferred out of Federal ownership, totaling approximately 13,000 acres. Of this acreage, approximately 9,300 acres are designated as development areas, and 3,700 acres are designated as habitat areas under the HMP. The remainder of the former base remains in Federal ownership with the majority of the conserved lands being held by the Bureau of Land Management.

What would be the length of the proposed permit under the Habitat Conservation Plan?

The requested permit term under the Habitat Conservation Plan is 50 years after the plan becomes effective.

What is an Environmental Impact Statement?

An Environmental Impact Statement (EIS) is required under the National Environmental Policy Act (NEPA) for certain actions that may significantly affect the quality of the human environment. An EIS is used as a tool for decision-making by describing the positive and negative environmental effects of a proposed action, in this case the issuance of an incidental take permit that would address development and use of the former Fort Ord in accordance with the Draft HCP. The EIS also analyzes two alternatives to the Proposed Action.

The EIS/EIR analyzes the potential impacts of approving the Proposed Action, including the issuance of the ITPs by the USFWS and CDFW, approval and implementation of the Draft HCP, and a reasonable range of alternatives. Several alternatives, including the No Action Alternative, are considered and analyzed, representing varying levels of conservation and impacts.

What is an Environmental Impact Report?

An Environmental Impact Report (EIR) is an informational document prepared in compliance with CEQA which provides public agencies and the general public with detailed information about the effect that a proposed project is likely to have on the environment. The EIR also lists the ways in which these environmental effects might be minimized and whether there are any reasonable alternatives to such a project.

Does the EIS/EIR authorize or approve any development activities?

No, the Draft HCP EIS/EIR analyzes the Proposed Action, which includes the issuance of the ITPs by the USFWS and CDFW, approval and implementation of the Draft HCP. As a result, only activities involving implementation of the HCP (i.e., habitat management activities) would be approved or authorized, if FORA approves the project and certifies the EIR. Any future development activities would require project-specific environmental analysis and public outreach in accordance with CEQA and/or NEPA.

What issues of concern were brought up during the public scoping process?

- Issues related to air quality, including impacts resulting from implementation of the Draft HCP (including prescribed burns and vehicle emissions), consistency with the Air Quality Management Plan, addressing the general conformity rule, and direct and indirect source emissions.
- Issues related to biological resources, including potential negative impacts from prescribed burns and mowing, invasion of non-native plant and animal species, adequacy of vegetation mapping, adaptive management, species to be analyzed in the EIS/EIR, potential impacts from domestic pets, habitat fragmentation, implementation of the vegetation management program and adequacy of funding, edge effects, and cumulative impacts.
- Issues related to referencing previous environmental and planning documents, and the relationship of the proposed Draft HCP to previous environmental documentation.
- Wildfire issues related to the installation of adequate fuelbreaks, frequency and intensity of proposed prescribed burns, risk to human safety and health, and potential of natural wildfires.
- Issues regarding the consideration and identification of the location(s) of proposed water supply and other water facility projects on the former Fort Ord and inclusion of these projects in the cumulative impact analysis.

These potential issues and impacts were analyzed in the EIR/EIR and all potentially significant impacts can be reduced to a less-than-significant level with implementation of the Avoidance and Minimization Measures (AMMs) and Mitigation Measures (MMs) identified in the Draft HCP and/or with implementation of the mitigation measures identified in the EIS/EIR.

What type of information is the agency seeking during the public comment process?

The USFWS welcomes public input on the Draft HCP and its associated EIS/EIR. The public is invited to comment on the proposed covered activities, minimization, and mitigation measures.

For more information about Habitat Conservation Plans, visit: <https://www.fws.gov/endangered/esa-library/pdf/hcp.pdf>

What happens next?

At the close of the public review period, the USFWS and FORA will consider and address public comments and prepare a Final EIS/EIR. A review of the Proposed Action will be conducted according to the requirements of NEPA, CEQA, Federal ESA, and CESA and their regulations, other relevant federal laws, regulations, policies, and guidance, and our procedures for compliance with applicable regulations.

As the lead agency under CEQA, FORA would be the first of the Permittees to make a decision to certify that the EIS/EIR impact analysis is adequate to provide CEQA compliance for its decision to approve the Draft HCP or other action alternative.

The USFWS will consider the incidental take permit application and determine whether the permit should be issued. The CDFW will review the application for consistency with the requirements of CESA, including compliance with CEQA. There is no required public noticing associated with Section 2081 permits apart from CEQA review. The CDFW will make a determination on the permit application, prepare a findings document, and may or may not issue a take authorization upon completion of CEQA review.