

Final Initial Study/Mitigated Negative Declaration

for the

FORD ORD DUNES STATE PARK CAMPGROUND PROJECT

State Clearinghouse #2013031053

Lead Agency:



State of California
DEPARTMENT OF PARKS AND RECREATION
Monterey District
Contact: Patricia Dumont
Environmental Compliance Supervisor

Prepared by:



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May 2013

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1.0 INTRODUCTION

1.1 Background

This document, together with the Draft IS/MND, constitutes the Final Initial Study/Mitigated Negative Declaration (“Final IS/MND”) for the Fort Ord Dunes State Park Campground Project. The Final IS/MND consists of an introduction, comment letters received during the 30-day public review period, responses to comments, and revisions to the Draft IS/MND if deemed applicable.

The California Department of Parks and Recreation (“State Parks” or “Parks”) is acting as the Lead Agency pursuant to CEQA Guidelines §15050(a). As the Lead Agency, State Parks prepared an Initial Study pursuant to CEQA Guidelines §15063, §15070 and §15152. State Parks circulated the Draft IS/MND for agency and public review during a 30-day public review period pursuant to CEQA Guidelines §15073. State Parks prepared the Draft IS/MND to inform the public of the potential environmental effects of the Project and identify possible ways to minimize impacts. This Final IS/MND evaluates and responds to comments received on the Draft IS/MND in accordance with CEQA Guidelines §15074.

This IS/MND is a “tiered” Mitigated Negative Declaration pursuant to CEQA Guidelines §15152(a).¹ This IS/MND tiered off of previous environmental analysis conducted by State Parks in connection with the Fort Ord Dunes State Park General Plan (“FODSP General Plan” or “General Plan”). State Parks adopted the General Plan and certified a programmatic Environmental Impact Report (“EIR”) in 2004. The EIR evaluated potential environmental effects associated with future use of Fort Ord Dunes State Park (“FODSP” or “Park”), including the development of recreational amenities (e.g. campground facilities) and associated increases in recreational, beach access, and other park features. This IS/MND incorporates by reference the previous environmental analysis conducted in support of the FODSP General Plan pursuant to CEQA Guidelines §15152(a) and §15150.²

The Project consists of the construction and operation of a campground facility and associated infrastructure within the Park. The Project consists of the following:

¹ Pursuant to CEQA Guidelines §15152 the analysis of general matters contained in a broader EIR may be incorporated into a later EIR or Negative Declaration on a narrower project wherein the previous analysis is incorporated by reference. This process allows future environmental analysis on narrower projects to focus on those issues that are specific to a later project. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration (CEQA Guidelines §15152(b)).

² A copy of the previous EIR is available for review at: 2211 Garden Road, Monterey, CA 93940. The previous EIR can be accessed electronically at the following website: http://www.parks.ca.gov/?page_id=22727

- Construction of 45 RV sites (e.g. water and electrical connections) and two (2) host sites (full hook-up sites), 10 hike/bike sites, and 43 tent sites (including 3 family sites);^{3, 4}
- Paved parking to accommodate 40 vehicles;
- Unpaved overflow parking area to accommodate up to 40 additional vehicles;
- Four (4) new public combination buildings (restrooms and showers) for campground use;
- An 1,800 square foot multi-purpose building (also referred to as a “warming hut”);
- Outdoor facilities (e.g. campfire center, interpretation areas, and viewing area);
- Renovation of an existing bunker for interpretative purposes;
- Renovation of an additional bunk for additional storage;
- Construction of a 500-600 square foot entrance station near the 1st Street underpass;⁵
- Three (3) modular operations/security structures (e.g. residences, operations, security, etc.),
- Storage yard and maintenance shop (including office space, restroom, storage, and wash rack);
- Improved beach access with associated internal trail network;
- A single plumbed restroom with outdoor pole shower for beach use;
- 200 foot wildlife/habitat corridor;
- Internal campground trail network, trail improvements and roadway improvements; and
- Off-site utilities (e.g. distribution mains, pump stations, etc.), and other miscellaneous service improvements (e.g. fencing, restoration, signage, maintenance, dump station, lighting, etc.).

The Project is located in the former Fort Ord, which was subject to closure in 1994. The Fort Ord Reuse Authority (“FOR A”) adopted a Base Reuse Plan and associated Environmental Impact Report in 1997. The Base Reuse Plan (“BRP”) assigns land use designations, as well as goals, policies, and objectives related to base reuse. The BRP identifies a range of land use categories, density standards, and permitted uses for land within the boundaries of the former Fort Ord. As a sovereign state entity, State Parks is not subject to the land use requirements contained in the BRP.⁶

The FODSP General Plan, which divides the Park into five (5) resource management zones, governs the future use and development of FODSP. These zones establish the type and nature of future uses and facilities that may occur within each zone.⁷ New park facilities, such as the

³ Current design calls for a smaller compact design, although the site has the potential to accommodate up to 110 campsites, including a maximum 55 RV sites and 55 tent sites without hookups.

⁴ Each campground site would contain limited improvements, including picnic facilities, a fire ring, and a level tent pad site. The hook-up sites would contain connections for water and electricity; these sites would be paved and contain level parking spurs in order to accommodate large RVs. The tent sites would also include paved areas and level parking spurs to accommodate traditional vehicles.

⁵ The entrance station, which may be manned or unmanned depending on campground operations, would include office space, restroom facilities, and storage.

⁶ Pursuant to § 8.01.010(e) of the FORA Master Resolution, adopted March 14, 1997, actions carried out by State Parks on property transferred from the federal government are not required to be consistent with the BRP.

⁷ These management zones and types of anticipated uses were determined based on the historical uses of the site, existing site characteristics (e.g. level of disturbance, natural resources, military uses), and management goals. These zones were established in order to minimize potential impacts on sensitive

Proposed Project, are emphasized in the existing disturbed/developed areas of the Park. The FODSP General Plan anticipated the development of a new campground facility (up to 110 campsites) and associated administrative activities and facilities (i.e. administrative housing, ongoing maintenance and maintenance facilities). The Project is consistent with the FODSP General Plan.

1.2 Public Participation

Pursuant to Section 15073(a), State Parks circulated the Draft IS/MND for a 30-day review period during which comments were received. On March 19, 2013, State Parks distributed the Draft IS/MND for public review to responsible and trustee agencies, interested groups, and individuals. The review period ended on April 17, 2013. State Parks received 24 comment letters on the Draft IS/MND, including several letters that arrived after the close of the public comment period. This Final IS/MND includes all comment letters received by State Parks as of April 26, 2013.

park resources, emphasize restoration, and promote recreational uses in the least intrusive manner possible.

2.0 RESPONSE TO COMMENT

2.1 Introduction

This section provides responses to comments on the Draft IS/MND. This section contains all information available in the public record related to the Draft IS/MND as of April 26, 2013, and responds to comments received during the review period.

2.2 List of Comment Letters

The following is a list of comment letters received on the Draft IS/MND:

State/Federal Agencies

Date

- A. State of California Department of Transportation April 17, 2013
- B. U.S. Department of Interior, Fish and Wildlife Service ("USFWS")..... April 17, 2013
- C. State of California Office of Planning and Research ("OPR")..... April 18, 2013*

Local Agencies/Organizations

- D. Friends of the Fort Ord Warhorse April 10, 2013
- E. Monterey Audubon Society April 14, 2013
- F. California Native Plant Society April 16, 2013
- G. City of Seaside April 17, 2013
- H. Fort Ord Community Advisory Group..... April 17, 2013
- I. Monterey County Resource Management Agency..... April 17, 2013
- J. Monterey Peninsula Unified Air Pollution Control District..... April 17, 2013
- K. Point Reyes Bird Observatory ("PRBO") Conservation Science April 17, 2013

Individuals

- L. Margaret Davis April 5, 2013
- M. Pamela Carpenter April 8, 2013
- N. Stephanie Mathis..... April 12, 2013
- O. Virgil M. Piper April 16, 2013
- P. Rick and Ann Waltonsmith..... April 17, 2013
- Q. TS Williams April 17, 2013
- R. Dale and Don Wilson..... April 17, 2013
- S. Michael and Madaline Mastroianni April 17, 2013
- T. Rachelle Lightfoot..... April 17, 2013
- U. Lester, Unknown April 17, 2013
- V. Niki Lamb April 17, 2013

W. Lin M. Campbell	April 17, 2013
X. PJ, Unknown	April 23, 2013*

*Denotes comment letters received outside of the public comment period.

2.3 Response to Comments

Each of the comment letters received on the Draft IS/MND is presented in this chapter, as described above. Individual comments in each letter are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment letter. Some comments do not raise environmental issues, or do not require additional information. CEQA does not require a substantive response to such comments.

If comments raised environmental issues that required additions or deletions to the text, tables, or figures in the Draft IS/MND, a brief description of the change is provided and the reader is referred to **Section 3.0, Revisions to the Draft IS/MND**. The comments received on the Draft IS/MND did not result in a "substantial revision" of the negative declaration, as defined by CEQA Guidelines § 15073.5, and the new information added to the negative declaration merely clarifies, amplifies, or makes insignificant modifications to the IS/MND. No new, avoidable significant effects were identified since the commencement of the public review period that would require mitigation measures or project revisions to be added in order to reduce the effects to insignificant.

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3077
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
Be energy efficient!*

April 17, 2013

MON-001-80.73
SCH# 2013031053

Patricia DuMont
California Department of Parks and Recreation
One Capitol Mall, Suite 410
Sacramento, CA 95814

Dear Ms. DuMont:

COMMENTS TO FORT ORD DUNES STATE PARK CAMPGROUND PROJECT

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impacts.

1. After the initial review of the project, Caltrans had concerns over the vertical clearance of the First Street undercrossing. We were subsequently provided an engineering analysis by Fall Creek Engineers, Inc. which stated that the underpass was adequate. While the report did not recommend improvements (other than lighting repair), Caltrans recommends the installation of advance and at-structure vertical clearance warning signs as an added feature to the undercrossing. A-1
2. In addition to these signs, the lighting repair, cleanup and rehabilitation of the underpass (graffiti, landscape, sidewalk enhancements), will be the responsibility of State Parks and will subject to a Caltrans encroachment permit. A-2

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

Original signed by J.Olejnik (sent via post office)

JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator
john.olejnik@dot.ca.gov

cc: Frank Boyle (D5)

LETTER A: State of California Department of Transportation

- A-1:** This comment identifies that the State of California Department of Transportation (“Caltrans”) recommends the installation of advance and at-structure vertical clearance warning signs at the 1st Street undercrossing. The California Department of Parks and Recreation will include advance and at-structure warning signs consistent with this comment. This comment does not raise any additional environmental issues; no further response is necessary.
- A-2:** This comment identifies that the California Department of Parks and Recreation will need to obtain a Caltrans encroachment permit for improvements (e.g. lighting, sidewalk enhancements, etc.) to the 1st Undercrossing. The California Department of Parks and Recreation will obtain an encroachment permit for these improvements. This comment does not raise any additional environmental issues; no further response is necessary.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
08EVEN00-2013-CPA-0094

April 17, 2013

Patricia DuMont
Environmental Compliance Supervisor, Northern Service Center
State of California Department of Parks and Recreation
One Capitol Mall, Suite 410
Sacramento, California 95814

Subject: Comments on the Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for the Fort Ord Dunes State Park Campground Project, Monterey County, California

Dear Ms. DuMont:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments on the Draft Initial Study (DIS) and Notice of Intent to Adopt a Mitigated Negative Declaration for the Fort Ord Dunes State Park (FODSP) Campground Project (Project), Monterey County, California. A copy of the DIS and the accompanying Notice of Intent to Adopt a Mitigated Negative Declaration for the Project were provided via electronic mail to Jacob Martin, of my staff, on March 19, 2013.

The DIS evaluates environmental effects of the Project, which is proposed by the State of California Department of Parks and Recreation (CDPR) and would consist of development and use of a new campground within CDPR-owned parcels west of State Highway 1 within the former Fort Ord. The Project would include: 100 campsites, parking areas, four restroom/shower buildings for campground use, one restroom with an outdoor shower for beach use, one 1,800-square-foot multi-purpose building, an entrance station, three modular residence/operations/security buildings, an internal trail network with beach access, and other associated facilities. The CDPR has prepared the DIS as a lead agency under the California Environmental Quality Act (CEQA).

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to a

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listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, the Federal agency must consult with the Service pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Act. To qualify for an incidental take permit, project proponents must submit an application to the Service together with a habitat conservation plan (HCP) that describes, among other things, how the impacts of the proposed taking of federally listed species would be minimized and mitigated to the maximum extent practicable and how the plan would be funded. A complete description of the requirements for a HCP can be found at section 10(a)(2)(B) of the Act and at 50 Code of Federal Regulations 17.32.

B-1(cont)

As it is not our primary responsibility to comment on documents prepared pursuant to CEQA, our comments for the DIS will not constitute a full review of Project impacts. Rather, they address concerns of potential impacts of the proposed Project on species listed under the Act, including the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), beach layia (*Layia carnosus*), Menzies' wallflower (*Erysimum menziesii*), robust spineflower (*Chorizanthe robusta* var. *robusta*), sand gilia (*Gilia tenuiflora* ssp. *arenaria*), Yadon's piperia (*Piperia yadonii*); and the federally threatened western snowy plover (*Charadrius nivosus*) and Monterey spineflower (*Chorizanthe pungens* var. *pungens*). We offer the following information and recommendations to aid in the conservation of sensitive wildlife habitats and federally listed species that occur in the proposed Project area, and as a means to assist you in complying with pertinent Federal statutes.

The Project is likely to result in direct adverse effects to the Smith's blue butterfly and Monterey spineflower during construction, as described later in this document. However, our primary concern regarding the Project stems from the expected dramatic increase in visitor use of the Project area and surrounding beach and dune areas following Project construction. The DIS (pages 11 through 15) describes the development that would facilitate visitor access and use of the Project area and adjacent beach areas, but provides little information on the number of users expected and their likely effects on listed species. Table 1.1 (page 16) includes some assumptions about the number of campers per site (used to generate estimates of water use). However, the estimated number of campers is simply stated to be assumed, rather than being cited to any published sources or data collected from similar campgrounds. Also, no analysis of the effects of increased human use on listed species is presented. We request further analysis of the number of additional visitors expected due to the Project and their effects on listed species.

B-2

Pedestrians and their pets can cause direct mortality and harassment of western snowy plovers (Service 2007). The proposed Project would bring an unknown number of additional visitors to

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the Project area and the adjacent beach and dunes. As stated previously, we request additional analysis of the number of people expected and their effects on listed species. As a rough estimate, if we use the assumptions about day use visitors in the DIS (Table 1.1) and assume the campground to be full with an average of 3 people per site, then over 450 additional people per day would be brought into the Project area. The increase in human activity is likely to result in take of western snowy plovers within the proposed beach access route and on beach and dune habitat adjacent to the Project area.

B-2 (cont)

The presence of humans facilitates may result in increased populations of predators that prey on western snowy plovers. Human development and use of an area provides sources of food, water, and habitat features that benefit a variety of mammalian and avian predators (Service 2007). Therefore, the development of and increased human presence associated with the proposed Project would be expected to artificially increase predation of western snowy plovers. It is likely that additional predator control within FODSP will be necessary to minimize the effects of the Project on the western snowy plover.

B-3

Non-native trees are of particular concern within the Project area, because they provide unnatural nesting and perching habitat for avian predators of the western snowy plover. The DIS is inconsistent in its discussion of existing trees within the Project site (see pages 24, 37, 67, 68, and 97). In some places, the existing trees are identified as non-native and targets for removal as part of habitat restoration efforts, while in others they are identified as native and targeted for retention. Although some or all of the trees present are species native to California, they are not native species or appropriate habitat features within the dune habitats of the Project area. We recommend removal of existing trees within the Project area, and avoidance of any additional tree planting, to minimize unnatural habitat features that facilitate predation of the western snowy plover.

B-4

The DIS does not discuss sea level rise. The DIS (Page 15, Figure 8) indicates a 700-foot setback line between most of the Project and the ocean; however portions of the trail system would be within this setback. We request discussion of the effects of sea level rise coupled with the proposed campground. We are concerned that habitat for the Smith's blue butterfly, western snowy plover, and listed plants would be lost due to "coastal squeeze" (the process in which coastal habitat is lost because it is trapped between a rising sea and a hardened barrier – in this case the proposed campground).

B-5

Floristic surveys of the Project area have revealed the presence of Smith's blue butterfly habitat and that habitat is assumed to be occupied (DIS pages 75 and 76). Construction within and use of the Project area are likely to damage this habitat and result in take of the Smith's blue butterfly. Floristic surveys also revealed the presence of Monterey spineflower within the Project area (DIS pages 69 and 70). Construction within and use of the Project area are likely to damage this habitat and adversely affect the Monterey spineflower. In addition, portions of the Project area proposed to be used for beach access were not surveyed for special status plants.

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Additional Smith's blue butterflies and/or Monterey spineflowers may be adversely affected there and there is also potential for adverse effects to other listed plants, including: beach layia, Menzies' wallflower, robust spineflower, sand gilia, and Yadon's piperia (DIS pages 70 through 73).

B-6 (cont)

The DIS (page 90) indicates that impacts to listed species would be considered less than significant **unless** take authorization is required by the Service. We expect that take of the western snowy plover and Smith's blue butterfly would occur due to the proposed Project and CDPR is already pursuing a permit for such take. CDPR may therefore wish to reconsider its proposed mitigated negative declaration, in light of the expected take of listed species and the resultant need for take permitting (i.e., per the conditions outlined on page 90 of the DIS, significant effects on listed species would occur due to the Project and a negative declaration may therefore not be appropriate). Regardless of the level of CEQA analysis that CDPR chooses to conduct, the Project is likely to result in take of federally listed species and should not move forward without an incidental take permit, pursuant to section 10(a)(1)(B) of the Act, as outlined above. We are currently working with CDPR and several other applicants on a draft HCP for activities within the former Fort Ord. The draft HCP includes the western snowy plover and Smith's blue butterfly as covered species for which an incidental take permit is requested and includes development within the Project area as a proposed covered activity. The current projected timeline for the Fort Ord HCP anticipates issuance of the incidental take permit in late 2014.

B-7

Unit CA 22 of designated critical habitat for the western snowy plover overlaps the Project area (77 FR 36728). Unit CA 22 was designated because it was occupied at the time of listing, is currently occupied, and is an important area for breeding and wintering western snowy plovers (77 FR 36766). The primary constituent elements (PCEs) (77 FR 367474) of critical habitat for the western snowy plover include:

- (1) Areas that are below heavily vegetated areas or developed areas and above the daily high tides;
- (2) Shoreline habitat areas for feeding, with no or very sparse vegetation, that are between the annual low tide or lowwater flow and annual high tide or highwater flow, subject to inundation but not constantly under water, that support small invertebrates, such as crabs, worms, flies, beetles, spiders, sand hoppers, clams, and ostracods, that are essential food sources;
- (3) Surf- or water-deposited organic debris, such as seaweed (including kelp and eelgrass) or driftwood located on open substrates that supports and attracts small invertebrates described in PCE 2 for food, and provides cover or shelter from predators and weather, and assists in avoidance of detection (crypsis) for nests, chicks, and incubating adults; and

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(4) Minimal disturbance from the presence of humans, pets, vehicles, or human-attracted predators, which provide relatively undisturbed areas for individual and population growth and or normal behavior.

The DIS (page 96) acknowledges the Project would have impacts on western snowy plover critical habitat. The majority of the Project would be constructed inland of the critical habitat boundary (DIS, Figure 4.3-7). However portions of the trail system would be constructed within critical habitat and would reduce the amount of PCE 1 immediately upon construction by placing development closer to the high tide line. More importantly, the Project would degrade PCE 4 by facilitating the presence of an undetermined number (presumably many thousand annually) of additional people within and surrounding the Project area. We expect that PCEs 2 and 3 would also be degraded by the large increase in human use of the Project area and surrounding areas. Additional impacts to all PCEs may occur due to the interaction between the Project and sea level rise.

B-8 (cont)

The DIS does not discuss the cumulative effects of the Project, considered with other existing and proposed projects, on listed species. The DIS should consider the effects to biological resources, including listed species, of the proposed Project when added to other projects on and near FODSP. We recommend considering: ongoing and any future expansion of day use of FODSP, other proposed development within the former Fort Ord, the proposed "Monterey Bay Shores" and "Collections" resort developments within Sand City immediately south of FODSP, the California Coastal Trail, and any other projects that have removed or would remove habitat or increase the number of people using habitat areas.

B-9

We appreciate the opportunity to provide comments on the DIS. If you have any questions, please contact Jacob Martin of my staff at (831) 768-6953.

Sincerely,



Diane K. Noda
Field Supervisor

REFERENCES CITED

U.S. Fish and Wildlife Service. 2007. Recovery plan for the pacific coast population of the western snowy plover. 271 pp. plus appendices.

RECEIVED
APR 19 2013
NORTHERN SERVICE CENTER

James K. Webb

LETTER B: United States Department of the Interior, Fish and Wildlife Service

- B-1:** This comment provides a general overview of the Project, USFWS regulatory authority, and the purpose of USFWF comments. This comment does not raise an environmental issue warranting a response under CEQA. Comment acknowledged; no further response is necessary.
- B-2:** This comment identifies specific concerns related to increased recreational use of FODSP in connection with the Project. Specifically, this comment requests that the Department of Parks and Recreation provide additional information concerning the number of anticipated park patrons to allow a meaningful analysis of potential biological impacts, particularly to snowy plovers. This comment identifies that take may occur due to increased recreational use.

As discussed elsewhere in this IS/MND, the Department of Parks and Recreation previously analyzed potential impacts associated with increased recreational use of FODSP at a programmatic-level in connection with the implementation of the FODSP General Plan. The Department of Parks and Recreation prepared and certified an EIR that evaluated impacts and identified feasible mitigation to reduce the extent of impacts to a less-than-significant level. The FODSP General Plan also identified management guidelines to further minimize and/or avoid impacts to sensitive biological resources due to increased recreational use of FODSP. The Department of Parks and Recreation will continue to implement these requirements in connection with the Project. The Draft IS/MND relied on previous environmental analysis conducted by the Department of Parks and Recreation, as supplemented by project-specific information, in accordance with the requirements of CEQA Guidelines §15152(a) and Public Resources Code §21068.5.⁸

In addition to evaluating potential impacts due to recreational use, the FODSP General Plan also established management zones that prescribed allowable uses as an adaptive management technique to address site-specific resource constraints (including carrying capacity) and ensure that increased recreational use would not jeopardize the Park's unique cultural, biological, and other site characteristics.⁹ According to the FODSP

⁸ Pursuant to CEQA Guidelines §15152 the analysis of general matters contained in a broader EIR may be incorporated into a later EIR or Negative Declaration on a narrower project wherein the previous analysis is incorporated by reference. This process allows future environmental analysis on narrower projects to focus on those issues that are specific to a later project. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration (CEQA Guidelines §15152(b)).

⁹ PRC §5001.96 and 5019.5 require that a carrying capacity is determined before any park plan is adopted and future attendance shall be limited to the established capacity. According to the FODSP General Plan, "maximum capacity is the point where land regeneration is exceeded by demands made on natural systems and there is resulting degradation or destruction of the systems. Carrying capacity not only relates to the environmental resources of an area but also the quality of the visitor experience. In terms of park and recreation planning, carrying capacity may be extended in meaning to suggest that no

General Plan, the use of management techniques, land use regulations, mitigation measures, and educational and interpretive elements, as well as the design of future facilities can minimize potential impacts to sensitive resources. For the purposes of FODSP, the General Plan established management zones and identified the type and nature of future park facilities that would be appropriate for those zones given their resource and site-specific constraints. The Project and associated support facilities are consistent with the type and range of future uses considered in the FODSP General Plan for each of the respective management zones (see **Section 4.8, Land Use and Planning** for more information concerning applicable management zones).

While the Project is consistent with the FODSP General Plan and the Department of Parks and Recreation previously evaluated potential impacts due to increased recreational use, the Draft IS/MND explicitly recognized that increased recreational use would occur in connection with the Project. The Project would increase recreational use by providing new on-site amenities that would facilitate additional beach access and use of the Park. As a result, the Project could result in additional impacts to biological resources, including snowy plovers (see for instance Draft IS/MND pages 89 and 90; see also FODSP General Plan EIR pages 4-23 through 4-28). The Draft IS/MND identified that the Project would potentially impact special-status species (e.g. snowy plovers) and identified feasible mitigation to avoid and/or lessen those impacts based on on-going discussions between State Parks, USFWS, and CDFW. The Department of Parks and Recreation will continue to cooperate with USFWS and CDFW concerning the level of recreational use at FODSP and on-going management activities to minimize impacts to special-status species as part of the Base-Wide HCP.

In addition to existing FODSP General Plan requirements and project-specific mitigation, the Department of Parks and Recreation will continue to implement on-going monitoring of snowy plover and other sensitive species at FODSP as required pursuant to the FODSP General Plan. State Parks has the ability to implement additional resource protection measures based on on-going Park management and monitoring of recreational uses. Applicable measures may include the closure of trails on a seasonal basis, the installation of additional fencing and signage to protect sensitive resources, maintaining access controls, and other management techniques. Please refer to Appendix B for further discussion. These additional measures would further ensure that appropriate mechanisms are available to further minimize impacts to listed species.

The Department of Parks and Recreation must also comply with all applicable requirements related to the California Endangered Species Act (“CESA”) and the federal Endangered Species Act (“ESA”) as specified in **Section 4.3, Biological Resources**. The Draft IS/MND recognized that increased public access and use associated with the

cumulative net losses will be permitted to occur in any of the resource values of a unit (natural, cultural, aesthetic, or recreational) due to human use (activities or facility development). Effects have a permanent impact on resource values, however seemingly insignificant.” For FODSP, the term “carrying capacity” denotes a level of visitor use that is sustainable and does not cause substantial degradation to the natural and cultural resources or visitor experience.

Project could result in take of snowy plovers and Mitigation Measure 4.3-4 requires compliance with ESA, including obtaining an incidental take permit to authorize potential take. Compliance with these requirements, in addition to specific FODSP General Plan management guidelines, applicable HMP requirements, existing State Park's monitoring and management requirements, and project-specific mitigation, would minimize potential impacts due to increased recreational use associated with the Project. The Department of Parks and Recreation will continue to cooperate with CDFW and USFWS to address potential concerns related to increased recreational use at FODSP within the context of the Base-Wide HCP process.

- B-3:** This comment identifies that increased human activity could potentially result in an artificial increase in predation of snowy plovers and that additional predator control within FODSP may be necessary. The Department of Parks and Recreation recognizes that increased predator activity could occur due to the Project (see Draft IS/MND page 90; see also FODSP General Plan EIR page 3-14). The FODSP General Plan requires that the Department of Parks and Recreation implement predator control measures (see BIO-3) to minimize impacts to snowy plovers. In addition, the Project also includes design features (e.g. tree removal, trash enclosures, and symbolic fencing) to discourage increased predator use of the site. Mitigation Measure 4.3-3 contains additional requirements (e.g. anti-perch devices, predator-proof containers, etc.) to minimize potential impacts. The Department of Parks and Recreation appreciates USFWS' comments and will continue to work with USFWS and CDFW to address potential concerns related to increased predation in accordance with the requirements of Mitigation Measure 4.3-3.
- B-4:** This comment identifies specific concerns related to existing on-site trees. The comment identifies that the Draft IS/MND does not consistently describe the type and nature of on-site trees. The Draft IS/MND identified that existing on-site trees are non-native (see Draft IS/MND pages 24, 67, 68, 97). The Department of Parks and Recreation revised the Draft IS/MND to clarify the nature of existing on-site trees; please refer to **Section 3.0 Revisions to the Draft IS/MND**. Consistent with the intent of this comment, the Department of Parks and Recreation will selectively remove existing on-site trees where needed to construct facilities and where deemed most critical to discourage snowy plover predation. The majority of existing trees in the project area are anticipated to remain in order to provide site screening
- B-5:** This comment identifies potential concerns related to sea-level rise. Specifically, this comment contends that the Project could affect sensitive-species (e.g. Smith's blue butterfly and western snowy plover) and listed plants due to "coastal squeeze." The Draft IS/MND described potential impacts due to sea-level rise within the context of greenhouse gas emissions and climate change; please refer to **Section 4.2 Air Quality/Greenhouse Gas Emissions** for more information. The comment suggests that species may become trapped between rising sea-levels and a hardened barrier (e.g. the campsite) thereby resulting in additional impacts to biological resources.

The Project site is located in an area historically disturbed in connection with previous military use. Existing on-site improvements include paved surfaces, existing bunkers, guard towers, and other built features; approximately 50 acres of the site includes existing Fort Ord era infrastructure. These areas represent a hardened barrier under existing site conditions. While sensitive species may be exposed to “coastal squeeze” due to sea-level rise, the extent of potential impacts associated with the Project would be limited. The Project is located in an area previously developed/disturbed in connection with former military use and the campground and associated support facilities (with the exception of the proposed beach access and trail) are setback approximately 700’ from areas subject to coastal erosion and sea-level rise as described below.

The Draft IS/MND identified potential impacts to Smith’s blue butterfly and other species (see **Section 4.3 Biological Resources**) and **Figure 4.3-6** identifies the extent of potential Smith’s blue butterfly habitat within the boundaries of the Project site. The Department of Parks and Recreation carefully designed the Project to avoid potential impacts to biological resources to the maximum extent possible and identified mitigation to address potential impacts to Smith’s blue butterfly and other species. While the Project would increase the extent of development on-site beyond existing levels and could represent a hardened barrier, the siting of all new facilities must comply with State Parks’ coastal siting policy (Policy 0307.3.2.1). Specifically, Policy 0307.3.2.1 states that it is the policy of the Department of Parks and Recreation that natural coastal processes should be allowed to continue without interference, and that permanent new structures and coastal facilities should not be constructed in areas subject to ocean wave erosion, seacliff retreat, and unstable cliffs. Accordingly, the Project does not include any new permanent facilities in areas which could affect existing coastal processes, including potential secondary impacts due to sea-level rise. The Project includes minor (expendable) improvements within the 700’ coastal setback area for improved coastal access.

These improvements consist of minor access improvements (e.g. trails) to allow coastal access, as well as provide emergency access for public health and safety purposes. The Project would not represent a significant increase in hardened barriers such that sensitive-species would be significantly affected due to “coastal squeeze.” Sea-level rise and bluff loss may also regenerate suitable habitat as the bluffs would provide additional source of sand for beach replenishment. In addition, The Department of Parks and Recreation will continue to monitor natural coastal processes, including impacts due to sea-level rise, as part of on-going FODSP management and will implement additional measures (e.g. site restoration, closures, etc.), as deemed necessary, as part of existing FODSP operations.

The Draft IS/MND also identified mitigation to address potential impacts to sensitive-species. These mitigation measures, in addition to FODSP General Plan Management Guidelines, would minimize potential impacts to a less-than-significant level. Moreover,

the Project also includes on-site restoration, as well as proposed habitat/wildlife corridors, to improve existing habitat for sensitive-species. Approximately 700 acres of FODSP is set aside for natural resource protection consistent with the requirements of the HMP and FODSP General Plan.

- B-6:** This comment identifies that the Project may result in potential impacts to special-status plant species consistent with the analysis contained in the Draft IS/MND. This comment further suggests that the Project could impact Smith's blue butterflies. This comment also identifies that the Project could result in additional impacts to sensitive species due to the construction of the proposed beach access and associated trails, which were not previously surveyed for rare plants due to seasonal constraints. This comment does not identify additional impacts beyond those identified in the Draft IS/MND. DD&A conducted additional surveys of the proposed beach access in April 2013. A copy of those results is available in Appendix A of this document. Additional occurrences of Monterey spineflower and coast and dune buckwheat, potential habitat for Smith's blue butterfly, were observed. No other special-status plant species were observed.
- B-7:** To clarify the statement on page 90 of the Draft IS/MND, "As described in the impact approach, impacts to HMP species are considered less-than-significant unless take authorization is required from USFWS and/or CDFW." The impact approach discussion beginning on page 87 states that because the Fort Ord HMP is approved and being implemented, impacts to HMP species are less-than-significant. However, because the HMP does not exempt future land recipients, including the Department of Parks and Recreation, from the federal ESA or CESA, impacts to listed species requiring take authorization from either the USFWS and/or CDFW would represent a potentially significant impact. The Draft IS/MND identified potentially significant impacts to species that would require take authorization from the USFWS and/or CDFW, including, but not limited to, western snowy plover and Smith's blue butterfly. The Draft IS/MND identified mitigation measures to reduce these potential impacts to a less-than-significant level (see for instance Mitigation Measure 4.3-4); as a result, an EIR is not required. The Department of Parks and Recreation identified feasible mitigation to reduce the level of impacts to a less-than-significant level. The Draft IS/MND included mitigation to ensure compliance with federal and state ESAs and, specifically, Mitigation Measure 4.3-4 requires take authorization from USFWS for potential impacts to western snowy plover and Smith's blue butterfly. The Department of Parks and Recreation is currently participating in the Base-Wide HCP effort; however, the Draft IS/MND acknowledges that the Base-Wide HCP is in draft form and if it is not approved prior to construction, the Department of Parks and Recreation would need to obtain a project-specific take permit.¹⁰

¹⁰ Please note that the analysis contained in the Draft IS/MND evaluated the Project from two perspectives: 1) the Project proceeds with take authorization (for certain species) provided under the pending Base-Wide HCP, and 2) the Project occurs prior to the adoption and implementation of the Base-Wide HCP and therefore obtains incidental take coverage at the project-level (see discussion on Draft IS/MND page 88 for further clarification). The Draft IS/MND includes mitigation measures under both scenarios to ensure that impacts are less-than-significant. While the Draft IS/MND considers both

B-8: This comment identifies that portions of FODSP include critical habitat for the western snowy plover and further identifies that the Draft IS/MND acknowledges the Project's potential impacts on snowy plover critical habitat. This comment further identifies that the majority of the Project is located outside of designated critical habitat, although some trail improvements (e.g. beach access) would occur in designated critical habitat. The construction of beach access improvements would degrade existing critical habitat, particularly due to an increase in recreational use. As described above (see Response B-2), the Department of Parks and Recreation considered potential impacts due to increased recreational use of FODSP in the FODSP General Plan and associated EIR, which identified future campground use as an anticipated future use. In addition, the Draft IS/MND considered potential impacts to critical habitat and identified mitigation to reduce those impacts to a less-than-significant level (see Mitigation Measure 4.3-9). The FODSP General Plan also contains a numerous management requirements to ensure impacts to biological resources are minimized; the Department of Parks and Recreation will continue to implement those requirements as part of the on-going management of FODSP. Please also refer to Appendix B for a discussion of additional management measures that the Department of Parks and Recreation could implement as part of the operation of FODSP. The comment further identifies potential concerns related to sea-level rise. For a detailed response to concerns related to sea-level rise, please refer to Response B-5.

B-9: This comment suggests that the Draft IS/MND should consider potential cumulative impacts to listed species that may occur due to the implementation of the Project. As identified elsewhere, the Draft IS/MND tiered off of the previous environmental analysis conducted as part of the FODSP General Plan EIR in accordance with the requirements of CEQA Guidelines §15152. CEQA requires that the lead agency consider potential cumulative impacts as part of the EIR review process (CEQA Guidelines §15130; see also CEQA Guidelines §15065). The FODSP General Plan EIR considered potential cumulative impacts and determined that cumulative impacts were less-than-significant in light of mitigation identified in the FODSP General Plan EIR, as well as applicable FODSP General Plan management guidelines. The Project would not result in additional impacts beyond those identified in the FODSP General Plan EIR. In addition, the Draft IS/MND identified mitigation measures to avoid and/or minimize potential impacts associated with the Project. Accordingly, the Draft IS/MND determined that potential impacts to biological resources, including potential cumulative effects, were

scenarios, the Department of Parks and Recreation anticipates that the Project will receive coverage under the Base-Wide HCP (i.e. the Project will not occur until after HCP adoption and implementation assuming that the HCP will be adopted). In the event that the HCP is not adopted, the Department of Parks and Recreation will proceed with obtaining take coverage as outlined above. The Department of Parks and Recreation will continue to work with USFWS and CDFW as part of the on-going Base-Wide HCP process and recognizes that the HCP would provide take coverage for impacts snowy plovers and Smith's blue butterflies, among other species. In the unlikely event that the Project proceeds prior to adoption and implementation of the Base-Wide HCP (or the Base-Wide HCP is not adopted), the Department of Parks and Recreation will work with USFWS and CDFW to obtain an incidental take authorization at a project-level.

less-than-significant (CEQA Guidelines 15064(h)(2)). The Draft IS/MND appropriately considered potential impacts to listed species and identified corresponding mitigation measures to minimize the extent of those impacts. For more information please see **Section 3.0 Revisions to the Draft IS/MND**; the Department of Parks and Recreation revised the Draft IS/MND to clarify and amplify the existing analysis related to cumulative effects.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

April 18, 2013

Patricia DuMont
California Department of Parks and Recreation
One Capitol Mall, Ste 410
Sacramento, CA 95814

Subject: Fort Ord Dunes State Park Campground Project
SCH#: 2013031053

Dear Patricia DuMont:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on April 17, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Morgan'.

Scott Morgan
Director, State Clearinghouse

C-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013031053
Project Title Fort Ord Dunes State Park Campground Project
Lead Agency Parks and Recreation, Department of

Type **MND** Mitigated Negative Declaration

Description The Project consists of the construction and operation of a campground facility and associated infrastructure within Fort Ord Dunes State Park. The Project consists of the following:
- Construction of 45 RV sites (e.g. water and electrical connections) and two (2) hosts sites (full hook-up sites), 10 hike/bike sites, and 43 tent sites (including 3 family sites);

Lead Agency Contact

Name Patricia DuMont
Agency California Department of Parks and Recreation
Phone 916 445 9081 **Fax**
email
Address One Capitol Mall, Ste 410
City Sacramento **State** CA **Zip** 95814

Project Location

County Monterey
City Seaside
Region
Lat / Long 36° 38' 38" N / 121° 49' 46" W
Cross Streets 1st Street and Beach Range Road
Parcel No. S3.1.1, S3.1.2, S3.1.3, S3.1.4

Township	Range	Section	Base
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Proximity to:

Highways SR 1
Airports
Railways
Waterways
Schools Seaside HS, CSU Monterey Bay
Land Use 1st Street Zone, Storage Bunker Zone, Park Support/Administrative Zone, and Natural Resource Zone

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 03/19/2013 **Start of Review** 03/19/2013 **End of Review** 04/17/2013

LETTER C: State of California Office of Planning and Research

C-1: This comment identifies that the Project has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. No response is necessary.

FRIENDS OF THE FORT ORD WARHORSE

Commemorating Fort Ord's Horse Cavalry, Field Artillery,
Quartermaster Pack Trains, and Army Veterinary Corps



April 10, 2013

State of California Department of Parks and Recreation
Resource Management Division
Attn: Patricia DuMont, Environmental Compliance Supervisor
P.O. Box 942896
Sacramento, CA 94296-0001

Dear Ms. DuMont,

Friends of the Fort Ord Warhorse (FFOW) is a 501(c)3 nonprofit corporation dedicated to the recognition and preservation of the history of the Fort Ord Army warhorses and soldiers, for the educational and cultural enrichment of the Monterey Peninsula, its visitors, and the nation.

D-1

We have reviewed the 2004 *Fort Ord Dunes State Park Preliminary General Plan and Draft Environmental Impact Report* and 2013 *Draft Initial Study for the Fort Ord Dunes State Park Campground Project*.

Despite a strong contingent of equestrian users in the State of California and particularly in the County of Monterey, provision for equestrian recreation is absent in the Park general plan and Project study.

D-2

Fort Ord Dunes State Park is located one mile from the Marina Equestrian Center via the 8th Street bridge over Highway 1. The equestrian center, located at 5th Avenue and 9th Street, was transferred to City of Marina by the National Park Service through the Federal Lands to Parks Program. This land grant was intended to further accessibility and connection between the coastal state park and Bureau of Land Management interior; the Marina Equestrian Center is a 35-acre public park intended to serve as a trailhead for equestrians, cyclists, and hikers.

D-3

The intended connection between federal, state and local parks/recreation facilities is provided for in the Fort Ord Base Reuse Plan. Volume 1 of the plan is replete with directions to connect and enhance recreational use, including that by equestrians. Map 3.6-1 in the Fort Ord Reuse Plan depicts an open-space/recreation corridor beginning at the 8th Street entrance to Fort Ord Dunes State Park and extending east to the Jerry Smith Corridor, the primary northern access point to Fort

D-4

Ord National Monument land. The Marina Equestrian Center is contiguous with the corridor.

D-4 (cont)

Nevertheless, your project documents are silent on the local and regional trail network intended in National Park Service and Fort Ord Reuse Authority land transfers. They are also silent on equestrian use on any portion, if not all, of the park. According to the 2004 preliminary general plan, a survey on park use was sent to 155 participants, to which responses were received in July 2003. Reference to horse use of the beach is made among the comments. In comments received between the preparation of Public Scoping Report 1 (issued in August 2003) and preparation of the Draft General Plan in December 2003, "...respondents expressed interest in... designated horse trails." But neither the 2004 nor 2013 documents analyzes equestrian access.

D-5

Friends of the Fort Ord Warhorse asserts that, insofar as there is a failure to address larger access questions and equestrian use, the *Fort Ord Dunes State Park Preliminary General Plan and Draft Environmental Impact Report* and 2013 *Draft Initial Study for the Fort Ord Dunes State Park Campground Project* are incomplete studies.

D-6

Friends of the Fort Ord Warhorse urges, at minimum, an equestrian shoulder on Beach Range Road for access from MEC to the campground and Stilwell Hall overlook, connecting with City of Marina at the 8th Street bridge. Hitching posts at Stilwell Hall and the proposed southern vista point also accommodate excursions by horsemen.

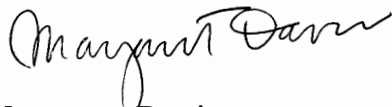
D-7

A cultural opportunity has been overlooked as well. Historically, the Fort Ord Dunes State Park was used by horse soldiers from the Presidio of Monterey and Fort Ord, including the 11th Cavalry, 76th Field Artillery, 107th Cavalry, Fort Ord Rangers, and Coast Guard. Interpretive signage would be of considerable interest to the public.

D-8

Please consider our position stated herein and make appropriate revisions to your plan.

Very truly yours,

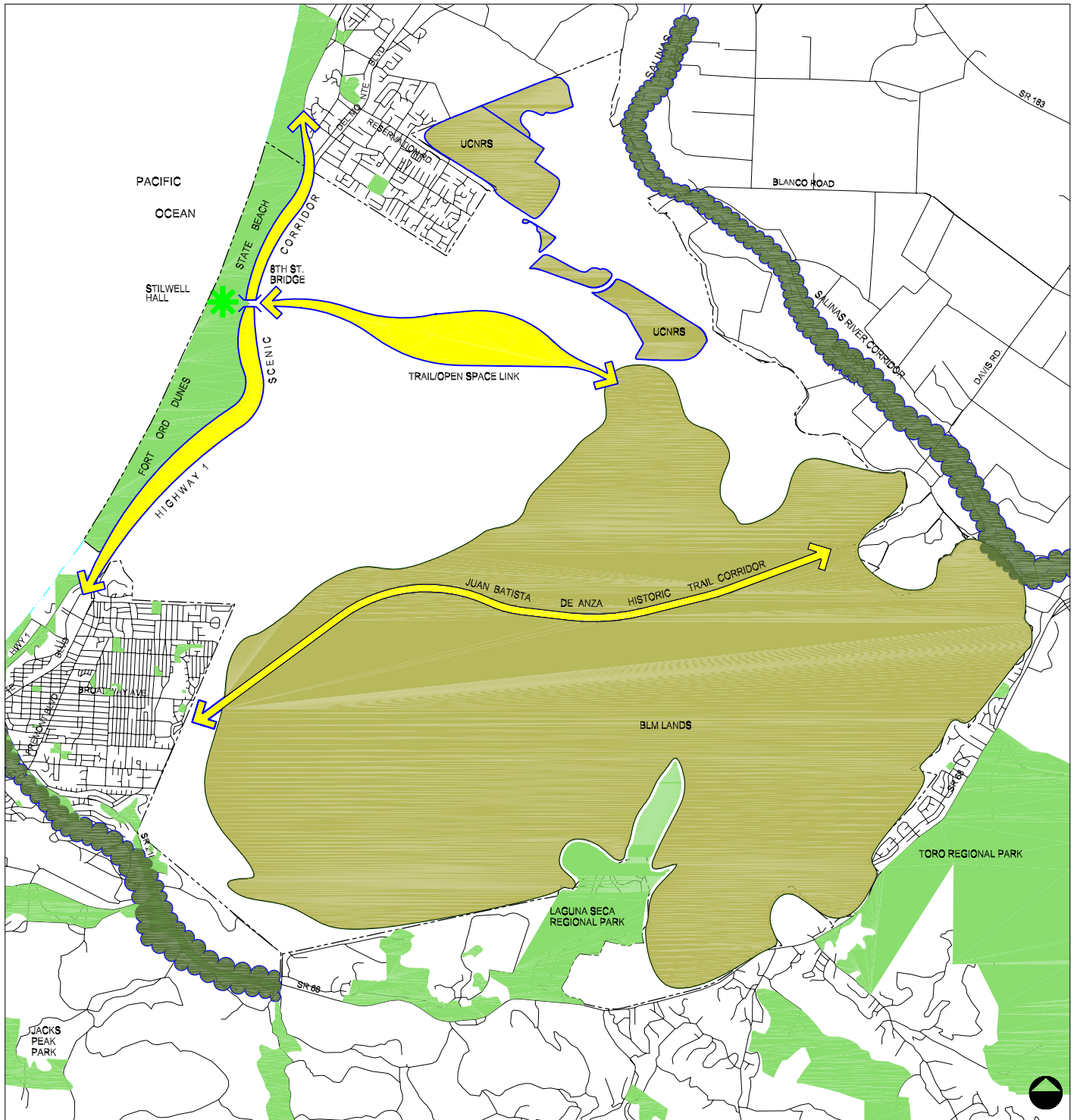


Margaret Davis
Executive Director,
Friends of the Fort Ord Warhorse
Box 1168, Marina, CA 93933
831-224-4534
fortordhistory@gmail.com

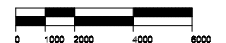
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FORT ORD REUSE PLAN



SOURCE: Jones & Stokes, 1995; Reimer Associates, (Re-projected), 1995; Monterey Co., 1995; EDAW, 1996.



LEGEND:



Riparian/
Estuarine Corridor



Trail/Open Space Link



Parks/Open Space



Major Projected Habitat:

BLM: Bureau of Land Management
UCNRS: University of California
Natural Reserve System

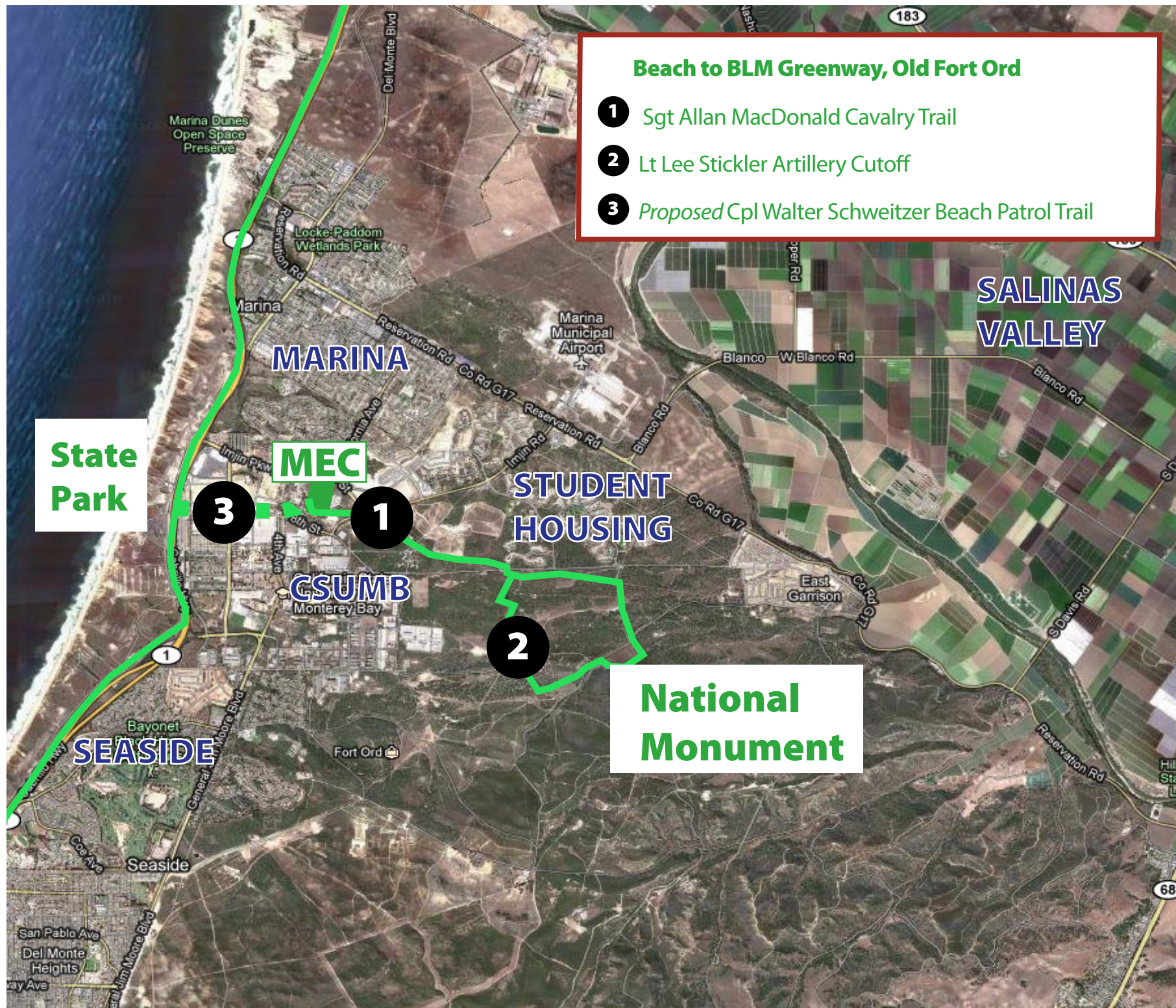
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EMC Planning Group Inc.

Rev.: 6/7/01 9:37 PM

FIGURE 3.6-1

REGIONAL OPEN SPACE SYSTEM



Beach to BLM Greenway, Old Fort Ord

- 1 Sgt Allan MacDonald Cavalry Trail
- 2 Lt Lee Stickler Artillery Cutoff
- 3 *Proposed* Cpl Walter Schweitzer Beach Patrol Trail

State
Park

MEC

STUDENT
HOUSING

SALINAS
VALLEY

National
Monument

SEASIDE

CSUMB
Monterey Bay

LETTER D: Friends of the Fort Ord Warhorse

- D-1:** CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). This comment does not raise an environmental issue warranting a response under CEQA. Comment noted.
- D-2:** This comment does not raise an environmental issue warranting a response under CEQA. The comment contends that the FODSP General Plan and the Draft IS/MND for the FODSP Campground Project do not provide sufficient amenities for equestrian uses. The analysis contained in this IS/MND evaluated the potential physical effects of the Project and identified potential impacts and mitigation accordingly. It would be inappropriate to evaluate potential impacts associated with equestrian uses since no such uses are currently proposed as part of the Project. In the future, State Parks may choose to evaluate the feasibility of providing such amenities at which time any specific equestrian-related project would undergo environmental review under CEQA.
- D-3:** Comment noted. This comment does not raise an environmental issue concerning the project; no response is warranted under CEQA.
- D-4:** Comment noted. This comment does not raise an environmental issue concerning the project; no response is warranted under CEQA.
- D-5:** This comment contends that the analysis contained in the FODSP General Plan EIR and FODSP Campground Project IS/MND are incomplete because they do not consider potential equestrian uses. The analysis contained in this IS/MND is specific to those impacts associated with the Project (see Response D-2). At this time, Department of Parks and Recreation is not proposing any equestrian uses in connection with the Project. As a result, the Draft IS/MND appropriately analyzed the potential environmental impacts associated with the Project (e.g. campground improvements, pedestrian trail access, etc.). In terms of the adequacy of the analysis contained in the FODSP General Plan EIR, the Department of Parks and Recreation fully evaluated potential impacts associated with the implementation of the General Plan at a programmatic-level in accordance with the requirements of CEQA. State Parks adopted and certified the FODSP General Plan EIR in 2004. In the future, the Department of Parks and Recreation may consider potential equestrian use within the FODSP provided it is compatible with existing uses, applicable land use restrictions, and biological resource constraints. Any future improvements, if proposed, would undergo project-specific environmental review in accordance with CEQA.
- D-6:** This comment does not raise an environmental issue concerning the project; no response is warranted under CEQA. The Department of Parks and Recreation is not proposing any equestrian trail improvements as part of the Project (see also Response D-2).

D-7: Comment noted. While this comment does not raise an environmental issue concerning the project; the Department of Parks and Recreation will evaluate potential opportunities to provide interpretive elements within FODSP that highlight the historical use of horses on the former Fort Ord.



MONTEREY AUDUBON SOCIETY

Celebrating, Exploring, Conserving and Restoring the Birds and Ecology of the Greater Monterey Bay Region Since 1943

APRIL 14, 2013

State of California Department of Parks and Recreation
Northern Service Center
Attn: Patricia DuMont, Environmental Compliance Supervisor
One Capitol Mall, Ste 410
Sacramento, CA 95814

RE: Fort Ord Dunes State Park Campground Project, Mitigated Negative Declaration

The Monterey Audubon Society on behalf of its approximately 1,000 members appreciates the opportunity to comment on the above-mentioned project, and the recently completed Mitigated Negative Declaration associated with it.

I. Summary

In summary, we believe this project, once completed, will represent a significant change in the level and intensity of recreational use at Fort Ord Dunes State Park and that the project may have significant impacts on listed, sensitive or otherwise important species of wildlife including the federally listed Western Snowy Plover and state-designated threatened Bank Swallow (*Riparia riparia*). Only a full Environmental Impact Report will be able to properly analyze the extent of the potential impacts to these species, and the extent to which these new impacts will require mitigation and whether such mitigation can adequately offset the impacts to these species.

E-1

II. Project

The project will include the following: "Construction of 45 RV sites (e.g. water and electrical connections) and two (2) host sites (full hook-up sites), 10 hike/bike sites, and 43 tent sites (including 3 family sites); Paved parking to accommodate 40 vehicles; Unpaved overflow parking area to accommodate up to 40 additional vehicles; Four (4) new public combination buildings (restrooms and showers) for campground use; An 1,800 square foot multi-purpose building (also referred to as a "warming hut"); Outdoor facilities (e.g. campfire center, interpretation areas, and viewing area); Renovation of an existing bunker for interpretative purposes; Renovation of an additional bunk for additional storage; Construction of a 500-600 square foot entrance station near the 1st Street underpass; Three (3) modular operations/security structures (e.g. residences, operations, security, etc.)." Based on this description we feel it self-evident that this infrastructure will facilitate significantly increased recreational usage at the Park over current conditions, which entail only limited and sporadic

E-2

public attendance by birders, fishermen, and transient visitors who appreciate the parks remote quietude.

III. Birds Present

Fort Ord Dunes State Park hosts a number of interesting avian species including Nuttall's White-crowned Sparrow, migrant shorebirds, foraging raptors, and breeding populations of listed Western Snowy Plover as well as the only breeding colony of Bank Swallows in Monterey County. Similar adjacent dune habitat near Sand City and at Marina hosts occasional wintering Burrowing Owls, and this species could also be present at Fort Ord Dunes State Park, though there is no mention of this species in the Negative Declaration. If they are present, special planning should be undertaken to ensure this species of concern suffers as little disturbance as possible as a result of the project's completion.

E-3

IV. Bank Swallows

Figure 1.4 seems to show that the 45 hook-up sites will be immediately adjacent to the Bank Swallow nesting colony. "Although nesting success can be high (about 70% of eggs laid; Turner & Rose), most Bank Swallows live only a few years *so a small colony will need to be continually successful to continue to exist*" (Roberson & Tenney 1993). Bank Swallows formerly nested more widely in Monterey County, though all other formerly known colonies have failed. The Fort Ord Colony may be the southernmost in the State of California. We believe much more extensive analysis should be undertaken to determine the potential impacts of disturbance to this nesting colony, should the project be completed, especially given the current site plan. What would be the impacts to individual birds and nesting success, during breeding season, if the campground were at maximum capacity? How sensitive is *R. riparia* to pedestrian human disturbance in close proximity to colonies? Only a full EIR can adequately address this issue and help ensure that the completion of this project will not extirpate Bank Swallows as a nesting species from the central coast and by extension hasten their decline statewide.

E-4

V. Western Snowy Plover

As indicated in the Declaration, Western Snowy Plover nests at Fort Ord Dunes. The recognized critical habitat comprised by the sandy shores and dunes of Monterey Bay, from Del Monte Beach to Sunset State Beach in turn comprises a key area within Recovery Unit 4, one of the most significant units in the species range, and a unit integral to the Plovers' overall survival and recovery. While the most current nest data is noted in the Declaration's maps, all of the sandy shore and dune in the project area comprises potential nesting habitat for the birds that could be utilized for nesting at any time. Increased usage of the scale anticipated will introduce new challenges for the birds including but not limited to: increased human disturbance, canine disturbance (leash laws are reliably disregarded by many people, especially in the currently lax enforcement environment), as well as potentially increased incidental larid and corvid predation by avian predators drawn to forage through increased human garbage at the site. We believe the Declaration does not adequately consider or discuss these potential impacts to Monterey Bay's Plovers, and Recovery Unit 4, by extension. An EIR would provide the opportunity to address these concerns more carefully and thoughtfully.

E-5

VI. Conclusion

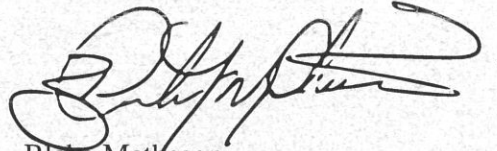
Monterey Audubon recognizes the need for State Parks to develop new revenue opportunities to fund its important land conservation and recreational mission. We also appreciate the need to

E-6

provide the public with opportunities to enjoy the precious landscapes and oceanfront of California so as to better engender public admiration of and concern for the environment. However, we also believe that development of these opportunities should only be undertaken when doing so can be achieved without jeopardizing important populations of wildlife. We respectfully suggest that pursuant to NEPA, CEQA, CESA and the ESA that a full Environmental Impact Report be completed, so a much more thorough discussion of the project's impacts may initiated.

E-6 (cont)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Blake Matheson', with a stylized flourish at the end.

Blake Matheson
President, Monterey Audubon

BTM/lml

LETTER E: Monterey Audubon Society

- E-1:** This comment contends that the Project will represent a significant change in the level of intensity and use at FODSP and that the Project could potentially have significant impacts on biological resources, including bank swallows and western snowy plovers. This comment suggests that the Department of Parks and Recreation prepare an EIR to fully evaluate the potential impacts due to increased recreational use associated with the Project.

The Department of Parks and Recreation previously prepared an EIR that evaluated potential impacts due to increased recreational use of FODSP. The Draft IS/MND tiered off of that analysis in accordance with the requirements of CEQA Guidelines §15152(a) and Public Resources Code §21068.5. The FODSP General Plan EIR evaluated potential impacts to biological resources and identified appropriate mitigation to reduce those impacts to a less-than-significant level. In addition, the FODSP General Plan also identified a number of management guidelines to further minimize impacts to sensitive resources. The Department of Parks and Recreation is responsible for implementing those requirements, which State Parks will continue to implement in connection with the on-going management of FODSP. Please also see Response B-2 above. Please also see Appendix B for additional measures that the Department of Parks and Recreation could implement in connection with the on-going management of FODSP.

In addition to previously evaluating potential impacts due to increased recreational use at a programmatic-level, the Department of Parks and Recreation also evaluated the specific physical impacts associated with the Project, including potential impacts that could occur in connection with increased recreational use. The Draft IS/MND clearly identified these impacts and included feasible mitigation measures to ensure that impacts would be less-than-significant based on a detailed review of the Project, consultation with regulatory agencies (e.g. USFWS and CDFW), biological site surveys, professional expertise, and knowledge of the area and site resources. Please refer to **Section 4.3, Biological Resources** for further information. Based on the analysis contained in the Draft IS/MND, previous analyses conducted as part of the FODSP General Plan, and on-going management requirements implemented by the Department of Parks and Recreation, an EIR is not warranted. The Draft IS/MND appropriately evaluated potential impacts and recommended feasible mitigation to reduce those impacts to a less-than-significant level. The Department of Parks and Recreation will continue to work with USFWS and CDFW to ensure that impacts to sensitive resources are minimized in accordance with the requirements of the Draft IS/MND, FODSP General Plan, CESA and federal ESA, and on-going discussions related to the Base-Wide HCP.

- E-2:** This comment contends that the Project will significantly increase the recreational use at FODSP. The Draft IS/MND recognizes that the Project will increase recreational use and access of FODSP. Where appropriate, the Draft IS/MND identifies mitigation

measures to reduce the extent of potential impacts to a less-than-significant level. In addition, the Department of Parks and Recreation is responsible for implementing on-going management requirements as outlined in the FODSP General Plan and associated EIR to minimize potential impacts to sensitive resources. Please refer to Response B-2; see also response E-1 above for more information concerning potential impacts due to increased recreational use of FODSP.

E-3: This comment identifies that burrowing owls are known to occur in similar adjacent dune habitat in Sand City and Marina and could potentially be present at FODSP. The Draft IS/MND identified that the presence of burrowing owls on the Project site is unlikely due to the “lack of suitable habitat within the Project site.” Please refer to **Appendix B** of the Draft IS/MND for a detailed list of special-status species and the potential for their presence within the Project site.

E-4: This comment identifies that the colony of bank swallows are located immediately adjacent to proposed RV camp sites. This comment further contends that the Draft IS/MND should include a more detailed analysis of potential impacts to bank swallows due to increased recreational use and that State Parks should prepare an EIR. Please refer to Response E-1 for a detailed response to comments related to the preparation of an EIR and level of analysis concerning impacts related to increased recreational use (see also Response B-2 for discussion of recreational uses). The Department of Parks and Recreation considered potential impacts to special-status species, including banks swallows, and Draft IS/MND identified mitigation to avoid potential impacts to bank swallows (see for instance Mitigation Measure 4.3-3 and 4.3-6). The Draft IS/MND specifically identified that “loss of vegetation and wildlife due to recreational activities may also occur due to:

- Excessive noise, trampling, or rapid movements by joggers resulting in harassment to wildlife;
- Increased garbage, road-kills, and trash that attract corvids, resulting in nest predation and loss of species diversity; and
- Off-trail activity resulting in habitat destruction and/or fragmentation and spread of invasive species.”

In addition, the Department of Parks and Recreation also specifically designed the Project to avoid direct impacts to the bank swallow colony depicted in **Figure 4.3-5**. The Department of Parks and Recreation relocated the proposed beach access and associated trail north of this area to avoid impacts; originally, the Project included beach access at the location of the existing blow-out due to the highly disturbed nature of the area and proximity to the campground.

For clarification purposes, the proposed RV campsites are not located immediately adjacent to the existing nest colony, which is located outside of the boundaries of the Project. Nesting colonies are located approximately 650 to 700 feet west/northwest of

the closest campsite. The Department of Parks and Recreation intends to restrict access to the dune areas through the implementation of Mitigation Measure 4.3-3 and existing FODSP General Plan requirements (e.g. BIO-1 through BIO-11), as well as specific Project design features (e.g. fencing, interpretive signage, berms, security, etc.). Please also see Appendix B and Response B-2 for additional measures that the Department of Parks and Recreation could implement as part of the on-going management of FODSP.

- E-5:** This comment identifies specific concerns related to potential impacts to western snowy plovers due to increased recreational use of FODSP. Specific impacts identified in the comment include increased human disturbances, canine disturbance, as well as potential larid and corvid predation by avian predators drawn to the site. This comment further contends that the Department of Parks and Recreation should prepare an EIR due to potential impacts to this species as a result of increased recreational use. Please refer to Response E-1 for a more detailed response related to recreational impacts and the preparation of an EIR (see also Response B-2). As discussed in more detail above, the Department of Parks and Recreation prepared an EIR in connection with the FODSP General Plan, which identified future campground and support infrastructure as an appropriate use in the Storage Bunker management zone (e.g. the Project site). That EIR considered potential impacts due to increased recreational use and identified mitigation to lessen those impacts to a less-than-significant level. In addition, the FODSP General Plan also identified detailed management guidelines to avoid and/or minimize impacts to special-status species, including western snowy plovers.

This comment also identifies that all of the sandy shores in the Project area comprise potential nesting habitat for snowy plover. The Draft IS/MND correctly identifies that critical habitat for snowy plover extends from Moss Landing to Monterey (see **Section 4.3, Biological Resources**; see Draft IS/MND pg. 79) and that snowy plover critical habitat is located in the areas surrounding the Project site (see **Figure 4.3-7**; see also **Figure 4.3-8**). In addition, the Draft IS/MND also identified known snowy plover nesting locations documented by the Department of Parks and Recreation. No known snowy plover nests are located within the Project site, the majority of which is located outside of snowy plover critical habitat. Only minor portions of the Project (e.g. proposed viewing locations and proposed beach access) are located in snowy plover critical habitat. The Draft IS/MND contained mitigation to address potential impacts to critical habitat (see Mitigation Measure 4.3-9); this mitigation is in addition to the approximately 785-acre Natural Resource Management Zone that the Department of Parks and Recreation maintains and preserves for natural resource protection and habitat restoration. For further discussion concerning critical habitat, please refer to Response B-8. In addition, please also refer to Appendix B for additional measures that the Department of Parks and Recreation could implement in connection with the on-going management of FODSP.

E-6: This comment recognizes the Department of Parks and Recreation's mission to provide recreational opportunities for the betterment of California, but contends that State Parks should conduct additional environmental review pursuant to NEPA, CEQA, ESA, and CESA. Specifically, the comment concludes that State Parks should prepare an EIR to more thoroughly evaluate potential impacts associated with the Project. As described previously (see Response E-1), the Department of Parks and Recreation previously prepared an EIR to evaluate the potential impacts associated with the implementation of the FODSP General Plan EIR. The Draft IS/MND tiered off of that analysis pursuant to the requirements of CEQA and included a detailed analysis of project-specific impacts. The Department of Parks and Recreation will continue to implement applicable FODSP management guidelines, as well as applicable FODSP General Plan EIR mitigation to minimize and/or avoid potential impacts to special-status species. The Draft IS/MND identified project-specific mitigation to reduce potential impacts associated with the Project to a less-than-significant level. The Department of Parks and Recreation will continue to work with USFWS and CDFW to address biological resource considerations specific to FODSP. The Draft IS/MND appropriately evaluated potential impacts associated with the Project and identified mitigation to reduce the extent of these impacts to a less-than-significant level. The Department of Parks and Recreation prepared an IS/MND consistent with the requirements of CEQA and appropriately relied on previous environmental analysis conducted as part of the FODSP General Plan.

16 Apr 13

State of California Department of Parks and Recreation
Northern Service Center
Attn: Patricia DuMont, Environmental Compliance Supervisor
One Capitol Mall, Ste 410
Sacramento, CA 95814

RE: Fort Ord Dunes State Park Campground Project, Mitigated Negative Declaration

I have inventoried the birds and butterflies of the former Fort Ord since 1996, and, with the help of the California Native Plant Society (CNPS), I have been working on a formal flora of Fort Ord since December 2003. In fact, I was participating in a butterfly count, when, much to my surprise, I discovered Bank Swallows on Fort Ord Dunes State Park.

For the formal plant inventory, I have divided the former Fort Ord into 70 regions, mostly bounded by roads or trails. An objective of the inventory is to know, as well as possible, all the plants of each of these regions. Three of the 70 regions are west of Highway 1: The Spur, also known as Gigling Siding, north of 8th Street, and south (excluding The Spur). After 7 years of inventory I did an informal analysis of the regions based solely on the plant species. The north and south Beach Ranges regions stood out as very similar, and clearly separate from the 68 other regions of the former Fort Ord. Plants with a CNPS rarity listing, such as gray locoweed (*Astragalus nuttallii* var. *nuttallii*) and Monterey paint-brush (*Castilleja latifolia*) live in these two regions, but they have not on the inventory been recorded in the other 68 regions. Coast wallflower (*Erysimum ammodendrum*) has its main population on the Beach Ranges. There are other rare plants that occur on the Beach Ranges, but that are not at all restricted there on Fort Ord, e.g. Monterey spineflower (*Chorizanthe pungens* var. *pungens*). We should not neglect the fact that there are several plant species that are not rare in general, but that are restricted to the Beach Ranges of Fort Ord. From this view point the Beach Ranges of Fort Ord are unique, and the habitat needs to be protected. Here I would like to point out the fine job that the State Parks has done in removing invasive alien plant species. They are to be commended for their fine work!

The unique plants of the Beach Ranges (within the Fort Ord context) are likely the reason that the rare Smith's Blue butterfly occurs there and nowhere else on Fort Ord. There is another butterfly, the Mormon Metalmark, that, to my knowledge, has been seen on Fort Ord only on the north end of the Beach Ranges.

The species most likely to be extirpated from Fort Ord is the Bank Swallow. Its only known colony is close to the location of the proposed campground. I do fear for its existence.

I would rather not have a campground placed as proposed. I wish that if one were developed, it would be placed east of Highway 1.

Sincerely,

David Styer

David Styer, Agent CNPS

P.O. Box 444

Moss Landing, CA 95039

david.styer@sbcglobal.net

F-1

LETTER F: California Native Plant Society

F-1: This comment provides an account of biological inventories conducted and observations made by the commenter. The information contained in this comment does not raise an environmental issue or offer a comment on the analysis contained in the Draft IS/MND, but does provide local knowledge of the resources within the FODSP. The Draft IS/MND addressed impacts to these resources in accordance with CEQA. For specific information related to biological resources, please refer to **Section 4.3, Biological Resources**. The Draft IS/MND contained a detailed evaluation of potential impacts to biological resources based on the results of focused rare plants surveys and reconnaissance-level biological surveys of the site. The commenter also expresses an opinion concerning the Project. Comment acknowledged; no further response warranted under CEQA.



RESOURCE MANAGEMENT SERVICES

440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6737
FAX (831) 899-6211

April 17, 2013

State of California Department of Parks and Recreation
Attn: Patricia DuMont, Environmental Compliance Supervisor
Northern Service Center
One Capitol Mall, Ste 410
Sacramento, CA 95814

Re: Initial Study/Mitigated Negative Declaration for the Fort Ord Dunes State Campground Project

Dear Ms. DuMont:

The City of Seaside is submitting the following comments in its review of the Initial Study/Mitigated Negative Declaration for the Fort Ord Dunes State Campground Project:

1. RV Parking/Overflow Parking:

Although the Base Reuse Plan identifies that portions of the Projects at Main Gate Specific Plan would serve as a "queuing location" for managing RV arrivals accessing the future Fort Ord Dunes State Park, the City of Seaside and State Parks must have continuing communication regarding the specific location and number of spaces to be provided. The City of Seaside is requesting that State Parks contact the City of Seaside to open discussions on its RV parking and overflow parking needs in order to establish a clear understanding as to how this parking need can be accommodated within the context of the conceptual site plan that was adopted as part of the Projects at Main Gate Specific Plan. The City of Seaside will continue to work with the State Parks as part of the access agreements which were established for the land transfer to the City of Seaside of the 11 acre site commonly referred to as "Drum Stick".

G-1

The City of Seaside appreciates the opportunity to provide comment on this project and offers them in the spirit of assuring balanced development opportunities for all the land use agencies on Fort Ord.

Sincerely,

A handwritten signature in black ink that reads "Rick Medina". The signature is fluid and cursive, with the first name "Rick" and last name "Medina" clearly visible.

Rick Medina
Senior Planner

CC: Diana Ingersoll, Deputy City Manager – Resource Management Services
Lisa Brinton, Community and Economic Development Services Manager
Tim O'Halloran, City Engineer

LETTER G: City of Seaside

- G-1:** CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). This comment requests that the Department of Parks and Recreation engage the City of Seaside to discuss future overflow RV parking needs east of SR 1 in order to establish parking needs as it relates to the City's planned future commercial development east of SR 1. The Department of Parks and Recreation will engage the City of Seaside to discuss future needs consistent with the intent of this comment. This comment does not raise an environmental issue warranting further consideration under CEQA; comment acknowledged.

Fort Ord Community Advisory Group (FOCAG)
P.O. Box 969
Seaside, CA 93955
Phone: 831-484-6659
Email: focagemail@yahoo.com

The "Fort Ord Community Advisory Group is a public interest group formed to review, comment and advise on the remediation (cleanup) of the Fort Ord Army Base, Superfund Site, to ensure that human health, safety and the environment are protected to the greatest extent possible." - Mission Statement

State of California Department of Parks and Recreation
Northern Service Center
Attn: Patricia DuMont, Environmental Compliance Supervisor
One Capitol Mall, Ste 410
Sacramento, CA 95814
Re: Fort Ord Dunes State Park Campground Project
Email: CEQANSC@parks.ca.gov
Fax: (916) 445-8883

Jim Trapani
Project Manager
Northern Service Center
(916) 445-8769
jtrap@parks.ca.gov

California Coastal Commission Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
831-427-4863
c/o Michael Watson, Email: michael.watson@coastal.ca.gov

April 17, 2013

The Fort Ord Community Advisory Group (FOCAG) was formed by the California DTSC, who assisted in getting it up and running. This FOCAG formation followed the U.S. Army dissolving the Fort Ord Restoration Advisory Board, and a Fort Ord Toxic's Project Federal lawsuit against the Army regarding that dissolution. The FOCAG are volunteers who receive no State or Federal funding.

H-1

We wish to comment on the Draft Mitigated Negative Declaration, Initial Study/Mitigated Negative Declaration, for a proposed Fort Ord Dunes State Park Campground Project. We first became aware of this proposed project as the result of an article published in the local newspaper, The Herald. We discovered the comment deadline was in a very few short days. Subsequent research determined that although

H-2

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some governmental agencies and departments were sent notice of this proposed project; there was no published public notice of this in any circulated local newspaper.

The FOCAG formally asked Project Manager Jim Trapani for a 30-day extension of the comment deadline to enable the FOCAG to acquire all documents, and have sufficient time to review and comment. This formal request for a comment extension was denied because, we understand, State Parks is on a tight timeline for this project.

H-2
(cont)

FOCAG members are on the distribution list for all clean up documents related to the former Fort Ord National Superfund Site. FOCAG members have also attended many dozens of Army Community Involvement Workshops (CIW) over the years. Representatives attended former S.M.A.R.T meetings. A representative has also attended a few of the Technical Review Committee (TRC) Meetings. The FOCAG has corresponded with the U.S. EPA, Region 9, the California Department of Toxic Substance Control (DTSC), and the Regional Water Quality Control Board offices in San Luis Obispo. FOCAG members have lived near the former Fort Ord while it was an Army Infantry Training Base. FOCAG members have also been following issues on former Fort Ord since its closure, and the determination it was a National Superfund Site.

H-3

The point of telling you all this is because:

At no time during all this review and meetings, do we recall ever hearing of a plan to introduce family camping/campgrounds on the lead impregnated firing ranges, now called Fort Ord Dunes State Park. We followed the removal of much of the lead to the Corrective Action Management Unit (CAMU) on former Fort Ord.

We expressed health concerns when these former Army beach rifle ranges were opened to the public. At that time we were told it would be for day use only. People were expected to stay but a couple, or few hours, at this beach site. Therefore the risk for exposure to lead and lead dust was less. However, the project description now calls for plans to turn at least a portion of it into a permanent State Parks campground facility with associated infrastructure. Who determined this proposed change of use?

H-4

One big FOCAG concern is the wind blows through this beach nearly everyday and whips up sand and dust. Some of it ends up on adjacent Highway 1. Campers, including children, would be breathing this dust. The sand has tiny lead particles in it. Copper and Antimony are other residual particles here. Where is this analyzed in this document?

H-5

This is the link the FOCAG was provided when we called State Parks:

"Here is the link to the Draft Initial Study you requested for Fort Ord Dunes Campground Project. I hope this is helpful. Joan"

http://www.parks.ca.gov/?page_id=982

H-6

Page 3

The FOCAG reviewed online, this Draft Initial Study for Fort Ord Dunes Campground Project and, so far, only found the word "lead" mentioned once, and that was on the 128th page of this document where it says:

"In order to address potential human health risks due to the presence of **lead** and other metals in the soil, the *Interim Record of Decision, Site 3, Beach Trainfire Ranges, Fort Ord, California...*"

H-6
(cont)

The FOCAG finds this woefully inadequate and asks that the document be recirculated with analysis of lead toxicity, lead dust, air and sand sampling results.

A second FOCAG concern is children wandering down the beach, off any trails, and building sand castles. This is what children do. They also play in the sand and cover one another with sand. Sometimes children put sand in their mouths. Don't you agree? Where is this analyzed in this document?

H-7

Lead is on the California Proposition 65 list of chemicals. Exposure to lead causes developmental issues in females and males. It also causes cancer.

Please reference:

http://oehha.ca.gov/prop65/prop.65_list/file3/P65single0411.pdf

We believe this project would require the State Parks to issue Proposition 65 Notices to campers. Don't you agree? Where is this analyzed in this document?

H-8

State Parks referred the FOCAG to the following link for a document received by the Army document repository in August of 2000.

http://www.fortordcleanup.com/adminrec/ar_pdfs/AR-SITE3-105A/TEXT.PDF

There have been significant changes to standards for lead since August of 2000, beginning with U.S. EPA changes several months later in December of 2000. Knowledge of the dangers of exposure to lead and lead dust have changed. Now we are in year 2013. Don't you agree this should be analyzed in the State Parks Mitigated Negative Declaration?

H-9

FOR RELEASE: TUESDAY, DEC. 26, 2000

EPA ANNOUNCES TOUGH NEW STANDARDS FOR LEAD

As part of EPA's ongoing efforts to protect children from lead poisoning, the Agency today announced tough, new standards to identify dangerous levels of lead in paint, dust and soil. These new national standards are more protective than previous EPA guidance

Page 4

and will, for the first time, provide home owners, school and playground administrators, childcare providers and others with standards to protect children from hazards posed by lead, including children in federally-owned housing.

Under these new standards, federal agencies, including Housing and Urban Development, as well as state, local and tribal governments will have new uniform benchmarks on which to base remedial actions taken to safeguard children and the public from the dangers of lead. These standards will also apply to other Federal lead provisions, such as EPA's real estate disclosure requirements presently in place for people selling or renting a home or apartment. These hazard standards will also serve as general guidance for other EPA programs engaged in toxic waste cleanups. In addition, these standards will provide landlords, parents, and childcare providers with specific levels on which to make informed decisions regarding lead found in their homes, yards, or play areas.

"Lead poisoning continues to be one of the most serious environmental threats to the children of this country," said EPA Administrator Carol Browner. "These new standards provide important information to help all Americans better protect our children from the threats from lead. Parents who have their homes checked for lead, for example, will know if they need to take action to lower levels. This marks another important part of the commitment of the Clinton-Gore Administration to protect the health of our most vulnerable citizens – our children."

Health problems from exposure to lead can include profound developmental and neurological impairment in children. Lead poisoning has been linked to mental retardation, poor academic performance and juvenile delinquency. Nearly one million

H-9
(cont)

children in America today have dangerously elevated levels of lead in their blood.

Because of the

Page 5

potential dangers, any exposure to deteriorated lead-based paint presents a hazard.

Under the new standards, lead is considered a hazard if there are greater than: 40 micrograms of lead in dust per square foot on floors; 250 micrograms of lead in dust per square foot on interior window sills and 400 parts per million (ppm) of lead in bare soil in children's play areas or 1200 ppm average for bare soil in the rest of the yard.

Identifying lead hazards through these standards will allow inspectors and risk assessors to assist property owners in deciding how to address problems which may include lead paint abatement, covering or removing soil or professional cleaning of lead dust.

Today's action will appear soon in the Federal Register and at <http://www.epa.gov/lead>. More information is available through the National Lead Information Center at 800-424-LEAD(5323).

.....

Much additional information about lead, antimony and copper on the former Army beach ranges can be found at **www.fortordcleanup.com**, the Army's administrative record. The FOCAG suggests State parks study this record, then re-circulate their document.

Thank you for the opportunity to comment on this proposed **Fort Ord Dunes State Park Campground Project**.

Mike Weaver

Co-Chair, FOCAG

H-9
(cont)

H-10

831-484-6659

Page 6

c.c.

DTSC c/o Ed Walker, Roman Racca

US EPA, Region 9, c/o Viola Cooper, Judy Huang

RWQCB c/o Grant Himebaugh

LETTER H: Fort Ord Community Advisory Group (“FOCAG”)

- H-1:** This comment does not raise an environmental issue warranting further consideration under CEQA; comment acknowledged.
- H-2:** This comment identifies FOCAG’s desire to provide comment on the Draft IS/MND. The commenter further notes that although some governmental agencies and departments received notice of the Draft IS/MND, the Department of Parks and Recreation did not notice the availability of the Draft IS/MND in any circulated local newspaper. This comment further states that FOCAG requested that the Department of Parks and Recreation extend the public review period an additional 30-days to allow FOCAG additional time to review the Draft IS/MND.

The California Department of Parks and Recreation provided written notices to numerous local, state, and federal resource agencies. Applicable agencies included, but are not limited to, the California Coastal Commission, the California Department of Transportation, the California Department of Fish and Wildlife, the California Department of Toxic Substances and Control, and U.S. Fish and Wildlife Service, among other resource agencies. In addition, the Department of Parks and Recreation also provided public notices and electronic copies of the Draft IS/MND to local land use jurisdictions (e.g. County of Monterey, Fort Ord Reuse Authority, City of Seaside, and City of Marina) and other interested parties. In accordance with applicable CEQA requirements, the Department of Parks and Recreation submitted copies of the Draft IS/MND and supporting material (e.g. Notice of Completion, Notice of Intent, etc.) to the Office of Planning and Research for distribution.

CEQA requires that a lead agency give notice of intent to adopt a Mitigated Negative Declaration by one of three procedures to provide the public with the opportunity to review the environmental document. Specifically, CEQA Guidelines § 15072(b) allows the lead agency to provide notice by either: 1) publication in the paper, 2) posting of the notice on and off site in an area where the project is located, or 3) direct mailing of property owners within 300 feet of the project site. The Department of Parks and Recreation posted notices on and surrounding the Project site on March 19, 2013. The Department of Parks and Recreation also provided notices to the County Clerk’s office and posted notices at the local District office. The Department of Parks and Recreation provided adequate notice in accordance with the requirements of CEQA Guidelines §15072(b)(2) in order to allow the public adequate review time as specified in CEQA Guidelines §15105.

The Department of Parks and Recreation reviewed and subsequently denied the commenter’s request for additional time because the Department of Parks and Recreation determined that it provided adequate opportunity for public review and comment on the Draft IS/MND in accordance with the Public Resources Code (see PRC

§ 21091; PRC § 21091(d) (1) and § 21092.5) and applicable CEQA Guidelines (see CEQA Guidelines § 15088 and §15203).

- H-3:** This comment does not raise an environmental issue warranting further consideration under CEQA; comment acknowledged.
- H-4:** This comment incorrectly contends that FODSP was always intended to be a day use only facility and that no overnight facilities were ever considered on-site. In addition, this comment also incorrectly suggests that the proposed campground is located in an area contaminated as part of the former beach firing ranges.

The Project is consistent with long-range planning goals to provide overnight facilities at FODSP. The Department of Parks and Recreation originally considered overnight facilities at FODSP as early as 1996. The 1996 Preliminary General Plan anticipated visitor-serving uses with a capacity of up to 40-rooms. In addition, the 1997 Base Reuse Plan ("BRP") also identified that FODSP would include future overnight facilities, including overnight camping facilities (see FODSP General Plan. pg. 132). The FODSP General Plan also identified that future campground facilities and associated infrastructure were appropriate uses in the Storage Bunker Management Zone (see Draft IS/MND **Section 4.8, Land Use and Planning**, for more information concerning management zones and allowable uses). A detailed background description of Park's on-going planning efforts is available in Draft IS/MND. The Department of Parks and Recreation considered overnight facilities as an appropriate use as early as 1996. For more information, please refer to **Chapter 1, Introduction and Project Description**, of the Draft IS/MND for further discussion.

As identified above, the commenter also incorrectly identifies the location of the Project. Specifically, the commenter contends that the Project is located in an area contaminated with lead and other soil contaminants due to former use as a military firing range by the U.S. Army. As described more thoroughly in **Section 4.6 Hazards and Hazardous Material** of the Draft IS/MND, the FODSP includes Site 3 (Beach Trainfire Ranges), a Remedial Investigation Site warranting remediation due to the presence of lead and other metals in the soil (see page 121 of the Draft IS/MND for more information). Due to potential contamination at Site 3, the U.S. Army also conducted remedial actions to address lead and other hazards as required under CERCLA (see *Final Remedial Action Confirmation Report and Post-Remediation Risk Assessment, Site 3, Basewide Remedial Investigation Site, Fort Ord, California*, August 2000; see also partial listing of supporting technical analyses prepared on behalf of the U.S. Army related to clean-up activities at Site 3). The U.S. Army and DTSC subsequently determined that future human health risks and hazards associated with lead, copper, and antimony concentrations in soils were unlikely and concluded that Site 3 does not pose a significant human health hazards to any of the potential land uses considered in the FODSP General Plan. While FODSP includes RI Site 3, the Project site is not, however, located in an area contaminated in connection with military use at Site 3.

The Project site is not located in an area of known or historical lead or other soil contamination; DTSC and the U.S. Army identified approximately 122 acres of FODSP for unrestricted use due to the lack of evidence of hazardous site conditions. As a result, the Department of Parks and Recreation does not anticipate residual lead and/or other soil contamination associated with Site 3 within the proposed campground area or support facility areas, although the Project does include minor trail and beach access improvements in areas previously contaminated with lead and other soil contaminants. Improvements within areas of historical soil contamination must comply with the requirements of the Memorandum of Understanding (“MOU”) between the Department of Toxic Substances Control (“DTSC”) and the Department of Parks and Recreation (discussed further below, see Response H-6). Compliance with these requirements would minimize and/or avoid potential impacts due to residual hazards to a less-than-significant level. In addition to the specific requirements contained in the MOU, the Department of Parks and Recreation would continue to implement applicable FODSP General Plan guidelines related to hazards to minimize potential human health hazards. Trail access would be restricted to designated trails only. For clarification purposes, please refer to **Section 3.0 Revisions to the Draft IS/MND** for more information.

As identified in the FODSP General Plan EIR and supporting technical analyses prepared as part of the CERCLA process, average lead concentrations at Site 3 are below the health-based cleanup level established for Fort Ord lead remedial activities. Moreover, the proposed campground and associated support infrastructure (e.g. entry station, modular operations/security structures, and other facilities) are not located within an area historically contaminated by lead or other soil contaminants. Some areas within FODSP are, however, above the remedial lead goals for residential soils. These areas are classified as restricted pursuant to the DTSC MOU and applicable deed requirements. DTSC classified approximately 822 acres of FODSP as a “restricted area” due to historical contamination. Only limited uses (e.g. trails) are permitted in the “restricted area.” The proposed campground and associated support facilities are not located in the “restricted area.” Only minor trail improvements would occur in the “restricted area;” all activities proposed in the “restricted area” must comply with the requirements of the DTSC MOU.

- H-5:** This comment raises concerns about potential residual hazards due to former military use. The Draft IS/MND (and FODSP General Plan EIR) clearly identified that the Project and future Park patrons could be exposed to residual hazards associated with former military use. The Department of Parks and Recreation revised the Draft IS/MND to clearly identify that hazards may include lead and other sources of soil contamination, exposure to lead based paint, asbestos containing material, and military munitions, among other hazards. Please refer to **Section 3.0 Revisions to the Draft IS/MND**. In addition, existing hazards associated with the former military use of Fort Ord were extensively studied as part of the base closure and reuse process. The Department of Parks and Recreation evaluated potential impacts due to residual hazards, including

lead and other contaminants, as part of the FODSP General Plan EIR. This IS/MND tiered off of the analysis contained in the FODSP General Plan EIR pursuant to CEQA Guidelines §15152(a). Accordingly, the IS/MND relies on previous analysis conducted by the Department of Parks and Recreation as part of the FODSP General Plan, which considered potential future campground uses. In addition, the Draft IS/MND also included a detailed review of the following documents (partial listing), which evaluated potential hazardous conditions throughout the former Fort Ord and the Project site:

- Findings of Suitability to Transfer, Track 0 Plug-in C, Track 1 and Track 1 Plug-in, July 2005
- Harding Lawson Associates, 1994. Basewide Remedial Investigation/Feasibility Study for Fort Ord, California.
- U.S. Department of the Army (July 1994), Interim Action Record of Decision Contaminated Surface Soil Remediation, Fort Ord, California.
- U.S. Department of the Army (October 1995), Base-wide Remedial Investigation/Feasibility Study, Fort Ord, California
- U.S. Department of the Army (January 2000), Draft Final Literature Review Report Ordnance and Explosives Remedial Investigation/Feasibility Study, Former Fort Ord, California
- U.S. Department of the Army (January 1997). Interim Record of Decision, Site 3, Beach Trainfire Ranges, Fort Ord, California.
- U.S. Department of the Army (June 2002), Final Record of Decision No Action Regarding Ordnance-Related Investigation, Former Fort Ord, California
- U.S. Department of the Army (August 2002), Draft Final Five-Year Review Report, First Five-Year Review Report for Fort Ord Superfund Site, Fort Ord, California
- U.S. Department of the Army (September 2012), Final 3rd Five Year Review Report for Fort Ord Superfund Site, Monterey County, California
- U.S. Environmental Protection Agency (July 1994), Superfund Record of Decision: Fort Ord, Fort Ord, California
- U.S. Environmental Protection Agency, U.S. Department of the Army (November 1990), Federal Facilities Agreement, Fort Ord, California

The Draft IS/MND clearly identified that the Project is consistent with applicable DTSC agreements, deed restrictions, and other land use covenants related to the type and nature of uses considered appropriate for FODSP. The Department of Parks and Recreation will continue to work with DTSC and the U.S. Army to monitor residual hazards at FODSP consistent with the requirements of the DTSC MOU, applicable transfer documents, and on-going CERCLA clean-up requirements. The Draft IS/MND appropriately identified potential residual impacts and identified corresponding mitigation measures to reduce project-specific impacts to a less-than-significant level.

H-6: This comment suggests that the analysis of potential lead hazards is inadequate and that the Department of Parks and Recreation should recirculate the IS/MND. CEQA Guidelines § 15073.5 identifies that recirculation is warranted when a document is

substantially revised after public notice of its availability has previously been given. A “substantial revisions” includes: 1) a new avoidable significant environmental impact is identified and mitigation measures or project revisions must be added in order to reduce the effect to a level of insignificance, or 2) the lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significant and new measures or revisions must be required. Recirculation is not required when the new information added to the analysis merely clarifies or amplifies or makes insignificant modifications to an adequate environmental analysis (CEQA Guidelines §15073.5(c)(4)).

As described above (see Response H-5), the Draft IS/MND evaluated potential impacts due to former military use and identified that the Project could be exposed to residual hazards. The Draft IS/MND clearly identified potential impacts due to former military use and the Department of Parks and Recreation identified mitigation to lessen the extent of those impacts to a less-than-significant level. Moreover, as identified above and in further detail in **Section 4.6 Hazards and Hazardous Materials**, the U.S. Army previously implemented remediation efforts at Site 3 (the Project site is not located in an area of historic lead contamination) and residual lead contamination was below the established health thresholds for Fort Ord. The U.S. Army and DTSC determined that future use of Site 3 for recreational uses as a state park was appropriate in light of remediation activities implemented by the U.S. Army (personal communication, Ed Walker, DTSC Project Manager, May 3, 2013). Moreover, potential impacts due to hazardous materials have been extensively evaluated as part of the FODSP General Plan EIR, FORA 1997 BRP and associated EIR, applicable transfer documents, and other supporting material (see partial listing above). The Project is consistent with applicable deed restrictions and the DTSC MOU. The MOU and applicable covenants restrict future uses on certain portions of FODSP where residual contamination could affect sensitive uses (e.g. residential uses). In addition, the Department of Parks and Recreation is responsible for implementing on-going measures to minimize potential residual hazards as specified in the FODSP General Plan.

Please refer to **Section 3.0 Revisions to the Draft IS/MND** for further discussion. The Department of Parks and Recreation incorporated minor revisions to clarify and amplify the existing analysis pursuant to CEQA Guidelines §15073.5(c)(4). For the reasons outlined above, recirculation is not warranted. The Department of Parks and Recreation adequately analyzed the potential environmental impacts due to hazardous conditions associated with former military use of FODSP and appropriately tiered off of the FODSP General Plan EIR, which specifically evaluated potential impacts due to former military use of the site. That EIR, as well as supporting technical analyses, contained a detailed evaluation of potential residual hazards, including lead and other soil contaminants.

H-7: This comment contends that children could ingest contaminated soil. Please see the preceding responses above regarding the adequacy of the analysis contained in the Draft IS/MND and level of residual contaminants. The U.S. Army and DTSC previously

determined that residual hazards do not pose a significant threat to public health and safety; remediation activities at Site 3 were appropriate for recreational use. Moreover, residual lead contamination is below established standards for the former Fort Ord and the Department of Parks and Recreation identified mitigation to lessen the extent of potential impacts to a less-than-significant level. Soil contamination on the FODSP is isolated to the former firing ranges and dune areas. Access to the dune areas is restricted by the Department of Parks and Recreation to minimize potential impacts to biologically sensitive species and to prevent access to areas where residual soil contamination could affect the public health and safety. Potential residual lead and soil contaminants at Site 3 would not expose children or other site occupants (e.g. park patrons) to potential health hazards (personal communication, William Collins, Fort Ord Base Realignment and Closure Office Environmental Coordinator, April 22, 2013). The Department of Parks and Recreation will provide interpretive signage to highlight the former military use of FODSP and identify the type and nature of residual hazards. In addition, the Department of Parks and Recreation will continue to implement on-going management requirements to ensure that information is available to the public concerning potential hazardous conditions in accordance with the requirements of the FODSP General Plan, DTSC MOU, and applicable deed requirements.

- H-8:** This comment suggests that the Department of Parks and Recreation must provide Proposition 65 notices to all future campers due to potential lead concerns. The comment also provides a hyperlink, which is broken or incorrect. Finally, the comment implies that the Draft IS/MND should include an analysis of Proposition 65 requirements. The Department of Parks and Recreation must comply with all applicable legal requirements, including Proposition 65 requirements (if applicable). It is not the responsibility of the Draft IS/MND to include an evaluation of the applicability of Proposition 65 or any discussion thereof. CEQA requires a detailed evaluation of the Project's potential physical impacts on the environment and the identification of feasible mitigation to minimize the extent of those impacts. The Draft IS/MND included a detailed evaluation of the Project's potential physical impacts on the environment in accordance with the requirements of CEQA (CEQA Guidelines §15358(b)). Additionally, as described above, the Draft IS/MND included a detailed evaluation of potential impacts due to residual hazards associated with former military use.
- H-9:** This comment references documentation provided to the commenter by the Department of Parks and Recreation in regards to remediation activities conducted by the U.S. Army as part of the CERCLA process. As discussed in the Draft IS/MND (see Draft IS/MND page 121), the U.S. Army implemented remedial activities to remove contaminated soil and spent ammunition from Site 3. Those activities included the removal of approximately 719,000 pounds of spent ammunition and approximately 162,800 cubic yards of soil and vegetation. Post-remediation soil sampling determined that the potential human health risks (assuming future use as a park) were below established thresholds. The U.S. Army and DTSC concluded that exposure of park rangers, habitat management workers, construction workers, and park visitors to residual lead levels

would not constitute a significant health risk.¹¹ Accordingly, the U.S. Army and DTSC determined that the site was appropriate for future use as a state park (personal communication, William Collins, Fort Ord Base Realignment and Closure Office Environmental Coordinator, April 22, 2013).

The commenter references that the treatment and standards for lead have changed since the U.S. Army prepared the *Final Remedial Action Confirmation Report and Post-Remediation Risk Assessment, Site 3 Remedial Action, Basewide Remedial Investigation Sites, Fort Ord, California* (August 2000). The commenter also provides text from the U.S. EPA announcing changes to lead standards from December 2000.¹² The commenter implies that the analysis in the Draft IS/MND is inadequate because it failed to fully consider potential impacts due to lead contamination. Please refer to response H-5 and H-6 for a detailed response to comments regarding the adequacy of the analysis contained in the Draft IS/MND. In response to this comment, the Department of Parks and Recreation revised the Draft IS/MND to clarify and amplify the analysis contained in the Draft IS/MND (please refer to **Section 3.0, Revisions to the Draft IS/MND**)

As discussed previously (see responses above), the Draft IS/MND identified that potential residual hazards are present within FODSP due to former military use. These hazards (see Draft IS/MND pages 121 and 122) include potential residual lead contamination in the soil, as well as other hazards (e.g. lead-based paint, asbestos containing material, military munitions, etc.). The U.S. Army in 2005, through its issuance of a Finding of Suitability of Transfer ("FOST"), determined that Site 3 was

¹¹ In addition, the U.S. Army determined that no additional risks to populations of plants and animals would occur due to the exposure to lead or other metals. No further remedial action at Site 3 was necessary for the following reasons: 1) a substantial portion of bullets and contaminated soil have been removed from the site; 2) data collected before and after cleanup show that remaining lead concentration is below established thresholds, and 3) the ecological sampling to date has shown that the cleanup appears to be protective of populations of plants and animals.

¹² It is important to note that lead standards for the site have not changed. The U.S. Army, as part of ongoing monitoring responsibilities under CERCLA, identified in the most recent five year review (see *U.S. Army, Final 3rd Five Year Review Report for Fort Ord Superfund Site, Monterey County, California*) that the California Office of Environmental Health Hazard Assessment ("COEHHA") recently issued a new methodology for evaluating the residual human health hazards for residual lead and other soil contaminants at the former Fort Ord. The revised methodology is specific to the protective health determination related to residential uses and does not affect the U.S. Army's or DTSC's previous determinations concerning the site's suitability for recreational uses (personal communication, William Collins, Fort Ord Base Realignment and Closure Office Environmental Coordinator, April 22, 2013). These changes are specific to only those areas considered for residential uses; DTSC and the U.S. Army transfer documents and MOU include a residential use restriction on the property in areas of historic lead contamination. The updated methodology provided by COEHHA will not affect the determination of site suitability for recreational uses (*ibid*). Moreover, the Project is not located in an area of historic lead and other soil contamination; the Department of Parks and Recreation is not proposing any residential uses in the "restricted area" consistent with the requirements of the DTSC MOU and applicable deed restrictions. While the U.S. Army is currently re-evaluating residual hazards for sensitive uses (e.g. residential uses), the Project is not located in an area of historical lead contamination and additional safety precautions (e.g. DTSC MOU, FODSP General Plan requirements, deed restrictions, project-specific mitigation) would ensure that impacts would be less-than-significant.

appropriately remediated in accordance with the requirements of CERCLA and subsequently transferred the property to the Department of Parks and Recreation for future recreational use as part of the FODSP.

While the U.S. Army concluded that residual hazards were below established standards for future use for recreational uses, the FOST identified specific deed restrictions and land use covenants restricting the type of use (e.g. residential land uses, prohibition of wells, etc.) on a portion of FODSP (see Draft IS/MND page 122; see also Draft IS/MND pages 129 through 131). In addition to the deed restrictions contained in the FOST, the Department of Parks and Recreation also entered into a MOU with DTSC to further ensure the health and safety of future recreational uses within FODSP. The MOU limits the type of uses allowed within specific areas of FODSP; this area is referred to as the “restricted area” (see **Figure 4.6-1**). This area corresponds with areas historically used as part of Site 3 where residual soil contamination may be present.

As describe above, The Project includes minor improvements (e.g. trails and beach access) in “restricted area.” The MOU recognizes that minor improvements, such as trails and beach access, may occur in the restricted area and identifies that specific soil management requirements would apply to ground disturbing activities in the “restricted area.” The MOU and applicable deed restrictions identify that the “restricted area” would not be appropriate for sensitive land uses (e.g. residences). Consistent with the DTSC MOU and applicable deed restrictions, the Department of Parks and Recreation is not proposing any residential land uses in this area. As identified in the Draft IS/MND, the Project is consistent with the requirements of the DTSC MOU and other deed restrictions; the Department of Parks and Recreation will comply with the requirements of the DTSC MOU, including the requirement that the Department of Parks and Recreation prepare and implement a DTSC-approved Soil Management Plan and Health and Safety Plan (see Mitigation Measure 4.6-7) for any ground disturbing activities in the “restricted area.”

The DTSC MOU recognizes that the FODSP General Plan contains a number of management guidelines that would protect the health and safety of future recreational users by restricting access to the dune areas, where residual lead contamination is likely to be the greatest. Compliance with the DTSC MOU, applicable deed restrictions, the FODSP General Plan, and applicable mitigation measures contained in the Draft IS/MND would ensure that potential impacts to human health and safety are less-than-significant. Moreover, as identified in the Draft IS/MND, the primary components of the Project (e.g. campground and support facilities) are all located outside of the area of historic soil contamination; the U.S. Army and DTSC did not identify any land use restrictions or other restrictive covenants to this portion of FODSP.

H-10: This comment identifies that information concerning residual soil contamination is available for review on the Army’s Fort Ord Cleanup website. The comment encourages the Department of Parks and Recreation to review that material and subsequently

recirculate the Draft IS/MND for review and comment. Please refer to Response H-6 for a detailed response to comments related to recirculation.

The Draft IS/MND consisted of a detailed review of all applicable background documentation related to the Army's clean-up activities on the property, specifically as it relates to Site 3 (Beach Trainfire Ranges). See Response H-5 for a partial listing of documentation reviewed as part of the Draft IS/MND. In addition, as identified elsewhere in this IS/MND, the environmental analysis contained in the IS/MND tiered off of the environmental analysis contained in the FODSP General Plan EIR, which included a detailed evaluation of potential impacts related to hazardous materials, as well as a review of applicable technical documentation prepared by the U.S. Army related to hazardous material usage on Site 3.

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

Benny J. Young, Director



Michael A. Rodriguez, C.B.O., Chief Building Official

Michael Novo, AICP, Director of Planning

Robert K. Murdoch, P.E., Director of Public Works

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Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

MEMORANDUM

Date: April 17, 2013

To: Patricia DuMont, Environmental Compliance Supervisor

From: David J. R. Mack, Associate Planner

Subject: Comments on "Draft Initial Study for Fort Ord Dunes State Park Campground Project"

Thank you for allowing the RMA-Planning Department to review the "Draft Initial Study for Fort Ord Dunes State Park Campground Project". The RMA-Planning Department offers the following comments:

General Comments

Although the County of Monterey is not a permitting agency for the planning permits relative to this project, we would like to express that the project might still be considered under the jurisdiction of the California Coastal Commission, hence consultation with the CCC is recommended, if it has not taken place already.

I-1

After reviewing the draft comment, the RMA – Planning department can conclude that all concerns that RMA-Planning had, have been addressed with findings of no impact, less than significant with no mitigation, or less than significant with mitigation proposed. No further comments are submitted at this time.

I-2

Comments from other County Agencies

The Monterey County Environmental Health Bureau submitted comments relative to Section 4.6 – Hazards and Hazardous Materials, 4.7 – Hydrology and Water Quality, 4.9 – Noise, and 4.13 – Utilities and Service Systems. See the attached comment letter for specific comments.

MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

April 10, 2013

David Mack, Project Planner

RE: Comments on Initial Study/Mitigated Negative Declaration (IS/MND); REF130019 FORT ORD DUNES STATE PARK CAMPGROUND PROJECT (FODSP)

The Monterey County Health Department, Environmental Health Bureau (EHB) has completed its review of the IS/MND for FODSP REF130019, comments are as follows:

After reviewing the IS/MND document, EHB finds that this department concerns regarding Hazardous Materials, Hydrology and Water Quality, Noise, and Utilities and Service Systems have been addressed and all have been found in Thresholds of Significance to have no potentially significant impacts.

4.6. HAZARDS AND HAZARDOUS MATERIALS – Due to the fact that the area where FODSP is and will be located was at one time part of the Fort Ord Army Base, a very comprehensive and in depth study of the hazards and hazardous materials that were related to the operation of the Army base. In 1990, Fort Ord was added to the EPA's "Superfund" List and set in play the remediation of all hazards and hazardous materials under the guideline of the Comprehensive Environmental Response Compensation and Liability Act, the Superfund Amendments and Reauthorization Act, the Resource Conservation Recovery Act and California Code of Regulations Title 22, 23 and 26, the California Water Code and other regulations. All concerns that EHB have, have been addressed with findings of no impact, less then significant with no mitigation, and less then significant with mitigations. Mitigations 4.6-1 through 4.6-8 are in place and will be use to remediate any health hazards to visitors at FODSP and the citizens of Monterey County.

4.7. HYDROLOGY AND WATER QUALITY - All concerns that EHB have, have been addressed with findings of no impact or less then significant so no mitigations are needed.

4.9. NOISE – All concerns that EHB have, have been addressed with findings of no impact, less the significant with no mitigation and less then significant with mitigation. Mitigations 4.9-1 and 4.9-2 are in place and will be used to lessen any noise issues during construction and operation of the park.

4.13. UTILITIES AND SERVICE SYSTEMS –

- 4.13.2.1 Water specifically speaks to the potable water use for FODSP, of the 40 AFY that was allocated to State Parks from Fort Ord Reuse Authority, FODSP will only use 24.8 AFY. This will be supplied to the site by Marina Coast Water District (MCWD) which will over see the delivery system.
- 4.13.2.2 Wastewater specifically speaks to the collection and treatment of wastewater that will be generated at FODSP. Wastewater will be delivered to the Monterey Regional Water Pollution Control Agency (MRWPCA) through collection systems that are operated by MCWD and delivered to the treatment plant. MRWPCA has a permitted capacity of 30 MGD of which they are presently treating approximately 21 MGD. FODSP will have a peak generation of wastewater of 22,124 GPD which will have no impact on the daily flow through the treatment plant.
- 4.13.2.3 Solid Waste specifically speaks to the amount of solid waste that will be generated at the FODSP facility. The solid waste will be collected and transported to the Monterey Peninsula Landfill and Recycling Facility operated by Monterey Regional Waste Management District (MRWMD). The landfill is permitted for 3,500 tons per day of solid waste and is currently receive approximately 1,100 tone per day with a remaining permitted capacity

of 48 million tons or approximately 150 years, the amount of solid waste generated at FODSP will have very limited impact at MRWWMD.

I-9
(cont)

All concerns that EHB have, have been addressed with findings of less than significant impacts so no mitigation are needed.

I-10

If you have any question please call me at 755-4763.

Sincerely,



Roger Van Horn, R.E.H.S.
Senior Environmental Specialist

Cc: Richard LeWarne, Assistant Director, Environmental Health
Nicki Silva, Supervisor EHRS

LETTER I: Monterey County Resource Management Agency

- I-1:** Comment noted. The California Department of Parks and Recreation understands that a Coastal Development Permit is necessary from the California Coastal Commission.
- I-2:** This comment identifies that the Monterey County RMA – Planning Department concurs with the findings of the Draft IS/MND and does not have any additional comments related to the environmental analysis. Comment acknowledged; no further response necessary.
- I-3:** This comment identifies that the Monterey County Health Department, Environmental Health Bureau (“EHB”) reviewed the Draft IS/MND and determined that the analysis adequately addressed potential impacts related to Hazardous Materials, Hydrology and Water Quality, Noise, and Utilities and Service Systems. Comment acknowledged; no further response necessary.
- I-4:** This comment identifies that EHB determined that mitigation measures identified in **Section 4.6, Hazards and Hazardous Materials**, are adequate to ensure that potential impacts are less-than-significant. EHB identified that the Draft IS/MND adequately addressed all potential concerns related to hazardous material. Comment acknowledged; no further response necessary.
- I-5:** This comment identifies that EHB determined the analysis contained in **Section 4.7, Hydrology and Water Quality**, adequately evaluated potential impacts and appropriately determined that no mitigation measures are necessary. Comment acknowledged; no further response necessary.
- I-6:** This comment identifies that EHB determined the analysis contained in **Section 4.9, Noise**, adequately evaluated potential impacts and appropriately identified mitigation to reduce potential noise-related impacts during construction and operation to less-than-significant. Comment acknowledged; no further response necessary.
- I-7:** Comment acknowledged. This comment does not raise any environmental issue warranting a response under CEQA; no further response necessary.
- I-8:** This comment identifies that wastewater generated in connection with the Project will have a relatively insignificant impact on the Monterey Peninsula Regional Water Pollution Control Agency’s treatment plant located in Marina. This comment does not raise any environmental issue warranting a response under CEQA; no further response necessary.
- I-9:** This comment identifies that Project generated solid waste would have a minor impact on the Monterey Regional Waste Management District’s landfill. Comment acknowledged; no further response necessary.

- I-10:** This comment identifies that all potential EHB comments and concerns related to the Project are adequately addressed in the Draft IS/MND. EHB determined that no further mitigation measures, beyond those identified in the Draft IS/MND, are necessary. Comment acknowledged; no further response necessary.



MBUAPCD

Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court

Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

April 17, 2013

Submitted Via E-mail

State of California Department of Parks and Recreation
Northern Service Center
Attn: Patricia DuMont, Environmental Compliance Supervisor
One Capitol Mall, Ste 410
Sacramento, CA 95814

SUBJECT: Fort Ord Dunes State Park Campground Project - Initial Study/Mitigated Negative Declaration

Ms. DuMont:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comment:

- The District suggests implementing an RV diesel engine idling restriction policy at the park since the project will include 45 RV sites with electrical connections. This would limit exposure of park users to diesel exhaust emissions.

Please let me know if you have questions, I can be reached at (831)647-9418 ext. 227 or aclymo@mbuapcd.org.

Best regards,

Amy Clymo
Supervising Air Quality Planner

cc: David Craft, Air Quality Engineer/Planner

J-1

LETTER J: Monterey Bay Unified Air Pollution Control District

- J-1:** The Air District recommends that the Department of Parks and Recreation implement an RV engine idling restriction policy in connection with the Project to limit the exposure of Park patrons to diesel exhaust emissions. The Department of Parks of Recreation will implement an RV idling restriction consistent with this comment.

PRBO Conservation Science
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April 15, 2013

State of California Department of Parks and Recreation
 Northern Service Center
 Attn: Patricia DuMont, Environmental Compliance Supervisor
 One Capitol Mall, Ste 410
 Sacramento, CA 95814

Re: Fort Ord Dunes State Park Campground Project

Dear Ms. DuMont,

PRBO Conservation Science (PRBO) biologists have intensively monitored the population of snowy plovers on Monterey Bay since 1983. We work closely with the U.S. Fish & Wildlife Service (USFWS) and the California Department of Fish & Wildlife and actively help inform the California Department of Parks and Recreation (DPR) management of snowy plovers at Fort Ord Dunes State Park (FODSP).

As federally designated Critical Habitat for snowy plovers and an Environmentally Sensitive Habitat Area (ESHA), the coastal strand habitat at FODSP should be managed in such a way as to comply with all federal (Endangered Species Act) and state [California Environmental Quality Act (CEQA) and Coastal Act] laws to maintain the snowy plover population at this site. Based on our long-term study and conservation efforts for this species, we believe the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed FODSP Campground Project (Project) does not adequately address the likely cumulative impacts to snowy plovers at this site and throughout FODSP.

K-1

- 1) Sections 4.3.7 and 4.11.5 of the IS/MND state the Project would increase public access and use of FODSP; however Section 4.11.5 also says "The Proposed Project would not substantially increase park use beyond levels previously considered in the FODSP General Plan EIR". Both the General Plan DEIR and the IS/MND fail to specify projected levels of increase in use of the beach and do not assess the expected adverse effects of such use. The "less than significant impact with mitigation" determination is premature and inadequate in the absence of a detailed analysis of the anticipated increase in use resulting from this project and further improvements elsewhere in the park.

K-2

The beach at FODSP is particularly narrow and consequently will be far less resilient to increased levels of human disturbance than wider beaches that have low foredunes that provide refuge for adult plovers and their flightless chicks, particularly in light of projected damaging impacts of sea level rise and ongoing coastal erosion. We support the development of local infrastructure that facilitates outdoor recreation; however, the management challenges inherent on the coastal strand strongly suggest an inland site (such as Fort Ord National Monument) would be a more suitable and sustainable location for a campground.

K-3

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- 2) The associated negative impacts from increased human disturbance and elevated nest predation resulting from increased garbage and elevated corvid activity (Section 4.3.7) and other mesopredators will increase the expense of adaptive management. Corvids are largely responsible for the recent extirpation of snowy plovers at Half Moon Bay State Beach. Also, the consistently poor annual productivity observed at Sunset State Beach is primarily due to the predation pressure of both corvids and skunks; each of these sites is characterized by intensive recreational day use, plus beach use from people staying in adjacent campgrounds. Neither the General Plan or the IS/MND outline funding mechanisms for the maintenance of predator management at FODSP, which has been shown to be critical for snowy plover conservation on Monterey Bay.
- 3) In the Mandatory Findings of Significance section (Section 4.14), the IS/MND states that the project will not “reduce the number or restrict the range of a rare or endangered plant or animal” and that “cumulatively considerable impacts” are less than significant. The proposed mitigation at FODSP of adaptive beach closure, fencing and law enforcement (Section 4.3-3) will not effectively mitigate the cumulative impacts of beach access from multiple locations within and adjacent to the park. We believe all coastal development proposals south of Reservation Road that would result in significant increases in beach use, including the Monterey Bay Shores Eco-Resort and The Collection at Monterey Bay, should be considered under a broader regional coastal Habitat Conservation Plan (HCP).

K-4

K-5

Finally, the IS/MND simultaneously recognizes the need to obtain incidental take authorization via the HCP process and yet categorizes a less than significant impact to snowy plovers under CEQA. We believe the Project could potentially threaten the long-term viability of the snowy plover population at FODSP and adjacent beaches. We recommend further consultation with the USFWS to address these concerns and to complete a comprehensive HCP before proceeding with the proposed project. Thank you for consideration of our comments. Please let us know if you have further questions.

K-6

Sincerely,

Carleton Eyster, *Avian Ecologist*
ceyster@prbo.org
(831)334-3407 (c)

Cc: Gary Page, Senior Ecologist, PRBO Conservation Science
Tom Gardali, Pacific Coast and Valley Director, PRBO Conservation Science
Ellie Cohen, President and CEO, PRBO Conservation Science

LETTER K: PRBO Conservation Science

K-1: This comment contends that the Draft IS/MND did not adequately evaluate potential cumulative impacts to snowy plovers. As identified elsewhere (see for instance Response B-2), this document relied on previous environmental analysis conducted as part of the FODSP General Plan EIR, which considered potential cumulative impacts, pursuant to CEQA Guidelines §15152. The FODSP General Plan EIR evaluated potential impacts to snowy plovers and identified programmatic-level mitigation to minimize those impacts to less-than-significant. In addition, the Department of Parks and Recreation is also responsible for implementing on-going management requirements related to the protection of snowy plovers pursuant to FODSP General Plan Guidelines BIO- 4. The Draft IS/MND appropriately considered potential impacts to snowy plovers and identified project-specific mitigation measures to minimize the extent of those impacts to a less-than-significant level. Please refer to Mitigation Measures 4.3-3 and 4.3-4 beginning on page 92 of the Draft IS/MND. Please also refer to Response B-9.

Please also see **Section 3.0 Revisions to the Draft IS/MND**; the Department of Parks and Recreation incorporated minor revisions to clarify the discussion concerning potential cumulative impacts. Specifically, State Parks revised the analysis to identify applicable CEQA Guideline requirements related to the consideration of cumulative impacts. The CEQA Guidelines identify that a project's contribution to a cumulative impact is not necessarily cumulatively considerable (and an EIR is necessary) if the Draft IS/MND includes feasible measures to render the Project's contribution less than considerable (CEQA Guidelines §15064(h)(2)). The mitigation measures identified in the Draft IS/MND are feasible and would reduce impacts to a less-than-significant level by requiring the implementation of avoidance (e.g. access controls, fencing, anti-perch devices, etc.) and minimization measures (e.g. signage, predator control measures, construction BMPs, etc.) to address specific-specific concerns (see preceding discussion concerning adequacy of mitigation and level of potential impacts). CEQA also identifies that a project's contribution to a cumulative impact is not considerable when the project would comply with the requirements of a regulatory document (e.g. General Plan, habitat conservation plan, etc.) that includes measures to address cumulative effects (CEQA Guidelines 15064(h)(3)). The Project is subject to the requirements of the FODSP General Plan and associated EIR, which included measures to address potential impacts to biological resources due to implementation of the FODSP General Plan. The FODSP General Plan EIR identified that mitigation contained in the EIR would minimize potential cumulative impacts to a less-than-significant level (see FODSP General Plan EIR page 4-65).

CEQA Guidelines §15064(h)(4) identifies that the mere existence of a significant cumulative impact caused by other projects alone shall not constitute substantial evidence that the project's incremental effects are cumulatively considerable. The Draft IS/MND included feasible mitigation to minimize potential biological impacts to a less-

than-significant level and the Project must comply with the requirements of the FODSP General Plan, as well as applicable legal requirements (e.g. CESA and ESA). In addition, as described in Appendix B, the Department of Parks and Recreation may also implement additional measures to address biological resource considerations, if determined necessary, as part of on-going Park management. Accordingly, the Project's incremental contribution towards cumulative impacts to snowy plovers is not considerable.

K-2: This comment contends that the Draft IS/MND and FODSP General Plan EIR did not adequately consider potential impacts due to increased public access and recreational use of FODSP. The Draft IS/MND correctly identified that the Project would increase recreational use of FODSP by providing new on-site facilities. The Department of Parks and Recreation previously considered potential impacts due to the adoption and implementation of the FODSP General Plan, including potential impacts due to increased access and use of the Park (see FODSP General Plan EIR pg. 4-27 and 4-28). State Parks adopted and certified the FODSP General Plan EIR in 2004. Potentially significant impacts identified in the FODSP General Plan EIR included:

- Excessive noise, trampling, or rapid movements by joggers resulting in harassment to wildlife;
- Increased garbage, road-kills, and trash that attract corvids, resulting in nest predation; loss of species diversity; and,
- Off-trail activity resulting in habitat destruction and/or fragmentation and spread of invasive species.

The FODSP General Plan EIR identified that the implementation of applicable General Plan Guidelines (see for instance BIO-17 and BIO-18, as well as INT-1, INT-2, INT-4, OPS-7, OPS-9, SUST-3, and others) would minimize potential impacts due to active recreational use of the area. Where necessary, the FODSP General Plan EIR also identified mitigation measures to minimize the extent of potential impacts to biological resources, as well as other resource considerations. The Department of Parks and Recreation will continue to implement on-going management requirements identified in the FODSP General Plan, including requirements to restrict access to designated trails and other specific management considerations. In addition, the Draft IS/MND also contains project-specific mitigation to reduce impacts to a less-than-significant level.

Moreover, the Department of Parks and Recreation developed a specific management zone based approach to manage resources in a manner that minimize impacts due to increased recreational use. The Draft IS/MND appropriately relied on the analysis contained in the FODSP General Plan EIR as allowed pursuant to CEQA Guidelines § 15152. The Department of Parks and Recreation will continue to work with applicable resource agencies to minimize potential impacts to biological resources due to increased recreational use of FODSP.

K-3: This comment identifies that the inherent management challenges associated with coastal strand suggest that an inland site would be more suitable for a campground facility. This comment does not offer a specific comment concerning the adequacy of the Draft IS/MND and does not raise an issue related to potential environmental impacts. This comment offers an opinion concerning the Project. As discussed above, the Department of Parks and Recreation is actively working the resources agencies (e.g., CDFW and USFWS) to address resource management considerations at FODSP. No further response is warranted under CEQA.

K-4: Potential impacts to western snowy plovers associated with an increase in human disturbance and elevated nest predation are discussed on pages 89-90 of the Draft IS/MND; the Draft IS/MND included mitigation to reduce potential impacts to a less-than-significant level (see Mitigation Measures 4.3-3 and 4.3-4). Mitigation Measures 4.3-3 outlines specific measures to reduce impacts associated with human disturbance and predation, including, but not limited to, security patrols, barriers to nesting habitat, directing beach access away from nesting habitat, limiting access to boardwalks, predator-proof trash containers, and continuation of implementing their predator control program. In addition, removal of non-native trees, which provide perching habitat for predators, is discussed on page 97.

This comment identifies that neither the FODSP General Plan or the Draft IS/MND outline funding mechanisms for predator management at FODSP. CEQA does not require the inclusion of financial information and/or other funding related considerations as part of the environmental review process (see CEQA Guidelines §15131). This is beyond the scope of CEQA. No further response is necessary.

K-5: This comment contends that mitigation proposed in the Draft IS/MND will not adequately mitigate cumulative impacts associated with increased beach access from multiple locations within and adjacent to FODSP. The Department of Parks and Recreation is working with the CDFW and USFWS to limit the number of beach access points and implement effective measures to avoid and reduce impacts to the western snowy plover and bank swallows within the context of the Base-Wide HCP. The installation and maintenance of signage, fencing, and boardwalks will limit access to the beach and coastal strand habitat for the western snowy plover whether access is occurring from outside the park to the north or south, or from within. The Department of Parks and Recreation adequately evaluated the potential impacts associated with increased human use and access of FODSP within the Draft IS/MND and identified feasible mitigation measures to control and limit use. Whether the humans come from outside or within the Project site, access will be controlled and limited, and the Department of Parks and Recreation will be responsible for patrolling the area.

The Draft IS/MND evaluated the Project's potential impacts to biological resources consistent with the requirements of the HMP and Draft Base-Wide HCP. In addition, the Department of Parks and Recreation carefully considered resource constraints as part of

the preliminary planning efforts to minimize potential impacts to the maximum extent possible. Where necessary, the Draft IS/MND identified project-specific mitigation measures to avoid and/or lessen potential impacts to a less-than-significant level. The FODSP General Plan EIR also evaluated potential cumulative impacts associated with General Plan implementation (see Response K-1; see also Response B-9). The cumulative analysis did not, however, consider the specific projects (e.g. the Monterey Bay Shores Eco-Resort or The Collection at Monterey Bay) identified by the commenter. Rather, the FODSP General Plan EIR included a generalized evaluation of cumulative impacts according to the development assumptions contained in the FORA BRP, Marina General Plan, Seaside General Plan, and Transportation Agency for Monterey County ("TAMC") in accordance with CEQA Guidelines §15130(b)(1)(B). The FODSP General Plan EIR identified that potential cumulative impacts due to habitat alteration and impacts to wildlife could occur in connection with area redevelopment, but impacts, including cumulative impacts, due to FODSP General Plan implementation would be less-than-significant based on the mitigation identified in the EIR. The mitigation measures contained in the Draft IS/MND, in addition to compliance with existing FODSP General Plan Management Guidelines, are adequate to minimize potential impacts to a less-than-significant level. Please refer to Response K-1 for more information. Moreover, the Department of Parks and Recreation has experience successfully implementing predator control measures and recognizes that it is an effective tool in promoting breeding success for snowy plover (personal communication, Amy Palkovic, May 3, 2013). Additionally, the Department of Parks and Recreation is actively working with CDFW and the USFWS to further minimize potential impacts. The Draft IS/MND appropriately evaluated potential impacts and identified feasible mitigation to ensure that the Project would not result in a cumulatively considerable impact as defined according to CEQA.

The comment further contends that all coastal developments south of Reservation Road that would result in increases in beach access should be considered under a broader regional coastal Habitat Conservation Plan. This is a broader issue that is not directly related to the Project or the environmental analysis contained in the Draft IS/MND. The Department of Parks and Recreation is actively participating in the preparation of the Base-Wide HCP and is responsible for implementing on-going habitat management requirements at FODSP in accordance with the requirements of the HMP and applicable deed requirements. As discussed on page 88 of the Draft IS/MND, a Base-Wide HCP is currently being prepared and includes the FODSP. Public access is being considered at a regional level to avoid and reduce impacts to western snowy plover and bank swallow. However, any projects proposed outside of the former Fort Ord boundaries are not included in the Base-Wide HCP.

- K-6:** This comment contends that the Project could potentially threaten the long-term viability of the snowy plover population at FODSP and recommends further consultation with USFWS to address potential impacts to snowy plovers. As identified previously, the Department of Parks and Recreation is actively working with the USFWS to address

potential concerns related to snowy plovers. Mitigation contained in the Draft IS/MND recognized that the Department of Parks and Recreation will implement a variety of measures to avoid and/or minimize potential impacts. If USFWS or CDFW determine that take may occur, the Department of Parks and Recreation will obtain an incidental take permit as required pursuant to CESA and ESA. As identified in Mitigation Measure 4.3-4, take authorization could occur at the project-level, or the project could receive take coverage under the Base-Wide HCP, as currently drafted.

Regardless, the Draft IS/MND identified that the Project would require take authorization from USFWS for project impacts to western snowy plover. The Department of Parks and Recreation will comply with ESA for this project and can only move forward with take authorization from the USFWS. Issuance of an incidental take permit requires a Habitat Conservation Plan to minimize and reduce take and the permit can only be issued if issuance would not jeopardize the species and/or adversely modify critical habitat. If the USFWS finds that the project would result in jeopardy to the species or adversely modify critical habitat, the USFWS is required to provide the permit applicant reasonable and prudent measures required to obtain a non-jeopardy opinion, including reducing project size or other project modifications. Therefore, through compliance with ESA, impacts to affected species would be less-than-significant either through issuance of an incidental take permit or the incorporation of project modifications to further reduce take.

I am unable to find a map of the campsite location, would you point me to a website or provide?

Thank you

Margaret

On Apr 5, 2013, at 11:37 AM, "NSC, CEQA@Parks" <CEQA.NSC@parks.ca.gov> wrote:

> Hi Ms. Davis -

>

> Written comments on this Negative Declaration will be accepted from March 19, 2013 to April 17, 2013.

>

> E-mail or facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

>

> All written comments on the Initial Study should be addressed to:

>

> State of California Department of Parks and Recreation

> Resource Management Division

> Attn: Patricia DuMont, Environmental Compliance Supervisor

> P.O. Box 942896

> Sacramento, CA 94296-0001

> Fax: 916-445-8883

> Email: CEQANSC@parks.ca.gov

>

> Subject Line: Fort Ord Dunes State Park Campground Project

>

>

> Thank you

>

>

>

> From: Margaret Davis [attnmargaret@gmail.com]

> Sent: Friday, April 05, 2013 9:03 AM

> To: NSC, CEQA@Parks

> Subject: Fort Ord Dunes State Park campsite

>

> Hello, when is the public comment period over for the Fort Ord Dunes State Park campground? Is there online instruction on how to comment?

> Thank you,

> md

>

L-1

L-2

L-3

LETTER L: Margaret Davis

- L-1:** This comment requests additional information concerning the location of site plans and other associated material. The Draft IS/MND included copies of the site plans and other improvement plans; see **Figure 1.4** through **Figure 1.12** for detailed drawings and conceptual site plan. The Draft IS/MND is available on the Department of Parks and Recreation's website (http://www.parks.ca.gov/?page_id=982). This comment does not raise an environmental issue warranting a response under CEQA; no further response is necessary.
- L-2:** This comment does not raise an environmental issue warranting a response under CEQA; no further response is necessary.
- L-3:** This comment requests clarification of the public review period. The public review period for the Draft IS/MND was from March 19, 2013 to April 17, 2013. Please note that this commenter provided additional written comments on behalf of the Friends of the Fort Ord Warhorse. Please refer to Comment Letter D for a detailed response to those comments.

Tyler Potter

From: NSC, CEQA@Parks [CEQA.NSC@parks.ca.gov]
Sent: Monday, April 08, 2013 3:37 PM
To: Tyler Potter
Subject: FW: horsepark at Fort Ord
Follow Up Flag: Follow up
Flag Status: Red

From: Pamela Carpenter [mailto:pamcar46@hotmail.com]

Sent: Monday, April 08, 2013 10:53 AM

To: NSC, CEQA@Parks

Subject: horsepark at Fort Ord

I would love to see a horse park at the old Fort Ord site. My father was stationed at Fort Ord in 1956 when he retired from the army. We lived in base housing and I remember the grounds around our housing as the most wonderful place for children; I even broke my arm while trying to keep up with the older kids on our bicycles in the wilderness area (as we called it). The large oak trees where the best climbing trees a kid could ever find too. I am now an old lady and a horse owner. I would love to go back to my old home with my horses and again enjoy the wilderness.

Sincerely,

Pamela Carpenter
6226 N. Garfield Ave.
Fresno CA 93723
pamcar46@hotmail.com

M-1

LETTER M: Pamela Carpenter

M-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter refers to her support for a future horse park in the former Fort Ord. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. This comment does not raise an environmental issue warranting a response under CEQA. The project consists of a new campground facility and associated improvements; the Project does not entail the construction of a horse park or other equestrian related facilities.

Letter N

Tyler Potter

From: Trapani, Jim@Parks [Jim.Trapani@parks.ca.gov]
Sent: Friday, April 12, 2013 10:31 AM
To: Tyler Potter; 'SGrigsby@designworkshop.com'
Subject: FW: Campground Fort Ord Dunes- Marina, Initial Study
Follow Up Flag: Follow up
Flag Status: Red

From: Stephanie Mathis [steph.mathis@yahoo.com]

Sent: Friday, April 12, 2013 6:55 AM

To: NSC, CEQA@Parks

Subject: Campground Fort Ord Dunes- Marina, Initial Study

Hello,

I am a resident of Marina, CA and strongly encourage inclusion of equestrian trails and access in the proposed new campground at Fort Ord Dunes State Park.

California Parks and Recreation's mission statement includes "creating opportunities for high-quality outdoor recreation." Horse recreation is a strong component in the full range of healthy outdoor activities—especially for the former Fort Ord, which was built in 1940 as a major West Coast horse institution.

As history shows, "The horse presence at the Presidio of Monterey and Fort Ord lasted decades and included use by the 11th Cavalry, 76th Field Artillery, 107th Cavalry, Coast Guard, Fort Ord Rangers, Quartermaster mule trains, and Army recreation".

Today, a horse-friendly campground in Fort Ord Dunes State Park would serve visitors to Fort Ord National Monument, bringing outdoor-recreation dollars to Monterey County and a special experience to all.

Please confirm receipt of my email support.

Regards,

Stephanie Mathis

(831)384-6389

N-1

LETTER N: Stephanie Mathis

N-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter encourages the inclusion of equestrian facilities (e.g. access) as part of the Project. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. This comment does not raise an environmental issue warranting a response under CEQA. The project consists of a new campground facility and associated improvements; no equestrian facilities are currently proposed as part of the Project.

Tyler Potter

From: Carpenter, Joan@Parks [Joan.Carpenter@parks.ca.gov]
Sent: Wednesday, April 17, 2013 10:18 AM
To: Trapani, Jim@Parks; DuMont, Patti@Parks; Tyler Potter
Subject: FW: Campground Project - Fort Ord
Follow Up Flag: Follow up
Flag Status: Red

From: Virgil Piper [mailto:pipersvc@sbcglobal.net]
Sent: Tuesday, April 16, 2013 11:37 AM
To: Carpenter, Joan@Parks
Subject: Campground Project - Fort Ord

To whom it may concern,

I have reviewed the preliminary documents on this project and am overwhelmed by the sheer volume that is required to justify a fundamental and desirable use of this State Park. There is absolutely NO QUESTION this project should proceed not only because it will benefit the local community, but offers up the use of a park for the benefit of tourists from other areas to take advantage of what is supposed to be a public beach.

O-1

I was disappointed this report lacked financial information with respect to the potential return on a \$15.5 million project. According to data provided there will be 45 RV sites, 43 tent sites and 10 bike sites for a total of 98 income producing locations. The Marina Dunes RV park charges \$70/day for its 65 spaces and claims to be 100% occupancy throughout the summer.

O-2

If the Fort Ord project could average \$60/day for all 98 sites - the monthly revenue would be \$176,400 or a possible \$1.6 million a year (if considering only 80% occupancy average for the entire year). If this were the case then the \$15.5 investment offers an 11% return per year - not bad. Furthermore, the general estimate of benefit for local communities is 4 to 1 - which means for every \$1 million revenue to the park the local community could benefit by \$ 4 million in revenue.

I mention this only because a project of this magnitude must be sold to the local community on it's potential benefits to local taxpayers. The average person who would favor this project **will not** read through nor be convinced of local monetary benefits, by reading this massive document. Like all projects - the financial benefits to the community must be publicized and put out there for the massive support your project deserves.

O-3

Virgil M. Piper

LETTER O: Virgil M. Piper

- O-1:** Comment noted. CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). This comment expresses support for the Project. This comment does not raise any environmental concerns warranting a response under CEQA.
- O-2:** This comment suggests that the Draft IS/MND should include financial information to demonstrate the local benefits of the Project. The commenter provides specific examples of the potential fiscal benefits that the Project could provide to the local community. Generally, the inclusion of a fiscal analysis is outside the scope of CEQA. CEQA requires an evaluation of the economic effects of a project only where such effects have the potential to cause a physical change in the environment. No physical change or potentially significant impacts to the environment would occur as a result from any economic effects of the Project. CEQA does not require the inclusion of financial information as part of the environmental review process (see CEQA Guidelines § 15131). Accordingly, the Draft IS/MND did not include a discussion of potential fiscal benefits.
- O-3:** Comment noted. See response O-2 above.

Hello

My husband and I are both campers/hikers and horse people. We would like the planned campgrounds to include opportunities for horse corrals. We have used Ft Ord in the past and would like to use it through the new planned facilities.

Thank you

Rick and Ann Waltonsmith
21060 Saratoga Hills Rd
Saratoga, CA 95070

waltonsmith@comcast.net

P-1

LETTER P: Rick and Ann Waltsonsmith

- P-1:** CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter encourages the inclusion of equestrian facilities (e.g. horse corrals) as part of the Project. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. The Project consists of a new campground facility and associated improvements; no equestrian facilities are currently proposed as part of the Project. This comment does not raise an environmental issue warranting a response under CEQA.

this is about the best idea that come down since Fort Ord closed. PLEASE look at this plan with the interest of the residents of not only Marina but everyone that enjoys the out doors.

Q-1

We need a facility like this and it looks like someone finaly did there home work.

Sincerely
TS Williams

LETTER Q: TS Williams

Q-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). This comment identifies the commenter's support for the Project. The commenter does not raise any environmental issues warranting a response; comment acknowledged.

Hello;

I would like to add my name and vote for an equestrian horse camp at Fort Ord. Fort Ord is unique in that equestrians can use the trails all year round. Even when it rains, 2 days later the trails are dry enough that horses can travel safely. My husband and I ride there 2-3 times per month - and Fort Ord is always our choice in the winter. An equestrian horse camp could be used all year, not for just a summer season.

Equestrians don't require a lot of horse camping setup. Some 12x12 pipe stalls, access to a water supply (we bring our own hoses and buckets), space to park a rig (truck and horse trailer), and a place to dump horse manure with a wheel barrow (we bring our own forks). When we go to camps without pipe corrals, we tie the horses to our trailer or use our solar powered electric horse fence. Examples of good close horse camping places are Grant Ranch, Wilder Ranch and Del Oso. Jack Brook Horse Camp in Sam MacDonald Park is the 'cadillac' of horse camps. It is completely booked a year in advance, with non-profit groups being given first choice. We go there twice a year.

I'm sure our local horse organizations would be happy to assist, work/volunteer and finance a horse camp in Fort Ord. Monterey Bay Equestrian, Summit Riders, and Santa Cruz Horseman would happy to hear what they can do. Referencing Jack Brook, it was build entirely by the San Mateo Horseman's Association. It is also maintained and patrolled by local volunteer horsemen overseen by the MacDonald Park personnel.

So please do strongly consider a horse camp for Fort Ord. We'll be happy to help and happy to camp there.

Thank you,
Dale and Don Wilson
dalee@cruzio.com
960 Baker Road
Aptos, CA
831/685-8809

R-1

LETTER R: Dale and Don Wilson

R-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter expresses their support for an equestrian horse camp. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. The project consists of a new campground facility and associated improvements; no equestrian facilities are currently proposed as part of the Project.

Letter S

To whom it may concern,

We've been made aware of the proposal to improve the Fort Ord dunes area for camping and other activities. This is exciting news. As equestrians, we would like to see access for horses. There is a long history of responsible equestrian use of the Monterey Dunes area, north of Marina and we think that similar use in the Fort Ord dunes area should be considered. Equestrians and hikers have coexisted in the Monterey Dunes area, as well as many other county and regional parks for decades and we look forward to being able to access this wonderful park as well. Please keep us informed of any public forums concerning the Fort Ord dunes. Thank you for your time.

Sincerely,



Michael & Madaline Mastroianni, owners

Monterey Bay Equestrian Center

[At your service since 1981](#)

19805 Pesante Rd. Salinas, Ca. 93907

Phone: (831) 663-5712

Email: michael@montereybayequestrian.com

Web: <http://www.montereybayequestrian.com>

See us on: [Facebook](#) [TripAdvisor](#) [Yelp](#)

S-1

LETTER S: Michael and Madaline Mastroianni

S-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter expresses their support for the inclusion of equestrian facilities as part of the Project. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. The project consists of a new campground facility and associated improvements; no equestrian facilities are proposed as part of the Project.

State of California Department of Parks and Recreation
Resource Management Division
Attn: Patricia DuMont, Environmental Compliance Supervisor
P.O. Box 942896
Sacramento, CA 94296-0001

Dear Ms. DuMont,

As a local equestrian and resident of the Monterey Peninsula, I would like to formally request horse access at Fort Ord Dunes campground. I realize your current plans are silent on equestrian usage. Other county and state parks allow for equestrian use and it is heartening to see bicyclists, hikers and equestrians sharing the trails and working together to preserve our lands.

I am also a member of the California State Horseman's Association and on the board of various local equestrian groups. I am available for feedback and statistics as to how many equestrians would be utilizing the trails.

Thank you for your time,



Rachelle Lightfoot
P.O. Box 2772
Carmel, CA 93921
(831) 905-5450

T-1

LETTER T: Rachelle Lightfoot

T-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter expresses their support for the inclusion of equestrian access as part of the Project. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. The Project consists of a new campground facility and associated improvements; no equestrian facilities are currently proposed as part of the Project. This comment does not raise an environmental issue warranting a response under CEQA.

Please review "Public Scoping Report 1 (issued in August 2003)" where public expressed interest in designated horse trail, and provide plans for equestrian access to Fort Ord Dunes campground.

Lester

U-1

LETTER U: Lester (Unknown)

U-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter expresses their support for the inclusion of equestrian trails, improvements, and access as part of the Project. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. The Project consists of a new campground facility and associated improvements; no equestrian facilities are currently proposed as part of the Project. This comment does not raise an environmental issue warranting a response under CEQA.

Letter V

To Whom It May Concern:

My horse and I (and our friends) would LOVE to be able to camp and ride at Fort Ord. It's a long trailer ride for us to get there now, so camping there would hugely impact our ability to enjoy this beautiful area!
Thanks.

Niki Lamb
21641 Shillingsburg Avenue
San Jose, CA 95120
408-323-9953

V-1

"The information in this electronic mail message is the sender's confidential business and may be legally privileged. It is intended solely for the addressee(s). Access to this internet electronic mail message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful."

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LETTER V: Niki Lamb

V-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). This comment expresses support for the Project. This comment does not raise an environmental issue warranting a response under CEQA; comment acknowledged.

Please provide inclusion for equestrians.

Please acknowledge email.

Thank you,

Lin M. Campbell
9797 E. Zayante Rd
Felton CA 95018

831 818 1181

ponigal@hotmail.com

W-1

LETTER W: Lin M. Campbell

W-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter expresses their support for the inclusion of equestrian improvements as part of the Project. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. The Project consists of a new campground facility and associated improvements; no equestrian facilities are currently proposed as part of the Project. This comment does not raise an environmental issue warranting a response under CEQA.

Tyler Potter

From: DuMont, Patti@Parks [Patti.DuMont@parks.ca.gov]
Sent: Thursday, April 25, 2013 4:32 PM
To: Tyler Potter
Subject: FW: Ft Ord Dunes Campground
Follow Up Flag: Follow up
Flag Status: Red

From: PJ [toocrows@sbcglobal.net]
Sent: Tuesday, April 23, 2013 9:21 PM
To: NSC, CEQA@Parks; Jan Isasi
Subject: Ft Ord Dunes Campground

The possibility of a campground located at Ft Ord Dunes is a good idea. It is also important that an area for equestrian camping and access to Ft Ord National Monument be included in the planning process. This would bring an additional financial stimulus to the surrounding businesses such as restaurants, feed and tack stores, etc. Ft Ord National Monument has been a popular destination for day rider and the campground would give them a greater opportunity to stay a few days and explore other riding opportunities in the area.

X-1

LETTER X: PJ, Unknown

X-1: CEQA requires that the Lead Agency evaluate comments on environmental issues (CEQA Guidelines § 15088). The commenter expresses their support for the Project and further suggests that the Project should include improvements to accommodate equestrian uses. Please refer to Response D-2 for more information concerning equestrian uses at FODSP. The Project consists of a new campground facility and associated improvements; no equestrian facilities are currently proposed as part of the Project. This comment does not raise an environmental issue warranting a response under CEQA.

3.0 REVISIONS TO THE DRAFT IS/MND

This following section includes revisions to the text of the Draft Initial Study/Mitigated Negative Declaration, in amendment form. The revisions are listed numerically by page number. All additions to the text are shown underlined and all deletions from the text are shown ~~stricken~~. In addition, an explanation of the reason for the text revision is provided.

Chapter 4: Initial Study Environmental Checklist

Section 4.1 Aesthetics, Page 37, first partial paragraph, is amended as follows:

A row of non-native cypress trees, in addition to existing and ~~other~~ native vegetation are present within the boundaries of the site.

Chapter 4: Initial Study Environmental Checklist

Section 4.6 Hazards and Hazardous Materials, Page 129 through 132, is amended as follows:

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The Proposed Project is located on the former Fort Ord, which is included on a hazardous materials site compiled pursuant to Government Code Section 65962.5. The entire former Fort Ord is a NPL Superfund site. Due to the sites historical use as part of a former military installation, existing hazards associated with ~~the site's~~ FODSP's historical use, including residual lead and other soil contaminants, could expose the Project and future site occupants (e.g. park visitors, campers, etc.) to existing hazards.

The U.S. Army, FORA, and State Parks extensively evaluated the potential environmental effects associated with the redevelopment of the former Fort Ord, including the development of the FODSP. Due to the former military use of Fort Ord, the U.S. Army identified potential impacts due to the presence of known and potentially unknown hazardous material. The U.S. Army, as part of the land transfer process, evaluated individual parcels, including FODSP, for potential hazardous site conditions prior to land transfer. While the U.S. Army completed remedial actions on Site 3 and deemed the property suitable to transfer to State Parks (see discussion above), there is the potential for residual hazards due to former military use. The U.S. Army identified that FODSP, including the Project Site, could contain Munitions and Explosives of Concern (MEC), lead-based paint (LBP), and asbestos containing material (ACM). In addition, site occupants (e.g. park visitors, campers, etc.) could be exposed to residual hazards due to lead and other soil contaminants associated with Site 3. Areas of lead contamination associated with Site 3 are located adjacent to the Project site and could expose

park patrons to existing hazards. As a result, the Project could result in additional impacts due to historical hazardous material contamination on the site.

According to the U.S. Army, the Project could expose construction personnel or future site occupants to existing hazards, including MEC, LBP, and ACM.¹³ The FOST determined that MEC are not expected to be found at MRS-22 due to previous remedial actions; although military munitions were used throughout the former Fort Ord.¹⁴ As a result, construction personnel and site occupants could be exposed to MEC related hazards. The FOST also identified that LBP and ACM may be present in existing structures. The demolition, renovation, or adaptive reuse of existing Fort Ord-era military structures could, therefore, expose construction personnel and future site occupants to potential health hazards. Mitigation is necessary to ensure that impacts due to historical contamination is less-than-significant.

In addition, the Project could expose future site occupants to residual hazards, including lead and other soil contaminants, associated with Site 3, a Remedial Investigation (RI) site. As discussed elsewhere in this IS/MND, the base-wide RI/FS classified Site 3 as an RI site due to presence of lead and other metals in the soil (see page 121). In order to remediate existing hazards in accordance with the requirements of CERCLA, the U.S. Army conducted remedial actions at Site 3 (see *Final Remedial Action Confirmation Report and Post-Remediation Risk Assessment, Site 3, Basewide Remedial Investigation Site, Fort Ord, California*, August 2000). As identified in the FODSP General Plan EIR and supporting technical analyses prepared as part of the CERCLA process, average lead concentrations at Site 3 were below the health-based cleanup level established for Fort Ord lead remedial activities. Some areas outside of the Project site are above the remedial lead goals for residential soils. As a result, DTSC classified approximately 822-acres of the FODSP as a “restricted area” due to historical contamination as further described below. Specific use restrictions (e.g. residential uses) are applicable to the “restricted area.” Only limited uses (e.g. trails) are permitted in the “restricted area.”

The proposed campground facility is not located in the “restricted area.” Moreover, the U.S. Army and DTSC determined that future human health risks and hazards associated with lead, copper, and antimony concentrations in soils were unlikely and that Site 3 does not pose a significant human health hazards to any of the potential land uses (including the Project) considered in the FODSP General Plan. DTSC determined that the site was appropriate for future recreational uses as a state park based on remediation activities performed by the U.S. Army (personal communication, Theresa McGarry, May 1, 2013; Edward Walker, personal communication May 3, 2013). The primary components of the Project (e.g. campsites, supports

¹³ The FOST also identified that groundwater underlying the site may be contaminated by volatile organic compounds (VOCs), primarily trichloroethene (TCE). Base activities resulted in the presence of organic compounds in the groundwater beneath Fort Ord. Organic contaminants, most commonly TCE, formed a groundwater plume in the various aquifers underlying the former Fort Ord near the former landfill. Efforts are currently being undertaken by the U.S. Army to address groundwater contamination. Historical groundwater contamination would not affect the Proposed Project; land use restrictions, as part of the land transfer process, prohibit the use of groundwater underlying the site. All potable water would be from existing municipal supplies, which are not affected by the TCE plume.

¹⁴ In addition, the FOST identified that historical munitions use at this site involved only the use of practice and pyrotechnic items that are not designed to cause injury.

facilities, etc.) are not located in the “restricted area” where residual lead contamination may be present and the Project does not entail residential uses in areas of historic lead and other soil contamination (e.g. the “restricted area”). Potential residual lead contamination associated with Site 3 would not significantly affect the Project or expose park patrons to a significant health hazard associated with former military use (personal communication, William Collins, Fort Ord Base Realignment and Closure Office Environmental Coordinator, April 22, 2013). In addition, State Parks must comply with all applicable FODSP General Plan Guidelines related to the treatment of site soils and other applicable deed restrictions, as well as the MOU between DTSC and State Parks (see below). Potential residual hazards from Site 3 would not expose future site occupants (e.g. park patrons, campers, rangers, etc.) to a significant public health hazard due to historical military use. The U.S. Army appropriately remediated RI Site 3 for recreational use as a state park and the Project is consistent with the underlying deed restrictions and DTSC MOU requirements. This represents a less-than-significant impact for the purposes of this analysis.

Due to potential concerns related to residual hazards, including lead, State Parks and DTSC entered into an MOU that specifies additional safety precautions (e.g. safety training, soil management, land use restrictions, etc.). State Parks is responsible for implementing these requirements in connection with the use of the FODSP. This MOU is in addition to the requirements of the transfer deed, which stipulates additional restrictions related to residential land uses and groundwater use in specified areas of the Park, consistent with the MOU. The MOU and deed restrictions apply to approximately 858 acres of the FODSP and exclude 122 acres of unrestricted area to be used for a campground and other park visitor activities. This area corresponds with the main area of the campground and “balloon spur” area. Any activities proposed within the “restricted area” (see **Figure 4.6-1**) are subject to specific soil management requirements contained in the MOU. Limited ground disturbing activities in connection with proposed trails and new beach access would occur within this area.¹⁵ As a result, construction activities associated with new trails and beach access in the “restricted area” must comply with specific soil management requirements in accordance with the MOU. This IS/MND incorporates those requirements as mitigation (see Mitigation Measure 4.6-6) in order to clearly identify pertinent management requirements applicable to the Project. Compliance with these requirements would minimize potential impacts to a less-than-significant level.

Chapter 4: Initial Study Environmental Checklist

Section 4.14 Mandatory Findings of Significance, Page 184, is amended as follows: This represents a staff initiated revision to provide clarification concerning potential cumulative impacts and associated CEQA requirements.

- (b) *Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

¹⁵ Trail use was identified as an allowable use within the “restricted area.”

The Proposed Project would not result in a cumulatively considerable adverse environmental effect. In order to determine whether a cumulative effect requires an EIR, the lead agency shall consider whether the impact is significant and whether the effects of the project are cumulatively considerable (CEQA Guidelines §15064(h)(1)). This IS/MND contains mitigation to ensure that all impacts would be minimized to a less-than-significant level. In addition, the FODSP General Plan EIR considered potential impacts associated with General Plan implementation at a programmatic-level and determined that all impacts would be less-than-significant with mitigation. More specifically, the FODSP General Plan and associated EIR evaluated potential impacts due to increased recreational use and access and potential cumulative impacts associated with the redevelopment of the former Fort Ord and development within the cities of Marina and Seaside.

CEQA allows a lead agency to determine that a project's contribution to a potential cumulative impact is not considerable and thus not significant when mitigation measures identified in the initial study will render those potential impacts less than considerable (CEQA Guidelines 15064(h)(2)). The Draft IS/MND contains numerous mitigation measures to minimize the Project's potential impacts and avoid impacts to biological resources (see Mitigation Measures 4.3-1 through 4.3-9). These mitigations include the incorporation of predator proof design elements, avoidance of known nesting areas, seed collection, and other measures intended to mitigate the Project's biological impacts. The Project also includes restoration activities and other design features (e.g. predator proof receptacles, appropriate fencing, signage, etc.) to avoid potential adverse effects. The Department of Parks and Recreation also redesigned the Project to relocate the proposed beach access to avoid biologically sensitive areas.

In addition, the FODSP General Plan also contains a number of management guidelines to minimize potential impacts associated with Park use, including increased recreational access. As identified in this IS/MND, numerous General Plan guidelines are applicable to the Project. As a result, construction and operation of the Project would be required to comply with applicable guidelines as described in this IS/MND. CEQA allows a lead agency to determine that the project's incremental contribution to a cumulative effect is not considerable if the project will comply with the requirements of a previously approved plan or mitigation program (CEQA Guidelines §15064(h)(3)). The FODSP General Plan EIR evaluated potential cumulative impacts and determined that all impacts were less-than-significant through the incorporation of mitigation. The Project will comply with all applicable requirements contained in the FODSP General Plan and associated EIR and the Department of Parks and Recreation will continue to implement on-going management requirements, including maintaining and preserving 700 acres for natural resource protection, to ensure that potential impacts are minimized. In addition, the Department of Parks and Recreation will also be responsible for implementing all applicable Base-Wide HCP requirements (if and when the HCP is approved and implemented).

The mere existence of significant cumulative impacts caused by other projects shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable (CEQA Guidelines §15064(h)(4)). As described above, compliance with the mitigation contained in the Draft IS/MND, as well as applicable FODSP General Plan

requirements, CESA and ESA requirements, and mitigation contained in the FODSP General Plan EIR would ensure that the Project would not result in a cumulatively considerable impact under CEQA. Moreover, the Department of Parks and Recreation will continue to implement on-going monitoring activities at FODSP and State Parks has the ability to implement additional resource protection measures, as deemed necessary, to address potential impacts to biological resources due to recreational use at FODSP. Applicable measures may include the closure of trails on a seasonal basis, the installation of fencing and signage to protect sensitive resources, maintaining access controls, and other management techniques to ensure that impacts are further minimized in connection with the recreational use of FODSP (see Appendix B). The Project would improve coastal access by providing a new coastal camping facility. Temporarily disturbed areas would be restored following construction and additional areas of restoration would occur. In addition to project-specific mitigation identified in this IS/MND, the Department of Parks and Recreation will be responsible for implementing on-going biological management requirements as stipulated in the FODSP General Plan and HMP. This represents a less-than-significant impact. The Project would not result in a cumulatively considerable impact; all cumulative impacts would be minimized through the implementation of mitigation and adherence to existing regulatory requirements.

Appendix A

2013 Beach Access Corridor Rare Plant Surveys



Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

MEMORANDUM

Date: April 25, 2013

To: Stephanie Grigsby, RLA, AICP, LEED GA, Principal, Design Workshop

From: Jami Davis, Assistant Environmental Scientist

This memorandum presents the results of biological surveys conducted within the proposed beach access corridor for the Fort Ord Dunes State Park Campground Project ("Proposed Project" or "Project") in April 2013. Denise Duffy and Associates, Inc. (DD&A) was contracted by Design Workshop to conduct protocol-level plant surveys and GPS mapping of rare plants and potential Smith's blue butterfly (*Euphilotes enoptes smithi*) habitat within the proposed beach access corridor, a 6.1-acre area that was not surveyed during previous surveys in 2011 and 2012 (Figure 1).

Available reference materials were reviewed prior to conducting the surveys, including the California Department of Fish and Wildlife's (DFW's) California Natural Diversity Database (CNDDDB) occurrence reports (DFW, 2013), the U.S. Fish and Wildlife Service's (Service) list of Federally Listed Threatened and Endangered Species that May Occur in Monterey County (Service, 2013), the Fort Ord Installation-Wide Multispecies Habitat Management Plan (HMP) (ACOE, 1997), and aerial photographs of the survey area. It was determined that the following rare plant species had the potential to occur within the study area:

- Monterey spineflower (*Chorizanthe pungens* var. *pungens*) – FT, 1B, HMP¹
- Sand gilia (*Gilia tenuiflora* var. *arenaria*) – FE, ST, 1B, HMP
- Yadon's piperia (*Piperia yadonii*) – FE, 1B, HMP
- Coast wallflower (*Erysimum ammophilum*) – 1B, HMP
- Menzie's wallflower (*Erysimum menziesii*²) – FE, SE, 1B

Additionally, it was determined that the survey area may support the host plant species for the Smith's blue butterfly (FE, HMP): coast buckwheat (*Eriogonum latifolium*) and dune buckwheat (*E. parvifolium*).

The survey was conducted on April 24, 2013, by DD&A Associate Environmental Scientist, Matt Johnson, and Assistant Environmental Scientist, Jami Davis. Survey methods included walking the entire beach corridor access area in search of these species and mapping any individuals or populations encountered using a Trimble Pro XH GPS unit. Groups of plants with less than six individuals were mapped as points. Populations of plants with six or greater individuals were mapped as polygons and the density of the population was recorded.

¹ Status Definitions – FE: Federally endangered, FT: Federally threatened; SE: State Endangered ST: State threatened; HMP: Fort Ord Habitat Management Plan Species; 1B: California Native Plant Society (CNPS) Rare Plant Rank 1B Species (rare, threatened, or endangered in California and elsewhere).

² Includes former subspecies *Erysimum menziesii* ssp. *menziesii* and *E. m.* ssp. *yadonii*. Current taxonomic work does not recognize these separate subspecies (Jepson Interchange, 2013; CNPS Inventory of Rare and Endangered Plants, 2013).

Results

One rare plant species, Monterey spineflower, was identified within the survey area (Figure 1). Additionally, both dune buckwheat and coast buckwheat, the obligate host plant species for Smith's blue butterfly, were identified within the survey area³ (Figure 2). Please refer to Table 1 for the number of individuals and area of populations observed for these species. No other special-status plant species were observed within the survey area.

Table 1. Sensitive species and habitats observed

Species	Individuals	Population
<i>Rare Plants</i>		
Monterey spineflower	11	0.2 acre low density 9.1 sq. ft. medium density
<i>Potential Smith's Blue Butterfly Habitat</i>		
Coast Buckwheat	1	0 acre
Dune Buckwheat	18	0.58 acre

Conclusion

Impacts to Monterey spineflower and potential Smith's blue butterfly habitat were identified in the Draft IS/MND and mitigation measures were identified to reduce the potential impacts to a less-than-significant level. No additional sensitive biological resources were identified during the survey and none are expected to occur. No new impacts are anticipated and no additional mitigation measures are required.

As always, please do not hesitate to contact me at (831) 373-4341 ext. 24 if you have any questions about the survey or results.

References Cited

- California Department of Fish and Wildlife (DFW). 2013. California Natural Diversity Data Base Rare Find Report.
- CNPS. 2013. Inventory of Rare and Endangered Plants (online inventory, 8th edition). California Native Plant Society. Sacramento, CA. Available online at: <http://www.rareplants.cnps.org/>
- Jepson Flora Project. 2009. Jepson Online Interchange for California floristics. Available online at: <http://ucjeps.berkeley.edu/interchange.html>
- U.S. Army Corps of Engineers (ACOE), Sacramento District. 1997. Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California. April 1997. Sacramento, CA.
- U.S. Fish and Wildlife Service (Service). 2013. Listed, Proposed, and Candidate Species Which May Occur in Monterey County. Available online at: http://ecos.fws.gov/tess_public/countySearch!speciesByCountyReport.action?fips=06053

³ Please note that the buckwheat occurrences shown on the border and outside of the survey area in Figure 2 were not included in the maps or text in the Draft IS/MND as they were located just outside the area surveyed previously. However, the buckwheat occurrences do fall within the proposed beach access corridor and are included in the calculations presented in this memo and attached figures.



Title: **Fort Ord Dunes State Park Campground Project
Access Corridor Monterey Spineflower Occurrences**

File: F:\GIS\GIS_Projects\2011-18 FO State Parks Campground\Final Products\Monterey spineflower_Access Corridor.mxd

Date: 4/25/2013

Scale: 1 inch = 81 feet

Project: 2010-18

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Figure:
1

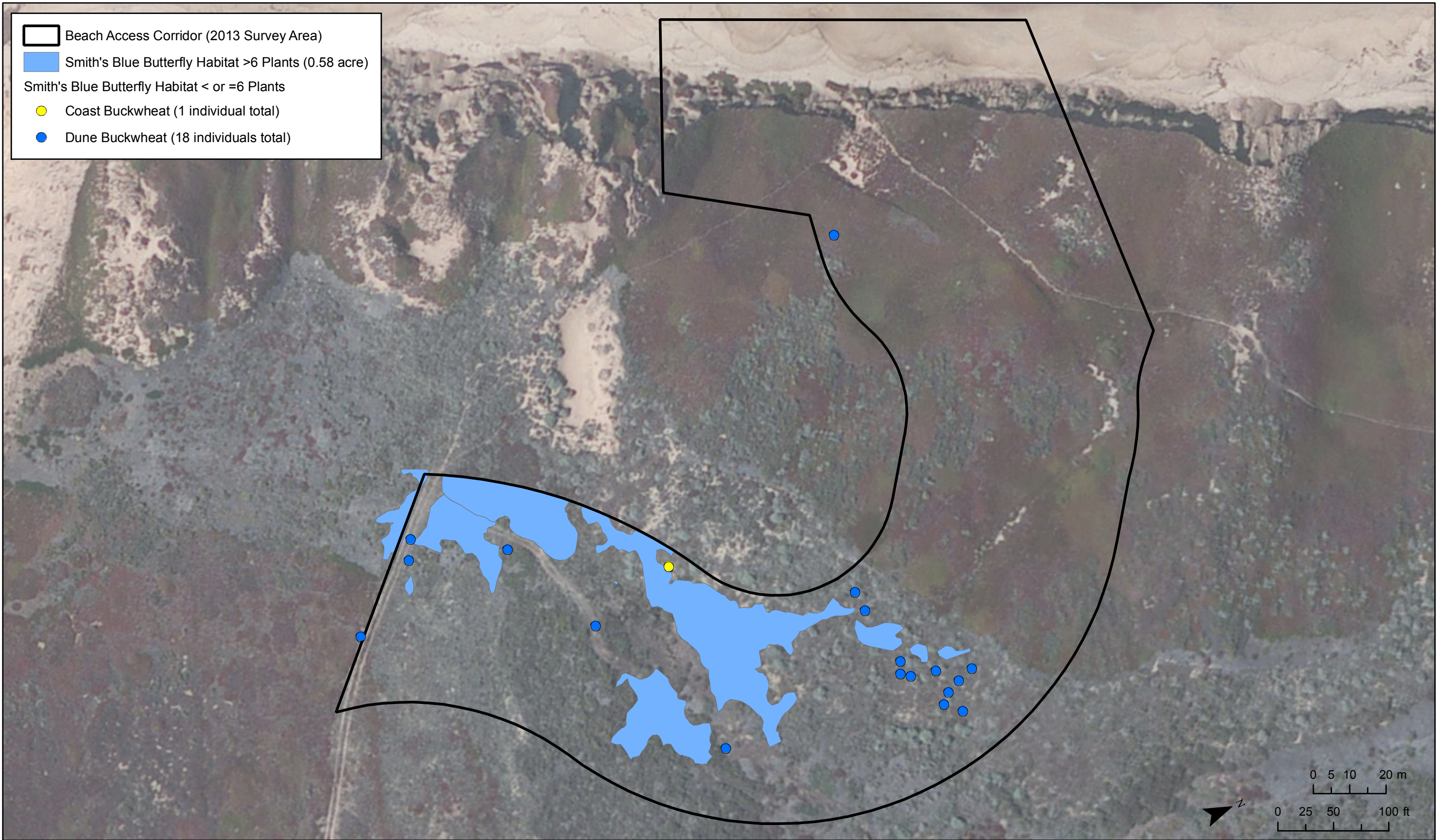
Beach Access Corridor (2013 Survey Area)

Smith's Blue Butterfly Habitat >6 Plants (0.58 acre)

Smith's Blue Butterfly Habitat < or =6 Plants

Coast Buckwheat (1 individual total)

Dune Buckwheat (18 individuals total)



Title: Fort Ord Dunes State Park Campground Project
Access Corridor Smith's Blue Butterfly Habitat

File: F:\GIS\GIS_Projects\2011-18 FO State Parks Campground\Final Products\Smith's Blue Butterfly Habitat_Access Corridor.mxd

Date: 04-25-2013

Scale: 1 inch = 81 feet

Project: 2010-18



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Figure:

2

Appendix B

State of California – Natural Resource Agency Memorandum

Memorandum

Date : May 8, 2013

To : Todd Lewis, Monterey District Superintendent (Acting)
Monterey District

From : Department of Parks and Recreation
Steve Bachman, Senior Park and Recreation Specialist

Subject : Fort Ord Dunes State Park Campground Project Initial Study/Mitigated Negative Declaration

While the Fort Ord Dunes State Park Campground Project Initial Study/Mitigated Negative Declaration (MND) adequately addresses impacts to sensitive species, there are additional State Park management measures that were not included in the MND that will further minimize and mitigate impacts to certain species. It is understood that this project will require take authorization under the federal Endangered Species Act for the Smith's blue butterfly and western snowy plover, and that compliance with a Habitat Management Plan will be required.

The MND identifies the following mitigation measures to address impacts to western snowy plover and bank swallow: equipping structures with anti-perch devices to deter predators; installing and maintaining predator-proof trash containers; continuing predator control; maintaining regular security patrols to regulate use and control prohibited activities (e.g., no dogs or campfires permitted on beach); installing fencing to prevent beach access at locations other than designated routes; posting beach rules at all beach access points; and, if monitoring suggests that nesting plovers or bank swallows are being impacted by beachgoers accessing the beach from a designated access route, closing the access route during the plover and/or bank swallow nesting season.

Not included in the MND are additional State Park management measures that will further minimize and mitigate impacts to western snowy plover, bank swallow, and Smith's blue butterfly. These measures include closing to the public suitable breeding habitat during the plover and bank swallow nesting season with symbolic fencing and signs; maintaining access controls to limit the number of beach access locations; limiting public access in the dunes to designated routes identified by signs, boardwalks, paving, and/or fences (this measure is identified in the MND to avoid impacts to western snowy plover and bank swallow, but it will also minimize impacts to Smith's blue butterfly); including one of the two species of buckwheat that are host plants for Smith's blue butterfly in all habitat restoration projects within the park; creating a continuous butterfly migration corridor by increasing buckwheat host plants to at least 10% of vegetative cover throughout the park; and salvaging/relocating all buckwheat plants and associated duff that will be impacted by facility development or maintenance.