

Fort Ord Reuse Authority 2012 Legislative Agenda

Work Program Approved 11/18/11

The 2012 Fort Ord Reuse Authority ("FORA") Legislative Agenda/Work Program defines policy positions on legislative, regulatory, or federal/state resource allocation issues. The program goal is to improve reuse of the former Fort Ord by replacing the regional economic support once offered by military activity on the former Fort Ord. The Legislative Agenda provides baseline direction for state and federal agencies regarding former Fort Ord property transfer, economic development, hazard remediation, habitat management, and infrastructure and mitigation funding. The order of the items herein does not indicate priority as each item is considered a "priority" in achieving FORA's objectives.

A. Potential Legislation regarding Fort Ord Reuse Authority future obligations.

ISSUE: FORA has responsibilities that survive FORA's legislative sunset date, June 30, 2014. One option would be to extend FORA for a limited/fixed period of time. As such, since a legislative action requires a full year lead time, it would be prudent to act on legislation in this coming legislative calendar as was presented to the FORA Board in past meetings.

- **Benefits:** FORA extension retains institutional memory, expertise, financing powers, etc. Extension also maintains existing grant and funding sources, regulatory agency reporting relationships, and the potential to continue current insurance coverage(s).
- **Challenges:** Requires action by state legislature, political issues and perspective of local jurisdictions must be consulted/considered.
- **Proposed Position:** Begin process to extend FORA to a date certain.

B. Continue support for the development of the Central Coast Veterans Cemetery on the former Fort Ord, support legislation that would allow money deposited in the Endowment to be reimbursed after reimbursement has been made by the Federal Department of Veterans Affairs, and implementing the terms of AB 629.

ISSUE: Burial space for California Central Coast veterans is inadequate. Former Fort Ord is centrally located and has land designated for a new veterans cemetery. Assemblymember Bill Monning sponsored legislation to allow FORA to assist in cost containment which is now law. New legislation is needed that would allow money deposited in the State's Cemetery Endowment account by a local entity to be reimbursed after the Federal Department of Veterans Affairs (Federal VA) cemetery design and construction reimbursement occurs and the State VA confirms that sufficient funding for Operations and Maintenance can be sustained after reimbursing local entity. This legislation would bolster local fundraising efforts.

- **Benefits:** This cemetery would provide local burial space for the region's approximately 50,000 veterans. An interment benefit increase would decrease endowment funding needs to support cemetery operations and maintenance.
- **Challenges:** Although the Federal government reimburses the entire cemetery construction cost, the State of California must apply for inclusion in the State Veterans Cemetery program before initiating construction. The cost of design and processing is expected to be more than \$2M – with FORA's help that cost could be contained by 25%

- implementing will require FORA focus with California Department of Veterans Affairs and potential close coordination with other state entities. Operating and maintaining the cemetery (estimated at \$200,000 +/- per year) must have a guaranteed payer in the form of trust account deposits.

➤ **Proposed Position:**

- Support implementation, budget actions and funding options to design, build and operate the Central Coast Veterans Cemetery;
- Support efforts to sustain priority standing for the Central Coast Veterans Cemetery with the CA and US Departments of Veterans Affairs;
- Support legislation that would allow money deposited in the Endowment to be reimbursed after Federal VA reimbursement.
- Support a U.S. Veterans/Administration burial reimbursement increase.

C. Work with the Monterey County Water Resources Agency (“MCWRA”), the Monterey Regional Water Pollution Control Agency (“MRWPCA”), the Marina Coast Water District (“MCWD”), local jurisdictions and others to secure State bond funds and Federal funding to augment FORA’s water supply capital needs if and as a regional project moves ahead.

ISSUE: The FORA Capital Improvement Program includes \$40-42,000,000 to fund the Water Augmentation Program for the necessary Base Reuse Plan supplemental water needs for complete build-out. Securing funds to assist this requirement, now dependent solely on funding from the FORA Community Facilities District development fees, could help the timely implementation of the recycled water and desalination water facilities.

- **Benefits:** Reuse, as permitted under the Base Reuse Plan, can occur as long as financing and installation of the augmenting water facilities proceed. Additional grant funding could reduce acre-feet per year costs of securing water resources for the jurisdictions and reduce the hefty capital charges that may otherwise be required.
- **Challenges:** Competing water projects throughout the Region and State for scarce proceeds. No current federal program exists for this funding.
- **Proposed Position:** Support and coordinate efforts with MCWD, MCWRA, MRWPCA, other agencies and FORA jurisdictions for securing funding and/or to endorse the use of other fund mechanisms proposed for this purpose.

D. Work with the Transportation Agency for Monterey County (“TAMC”) and local jurisdictions to secure transportation funds.

ISSUE: The FORA Capital Improvement Program requires mitigations of more than \$125,000,000 for transportation infrastructure on and proximate to the former Fort Ord. Some of this funding requires a local, or other, match from the appropriate regional or state transportation body to bring individual projects to completion.

- **Benefits:** The timely installation of required on-site, off-site and regional roadway improvements supports accommodating development impacts and maintaining and improving levels of service vital to the regional economy.
- **Challenges:** Applying scarce transportation funds to the appropriate projects to optimize transportation system network enhancements. The remaining federal programs that offer grants or low cost resources are dwindling and increasingly competitive. This includes the Tiger Grant Program and special Defense Department programs.
- **Proposed Position:** Support and coordinate with TAMC and others for state infrastructure bonds, federal authorization or other grant/loan resources.

E. Work with the State Assembly Districts and the State Legislature in support of California State University's ("CSU's") requests for campus impact mitigation funds for the CSU Monterey Bay ("CSUMB") campus. Coordinate with CSUMB on requests for building removal and contaminant waste abatement on the former Fort Ord.

- ISSUE:**
- a) In July 2006, the State of California Supreme Court ruled that CSU must mitigate off-campus impacts from CSUMB campus development/growth. In order to fund its obligations, CSU requests funds from the State Legislature.
 - b) Contaminated building removal is a significant expense to CSUMB (\$26 million) and other former Fort Ord land use entities (\$43 million). A coordinated effort is more likely to achieve funding success and in FY 2010-2011 FORA assisted CSUMB in making application for funding from DOD to fund certain building removal efforts.
 - **Benefits:** Supporting state budget approval of off-campus mitigation impact funding requests helps address CSU's fair share contribution. Similarly, a coordinated effort to secure building removal resources will help all levels of the regional reuse program.
 - **Challenges:** Competition for state funds will be keen. CSUMB is only one in the 23-campus system – all seeking capital and other funds.
 - **Proposed Position:** Support state budget off-campus impact and building removal earmarks requested by CSU for the CSUMB campus and continue coordination with CSUMB for federal support.

F. Work with the County of Monterey to assist Monterey Peninsula College ("MPC") to obtain capital and program funding for its former Fort Ord Public Safety Officer Training Programs.

- ISSUE:** FORA/County agreed to assist MPC in securing program funds in 2003.
- **Benefits:** The Public Safety Officer Training Program is an important component of MPC's Fort Ord reuse efforts, and will enhance public safety training at the regional and state levels. Adequate funding is critical.
 - **Challenges:** Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted.
 - **Proposed Position:** Pursue legislative or other actions to support MPC efforts to secure funding sources.

G. Continue/enhance coordination with 17th Congressional District, 15th & 12th State Senate Districts, and 27th & 28th State Assembly Districts to secure HCP approval.

- ISSUE:** HCP approval remains critical to former Fort Ord reuse. Alternatives to a basewide HCP are costly and time consuming and do not effectively serve the goal of managing or protecting endangered species.
- **Benefits:** HCP approval is essential to protecting habitat and effectively developing jobs and housing for the region.
 - **Challenges:** Processing the HCP in past ten years has been frustrating and costly. Insufficient federal and state agency resources and overlapping regulatory barriers have thwarted the HCP process.
 - **Proposed Position:** Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing – insisting on continued vigilance and cooperation among the regulatory agencies.

H. Continue, coordinate and enhance efforts to seek federal National Landscape Conservation System (“NLCS”) designation for the former Fort Ord Bureau of Land Management (“BLM”) Natural Resource Management Area. The NLCS categories are; 1) National Monuments, National Conservation Areas (“NCA”) and similar designations; 2) Wilderness; 3) Wild and Scenic Rivers; and 4) National Trails.

ISSUE: Habitat Conservation Plan (“HCP”) approval and implementation are essential to former Fort Ord reuse. Obtaining NLCS categorical designation for BLM’s former Fort Ord property supports HCP implementation and future funding eligibility through national recognition of the property’s unique ecological and recreational resources.

- **Benefits:** National attention to the unique flora, fauna and recreational resources found on current and future former Fort Ord BLM property. Supports Fort Ord Habitat Management Plan and HCP preservation. Since availability of public and private grant funding fluctuates, having an appropriate national designation emphasizes the national significance of BLM’s former Fort Ord property to potential donors and other funding sources. By advocating NLCS designation that affords national recognition, FORA supports the BLM mission and former Fort Ord recreation and tourism, helping BLM become more competitive for resources.
- **Challenges:** Each year, the local BLM office competes nationally to receive public and private grants and federal appropriations that support its mission. Some designation efforts may add unknown restrictions.
- **Proposed Position:** Continue support – work with Congressman Farr’s office to introduce/sponsor legislation or advocate an executive order from the President (through the Antiquities Act) for a National Monument designation (or other appropriate national designation) for former Fort Ord BLM property. Assure that designation does not add restrictions that interfere with reuse or HCP implementation.

I. Coordinate efforts with other Monterey Bay agency legislative issues.

ISSUE: Monterey-Salinas Transit, Transportation Agency for Monterey County and the County of Monterey have adopted legislative programs, some will have Fort Ord reuse impacts.

- **Benefits:** Collaborative efforts for funding by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering matching funds.
- **Challenges:** State and federal funding is limited during and competition for available funds will be keen.
- **Proposed Position:** Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.