



APPROVED

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) HABITAT WORKING GROUP

10:00 a.m. Friday, January 31, 2020 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Jane Parker called the meeting to order at 10:01 a.m.

The following FORA Board and Administration Committee members were present:

Melanie Beretti (County of Monterey)
Patrick Breen (MCWD)
Councilmember John Gaglioti (City of Del Rey Oaks)
Councilmember Alan Haffa (City of Monterey)
Layne Long (City of Marina)
Craig Malin (City of Seaside)
Steve Martin (MPC)
Steve Matarazzo (UCSC)
Mayor Pro Tem Gail Morton (City of Marina)
Councilmember Ian Oglesby (City of Seaside)
Supervisor Jane Parker (Monterey County)
Dino Pick (City of Del Rey Oaks)
Anya Spear (CSUMB)
Hans Uslar (City of Monterey)

Members of the Consultant Team included:

Kendall Flint (RGS)
Aaron Gabbe (ICF)
Tom Graves (RGS)
Erin Harwayne (DDA) (via phone)
Kristie Reimer (RMA)
David Willoughby (KAG)

2. PUBLIC COMMENT PERIOD

No public comments were received.

3. BUSINESS ITEMS

a. Today's Meeting Objective

Not discussed.

b. Review and next steps on Habitat discussion

i. Recap discussion from January 24th

Not discussed.

ii. Pros and Cons of continued discussions on reduced scope HCP – Should discussions continue?

Co-Chair Parker asked the HWG whether they want to continue working as a group on habitat issues, or would they like to tackle the issues on their own. Mr. Haffa and Mr. Gaglioti noted that the City of Monterey and the City of Del Rey Oaks, respectively, are interested in a Joint Powers Authority (“JPA”) for a Habitat Conservation Plan (“HCP”), not a Habitat Management Plan (“HMP”). Co-Chair Parker noted that the County of Monterey is interested in a reduced scope or phased HCP. Ms. Morton stated that the City of Marina supports moving forward with an interim JPA with a cutoff date. Ms. Damon stated that the City of Seaside is interested in creating a structure that allows the basic habitat management functions to be funded. Mr. Martin of MPC said that they are very interested in continuing the discussion and moving the HCP forward. Mr. Matarazzo (UCSC), Mr. Breen (MCWD), Mr. Bachman (California State Parks), and Dr. Payan (Monterey Peninsula Regional Parks) affirmed their organizations’ support of an HCP. After receiving supportive comments, Co-Chair Parker stated that it is worth it to continue having this conversation. Co-Chair Metz stated that FORA staff will put together an agenda and that he’ll have Ms. Flint set up items for discussion, with Co-Chair Parker and himself moderating.

Ms. Flint stated to the group that they have three possible options moving forward: Option 1: certify the EIR and adopt the HCP in current form; Option 2: not adopt the HCP and consider certifying the EIR. Continue coordinated habitat planning beyond FORA via formation of a new JPA. Revise & republish HCP to reflect a “phased” approach and more closely align with development; or Option 3: do not adopt the HCP and continue individual implementation of the Habitat Management Plan. A discussion took place among the members regarding the three options and the legal ramifications for each, with Mr. Willoughby providing FORA Authority Counsel’s perspective on the issues. Ms. Morton asked CDFW if they are prepared to give the group a basewide permit. Ms. Vance noted that without the BLM lands for California Tiger Salamander and Sand Gilia, the basewide permit is an option, pending some revisions.

iii. If yes to ii, what steps needs to be taken in the next few weeks to preserve this option post June 30, 2020?

Mr. Haffa motioned for the HWG to move forward with Option 2 including the EIR/EIS and Mr. Gaglioti seconded. Mr. Pick noted that it seems the HWG is in agreement on most of the core tenets of Option 2 and that the HWG should move forward by recommending that the FORA board certifies the EIR/EIS. Ms. Flint made a recommendation to table the motion until the HWG hears back from FORA consultants regarding the financial and legal details of executing Option 2. She noted that the HWG could have that feedback by the end of February in time for the March 12 FORA board meeting. Ms. Morton asked that this recommendation be moved to the FORA Finance Committee so they can examine how it will impact the midyear budget. Mr. Oglesby suggested that the HWG move the recommendation to the Executive Committee so that it can then move to the Finance Committee. A discussion took

place regarding whether the HWG should move forward with Mr. Haffa’s motion, and if not, how to capture the group’s consensus so that it is officially recorded. Co-Chair Parker recommended taking a straw poll on the various points of the motion to see where the group stands on them.

Points	Consensus
1. FORA staff and consultants to contract with CEQA attorney to opine on legality and risks of certifying an EIR without approving a project (HCP).	YES
2. Interest in forming a legal entity (i.e. JPA) that could be delegated FORA Board’s habitat management and conservation responsibilities (Option 2).	YES
3. Establish an escrow account to hold funds currently planned to for use as HCP endowment while JPA-based habitat planning efforts continue.	YES
4. Request FORA Executive and Finance committees consider habitat endowment funds for the JPA process.	YES

iv. If no to ii, what steps needs to be taken convey the \$17M for existing habitat obligations?

Not applicable.

c. Review of option for focus of future working group

Co-Chair Metz stated that FORA can direct its Authority Counsel to start preparing a draft JPA for the HWG to consider. Mr. Willoughby stated that he can circulate a skeletal version of the last draft JPA to the various jurisdictions’ attorneys and have it serve as a clearinghouse for their comments and suggestions.

Co-Chair Parker suggested that the HWG discuss financial details in the next week’s meeting, however, Co-Chair Metz noted that FORA consultant Ellen Martin has not received any feedback from the jurisdictions and that she would be hard-pressed to bring back anything of substance by the February 7 HWG meeting. The HWG heard from Ms. Harwayne and Mr. Gabbe regarding the timing and substance of their analyses that they are preparing for the HWG. Based on this feedback, Ms. Morton recommended that the HWG not meet on February 7, and that instead the jurisdictions take the time to meet with Ms. Harwayne and hone in on phasing projections.

d. Review of options for staffing and meetings

Co-Chair Metz noted the following tentative meeting schedule and topics:

- February 7 – meeting cancelled
- February 14 – discussion of the JPA draft document and its language
- February 21 – discussion of finances and the HMP management cost model

- February 28 – discussion of the phasing (hopefully with feedback from regulators and consultants)

Co-Chair Metz noted that the points listed in the straw poll will be included in the next meeting's agenda for members to review.

e. Other discussion

None

4. ITEMS FROM MEMBERS

None

5. ADJOURNMENT at 11:57 a.m.