



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 22-460

May 24, 2022

Introduced: 5/13/2022

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Receive an update on the County Habitat Resource Management Plan related to the former Fort Ord properties owned by the County of Monterey and Monterey Peninsula College;
- b. Provide direction to staff regarding the land use designations for Borderland parcels;
- c. Consider authorizing the Housing and Community Development Department to utilize the County Habitat Management Funds, Fund 029, to proceed to fund biological surveys for properties owned by the Monterey Peninsula College; and
- d. Provide direction to staff.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive an update on the County Habitat Resource Management Plan related to the former Fort Ord properties owned by the County of Monterey and Monterey Peninsula College;
- b. Provide direction to staff regarding the land use designations for borderland parcels;
- c. Authorize the Housing and Community Development Department to utilize the County Habitat Management Funds, Fund 029, to proceed to fund biological surveys for properties owned by the Monterey Peninsula College; and
- d. Provide direction to staff.

SUMMARY:

On April 20, 2021, the Board approved a Professional Services Agreement (A-15192) with a consultant to assist the County in completing a Habitat Resource Management Plan (RMP) on former Fort Ord lands owned by the County (approximately 2,077 acres) and owned by Monterey Peninsula College (MPC - approximately 485 acres). On October 5, 2021, the County provided an update to the Board, which included review and feedback of the project timeline and the draft Public Participation Plan (PPP). In addition, staff discussed the funding status of MPC for properties within the RMP owned by the institution. The Board directed staff to pursue discussions with MPC regarding its fair share contribution toward the cost of the RMP on MPC lands while continuing to move the development of the RMP forward.

Staff is returning to the Board to provide an update on status of the RMP and MPC funding discussions. In addition, Board direction is requested with respect to the land use designations for Borderland parcels, as described in and subject to the Installation-Wide Multispecies Habitat Management Plan (HMP) for former Fort Ord.

DISCUSSION

Since the RMP status update provided to the Board on October 5, 2021, there has been good progress toward preparing and completing the RMP. County staff held meetings with U.S. Fish & Wildlife Service (USFWS), MPC, and the Bureau of Land Management (BLM) on the overall RMP approach, discussions on borderland and financial discussions with MPC. HCD's consultant has completed site surveys, prepared draft baseline maps, narratives and finalized the PPP, including the Board's directed revisions from its last meeting. Staff is working to set up community workshop meetings and stakeholders meeting to engage the public and other agencies for their input/feedback into the RMP. After these meetings, an administrative draft RMP is to be completed and internally circulated. Staff will host another set of meeting with the community and its stakeholders, followed by bringing the item back to the Board for review.

Resource Management Plan

The purpose of the RMP is to provide a resource management plan for areas owned by the County and MPC in compliance with the HMP and federal Endangered Species Act (ESA). As described in the consultant's scope of work, the RMP will include the following information:

- baseline inventory
- description of potential future development projects within HMAs
- goals and objectives
- habitat management activities, including
 - erosion control
 - restoration/enhancement
 - non-native species control
 - prescribed burns/alternative vegetative treatments
 - security/patrols
 - vehicle access controls
 - signage/displays
 - trash/debris maintenance
 - road/trail maintenance
 - fuelbreak construction and maintenance
 - preservation
- borderland and interim habitat management parcel requirements
- avoidance and minimization measures
- monitoring program
- implementation plan (including two scenarios: entire plan implementation and phased implementation)
- adaptive management strategies

The implementation plan will include a discussion of potential funding sources, including potential revenue sources if future development does not occur in designated development parcels. In addition, a cost estimate will be developed for the implementation of the proposed habitat management activities identified in the RMP. The cost estimate will include costs under two scenarios: implementation of the entire plan and phased implementation of the plan.

County Habitat Management Areas and Borderland Parcels

The County owns a total of approximately 2,636 acres on the former Fort Ord. There are lands within former Fort Ord that are designated for specific uses as identified by the Fort Ord Master Plan. In addition to this, an Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord (HMP) was completed that outlined requirements for properties transferred and owned by the County. A total of approximately 559 acres County-owned land consisting of parcels designated for development on the former Fort Ord that are not subject to the requirements of the HMP. These development parcels include parcels generally located to the west adjacent to the Cities of Seaside and Marina, a large parcel adjacent to Highway 68 at Laguna Seca, and some small County roadway segments and rights-of-way.

A total of approximately 2,077 acres of County-owned land in the former Fort Ord are subject to the HMP. These lands can be broken into two major categories: 1) Habitat Management Areas (referred to as HMAs); and 2) Borderland parcels. All the lands, HMAs and Borderlands, are subject to the HMP and require either a resource management plan or borderlands management plan (which will be included as part of the County's RMP) be developed to comply with the HMP and federal Endangered Species Act (ESA). The RMP includes approximately 1,540 acres HMAs and 537 acres of Borderland parcels owned by the County (see Figure 1 in Attachment A). Borderland parcels are identified in the HMP as development parcels that abut the HMAs and are designated for development, with the intention to prevent the loss and degradation of protected species on the Borderland parcels until such time that they are developed and to protect the HMAs from impacts resulting from the current uses, future development, invasive species, erosion, and trespassing. The County is responsible in perpetuity to protect the HMAs from impact along the portions of these Borderland parcels that abut HMAs (the blue lines in Figure 1 of Attachment A), as well as to provide minimal habitat management for these lands until such a time they are developed (the entire yellow shaded areas in Figure 1 of Attachment A).

Certain Borderland parcels (or portions thereof) have or are intended to have limitations to restrict future development (discussed below). In addition, staff recognize that significant constraints exist on the former Fort Ord that severely limit future development including but not limited to limited water resources, lack of existing infrastructure, presence of protected species, and residential unit caps. Staff feels that by eliminating or significantly reducing a Borderland's development land use designation could serve as a reasonable substitute measure in lieu of the minimal habitat management activity required until such as such parcels would have developed.

Staff met with the USFWS and the BLM to discuss the regulatory requirements and management approach for the Borderland parcels in the RMP. Staff discussed with the agencies the possibility that for parcels (or portions thereof) formally changed to open space/conservation (i.e., no longer designated for development) that the requirement for interim habitat management as anticipated in the HMP may no longer be required as there would be no future development on the parcel. This is anticipated in turn to release costs associated with interim habitat management as part of the RMP. Though these costs are still unknown, in discussions with USFWS, they are open to the possibility of these areas being designated as open space and could potentially substitute or remove the need for the interim habitat management obligation on those Borderland parcels. The Board of Supervisors should

discuss and provide direction if it desires to see these Borderland parcels, or portions thereof, included as open space or conservation parcels within the RMP.

East Garrison II Parcels

In 2016, the County accepted transfer of ownership of Assessor's Parcel No. 031-161-032 (L23.3.3.1 and L23.3.3.2) and Assessor's Parcel No. 031-161-040 (L23.3.2.2) (the "East Garrison II parcels" also known as Governmental Purposes Open Space/Recreation Parcels) from the Successor Agency to the Redevelopment Agency of the County of Monterey (Successor Agency). These parcels are labeled as "Gov't Purposes OS/REC" and are also identified as Borderlands in the HMP (see purple lines in Figure 2 of Attachment B). The East Garrison II parcels are designated as "Planned Development Mixed Use" in the County General Plan, but the future development potential of these parcels is severely constrained as discussed above. As part of the dissolution process, these parcels were identified in the Successor Agency's Long-Range Property Management Plan (LRPMP), approved in 2015 by the California Department of Finance (DOF), to be retained for governmental use and proposed to transfer to the County to retain as open space. Since the Successor Agency represented to DOF that it did not intend to develop the East Garrison II parcels, it's a commitment the Successor Agency made to the state and is now the County's commitment through its acceptance of these properties. If the Successor Agency (and now County) intended to develop these parcels, the Successor Agency would have been required to be sold and the proceeds be distributed to the taxing entities.

Due to the restrictions of these East Garrison II parcels to be retained for governmental use as open space per DOF's approval of the LRPMP, which the County has accepted, these parcels can only be used for open space and recreation and cannot be developed in the future. Therefore, staff will pursue the alternative within the RMP to remove the interim habitat management requirement on these East Garrison II parcels.

Proposed Future Oak Woodland Conservation Area

In 2017, the County and City of Seaside began collaboration through a consultant hired by the former Fort Ord Reuse Authority (FORA) to designate and respectively manage and monitor an oak woodland conservation area within the developable parcels to meet certain biological resource policies of the Fort Ord Base Reuse Plan and incorporated into the County's General Plan, Fort Ord Master Plan. In spring 2018, the Board of Supervisors received a presentation on the Oak Woodland Conservation Area (OWCA) project and provided direction to staff regarding the conceptual location of the OWCA. While the project has effectively been on hold since that time, on June 16, 2020, the Board approved a series of agreements to allow the County to assume the consultant contract and remaining funding for this work from the now dissolved FORA. This project is included as part of the Five-Year Long-Range Planning Work Program as a Fiscal Year 2022-2023 priority that was considered by the Board at its March 22, 2022, meeting.

It is anticipated that the RMP will be completed prior to establishing the OWCA; however, the current proposed conceptual location for the OWCA includes portions of several the Borderland parcels and will eliminate the ability for development on the property to be included as part of the OWCA, if and once established (see Figure 3 in Attachment C). Staff intends to pursue the alternative within the RMP that would allow for the interim habitat management responsibilities to no longer be required at

such time that an OWCA is formally established.

Remaining Borderland Parcels

The remaining County-owned Borderlands are designated for future development and therefore subject to interim habitat management requirements. Recognizing that significant constraints exist that severely limit future development of these parcels, staff has identified three options of how these Borderland parcels are addressed in the RMP with respect to the interim habitat management requirements:

Option 1 - Maintain status quo that these Borderland parcels may be developed in the future and are therefore subject to interim habitat management requirements until such time as they are developed

Option 2 - Recognizing the development constraints, acknowledge these Borderland parcels as developable, but try to negotiate a term that in the future should any parcels or portions thereof be formally designed for open space/conservation, at such time the interim habitat management responsibilities (and therefore associated costs) would no longer be required.

Option 3 - Consider formally designating the Borderland parcels for open space/conservation now, and negotiate the term that interim habitat management is not required in the RMP.

Staff is seeking Board direction as to which option to pursue with respect to these remaining Borderland parcels in the RMP.

Monterey Peninsula College Land and Funding

The RMP also proposes to include HMAs (approximately 201 acres) and Borderland parcels (approximately 284 acres) that are owned by MPC (see Figure 4 in Attachment D). Costs to complete this portion of the RMP is \$70,000, which does not include environmental review or implementation of the RMP. Staff met with MPC multiple times in late 2021 and early 2022 to discuss the current funding status and a fair share contribution to the development of the RMP. MPC was provided with the cost of their portion of the RMP, and MPC staff has expressed the intent to contribute financially to the RMP. It is proposed that the County and MPC develop a Memorandum of Understanding (MOU) to address coordination, funding and agreement related to the MCP lands inclusion in the RMP. Although there was not an agreement to the fair share contribution, MPC staff has verbally agreed to fund the MPC-portion of the RMP costs (\$70,000 for RMP plus up to an estimated \$30,000 for environmental review) and has been showing good faith in being able to come to an agreement and bringing this request for funding before the MPC Board of Trustees. MPC is currently drafting a MOU and has committed to providing a draft to the County by or before May 24, 2022.

In the meantime, a critical time window for spring surveys of the early blooming Monterey gilia has passed. Since staff was unable to return to the Board of Supervisors with an update showing progress with MPC until May 24th and therefore was not able to authorize this early survey work under the County's contract and funding, MPC has secured the same outside consultant as the County to complete this limited scope of the biological surveys. That work was completed by MPC at the end of April. There are remaining biological spring surveys that need to be completed and are proposed to commence late May on MPC properties. In addition, the draft RMP is anticipated this spring and public outreach intended to commence as well. Based on MPC's good faith efforts toward

coordinating and funding the RMP, staff recommends that the Board authorize the HCD to complete the remaining survey work on MPC lands through the County's RMP contract. This recommendation is contingent upon receipt of a draft MOU from MPC by or before the May 24 Board of Supervisors meeting that outlines clearly MPC's commitment to fund its fair share contribution for the development of the RMP.

OTHER AGENCY REVIEW

Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey.

FINANCING:

Funding for staff time related to the Habitat Management Program for Fort Ord and the consultant work to develop the RMP is included in the Habitat Management Program FY 2021-22 Adopted Budget for Fund 029 Appropriation Unit HCD009. The current Fund Balance for Fund 029 is \$14,183,589 with a projected FY 2021-22 end of year estimated fund balance of \$13,516,266. A total of \$445,632 has been expended to date for Fort Ord habitat management including staff and consultant time (FY 2020-21 = \$303,586; FY 2021-22 to date = \$142,046). It is staff's goal to align the cost of on-going RMP implementation with interest revenue generated by the habitat management funds. RMP implementation cost estimates will be developed as part of the Draft RMP anticipated this spring. Staff plans to return at a future date to the Board with the Draft RPM and cost estimates to discuss long-term funding alternatives.

The total RMP consultant contract amount is \$616,205, of which the MPC portion of developing the RMP is a total of \$70,000. If the Board authorizes work to commence on MPC lands, approximately \$40,000 is anticipated to be expended for work on the MPC portion of the RMP in this current FY 2021-22. Funding for the anticipated \$40,000 is included in the Habitat Management Program FY 2021-22 Adopted Budget for Fund 029 Appropriation Unit HCD009. These costs are proposed to be reimbursed to the County by MPC, subject to execution of an MOU between the parties. Staff anticipates bringing an MOU between MPC and the County, including a term committing MPC to reimburse the County for all costs to be incurred by the County to develop and conduct environmental analysis of the RMP for the MPC lands, for consideration by the Board of Supervisors and MPC Board of Trustees by the end of this fiscal year.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommendation of this report supports the Board of Supervisors' Economic Development, Administration, and Infrastructure Strategic Initiatives by ensuring timely compliance and effective resource management to enable HCD to complete critical work for the long-term benefit of the County.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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The following attachments are on file with the Clerk of the Board:

- Attachment A - RMP Map for County-Owned Lands (Figure 1)
- Attachment B - Map of East Garrison II Parcels (Figure 2)
- Attachment C - Map of Proposed Future OWCA (Figure 3)
- Attachment D - RMP Map for County and MPC-Owned Lands (Figure 4)