



County of Monterey

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

Legislation Details (With Board Report)

File #:	17-1134	Name:	FORTAG TAMC Lead Agency MOU
Type:	General Agenda Item	Status:	Passed
File created:	10/30/2017	In control:	Board of Supervisors
On agenda:	11/14/2017	Final action:	11/14/2017
Title:	Approve a Memorandum of Understanding to designate the Transportation Agency for Monterey County (TAMC) as the lead agency for environmental review for the proposed Fort Ord Regional Trail and Greenway (FORTAG) project.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment 1 - FORTAG TAMC Lead Agency MOU, 3. Attachment 2 - FORTAG Maps, 4. Completed Board Order, 5. Chair Executed MOU

Date	Ver.	Action By	Action	Result
11/14/2017	1	Board of Supervisors		

Approve a Memorandum of Understanding to designate the Transportation Agency for Monterey County (TAMC) as the lead agency for environmental review for the proposed Fort Ord Regional Trail and Greenway (FORTAG) project.

RECOMMENDATION:

It is recommended that the Board of Supervisors approve a Memorandum of Understanding to designate the Transportation Agency for Monterey County (TAMC) as the lead agency for environmental review for the proposed Fort Ord Regional Trail and Greenway (FORTAG) project.

SUMMARY:

The Fort Ord Recreational Trail and Greenway (FORTAG) is a proposed 24-mile-long regional network of paved recreational trails and greenways connecting communities to open space to facilitate active transportation, thereby expanding the region's opportunities for traveling between home, work, and commercial areas by foot, bike, or wheelchair. This project was identified in Measure X as a regional bike and pedestrian safety project that is anticipated to receive an estimated \$20 million in sales tax funding to be raised by this sales tax measure.

It is proposed that TAMC serve as the lead agency for program-level environmental review of the project. On September 27, 2017, the TAMC Board of Directors approve a proposed Memorandum of Understanding (MOU) (Attachment 1) and circulated it for consideration and approval by the affected jurisdictions. Other parties to the MOU will include the County, City of Marina, City of Seaside, City of Monterey, and City of Del Rey Oaks.

On September 28, 2017, the Board of Supervisors' Fort Ord Committee recommended the Board of Supervisors approve the MOU.

DISCUSSION:

The Fort Ord Regional Trail & Greenway is a grassroots proposal developed by private citizens and is part of a larger effort to connect communities in the former Fort Ord to each other and to education, employment,

community and recreational centers. FORTAG is a proposed new paved regional active transportation route that proposed to serve as a safe pedestrian and bicycle corridor to connect residents of Seaside, Marina, Del Rey Oaks, Monterey, and the unincorporated area to California State University Monterey Bay (CSUMB), the Fort Ord National Monument, and the Monterey Bay Sanctuary Scenic Trail.

The FORTAG concept is proposed as a 24-mile continuous 12-ft wide paved bicycle and pedestrian trail with an open-space buffer on both sides. The FORTAG proposed alignment traverses numerous County-owned parcels and roadways (Attachment 2). The proposed FORTAG would connect to eight miles of existing Monterey Bay Sanctuary Scenic Trail, for a total 32-mile regional trail in the Monterey Peninsula that would connect with the existing and planned active transportation network, and would provide connections to unpaved trails in the Fort Ord National Monument. FORTAG is designed to accommodate people of all ages and abilities, and is proposed to have an open space buffer for the majority of the route.

Since its inception in 2012, the FORTAG proposal has achieved several key milestones. In August 2015, the TAMC Board of Directors directed its staff to assist in identifying funding for the project. In March 2016, the Fort Ord Reuse Authority (FORA) Board of Directors adopted a draft trails concept following the proposed FORTAG alignment. In April 2016, the City of Marina included \$50,000 in its capital improvement program for integrating the concept into its city planning documents. In November 2016, Monterey County voters approved Measure X that identified a \$20 million allocation for FORTAG, if approved.

Environmental review is the next step to move FORTAG in evaluation of the FORTAG proposal. California Environmental Quality Act (CEQA) guidelines state that where more than one public agency meets the criteria for being a Lead Agency, the public agencies may designate a Lead Agency by agreement.

Because the FORTAG is a regional project that would cross multiple jurisdictions, TAMC has coordinated with the Cities of Marina, Seaside, Del Rey Oaks, and Monterey, and with the County of Monterey to develop a Memorandum of Understanding to designate TAMC as the Lead Agency for environmental review. TAMC will coordinate with the jurisdictions and other stakeholders to conduct environmental review of FORTAG. Since the FORTAG proposed alignment traverses lands within the unincorporated area, some owned by the County, the County is a Responsible Agency under CEQA.

The MOU is limited only to designating TAMC as the CEQA lead. Any agreement or approvals that would allow the FORTAG to use property in the unincorporated area, including County-owned property, is separate from establishing the CEQA Lead Agency for the project. The County will need to assess the impact of using County land for the FORTAG, including consideration for existing, proposed and future land uses. Additionally, County staff has identified a number of policy issues and potential institutional hurdles that will need to be worked through as part of the evaluation of the project, including but not limited to:

- Coordination and compatibility with the future Eastside Parkway and Intergarrison Road Widening projects;
- Consistency with the FORA Base Reuse Plan and Habitat Management Plan, and the County's Fort Ord Master Plan (2010 County General Plan);
- Determination of what entity will own, manage, maintain and be responsible and liable for public safety on the proposed trail and corridor (e.g. each underlying jurisdiction, a new entity, TAMC, etc.);
- Determination of standards and costs for long-term maintenance, identification of a responsible entity, and a sustainable long-term funding source;
- Establishment of right-of-way needs (e.g. width), dedication mechanism (e.g. land transfer, easement), and processing acquisition of right-of-way in accordance with the 2001 Implementation Agreement between FORA and the County;

- Existing easements/agreements on County properties for utilities (e.g. PG&E gas and electric easements) and conservation (e.g. Marina Heights (Sea Haven) Memorandum of Agreement and Conservation Easement for sand gilia mitigation, etc.).

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the MOU as to form and legal effect.

On September 27, 2017, the TAMC Board of Directors approved the MOU and distributed it to the parties for their consideration and recommended approval. Other parties to the MOU will include the County, City of Marina, City of Seaside, City of Monterey, and City of Del Rey Oaks.

On September 28, 2017, the Board of Supervisors' Fort Ord Committee recommended the Board of Supervisors approve the MOU.

The FORTAG conceptual corridor alignment proposes to cross properties owned by other entities, including Caltrans, CSUMB, UCSC, and the Fort Ord National Monument, and would require coordination with and action by these entities. FORA would also be involved for consistency determinations and approval of property transfers in accordance with the 2001 Implementation Agreement. Depending on outcomes and decisions that come out of the planning, environmental analysis and design process, many other entities may be engaged for this project (e.g. utility companies, conservation/wildlife agencies).

FINANCING:

The design, environmental review, and if approved, permitting, right-of-way acquisition, and construction of the approximately 24-mile concept for the FORTAG project will primarily be funded through the voter-approved sales tax Measure X, and any future funding provided by state and/or federal grants, if awarded.

As the project moves forward, staff time will be needed from various County departments to coordinate with project partners and for the review and processing of the design, environmental analysis, permitting, acquisition of rights of way or easements, or construction of the proposed FORTAG project. Section 6 of the proposed MOU states that each Responsible Agency (including the County) shall be responsible for its own costs related to participation in the environmental review process. County staff time to conduct preliminary meetings and develop the draft MOU for the project is funded through the RMA's FY18 Adopted Budget (001-3000). The cost of staff time to participate in the CEQA review as a responsible agency during FY18 is included within the funded staffing levels in the FY18 Adopted Budget (001-3000). There are no additional costs anticipated this fiscal year.

The costs and entity(ies) responsible for long-term management and maintenance of the FORTAG are not known at this time. Staff will work with TAMC and other project partners to identify possible responsible parties and costs for long-term management and maintenance of the proposed FORTAG trail system.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action complies with the Board's FY15-16 Strategic Initiatives as follows:

- Infrastructure: "Meeting our...Transportation Needs" - "Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results".
- Health and Human Services: "Health and Wellness for Monterey County Residents" - "Improve health and quality of life through County supported policies, programs and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities."

Check the related Board of Supervisors Strategic Initiatives:

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

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Reviewed by: Melanie Beretti, Special Programs Manager, RMA-Land Use and Community Development Division

Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment 1 - Memorandum of Understanding for Designation of Lead Agency

Attachment 2 - FORTAG Maps