



County of Monterey

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

Legislation Details (With Board Report)

File #:	A 20-303	Name:	Approve First Extension to Memorandum of Agreement-California Tiger Salamander Habitat Management
Type:	BoS Agreement	Status:	Passed - RMA Administration
File created:	7/17/2020	In control:	Board of Supervisors
On agenda:	7/28/2020	Final action:	7/28/2020

Title: a. Approve First Extension to Memorandum of Agreement Regarding Habitat Management Of Portions Of The Parker Flats Reserve At The Former Fort Ord, California (First Extension) with UCP East Garrison, LLC to authorize utilization of fund balance of \$20,934 plus accrued interest provided by UCP to continue California Tiger Salamander habitat management on County-owned property on the former Fort Ord and to renew and extend the Memorandum of Agreement as modified retroactive to February 3, 2020 until June 30, 2021 or until the fund balance is expended, whichever is earlier; b. Authorize the Chair of the Board of Supervisors to execute the First Extension; c. Approve Amendment No. 1 to Agreement No. A-12978 with Denise Duffy & Associates, Inc. to continue to provide consulting services for interim mitigation monitoring for California Tiger Salamander Habitat on County-owned property on the former Fort Ord, to increase the not-to-exceed amount by \$1,700 for a total amount not to exceed \$105,650 and extend the term for a revised term from November 10, 2015 to June 30, 2021; and d. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to Agreement No. A-12978.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A-Proposed First Extension, 3. Attachment B-MOA Regarding Habitat Mgmt, 4. Attachment C-Agreement A-12978, 5. Attachment D-Proposed Amendment No.1 Agreement No. A-12978, 6. Attachment E-Summary of Agreement Annual Expenditures & Balance, 7. Attachment F-Vicinity Map, 8. 1st Ext to MOA Parker Flats Reserve at the Former Fort Ord, CA, 9. Item No. 66 Completed Board Order

Date	Ver.	Action By	Action	Result
7/28/2020	1	Board of Supervisors		

a. Approve First Extension to Memorandum of Agreement Regarding Habitat Management Of Portions Of The Parker Flats Reserve At The Former Fort Ord, California (First Extension) with UCP East Garrison, LLC to authorize utilization of fund balance of \$20,934 plus accrued interest provided by UCP to continue California Tiger Salamander habitat management on County-owned property on the former Fort Ord and to renew and extend the Memorandum of Agreement as modified retroactive to February 3, 2020 until June 30, 2021 or until the fund balance is expended, whichever is earlier;

b. Authorize the Chair of the Board of Supervisors to execute the First Extension;

c. Approve Amendment No. 1 to Agreement No. A-12978 with Denise Duffy & Associates, Inc. to continue to provide consulting services for interim mitigation monitoring for California Tiger Salamander Habitat on County-owned property on the former Fort Ord, to increase the not-to-exceed amount by \$1,700 for a total amount not to exceed \$105,650 and extend the term for a revised term from November 10, 2015 to June 30, 2021; and

d. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to Agreement No. A-12978.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve *First Extension to Memorandum of Agreement Regarding Habitat Management Of Portions Of The Parker Flats Reserve At The Former Fort Ord, California* (First Extension) with UCP East Garrison, LLC to authorize utilization of fund balance of \$20,934 plus accrued interest provided by UCP to continue California Tiger Salamander habitat management on County-owned property on the former Fort Ord and to renew and extend the Memorandum of Agreement as modified retroactive to February 3, 2020 until June 30, 2021 or until the fund balance is expended, whichever is earlier;
- b. Authorize the Chair of the Board of Supervisors to execute the First Extension;
- c. Approve Amendment No. 1 to Agreement No. A-12978 with Denise Duffy & Associates, Inc. to continue to provide consulting services for interim mitigation monitoring for California Tiger Salamander Habitat on County-owned property on the former Fort Ord, to increase the not-to-exceed amount by \$1,700 for a total amount not to exceed \$105,650 and extend the term for a revised term from November 10, 2015 to June 30, 2021; and
- d. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 to Agreement No. A-12978.

SUMMARY:

The proposed actions will enable continued habitat management for California Tiger Salamander (CTS) on a 134-acre County-owned parcel in the former Fort Ord until June 30, 2021 or until funding previously provided by UCP East Garrison is expended, whichever is earlier. The actions include extension of a Memorandum of Agreement with UCP East Garrison to enable use of funds provided by UCP East Garrison for this purpose and extension of a County contract with Denise Duffy & Associates, Inc. (DDA) to perform the habitat management and mitigation monitoring for California Tiger Salamander habitat on this parcel.

DISCUSSION:

As a condition of the Section 2081 Incidental Take Permit (ITP) for Phase II of the East Garrison Project, the California Department of Fish and Wildlife (CDFW) required the property owner (UCP East Garrison, LLC) to implement interim habitat restoration, conservation, and enhancement mitigations for the California Tiger Salamander (CTS) until the Fort Ord Reuse Authority (FORA) Habitat Conservation Plan (HCP) was adopted and CDFW issued a 2081 ITP for the Project under the HCP.

To that end, on January 27, 2015, the Board of Supervisors approved a Memorandum of Agreement among the County, Fort Ord Reuse Authority (FORA), and UCP East Garrison LLC (UCP) to fund and implement interim habitat management for CTS on approximately 134 acres of County-owned property on the former Fort Ord. The term of the MOA was until an Installation-Wide Multispecies Habitat Conservation Plan was adopted by FORA and the wildlife agencies issued incidental take permits based on the HCP or for five years from the effective date of February 2, 2015. The selected property is the northerly portion of the 379-acre habitat reserve property (Parcel E19a.4) also known as “Parker Flats Reserve” habitat management area (Attachment F-Vicinity Map), which was accepted by the County as part of the “County North” property transfer approved by the BOS on September 9, 2014. In accordance with the MOA, the County also accepted a Conservation Easement over the property; however, the State of California has not recorded the Conservation Easement.

Under the MOA, UCP endowed an “Interim Habitat Management Fund” in the amount of \$104,155 to provide for up to five years of funding for the CTS habitat management on the 134-acre parcel. The County contracted with Denise Duffy & Associates following a competitive selection process under Request for Proposals (RFP) #10519 to perform this work. The County entered into an Agreement No. A-12978 with DD&A on November 10, 2015, with a term expiration date of August 1, 2020 (Attachment C).

FORA dissolved by operation of law on June 30, 2020, and FORA did not adopt an HCP. However, approximately \$20,934 remains in the Interim Habitat Management Fund endowed by UCP East Garrison for the purpose of managing the CTS habitat on the 134-acre area. UCP has agreed, via the proposed *First Extension to Memorandum of Agreement Regarding Habitat Management Of Portions Of The Parker Flats Reserve At The Former Fort Ord, California* (First Extension)(Attachment A), to authorize the County to utilize these funds to continue the habitat management on the 134-acre area until the funds are expended or June 30, 2021, whichever is earlier.

The proposed amendment to the agreement with DD&A would enable DD&A to continue the habitat management work on the 134-acre area with the remaining UCP funds.

Staff intends to return to the Board during this fiscal year with a proposed program for habitat management generally on the former Fort Ord, which will include options for long term habitat management of this 134-acre area.

The termination date of DD&A’s Agreement No. A-12978 was set at August 1, 2020. Staff requests that the Board approve the proposed Amendment No. 1 (Attachment D), which will provide for continued services under Agreement No. A-12978 through June 30, 2021, and increase the Agreement amount by \$1,700, for a total amount not to exceed \$105,650, to cover the costs of

approximately eleven (11) additional months of mitigation and monitoring consultant services (beyond the maximum five (5) year Agreement term contemplated by RFP #10519). Attachment E provides a summary of Agreement No. A-12978 annual expenditures and current balance remaining.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Auditor-Controller's Office have reviewed and approved the First Extension to MOA and Amendment No. 1 to Agreement No. A-12978 as to form, and fiscal provisions, respectively.

FINANCING:

The recommended action will have no impact on the General Fund. UCP deposited with the County \$104,155 to fund the County's implementation of the interim habitat restoration, conservation, and enhancement activities on 134-acre habitat reserve parcel relative to the 2081 ITP required for the East Garrison Project. The balance of these funds as of April 20, 2020 is \$16,305 principal and \$4,834 interest, for a total of \$20,934. These funds are held and monitored separately in Fund 182 East Garrison Reimbursement for project and staff administration.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action supports the Board of Supervisors' Administration and Infrastructure Strategic Initiatives by enabling staffing and a consultant to evaluate, manage, and maintain the protected CTS habitat on the parcel.

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

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Reviewed by: Melanie Beretti, Property Administration/Special Programs Manager
Approved by: Shawne Ellerbee, Assistant Director of Resource Management Agency
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

- Attachment A-Proposed First Extension To Memorandum Of Agreement Regarding Habitat Management Of Portions Of The Parker Flats Reserve At The Former Fort Ord, California
 - Attachment B-Memorandum Of Agreement Regarding Habitat Management Of Portions Of The Parker Flats Reserve At The Former Fort Ord, California
 - Attachment C-Agreement No. A-12978
 - Attachment D-Proposed Amendment No. 1 to Agreement No. A-12978
 - Attachment E-Summary of Agreement No. A-12978 Annual Expenditures and Balance
 - Attachment F-Vicinity Map
- (Attachments are on file with the Clerk of the Board)