



County of Monterey

Item No.

Board Report

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

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March 19, 2024

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REF220021 - FORT ORD HABITAT RESOURCE MANAGEMENT PLAN

- a. Approve a Memorandum of Understanding (MOU) with the Monterey Peninsula Community College District (MPC) to cooperate with the preparation and completion of a site-specific Habitat Resource Management Plan (RMP) on former Fort Ord lands; and
- b. Authorize the Housing and Community Development Director or their designee to execute the MOU with MPC.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize a Memorandum of Understanding (MOU) with the Monterey Peninsula Community College District (MPC) to cooperate with the preparation and completion of a site-specific Habitat Resource Management Plan (RMP) on former Fort Ord lands;
- b. Authorize the Housing and Community Development Director or their designee to execute the MOU with MPC.

SUMMARY/DISCUSSION

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 Community College District (MPC) (approximately 485 acres) (Attachment 2). The Professional Services Agreement (PSA) has been amended two times to extend the term (Attachments 3 and 4). On October 5, 2021, staff provided an update to the Board, which included discussion of the status of MPC's fair share contribution for work related to properties within the RMP land area owned by the institution. At the October 2021 meeting, 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.

In fall 2021, staff and MPC began negotiations regarding MPC's fair share contribution and drafting an MOU, and on May 5, 2022, staff provided a second update to the Board regarding the RMP and negotiations with MPC. At that time MPC staff had verbally agreed to fund the MPC-portion of the RMP costs (\$70,000 for the RMP plus up to an estimated \$30,000 for environmental review) and had been showing good faith in being able to come to an agreement and bringing this request for funding before the MPC Board of Trustees. At the May 2022 meeting, the Board authorized staff to continue work to develop the RMP on MPC's land while negotiations were on-going. Though negotiations were protracted during 2022 and 2023, the MPC Board of Trustees approved the MOU and it was signed by MPC December 21, 2023.

MPC's fair share contribution toward the total cost of the consultant contract for completion of the RMP is \$70,000. The MOU includes an additional ten percent (10% - \$7,000) contingency added to MPC's Total Contribution Amount. Environmental review of the RMP will be conducted, and MPC's fair share contribution toward the cost of the Environmental Review is estimated to be \$30,000. In addition, MPC receives a credit of \$6,463.25 toward their financial contribution as that sum was paid directly to the County's consultant to conduct field surveys in the spring of 2022 on MPC lands. Staff notes that the current Professional Services Agreement (PSA) with the consultant has a scope of work that includes conducting a preliminary California Environmental Quality Act (CEQA) review of the Draft RMP and identifying the appropriate scope of CEQA analysis. Staff will return to the Board at a later date with an increase in scope and cost to conduct a CEQA analysis. At this time it is anticipated that MPC's maximum contribution toward CEQA review would be \$30,000, which has been incorporated into the MOU.

The County has made good progress toward preparing and completing the RMP. County staff has held meetings with U.S. Fish & Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the Bureau of Land Management (BLM) on the overall RMP approach and discussions on borderland parcels. The County's consultant completed mapping and conducted biological surveys in 2021 and 2022. On May 22, 2023, the County held a community stakeholder meeting to solicit public input on draft documents providing information regarding baseline species and habitat inventory and existing conditions as well as proposed management activities in the RMP. Feedback received from all parties to date has been considered and incorporated as appropriate in the First Administrative Draft RMP, anticipated in March 2024. County and MPC staff will review the First Administrative Draft RMP, and a Second Administrative Draft RMP is anticipated in May 2024 to be circulated with the USFWS, CDFW and BLM. A Public Draft RMP will follow and is anticipated to be available for public review summer 2024. Staff will host another set of meetings with the community and its stakeholders and the Board for input.

Staff recommends that the Board of Supervisors approve and authorize the HCD Director to enter into the MOU with MPC.

OTHER AGENCY INVOLVEMENT:

The Offices of the County Counsel and Auditor-Controller have reviewed the MOU as to form and legality, and fiscal provisions, respectively.

CEQA:

The action consists of entering into a PSA to facilitate the environmental review process for a community plan update and the specified development projects listed in the Summary. The CEQA Guidelines section 15378(b)(4) specifically states that government fiscal activities which do not involve a commitment to any specific project which may result in a potentially significant physical impact on the environment are not a project subject to CEQA. Entering into a PSA would not commit the County to any specific project, so it would not be a project under CEQA.

FINANCING:

Costs for staff time to negotiate the MOU with MPC and drafting of this report are included in the FY2023-24 Adopted Budget for Fort Ord Habitat Management Fund 029, Appropriation Unit HCD009, Unit 8550. The total RMP consultant contract amount is \$616,205, of which up to \$70,000, plus \$7,000 contingency, is reimbursable by MPC per the terms of this MOU. A total contract amount of \$183,998 has been expended in prior fiscal years (FY21, FY22, FY23) toward development of the RMP for County-owned lands. Fiscal Year 2023-2024 expenditures to date are \$5,787 for work completed through November 30, 2023. A total of \$116,146 is forecast to be expended in FY 2023-24 and \$316,061 for FY 2024-25, of which \$48,626 and \$14,911 is forecast to be reimbursed by MPC, respectively. Additional costs associated with CEQA analysis, anticipated in FY 2024-25, are unknown at this time. Upon making a CEQA determination, staff will return to the Board to consider an increase in scope and budget.

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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Review by: Melanie Beretti, AICP, Acting Chief of Planning 831-755-5285

Approved by: Craig Spencer, Acting Director *CS*

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

Attachment 1 - MOU with Maps as Exhibit A

Attachment 2 - Professional Services Agreement

Attachment 3 - PSA Amendment 1

Attachment 4 - PSA Amendment 2