



Board Report

File #: 17-0266, **Version:** 1

- a) Receive a report on the California Department of Veteran Affairs request for an oak woodland restoration mitigation site on County-owned property at the former Fort Ord and
- b) Provide direction to staff.

RECOMMENDATION:

It is recommended that the Fort Ord Committee

- a) Receive a report on the California Department of Veteran Affairs (CDVA) request for oak woodland restoration mitigation site on County-owned property at the former Fort Ord and
- b) Provide direction to staff.

SUMMARY:

Under contract with the Fort Ord Reuse Authority (FORA), Denise Duffy and Associates (DD&A) is assisting the CDVA to identify potential oak woodland restoration sites to mitigate for the oak woodland impacts resulting from construction of the first phase of the Central Coast Veteran Cemetery on the former Fort Ord (Attachment 1). DD&A has recommended a preferred site approximately 2.2 acres in size located on County-owned property (APN 031-161-032, COE Parcel L23.3.3.1, also known as an "East Garrison II non-HMA parcel"). The recommended site is located on the south side of Watkins Gate Road immediately adjacent to the East Garrison development (Attachment 2).

Staff seeks direction from the Fort Ord Committee on this conceptual oak woodland restoration mitigation at the proposed site and for staff to further explore the proposed mitigation at this site.

DISCUSSION:

CDVA requests to establish an oak woodland restoration site the County-owned Assessor's Parcel No. 031-161-032 (COE Parcel No. L23.3.3.1, also known as "East Garrison II non-HMA parcel") to mitigate for the oak woodland impacts resulting from construction of the first phase of the Central Coast Veteran Cemetery on the former Fort Ord. On August 12, 2014 the California Department of Veterans Affairs approved the California Central Coast Veterans Cemetery Project (Phase 1) and adopted an Initial Study and Mitigated Negative Declaration/Environmental Assessment for Phase 1 of the cemetery. The mitigation measures from the California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) document for the cemetery require CDVA to establish an off-site area on the former Fort Ord, predominantly of the Oceano soil series, of at least 2.22 acres to be planted with a minimum of 398 coast live oak trees (less than one gallon or acorns) (Attachment 3).

DD&A identified and evaluated six potential sites (Attachment 4) and the following identifies DD&A's rationale for recommending this preferred site:

- Site had very likely supported dense coast live oak woodland prior to being graded and converted to a shooting range by the US Army;
- Site meets the size and soils requirements, has excellent access, and is located within historic oak woodland habitat;
- Restoration would have a significant potential for success if proper soil preparation is done prior to planting; and

- Site is located adjacent to a residential development and restoration would bring significant aesthetic benefit by screening the shooting range.

The successful implementation of this mitigation measure is important for the environmental compliance for the cemetery project. While the mitigation measure does not specifically require a conservation easement, some type of land use restriction will be required to make sure the oak woodland restoration area is conserved in perpetuity. No involvement or approvals are needed from either the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). CDVA is its own lead agency under CEQA and will be contracting with a firm to complete the five (5) year monitoring at the site.

The measure requires that the plantings occur at the restoration site no later than two years after the completion of construction, which was done in the fall of 2016. The cemetery has completed its construction and, due to the lengthy bid and contracting process and uncertain future funding, CDVA is requesting to discuss this restoration opportunity as soon as possible so that CDVA can initiate and complete the bid process by June 2017 in order to secure funds for the next fiscal year. CDVA has expressed that funding might be significantly constrained if the contract is pushed to the next fiscal year.

On April 18, 2014 the Oversight Board of the Successor Agency to the Redevelopment Agency of the County of Monterey submitted its Long Range Property Management Plan (LRPMP) to the Department of Finance (DOF). The LRPMP states that these properties are proposed to be transferred to the County to be managed in accordance with the Base Reuse Plan and habitat plans. On December 31, 2015 the DOF approved the disposition of the properties listed in the LRPMP in accordance with the Successor Agency's recommendations. On May 17, 2016 the County accepted ownership of APN 031-161-032 (COE Parcel Nos. L23.3.3.1 and L23.3.3.2, also known as East Garrison II non-HMA parcel).

The East Garrison II property is designated as "Planned Development Mixed Use" in the County General Plan and the FORA Base Reuse Plan. Originally, the East Garrison II Parcel was one of two parcels contemplated to be developed as an expansion to the East Garrison I project, which is currently under construction. Future development of these parcels is severely constrained by the lack of water and residential unit allocation and other limitations related to the Fort Ord Base Reuse Plan. The parcels are also subject to certain requirements under the adopted Habitat Management Plan (HMP) and the draft Habitat Conservation Plan (HCP) related to habitat. In addition, the parcels are located adjacent to the new Fort Ord National Monument lands, and are subject to transfer restrictions in the deeds requiring prior approval by the USFWS.

Upon preliminary review, staff finds the proposed oak woodland restoration to be compatible and complimentary to the use of East Garrison II property. Staff is not aware of any proposed or likely future uses of the site that would prohibit the use of this site for oak woodland restoration to be preserved in perpetuity.

There are a number of issues to be considered for this conceptual project. This would be a real property negotiation between the State of California and the County, and terms of those negotiations will need to be agreed upon. The IS/MND/EA will need to be evaluated by the County to determine if it is adequate for the proposed oak woodlands restoration mitigation on County-lands. Staff intends to meet with CDVA and DD&A to discuss this opportunity to identify a process and steps necessary to move it forward for approval by the Board of Supervisors.

OTHER AGENCY INVOLVEMENT:

FORA has entered into a contract with DD&A to assist CDVA identify an oak restoration site.

FINANCING:

At this preliminary stage it is not yet known what impact, if any, this conceptual project will have on the General Fund. It is anticipated that CDVA will cover all costs associated with restoring and 5-year management and monitoring of the oak woodland restoration. The scope and cost of establishing the mitigation and long-term maintenance and management of the site is not known at this time, but will be determined as part of the negotiations between the State and County.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action complies with the Board's FY15-16 Strategic Initiative for Infrastructure, "Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results", by implementing the Key Objective to "promote the use of best environmental practices for County facilities and operations."

Check the related Board of Supervisors Strategic Initiatives:

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

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Attachments:

- Attachment 1 - Off-site Mitigation Options Location Map
- Attachment 2 - CDVA Oak Woodlands Mitigation, Monitoring & Reporting Plan, Location Map
- Attachment 3 - Mitigation Measure BIO-6 Oak Replacement Plan excerpt from California Central Coast
Veterans Cemetery Project - Phase 1 Final Mitigated Negative Declaration
- Attachment 4 - Final CDVA Mitigation Options Memo
- Attachment 5 - Correspondence