

Fort Ord Real Estate Actions Update 2022-02_v0

FOST 6:

Parcel F2.7.2, Site 33, Golf Course Maintenance Area removal of residential use restriction. USEPA can concur if Basewide RI Sites ROD identifies contaminant levels acceptable for unrestricted use and the Site 33 was cleaned up to those levels, otherwise a memo to file may be needed.

FOST 11:

1. 2/1/18 – draft deed for Parcels L2.3 and L2.4.1 submitted to SPK-RE for review.
2. 2/20/18 – SPK-RE forwarded draft deed to SPK-OC for review.
3. 8/15/18 – SPK-OC completed deed review.
4. 1/18/19 – SPK-RE submitted deed to FORA, title report in progress.
5. 8/1/19 – FORA submitted draft MOA amendment to BRAC-D, includes FOST 11 and FOST 13 parcels.
6. 9/4/19 – ECP recertification complete.
7. 4/2/20 – comments from FORA under review at ELD and OGC.
8. 6/16/20 – MOA Amendment No. 8 executed.
9. 10/27/20 – ELD determined deed revisions and FOST amendment needed.
10. 11/24/20 – revised draft deed submitted to Seaside (FORA successor) for review.
11. 1/13/21 – draft FOST amendment and public notice submitted to USEPA, DTSC, Seaside, and Monterey County for review.
12. 1/20/21 – USEPA requested update to USEPA contact information included in amendment.
13. 1/29/21 – DTSC submitted comments on amendment.
14. 3/10/21 – SPK-RE sent revised deed to Seaside.
15. 3/22/21 – Army submitted responses to DTSC comments on amendment.
16. Army submitted draft memo to file to USEPA and DTSC, comments expected week of 4/12/21.
17. 4/6/21 – revised deed with corrected HMP provisions sent to SPK-RE.
18. 4/21/21 – revised deed with corrected HMP provisions sent to Seaside.
19. Amendment requires 7-day public comment period.
20. Army will provide draft deed to USEPA and DTSC for review after USACE HQ review.
21. Army will execute deed after DTSC has CRUP in place with Seaside
22. 9/17/21 – DTSC reported CRUP is ready for execution, USEPA to check with counsel on status.
23. 10/26/21 – USEPA and DTSC redline edits to draft memo to file submitted to Army.
24. ECP recertification required.

FOST 12:

December 2012 – Chief, BRAC-D executed FOST. Deeds in progress:

1. E20c.1 to Seaside –
 - a. Army proposes to transfer under CERCLA 120(h)(4)
 - b. 1/11/22 – BRAC-FO submitted letter to USEPA requesting concurrence.
 - c. USEPA reviewing and response expected by 2/25/22.
2. E29b.3.1 to FORA – deed recorded on 6/5/19.
3. S2.1.2 to UC –
 - a. 8/14/19 – SPK-RE sent deed to UC.
 - b. 10/8/19 – UC said revisions to indemnification provision are insufficient and UC will have additional comments.
 - c. 11/5/19 – SPK-RE requested full list of comments, no response; followed up on 12/9/19, 1/23/20, 2/4/20, 4/8/20, and 5/26/20.
 - d. 10/5/20 – Additional UC comments received and forwarded to SPK-OC on 10/27/20.
 - e. Deed may require revision to include PFAS Notice (under review at ELD).

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- f. FOST amendment may be required.
- g. 6/1/21 – UC inquired about status and requested conference call to move forward; SPK-RE will inform UC about FOST amendment and CRUP requirements.

FOST 13:

1. 4/18/05 – Diocese of Monterey rescinded its PBC request for Parcel L36.
2. 8/1/19 – FORA submitted draft MOA amendment to BRAC-D, includes FOST 11 and FOST 13 parcels.
3. ECP recertification process determined a new FOST is required to reclassify Parcel L36 as Category 1.
4. 4/22/20 – draft FOST submitted to ELD.
5. 5/11/20 – draft FOST submitted to USEPA.
6. 6/1/20 – USEPA concurrence letter.
7. 6/16/20 – MOA Amendment No. 8 executed.
8. 11/24/20 – draft deed sent to SPK-OC and ELD for review.
9. 12/10/20 – SPK-OC submitted revised deed to SPK-RE and ELD.
10. 1/27/21 – SPK-RE and ELD determined deed should be consistent with Model Deed and Model FOST.
11. 2/23/21 – SPK-OC requested “clean” copy of deed for review.
12. 3/10/21 – BRAC-FO submitted “clean” copy with comments to SPK-RE, under review at ELD.
13. 5/24/21 – one comment from Seaside on draft clean deed.
14. 6/25/21 – comments received from SPK-OC
15. 11/12/21 – comments received from Seaside counsel.
16. SPK-RE to send transfer package to USACE HQ in February. SPK-RE working with ELD to confirm Seaside comments are resolved. ECP recertification required.

FOSET 1:

1. CERCLA Warranty for Parcel L5.1.1 (FAAF MRS-34): SPK-OC completed review on 10/6/20, SPK-RE preparing disposal package.
2. CERCLA Warranty for Parcel L5.1.1.1 (FAAF MRS-34): sent to SPK-OC 9/16/20, SPK-RE preparing disposal package, sent to Seaside for review in June, **comments expected in February.**

FOSET 4:

CERCLA Warranty for Del Rey Oaks Parcels E29a, E29b.1, E31a, E31b, E31c, and E36 (MRS-DRO.1, MRS-DRO.2, MRS-43): sent to SPK-OC 9/16/20, SPK-RE preparing disposal package.

FOSET 5:

Non-ESCA CERCLA Warranties:

1. City of Marina Parcels E4.3.2.2, E4.7.1, E5a.1, and L5.10.1 (property overlying OUCTP): sent to SPK-OC 9/16/20, SPK-RE preparing disposal package, sent to Seaside for review in June, **Seaside recommended some revisions on 2/4/22.**
2. County of Monterey Parcel E4.7.2 (property overlying OUCTP): sent to SPK-OC 9/16/20, SPK-RE preparing disposal package, sent to Seaside for review in June, **comments expected in February.**

ESCA CERCLA Warranties: recorded on 6/26/20.

Parcel L20.4 (Oil Well Rd) transfer to Bureau of Land Management:

1. August 2013 – LOT under review at OGC, to be executed by DASA (Installations, Housing and Partnerships).
2. 5/6/21 – updated LOT sent to ELD for review.
3. **6/1/21 – ECP update required.**

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4. 12/21/21 – SPK-RE sent updated LOT package to USACE-HQ.

5. 6/30/22 – target transfer date.

Acronyms and Abbreviations

BRAC-D	Base Realignment & Closure Division, Assistant Chief of Staff for Installation Management
BRAC-FO	Base Realignment & Closure, Fort Ord Field Office
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)
CRUP	Covenant to Restrict Use of Property
DASA	Deputy Assistant Secretary of the Army
DTSC	Department of Toxic Substances Control
ECP	environmental condition of property
ELD	U.S. Army Legal Services Agency, Environmental Law Division
FORA	Fort Ord Reuse Authority
FOSET	Finding of Suitability for Early Transfer
FOST	Finding of Suitability to Transfer
HMP	Habitat Management Plan
LOT	letter of transfer
MOA	memorandum of agreement
OGC	Office of the Army General Counsel
OUCTP	Operable Unit Carbon Tetrachloride Plume
PBC	public benefit conveyance
PFAS	per- and polyfluoroalkyl substances
SPK-OC	USACE Sacramento District Office of Counsel
SPK-RE	USACE Sacramento District Real Estate
UC	University of California
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency