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September 3, 2012

Fort Ord Reuse Authority  
Attn: Chair Potter and FORA Board  
920 2<sup>nd</sup> Avenue; Suite A  
Marina, CA 93933

SUBJECT: COMMENTS ON FORT ORD REUSE PLAN REASSESSMENT DRAFT  
SCOPING REPORT

Dear Chair Potter and Members of the Board:

LandWatch Monterey County has reviewed the Draft Scoping Report, and we have the following comments:

1. Chapter 1 of the Scoping Report describes the Fort Ord Reuse Authority's (FORA) roles and responsibilities. P. 1-8 In terms of land use and development, the description omits a discussion of FORA's responsibility as a CEQA lead agency and related responsibilities for assuring implementation of the Base Reuse Plan and its programs and policies.

CEQA Guidelines, Section 15097. **Mitigation Monitoring or Reporting**

(a) This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR ...In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

(b) Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation,

policy, the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a report program for adoption of a city or county general plan.

The annual reports should be included in the Appendix of the Scoping Report.

2. The Market Study finds that:

- The estimated 20 year demand for residential units in the vicinity of Fort Ord is 3,600;
- Currently nearly 4,500 un-built residential units are entitled;
- Build-out of the 4,500 units is anticipated to take 40 years;
- Job growth is paramount in the Peninsula's residential recover -- in other words, if the jobs do not appear, the 40 year build-out projection will in reality take much longer; and
- Removal of derelict Army buildings needs to be prioritized to provide a better vision of future economic development.

The Reassessment Document should recommend an update to the Base Reuse Plan (BRP) to address the over-supply of housing accommodated in the BRP and removal of urban blight.

3. We recommend that the contents of Table 8, which is 152 pages long, be summarized. Our findings indicate that of the 738 policies and programs evaluated for implementation, the Cities of Seaside and Marina and the County of Monterey have completed 21%; 21% are incomplete; 55% are ongoing and 3% fall in other categories. The County of Monterey, in particular, has fallen short of implementation requirements. Of the 259 applicable policies, only 16% have been completed, and 27% are incomplete.

The Reassessment Document should recommend that an implementation schedule for completion of the remaining programs and policies be prepared and that it be adopted by the FORA Board.

4. While many policies and programs have not been implemented by the individual cities and the County, 19 policies which are required to be implemented by all three jurisdictions are incomplete and are summarized below. Many of these policies are essential to protecting natural resources on the former Fort Ord:

Program F-1.1: Guidelines to enhance working relationship between FORA and the local homeless representatives.

Program B-2.1: Prohibit card rooms or casinos.

Program A-1.4: Minimize or eliminate land uses which may be incompatible with public lands

Program B-12 and Program C-1.5: Identify local truck routes.

Program A-1.2: Identify locations for bus facilities with funding and construction through new development.

Policy C-1: Establish an oak tree protection program to ensure conservation of existing coastal live oak woodlands in large corridors with a comprehensive open space system.

Recreation Policy G-1: Use incentives to promote development of an integrated, attractive park and open space system and Policy G2: Encourage creation of private parks and open space as part of private development.

Recreation Policy G-4: Coordinate development of park and recreation facilities.

Program C-2-1: Install interpretive signs related to biological resources.

Program E-1.1: Implementation plan for habitat management.

Program E-1-1 and Program E-2.1: Implementation of annual monitoring reports to BLM and Land Use Status Monitoring.

Program A-1.1 Establish noise criteria; Program A-1.2 Adopt noise performance standards, and Program B-1.1 Implement a program identifying developed areas adversely affected by noise.

Program A-1.2: Establish fault setback requirements.

Program C-1.3: Identify critical facilities inventory in conjunction with emergency and disaster agencies.

5. We disagree with the findings regarding Policies C-3.1 and C-3.2. The policies and findings from the Scoping Report follow:

**Policy C-3.1:** The City/County shall continue work with the Monterey County Water Resources Agency (MCWRA) and Monterey Peninsula Water Management District (MPWMD) to estimate the current safe yields within the context of the Salinas Valley Basin Management Plan for those portions of the former Fort Ord overlying the Salinas Valley and Seaside groundwater basins, to determine available water supplies.

**Scoping Report Finding:** Ongoing. The jurisdictions communicate with and support efforts to conserve water and maintain water withdrawals within the FORA allocation.

**Comment:** The finding does not address how the jurisdictions are working with the MCWRA and MPWMD to estimate current safe yields to determine available water supplies.

**Program C-3.2:** The City/County shall work with the MCWRA and MPWMD appropriate agencies to determine the extent of seawater intrusion into the Salinas Valley and Seaside groundwater basins in the context of the Salinas Valley Basin Management Plan and shall participate in developing and implementing measures to prevent further intrusion.

**Scoping Report Finding:** Seawater intrusion is monitored by the MCWRA. The jurisdictions enable monitoring and sharing of data as applicable.

**Comment:** The finding does not address how the jurisdictions are working with MCWRA and the MPWMD to determine the extent of seawater intrusion or measures to prevent further intrusion.

6. Of the 18 mitigation measures included in the FEIR for the BRP, three are incomplete. These include the failure of the City of Marina and the County to adopt and enforce a stormwater detention plan in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and augment future water supplies (see comments regarding Policies C-3.1 and C-3.2). The three jurisdictions have also not completed a comprehensive drainage plan. Design guidelines for proposed development on the bluffs have also not been completed.

The Reassessment Document should recommend that an implementation schedule for completion of the remaining programs and policies be prepared and that the schedule be adopted by the FORA Board.

7. The report identifies requirements for both general and specific consistency determinations. P. 4-171. It also identifies consistency findings made by the FORA Board. The report, however, does not evaluate the adequacy of the findings. We expected an analysis of the consistency findings, and are disappointed to find only a summary of FORA's determinations.

Given the failure of the Cities of Marina and Seaside and the County to implement many of the BRP programs, policies and mitigation measures, findings of consistency are problematic given the criteria described on pp. 171-176 of the report. For example, specific consistency criterion (a) states:

Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord territory by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.

As identified under 3 above, the following applicable policy has not been implemented by all three jurisdictions:

Policy C-1: Establish an oak tree protection program to ensure conservation of existing coastal live oak woodlands in large corridors with a comprehensive open space system.

8. The East Garrison/Parker Flats land use swap is described in the report. P. 4-266. The description is incomplete and should address the swap as it related to housing development at Parker Flats. The FORA and County staff reports prepared for the swap in addition to the ESCA transfer documents should be provided in the Appendix.
9. The following finding appears to have a contradiction as indicated in bold. p. 4-230.

**The Bayonet and Black Horse golf course irrigation wells draw from the Seaside Groundwater Basin. However, these wells are no longer used for golf course irrigation, and the golf course is supplied with 400 acre-feet per year from Seaside's Salinas Valley Groundwater Basin allocation.** Ultimately, the City of Seaside intends to use augmentation water (presumably recycled water) to irrigate the golf courses, and use the Salinas Valley Groundwater Basin water for development projects.
10. Reference is made to the lower Salinas River dam indicating it was construction in 2010. P. 4-233. This should be updated to indicate that the dam failed in 2011 and has yet to be replaced.

Thank you for the opportunity to review the document.

Sincerely,



Amy L. White  
Executive Director